

DRAFT
BINGHAM TOWNSHIP
REGULAR BOARD MEETING MINUTES
SEPTEMBER 21, 2020

1. CALL MEETING TO ORDER

Supervisor Werner called the Bingham Township Regular Board Meeting to order on Monday, September 21, 2020, at 7:00 p.m. at the Bingham Township Hall, 7171 Center Hwy., Traverse City, MI. Meeting available via zoom.

2. ROLL CALL- QUORUM PRESENT

Present: Midge Werner, Kathy Morio, Sandra Grant, Brad Saxton, Gary McGhee

Absent and excused: None

Staff Present: Recording Secretary, Marge Johnson; Steve Patmore, Zon. Admin.

Guests Present: 1

3. PLEDGE OF ALLEGIANCE

4. AGENDA APPROVAL

Sandra Grant/moved, Brad Saxton/supported, to approve the Agenda as presented, PASSED.

5. CONFLICT OF INTEREST

None shown

6. APPROVAL OF MEETING MINUTES – August 17, 2020

Sandra Grant/moved, Brad Saxton/supported to approve the August 17, 2020 Meeting Minutes as presented. Roll call vote: Yes: 5. No: 0 PASSED.

7. PUBLIC COMMENT

Jack Lane, realtor, commented on proposed short term rental ordinance. Urged the township board to consider the benefit of short term rentals - great for businesses and tax base. License it, hire someone to respond to the complaints and enforce the ordinance. Consider allowing more than 10 people in a house if it is large enough to accommodate more than 10 people. How would the 180 days of operation be enforced.

Jeff VanRhee, 4900 Bay Court Dr. referred to the short term rental and the Fair Housing Act (two people per bedroom is discriminatory).

Midge Werner said the township attorney will be reviewing the Fair Housing Act and will be sending a letter to the township. The plan is to adopt the short term rental ordinance and have policies and procedures in place at the same time.

Kathy Egan said she does have a draft policy written up and application drafted for the township board to review. The plan is to adopt the ordinance and put the policies in place at the same time.

Cara Gelven, 4448 S.W. Bayshore Dr., asked if someone bought a house that has a short term rental, can that be taken away from the homeowner. How will the 180 days be enforced? What are the regulations for the septic system?

Midge Werner said all the questions asked and comments made will be taken into consideration.

Gary Strutz, 7888 SW Bayshore, Traverse City, asked where does the two person per bedroom come from?

Steve Patmore said the Health Department has regulations for drain field and septic field capacity.

Jonathon Rinkinen, 7611 SW Bayshore Dr., Traverse City, said many of the concerns expressed at township board meetings have not been addressed by the board. He is opposed to the two person per bedroom rule. There should be an exemption for people with holding tanks. Homes that were purchased prior to the short term rental ordinance going into effect should be grandfathered in.

Midge Werner said thank you for your comments.

8. OLD BUSINESS

a. Short Term Rental Ordinance Draft- Attorney Review

Kathy Egan said in response to the public comment that we have heard tonight, that the township has been working on this for well over a year. The township is in support of short term rentals or you would not be working on this. You would have taken steps to disallow them right across the board. You are working on a program to make them fit into the community, and again your top priorities in doing this are to protect the waters of Lake Leelanau and Grand Traverse Bay, and to keep the community for the property owners who are part of the community and kind of discourage the investors who are interested in purchasing real estate turning them into short term rentals, but they aren't part of the community. The people in the community have spoken tonight, that they own property here and spend time here and are looking for ways to support the property that they own here. That is where the 180 days came in as you are looking to discourage investors, but you are encouraging families who own property, cottages, second homes to try to keep them in the family and allowing them and protecting their way to invest in their own property by allowing them to rent it out. Yes, there is going to be standards for that and occupancy is one of those, because in the end these residential dwellings have to still behave like a residential dwelling, and its typical that there are large families, there are small families, but you have to come up with an occupancy number, and you came up with 10. More than 10 in a household week after week does not feel like a residence to the neighbors. So

that's where the committee and township board settled on 10 people. I just wanted to give that background information. The Ordinance was reviewed by your township attorney a year ago and you had made some changes, listened to the public, responding to them, and in light of that you wanted to have the attorney review just the changes that you have made since his original review of the draft ordinance. The letter that you have in your packet is the from Attorney Tom Grier, a review of the changes that you have done since last summer. In summary really, there are no recommended changes. He backed up everything and supported everything that you have in the draft, except that he did recommend eliminating one area that relates to a change in the zoning ordinance that it wasn't necessary, and the concern over the shared driveways and how to address those. So, that is his response to the draft in front of you tonight. As I mentioned earlier, when you are ready to consider this, there is a draft policy set up and a draft application. Both of those are following your direction of the draft ordinance and the same policy that has been in place in Suttons Bay and has been working well for the last couple of years.

