**Green Lake Township Special Meeting/Study Session**

**Minutes**

**October 24, 2022**

**CALL TO ORDER**: Called to order at 4:00 p.m. by Supervisor Radtke.

**ROLL CALL**: Bieganowski, Biondo, West, Kramer, Marek, McDonald & Radtke present.

**PLEDGE**: Was recited.

**APPROVAL OF AGENDA**: McDonald asked for an Agenda change, moving Public Comment above New Business. Motion by Marek, supported by McDonald to approve the Agenda with Public Comment moved above New Business. Motion carried.

**PUBLIC COMMENT**: None on this date.

**NEW BUSINESS**:

SHORT TERM RENTALS:

Radtke stated the Police Power Ordinance and Zoning Ordinance for Short Term Rentals is now 10 months old. Hopes everyone has had a chance to review both, as well as comments from the last previous meeting and Planning Commission recommendations.

McDonald presented a hypothetical situation with two persons per bedroom and an oversized septic, could homeowner request additional guests without adding additional bedrooms. McDonald did not want anyone to game the system and would instead like to see two persons per bedroom, with two extra guests in the rental, if septic conditions met, not filling home based on size of septic. McDonald asked if a “Court of Appeals” could be set up for those who are denied for violations under the Police Power Ordinance. Bieganowski said essentially a variance.

Bieganowski has no problem with short term rentals, but they are a commercial use in a residential neighborhood. Septic is one metric, what about parking, six other things making it subjective for staff. Hoped the State legislature would settle the topic. He gave example of one property owner on Green Lake who made $84k over two summer and was non-stop trouble to neighbors. If there are more than 10 (guests) it is a resort, not a B&B or a short-term rental. Set max, not more than or less than – 10 max? Need parking or other definable metrics.

Marek would like to look at capacity, protect the environment and keep the community, neighborhood feeling. Hybrid model for capacity, two per bedroom plus two kids, 15 & under. This would accommodate the family stay. Studio apartments have no legal conforming bedroom. Parking needs to be designed for rental as well. A $500 per occurrence penalty is not enough to get them to conform, maybe $500 per day. The township spends more than it gets in fees to process and oversee short term rentals. Don’t need to make money but need to make it right for all residents.

Kramer agrees with all comments brought forward. She has 15-20 rentals in her neighborhood changing the character. Capacity is concern, when she heard bunk beds are being set up in a basement that is not safe. Kramer would also like to see the annual fee raised and suggested $525.00 annually. Tax payers should not be funding short term rentals. She also agrees with changing the violation fine from each violation to per day. This will encourage owners to do what they need to do. Kramer also noted a resident most vocal about the process and fairness, has not registered her rentals.

West said there are three different types of septic systems in the township, how to gauge. The conversation started by residents, too many rentals. Bedrooms are concern of Pat, Andy has two per bedroom allowing for two additional children 15 and under. Can you just slap a bed in a room and call it a bedroom to get to the maximum number to rent too? Parking, must be in driveway, private driveway. If it is a private road should get consent of neighbors. How to handle holding tanks, set a mandate. Staff added drywells are not allowed by the health department for rentals and holding tanks still need health department well and septic approval.

Biondo answered West with drywells are not permitted in Grand Traverse County, holding tanks are the owner’s problem. One way to regulate is with modern septic systems, can handle increased number of people, limited impact. Would like to see 2022 permits, lakefront versus non-lakefront. The property on US31 (Traverse Company) has done a nice job cleaning up. Biondo favors simple edit, fees seem fine. He is concerned about weekly cottage rentals; they have been here for years.

Radtke met with Representative Roth last Thursday, the meeting brought to light the bills going through the State House and Senate. All are on hold until after November 8 election. Radtke shared that the rentals are consider a commercial enterprise but still a residential use. The community has commented through Master Plan input session that they would like a local school, the short-term rental situation has impacted young families and their ability to locate to our township. Radtke agrees with Biondo that this is commercial activity.

