

Millington Township Regular Board Meeting April 15, 2024

Regular meeting called to order at 6:00pm at the Millington Township Hall by Supervisor R. Loomis. Also present L. Jaruzel, A. Green, S. Keinath and J. Sabgash

There were 28 guests in the audience.

The Pledge of Allegiance was recited.

Motion by Loomis, support by Jaruzel to make a correction on the agenda for the St. Paul chicken dinner the date is May 3, 2024

Ayes: All Nays: None Motion carried

Motion by Loomis, support by Sabgash to approve the agenda with corrections.

Ayes: All Nays: None Motion carried

Motion by Loomis, support by Jaruzel to accept the regular meeting minutes from March 15, 2024 and the special meeting minutes from March 22, 2024, April 1, 2024 and April 5, 2024

Ayes: All Nays: None Motion carried

Treasurer's report was presented. Thank you

Motion by Keinath, support by Sabgash that bills be paid as presented:

General-	\$	107, 229.15
Fire-	\$	198, 072.60
Police-	\$	35, 756.90
Refuse-	\$	53, 820.24
Tax Collection	\$	91.50
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Total	\$	394, 970.39

Ayes: Loomis, Green, Sabgash, Jaruzel and Keinath Nays: none Motion carried.

Millington Township Fund Balances ending March 31, 2024

FUND	MIF SWEEP MONEY	MARKET SAVINGS
General	\$ 441,594.07	
Cemetery Trust Fund	2,101.86	
Fire	67, 893.40	\$39,103.08
Police	148, 343.39	
Refuse	(204,263.13)	
Murphy Lake Weed Control	8,504.81	
Capital Projects – Buildings	34,850.18	
Capital Projects - Machine & Equipment	13,472.45	
Trust & Agency	6,544.21	
Fire Damage Escrow Fund	10,075.00	
Tax Collection Fund	829,002.10	
IFT Tax Collection Fund	3,025.92	
IFT Tax Collection Fund	(19,038.61)	
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	\$ 1,342,105.65	\$39,103.08

Public Comment:

Peggy Maschke- stated the lies are hurting the lake community, wants to move forward and hopes we accept the amendments.

Mark Morris-read an article from Tuscola County Advertiser dated April 10, 2024, touching on a few points made in the article.

Richard Yeager-Stiver-spoke about the Michigan Slip and Fall bill, voiced concerns about the residents being financially responsible if something happened to an individual on the private drives as homeowners insurance does not cover that. He proposed three provisions for the Township Board to consider before approving the zoning amendments.

Rachel Rottman-concerned about the safety of the lake and the people, maybe more lake patrol is necessary.

Steve Ley-mentions that none of the concerns the lake residents brought forward were included in the zoning ordinance amendments. Letter was submitted.

R. Loomis read a letter from Karen Yeager-Stiver

L. Jaruzel read a letter from Kelly Aquino-

Nick Aquino-suggests we keep the ordinance the way that it is, do not allow the amendments to pass.

Jim Cobb-stated the Township Board may have the authority to change the lake, but you don't have the right.

Paul Dudley-spoke about an issue with the door locks on his STR and their renter not being able to get ahold of them. All the locks have been updated and he now has additional people for renters to contact if the Dudley's cannot be reached.

Cody Clark-mentioned that out of the 133 homes on the lake 54 of those homes are non-homestead. Also suggested the Township Board consider putting a 6% excise tax on STR's like Frankenmuth does.

Emory Close-raised concern about people using the public boat launch by his home, as people tend to use his private beach while entering and exiting the lake. The liability would fall on him if someone were to get hurt on his property.

New Business

Pastor Blair – He is the pastor at Oakley Community Church and would like to give back to Millington by providing a food drive starting at the end of May through the end of this year. He would like to get a schedule in place and set up a distribution location either at the Millington Community Center or Arthur Lathem Park. They will need some volunteers to help distribute the food. J. Sabgash will contact Millington Community Center and R. Loomis with speak with the Lions Club about volunteers.

St. Paul Lutheran Church would like to use the Township parking lot on May 3, 2024, to sell chicken dinners.

Terry Hunt turned in resume for the roadside mowing position.

