

**CHARTER TOWNSHIP OF ELMWOOD  
SPECIAL BOARD MEETING  
APRIL 21, 2021  
HELD BY REMOTE ELECTRONIC ACCESS**

**Call to Order:**

Supervisor Shaw called the meeting to order at 6:00 p.m.

**Pledge of Allegiance:**

Clerk Preston led the Pledge of Allegiance as requested by Supervisor Shaw.

**Roll Call:**

**Present:** Jeff Shaw, Connie Preston, Terry Lautner, Jim O'Rourke, Dave Darga, Chris Mikowski, and Deborah Allen

All Board members stated they were participating from locations in Elmwood Township, Michigan.

**Excused:** None

**Declaration of Conflict of Interest:**

Supervisor Shaw stated that he was a business owner in the Brewery Creek Condos. MOTION BY TRUSTEE O'ROURKE, SECONDED BY TRUSTEE TO LAUTNER TO RECUSE SUPERVISOR SHAW FROM AGENDA ITEM 10m. The motion passed 6-1 by a roll call vote.

**Public Comment**

Sue Jones

Rod Jones

Todd Space

AnneMarie Wigton

Del Moore

Joe Testa

Anna Heiges

**Consent Calendar:**

**Department Reports:**

**Treasurer**

**Planning/Zoning**

**Fire**

**Committee Reports:**

**Minutes:**

**3-1-21**

**3-8-21**

**Post Audit Invoices 3-15-21 through 4-15-21**

MOTION BY TRUSTEE ALLEN, SECONDED BY TREASURER MIKOWSKI TO APPROVE THE CONSENT CALENDAR AS PRESENTED. The motion passed 7-0 by a roll call vote.

**Agenda Approval**

Supervisor Shaw requested that the introduction of the TCL&P Franchise Ordinance be removed as there were some questions.

MOTION BY CLERK PRESTON, SECONDED BY TRUSTEE DARGA TO APPROVE THE AGENDA AS MODIFIED BY REMOVING ITEM 10C. The motion passed 7-0 by a roll call vote.

**Supervisor Remarks**

Supervisor Shaw submitted a written report.

**Trustee Remarks**

None

**Engineer's Report**

None

## **Other Officer Remarks**

None

## **Communications from the Clerk**

Clerk Preston reported that she had received many letters regarding short term rentals and will copy them and give them to the Board prior to the public hearing.

## **OLD BUSINESS**

None

## **NEW BUSINESS**

### **Consideration of Directive to the Planning Commission to Limit Short Term Rentals**

Attorney Peter Wendling explained that the Board has been discussing an ordinance to allow STR's in all districts but to eliminate or freeze the use. You also have a licensing ordinance to regulate behavior that might concern the public. Some of the language to freeze the use is in the licensing ordinance. But to freeze it or to create a category of those uses under a lawful nonconforming use we must pass an ordinance that allows them to exist. When an ordinance is passed it becomes a legal use. To make them a legal nonconforming use, a quickly following subsequent amendment that eliminates them would make them legally nonconforming and solidify their status and protect the township. The Township can choose when a zoning ordinance amendment or police power ordinance can take effect. Generally, a zoning ordinance is eight days after publication and a police power is the day of publication but that is just the minimum. The main concern with the police power ordinance limiting STR's to pre-existing operators, they must become a lawful nonconforming use. Bring them forward and then eliminate them is the way to do it legally. Planner Sara Kopriva asked that the Board give direction to the Planning Commission.

**MOTION BY CLERK PRESTON, SECONDED BY TRUSTEE O'ROURKE TO DIRECT THE PLANNING COMMISSION TO INITIATE AN AMENDMENT TO REMOVE STR'S FROM ALL DISTRICTS.**

Trustee Darga had concerns that a nonconforming use never goes away. Trustee O'Rourke wanted to be sure the licenses don't transfer. Planner Kopriva explained that the licensing ordinance does not allow a transfer so a nonrenewal of a license would end the use. She and Attorney Wendling will double check on that. Trustee Lautner would like to see the Planning Commission carve out a waterfront area where the rentals would still be allowed. Planner Kopriva responded that they could make an overlay district.

The motion passed 5-2 by a roll call vote with Ayes from Mikowski, Allen, Preston, O'Rourke and Shaw, and Nays from Darga and Lautner.