Bieganowski listed the other local townships who have banned or placed a moratorium on short-term rentals. The members shared their definitions of what a bedroom is, including safety requirements. Consensus was occupancy tied to 2 persons per bedroom was most accepted, with an additional 2 persons under the age of 15. Studios should be considered one bedroom, again with 2 persons per bedroom and an additional 2 person 15 and under. A single family, residential neighborhood should not have 13-15 guests per night. These are renters with no vested interest in the community. West commented it impacts the character of the neighborhood. Bieganowski asked if it could go back to the Planning Commission. Radtke said parking, parties Monday – Friday, these are people on vacation, not going to work and trespass are the complaints heard most often. Bieganowski asked if the 30 minutes away part of the ordinance was working. Staff do verify the location is 30 minutes or less.

Radtke supports allowing continuation based on bedrooms and health department, whichever is less, plus the additional two children. Bieganowski asked what Radtke thought of the fee currently charged. Radtke has been in researched companies who provide management oversight for Short Term Rentals. If the township were to hire such a company to manage, an example given of 90 units, the expense would be approximately $20,000.00. Our current fee would not cover the expense. Radtke also said the management company would address issue 24/7.

Radtke spoke about Traverse Company and Brookside who are both in residential districts and have been for a long time. These have been considered cottage resorts, now Traverse Company is considered a short-term rental, it operates under residential zoning. Bieganowski said we need to clear up definitions. Radtke added it is short-term rentals in residential districts that we are concerned with. Bieganowski shared that Long Lake has assigned a person to administer the program, he would like that, especially if funded by fees. Marek would agree to a program after a year, see the impact on our staff.

McDonald agrees septic or physical bedrooms, whichever is less. Should a max capacity be considered, minimum of 2 maximum of 10, per property? Kramer thinks 10 is too high. Bieganowski said it is still the lesser of. West likes three caps be met, bedrooms, parking and septic – must satisfy all three. Marek made a motion to change capacity to 2 persons per bedroom or studio, plus two additional persons age 15 or under per dwelling or studio, or as permitted by Grand Traverse County Health Department septic rules, whichever is less. Motion supported by Kramer. Bieganowski said it works. Biondo would like to get staff opinion, but likes the kids being the motion, protects the cottage feel. Staff said licenses are based on an honor system, we currently don’t do interior inspections. Bieganowski asked staff for parking clarification since it impacts capacity which is woven into the motion.

Marek amended his motion in relation to parking…”and parking equal to one spot per bedroom, whichever is less.” Kramer supported.

McDonald should health department be separate. Bieganowski replied septic is one component of permit. Bieganowski would add after county in original motion, “2 people per permitted bedroom as Grand Traverse County Health reports.”

**Marek made a new motion, supported by Kramer that**

**2 people per legally conforming bedroom or studio apartment, plus 2 persons per dwelling age 15 and under, or as permitted by the Grand Traverse County Health Department well and septic report, whichever is less and parking equal to one spot per physical bedroom.**

**Radtke asked for a Roll Call Vote:**

**McDonald, yes**

**Bieganowski, yes**

**Marek, yes**

**Biondo, yes**

**West, yes**

**Kramer, yes**

**Radtke, yes**

**Motion carried 7/0.**

**Marek motioned to amend Police Power Ordinance for Short Term Rentals to add definition of parking space size to 10’ x 20’ and parking to be in driveway or garage only. Motion supported by Kramer.**

**Radtke asked for a Roll Call Vote:**

**McDonald, yes**

**Bieganowski, yes**

**Marek, yes**

**Biondo, yes**

**West, yes**

**Kramer, yes**

**Radtke, yes**

**Motion carried 7/0.**

**Motion by Kramer, supported by Marek to amend annual fee schedule for short term rental licensing from $250.00 to $525.00, effective immediately.**

Bieganowski asked if the increase is enough to pay for company (management)? Marek said we are losing about $38,000.00 per year currently. **Kramer added “and be reviewed each year” after $525.00.**

**Radtke asked for a Roll Call Vote:**

**McDonald, yes**

**Bieganowski, yes**

**Marek, yes**

**Biondo, yes**

**West, yes**

**Kramer, yes**

**Radtke, yes**

**Motion carried 7/0.**

Radtke said short term rentals should not be subsidized by taxpayers.

