

Synopsis  
Milton Township  
Meeting Minutes  
December 9, 2019

Members present: L. Bargy, S. Ball, L. Atkinson, T. Cole and B. Pharo

Also present: Attorney B. Derman, C. Weinzapfel, J. Ball, B. Hefferan, B. Kingon and 16 audience members

Bargy called the meeting to order at 7 pm and the Pledge was recited

Agenda Approval by consent

Approval of regular meeting minutes of November 11, 2019  
Motion to approve by L. Atkinson/B. Pharo. Motion carried.

Approval of special meeting minutes of November 20, 2019  
Motion to approve by L. Atkinson/B. Pharo. Motion carried.

Approval of special meeting minutes of November 26, 2018  
Motion to approve by B. Pharo/T. Cole. Motion carried.

**Public Comment:**

No one wished to speak

**Sheriff's Report**

**As submitted.**

86 calls for November

**Fire Department Report:** Chief J. Ball

5 calls for November. 154 for the year. Update on department training and programs including smoke alarms, Knox Boxes and reflective signs. Update on maintenance.

**Zoning Report: Vacation Rental Ordinance Amendment 01-2019**

As presented by C. Weinzapfel

Update on Betty Lane.

Weinzapfel discussed the vacation rental ordinance amendment #01-2019. Three letters are included with the planning commission minutes. These letters were received after the Planning Commission Public Hearing. Discussion on implementation of the ordinance amendment.

Sara Burlingame asked regarding the time frame that the changes would go into effect? What about the people who have paid for a rental, would they not be able to come because their reservation got canceled?

Brett Campbell of Cairn Highway: Asked if they were capped at 10 people max? Weinzapfel said yes. He also asked about the sewer extension in the village. That will happen this summer.

Sara Burlingame said she's concerned about a home that's been rented for 55 years and needs money coming in. What about people who live here? What about taxes? Are they too high? Not all people who come are crazy partiers.

Weinzapfel said if someone has been renting prior to the Zoning Ordinance going into effect in 1975. They could be exempt from the six week restriction, providing they can show proof of renting. They still need to pull a permit.

Cole explained the reasoning behind the ordinance. It is to help offset taxes and maintenance, but it would not cover the mortgage. People are coming in from outside the area and buying homes strictly for a rental.

Robin Fortino asked regarding the statistics for the six weeks and the average rental income. Kingon discussed his research. Cole said it's up to everyone when they want to rent. We tried to keep commercial activity out of a residential area.

Alice Rubert said its six weeks for the year. You must have two weeks in between. Minimum of seven days. This is a tourist area. What will we become if we shut off short term rentals?

Fred Gulick said we have to back up a little bit. The Township Board doesn't have authority over private property.

Brett Campbell asked if it would be a consideration to open up timeframes to allow fall and spring rentals. L. Atkinson said the intent is to limit commercial activity in our residential areas. If we leave this unchecked, it will change all of our township. We wouldn't allow a hotel in our neighborhoods, but we are allowing these short term rentals. It's not a friendly thing to have next to you.

Alice Rubert asked, what do you consider to be a neighborhood? Atkinson said this is wherever there are neighbors.

Robin Fortino asked regarding the RV Park on Torch River Drive? Is this Commercial? Weinzapfel confirmed that to be village zoned.

Sara Burlingame said she lives next to a vacation rental and she has no problems.

Ryan Janis said the six week restriction is too restrictive. Has there been any consideration regarding the implementation for 2020?  
Cole stated that we are leaning more towards 2021.

Toby Way said he thinks this ordinance needs more leeway and should be sent back to the planning commission.

Sara Burlingame asked, if anyone from the board lives on the water? Two of five live on the water.

Bob Ford of Torch Lake Drive said the planning commission has worked for more than two years and they have looked at every side of every issue. It's a difficult situation. This is a fair and balanced ordinance. It's time to move forward with this.

Pharo said he doesn't agree with going forward with the ordinance. There are a few bad apples that ruin it for everyone. The majority of the rentals have no problems. I don't like to restrict private property rights when there is a small problem. The ordinance we have now, needs some tweaking regarding when there are issues. Beyond that it's too restrictive. There are ways to make it better. I appreciate the work on it, but I do not agree with it.

Atkinson said she supports zoning in general. To allow commercial activity in residential, is contrary to zoning. With these restrictions, I don't think commercial activity should consume the summer for properties that adjoin rentals. We aren't the first municipality to restrict this activity. I'm ready to move forward.

Cole said he would prefer four weeks, but we've decided on six weeks. It doesn't buy the year round resident even half of the summer. Our goal was to help with taxes and maintenance. If in a few years, we find we need to make adjustments, we will.

Derman pointed out there are a couple typographical changes that will be addressed in the ordinance.

Alice Rupert asked if any realtors were involved in this. Answered yes, there have been many meetings. Realtors have been present.

Jerry Mensing said he's seen all kinds of rentals in his neighborhood. He has never had a problem or complaint. They don't advertise. How do you know if it's not advertised? Maybe people just rent and shouldn't advertise.

S. Ball said we have had complaints from residents. This has become a problem for residents who live here.

Motion by L. Atkinson/T. Cole to approve Milton Township Vacation Rental ordinance Amendment 01-2019 v12 to be effective in calendar year for 2021 rental season starting January 1, 2021.

**Roll Call:** T. Cole –Yea; S. Ball –Yea; L. Atkinson –Yea; B. Pharo –Nay; L. Bargy – Yea.

Motion carried 4-1

**Planning Report:** B. Hefferan

Tomorrow there is a public hearing regarding the current RV park ordinance. There is a public hearing regarding small public assembly buildings from a permitted use to a special use.

**Ambulance Report**

There is a report in the packet

In March, MMR indicated they wanted a 5 year renewal agreement. Previous and new terms were discussed.

Motion by B. Pharo/T. Cole to approve the new agreement and approve L. Bargy to sign the final draft.

**Roll call:** L. Atkinson –Yea; L. Bargy –Yea; B. Pharo –Yea; S. Ball –Yea; T. Cole –Yea.

Motion carried 5-0

**Attorney's Report:** B. Derman

Update on tower agreement, MMR and Marijuana laws. Sewer Extension Agreement, we are still waiting on the Village of Elk Rapids regarding the agreement.

**Supervisor's Report:** L. Bargy

We need to update our router. We have a quote from I.T. Right for \$805.00.

Motion by S. Ball/T. Cole to approve the purchase of a new router for \$805. Motion carried.

Bargy recommended Donald Haller, Sarah Bogard, and David Kopkau for reappointment to the Board of Review.

Motion by L. Bargy/B. Pharo. Motion carried.

**Public Comment**

Jerry Sorgi asked about Maplehurst and plowing? Bargy confirmed that it will be plowed all winter.

**Approval of Bills**

Motion to approve the bills by S. Ball/L. Atkinson. Motion carried.

Meeting adjourned by order of the chair at 8:25 pm.

These minutes are subject to approval at the January 13, 2020 meeting. A copy of these minutes are available on line at [miltontownship.org](http://miltontownship.org)

Respectfully submitted,  
Sandra Ball, Clerk