### **Set STR Public Hearing Date**

**MOTION BY TRUSTEE O'ROURKE, SECONDED BY TRUSTEE ALLEN TO SCHEDULE THE PUBLIC HEARING ON THE SHORT- TERM RENTAL ORDINANCE AMENDMENT FOR MAY 19, 2021 AT 6:00 PM.** The motion passed 6-1 by a roll call vote with Trustee Darga voting no.

### **Surplus Equipment/Fire Department**

**MOTION BY TRUSTEE LAUTNER, SECONDED BY TRUSTEE DARGA TO AUTHORIZE CHIEF TAMPA TO DISPOSE OF THE SURPLUS EQUIPMENT DETAILED IN HIS MEMO PLUS THE GAS MONITORS.** The motion passed 7-0 by a roll call vote.

### **Schedule Public Hearings for Timberlee Road Maintenance Districts**

**MOTION BY CLERK PRESTON, SECONDED BY TRUSTEE O'ROURKE TO SET THE PUBLIC HEARINGS FOR MAY 10, 2021 AT 6:00 P.M.** The motion passed 7-0 by a roll call vote.

### **Networks Northwest Dues**

**MOTION BY TRUSTEE O'ROURKE, SECONDED BY TRUSTEE ALLEN TO RENEW OUR TTCI MEMBERSHIP FOR 2021 AND TO PAY THE DUES IN THE AMOUNT OF \$1000.00.** The motion passed 6-1 by a roll call vote with Trustee Lautner voting no.

**Request for On-Premise Tasting Room for Brengman Brother's Distillery**

MOTION BY TRUSTEE LAUTNER, SECONDED BY TRUSTEE DARGA TO APPROVE THE BRENGMAN TASTING ROOM LIQUOR PERMIT APPLICATION. The motion passed 7-0 by a roll call vote.

**Updated Wage Scale for Marina/Building and Grounds**

MOTION BY TRUSTEE LAUTNER, SECONDED BY TRUSTEE O'ROURKE TO APPROVE THE UPDATED WAGE SCALE AS RECOMMENDED BY THE PERSONNEL COMMITTEE. The motion passed 7-0 by a roll call vote.

**Interim Planning Services Proposal**

MOTION BY TRUSTEE O'ROURKE, SECONDED BY TRUSTEE LAUTNER THAT WE APPROVE THE PROPOSAL FOR PLANNING SERVICES WITH BECKETT AND RAEDER. The motion passed 7-0 by a roll call vote.

**SAW Grant**

MOTION BY CLERK PRESTON, SECONDED BY TRUSTEE DARGA TO CONTRACT WITH NORTHERN A1 TO DO THE COMPLETE PROJECT (Jet Cleaning and Televising the Sewers). The motion passed 7-0 by a roll call vote.

**Fire Chief/Assistant Chief Salaries/Assistant Chief Job Description**

It was the consensus of the Board to have the Public Safety Committee meet and discuss this.

**Hiring Assessor assistant**

MOTION BY TRUSTEE O'ROURKE, SECONDED BY CLERK PRESTON TO HIRE AN ASSISTANT TO THE ASSESSOR AS CHOSEN BY THE PERSONNEL COMMITTEE. The motion passed 7-0 by a roll call vote.

Supervisor Shaw stepped down from the chair for the next business item.

**Set Special Meeting Date for Closed Session to Consider Brewery Creek Condo Termination**

MOTION BY TRUSTEE O'ROURKE, SECONDED BY TRUSTEE ALLEN TO SCHEDULE THE SPECIAL MEETING TO INCLUDE A CLOSED SESSION REGARDING THE BREWERY CREEK CONDO AGREEMENT TERMINATION. The motion passed 6-0 by a roll call vote.

Supervisor Shaw resumed the chair

**Pickleball Reservation Request**

MOTION BY CLERK PRESTON, SECONDED BY TRUSTEE DARGA TO AUTHORIZE THE RESERVATION OF THE PICKLEBALL COURTS. The motion passed 7-0 by a roll call vote.

**PUBLIC COMMENT**

Karyl Moore

Joe Testa

Rod Jones

**Adjournment**

Motion by Trustee Lautner, seconded by Trustee Darga to adjourn the meeting. The motion passed 7-0 by a roll call vote. The meeting adjourned at 7:42 p.m.