Bieganowski would like to elaborate on the violation section, set the fine but also an appeal process. If you lose, you lose your license. A one-time violation ok, but consider more elaborate fines and appeals in the future. Biondo commented any violation has to be witnessed. Kramer would like to see the fines be daily rather than occurrence.

**Motion by Marek, supported by Bieganowski to amend Section 11 of the Short Term Rental Police Power Ordinance to read:**

**1 1) VIOLATIONS**

**….**

* 1. **First violation occurrence = *$500.00 fine per day***

**Radtke asked for a Roll Call Vote:**

**McDonald, no**

**Bieganowski, yes**

**Marek, yes**

**Biondo, no**

**West, yes**

**Kramer, yes**

**Radtke, no**

**Motion carries 4/3**

Biondo asked about the appeal process. Bieganowski said the appeal process is elaborate. He would like to include public road/private road language, consent. This is a niche’ topic and he will come back with language.

Motion by Bieganowski, supported by McDonald to adopt amendments to Short Term Rental Police Power Ordinance 22-001, items 3 and 5 in packet.

**3. Application**

1. **Current Septic and Well Status Report.**

**Health Department Septic and Well Status Report. In the absence of being able to obtain a Septic and Well Status Report, a 3rd party inspection is accepted.**

**5. SEPTIC AND WELL STATUS REPORT**

**Initial application to maintain #5 a b and c with the exception in b. that in the event there is no septic disposal permit on file with the Grand Traverse County Health Department a third-party inspection indicating the number of bedrooms the on-site septic system can accommodate…**.

**Radtke asked for a Roll Call Vote:**

**McDonald, yes**

**Bieganowski, yes**

**Marek, no**

**Biondo, yes**

**West, yes**

**Kramer, yes**

**Radtke, no**

**Motion carries 5/2**

Members agreed to revisit definition of a bedroom.

**Motion by Bieganowski, support by McDonald to accept the change to PPO 22-001 Short Term Rentals Ordinance No. 07122021.2, Definitions.**

**1. DEFINITIONS**

**…**

**Add – Accessory dwellings may not be short term rented.**

**Radtke asked for a Roll Call Vote:**

**McDonald, yes**

**Bieganowski, yes**

**Marek, no**

**Biondo, yes**

**West, yes**

**Kramer, yes**

**Radtke, yes**

**Motion carries 6/1**

OTHER BUSINESS:

Kramer asked the members to consider moving the November 14, 2022 Board of Trustee Regular Meeting to another night, asking if there are many hunters in the membership.

Marek replied stating he is beginning fire school and classes begin at 6:00 p.m. on Monday nights, could the Regular Meeting of the Board of Trustees be changed to another night so he would not have to miss Board meetings. Radtke suggested a start time of 5:00 p.m. rather than 6:00 p.m., the members were in agreement. Bieganowski asked if all meetings had to be changed. Clarification had to be made by Radtke this was not only the November 14, 2022 meeting, but all Board of Trustee Meetings through May 2023. **Motion by Marek, supported by McDonald to amend meeting schedule from 6:00 p.m. to 5:00 p.m. through May 2023.**

Biondo said all postings will need to be changed.

Kramer said the June Resolution setting meeting dates and times will need to be amended and residents notified by mail.

Radtke said mail or use website to notify members.

**Motion carries unanimously.**

The next meeting of the Green Lake Township Board of Trustees will be held on Monday, November 14, 2022 beginning at 5:00 p.m.

**ADJOURNMENT**: Motion by Kramer, supported by McDonald to adjourn at 5:42 p.m. Carried, 7/0.

Respectfully submitted,

Judith L. Kramer

Green Lake Township Clerk