Gary McGhee thanked Kathy Egan for her discussion of the short term rental ordinance. That is what the township board is trying to do in this ordinance. She did very well on the solid basis of this ordinance.

9. NEW BUSINESS

a. Designated Assessor-County Position – Resolution 2020-0921-01

Midge Werner said as required by MCL 211.10g(4), every County shall have a Designated Assessor on file with the State Tax Commission. This is through the AMAR program to have a designated assessor to be on call if it is needed. In Leelanau County we have had the AMAR audit and passed it, we are good for five (5) years. The appointment for this designated assessor is a five (5) year appointment. The only time a person would get paid is if there was a problem with someone's AMAR, and the township would have to pay for the work the designated assessor did so it would not be spread among the other townships. At the last Supervisor's meeting a motion was made to recommend to the Board of Comm. that Laurie Spencer be appointed the Designated Assessor for Leelanau County.

Sandra Grant/moved, Brad Saxton/supported to adopt Resolution 2020-0921-01, to enter into the Leelanau County Interlocal Agreement for County Designated Assessor under the Urban Cooperation Act, MCL 124.50l et seq, as amended, and the General Property Tax Act, as amended by MCL 211.10g for the purpose of designating Laurie Spencer, Equalization Director, to serve as the County's Designated Assessor, and authorizing the Township Supervisor to sign the Interlocal Agreement. Roll call vote: Yes: 5 No: 0 Motion passed.

10. COMMITTEE, STAFF, AND OFFICER REPORTS

a. Parks and Recreation Committee

Todd Stone gave an update on parks. Good attendance at parks, youth group finished work on Boughey and Bingham Parks, did not get into Groesser Park brush clearing. Starting work at Bingham Park where concrete was removed. Requesting Township Board approval of \$1,200 for basketball hoop and pole for half court.

Gary McGhee/moved, Midge Werner/supported, to approve up to \$1,200.00 for basketball hoop and pole, PASSED

Todd Stone asked the township board to approve the purchase of life rings with hangers at an estimated cost of \$500.00.

Brad Saxton/moved, Kathy Morio/supported, to authorize Bob Walton to purchase life rings and hangers not to exceed \$500.00, PASSED.

b. Building and Grounds - No report.

c. Cemetery Committee – No report.

d. Zoning Administrator – Written report from Zoning Administrator.

e. Planning Commission – Meeting held Sept. 3rd. Public hearing continued on 2K Cidery Special Use Permit, tabled until the October meeting. Held public hearing and approved Amendment to Tart Trail Special Use Permit to allow parking on Shady Lane Trail. Accepted the Planning Commission Annual Report 2020.

Sandra Grant/moved, Brad Saxton/supported, to accept the Bingham Township Planning Commission Annual Report 2020, PASSED.

f. Fire Authority - No report.

g. Assessor – No report.

h. Treasurer - Sandra Grant said summer tax collection is going well.

i. Trustee - No report.

j. Clerk –

i. Vendor & Payroll Reports

Kathy Morio submitted Vendor Balance of \$7,519.39 which includes \$16.80 – cleaning bill, and Payroll of \$10,302.52.

Sandra Grant/moved, Midge Werner/supported to approve the Vendor Balance of \$7,519.39, and Payroll of \$10,302.52. Roll call vote: Yes: 4. No: 0 Absent – 1. PASSED

Kathy Morio reported she has sent out 1,126 applications for absentee voter ballots. Have roughly 2,400 registered voters.

k. Supervisor - No report.

11. PUBLIC COMMENT AND ANNOUNCEMENTS

- Jeannie Coulter, 7576 E. Melissa Dr., will the basketball pole & swim rings be secured?
- Midge Werner – There is no way to secure the life ring.
- Cara Gelven – Would the draft application for short term rental be put on line.
- Jonathon Rinkinen – What is the plan for short term rental schedule.
- Midge Werner – Next month, want to have ordinance in place for January 2021.
Township has been taking comments over the past year.
- Gary McGhee - Accepted an offer on his house, closing October 7th.
- Cara Gelven, getting same feeling about public comment given, no discussion by the Township board.
- Gary McGhee - township board listens during public comment section.
- Todd Stone - Thanked Gary McGhee for his service, given this might be the last meeting where he serves as Trustee.

12. ADJOURNMENT - The meeting was adjourned at 8:11 p.m.

Minutes by Marge Johnson, Recording Secretary
Kathy Morio, Clerk

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