Sherry Morris – Presented a letter from her attorney with a possible solution to resolve the debate of whether the current short term rental owners qualify as a lawful nonconforming use. The attorney proposed that a provision be added to the zoning ordinance amendment stated as follows: "Dwelling units used as short-term rentals prior to enactment of this amendment are deemed lawful nonconforming uses." Following up with the Board enacting a separate police power ordinance with generally applicable provisions like those in Section 14.26, except parts that specifically address special use permits. The lawful nonconforming uses can still be required to comply with police power regulations that apply broadly to all short-term rentals. And the preexisting short-term rental homes can still

count toward the limit of 10% in the LR zoning district. S. Keinath stated that the Board cannot grandfather in the preexisting short term rentals per the Township attorney's advice.

Mark Morris – Short term rentals are not insured under a regular homeowner’s policy; they are covered under a short-term rental policy. Mark stated he looked into the 6% tax that Frankenmuth puts on short term rentals and said that it is not something Frankenmuth requires. It has been ruled that not allowing short-term rentals is unconstitutional. He also suggested that a lock be put on the gate by the public boat launch at the Dam, which would stop people from using private property while entering and exiting the Lake.

Paul Dudley – Lake Residential and Residential are one in the same except for the Lake. Who is going to contact the people in the Township that are currently operating short-term rentals? Mr. Dudley stated he came into the Township office before he even started his short-term rental and was given the okay to move forward with his short-term rental. He explained how he feels the STR’s will help beautify the lake as they must keep them in tip top condition to meet AirBnB standards. Also, AirBnB limits the occupancy and his STR is limited to 6 people. A letter was submitted.

Zoning Administrator Report - Zoning Administrator has completed her Citizen Planner training. MTA is offering a Zoning Board of Appeals training in Frankenmuth 5 members of our ZBOA would like to attend. The ZBOA would like to schedule a few meetings so they can work on by-laws, policies, procedures etc.

Old Business:

Zoning Ordinance Amendments for short-term rentals presented by Ed Maschke and Luanne Jaruzel. The Planning Commission had the draft reviewed and approved by the Tuscola County Planning Commission on March 18, 2024. The Planning Commission conducted another Public Hearing on April 8, 2024 and made a few revisions, rental was changed to NOT include bus, tent or RV as a rental, the total amount of STR’s in the LR district has been set to not exceed 10 zoned properties and rental occupancy is reduced to 55 days (15%) for the past twelve (12) rolling month period in LR district. The Township attorney reviewed the draft suggested a few minor revisions for clarification.

Public Comment:

Cody Clark-there are three sides to the STR debate, those who are for them, those who are against them and those would be for them but also willing to work with their neighbors and the community. He owns an STR in Frankenmuth and they do charge them the 6% tax which goes towards helping the community.

Richard Yeager-Stiver- he further addressed the Slip and Fall bill, stressing the importance of having something in place before the amendment is approved.

Peggy Maschke- works for an insurance company and stated there is no insurable interest and wouldn't pay for any instances that happen on the private drive. Suggested to look into an Umbrella Policy.

Paul Dudley-what happens when things change in the ordinance regarding STR's, do the owners of the STR's operating before any other changes are made have to comply?

Jim Cobb-commented on the fact that the Michigan Court of Appeals states that STR's are a commercial activity and do not belong in residential areas.

Nick Aquino-stated that nothing was included in the amendments about the distance between an STR and residential home.

Sherry Morris-voiced that if STR owners have to pay a fee everyone else should have to pay as well.

Rachel Rottmen-does not want the Township to pass the amendments.

Renee Dudley-STR's are not ruining the lake it's the people on the lake.

Diane Wood-People want the lake to stay quiet and peacefully

Steve Ley-Township Board should listen to the voters and not allow STR's in the LR district, this whole situation has left emotional scares on all parties involved.

Pam Hall-stated that the more STR's we have the more problems it will cause.

Mark Morris-communication makes a big difference and if you raise cost to STR's that will also raise the cost to the renters, making it harder to rent.

Motion by Keinath, support by Jaruzel to allow St Paul to use the Township parking lot on May 3, 2024 for chicken dinners.

Ayes: All Nays: None Motion carried

Motion by Loomis, support by Keinath to contract with Tuscola County Road Commission to clear 15' of each side of Milliman Rd and stump removal for \$36,200.00.

Ayes: Jaruzel, Green, Sabgash, Loomis and Keinath Nays: None Motion carried

Motion by Keinath, support by Jaruzel to approve the seven members of the Zoning Board of Appeals to attend the training in Frankenmuth on May 22, 2024 and also approve the Zoning Board of Appeals to hold a few meetings to work on by-laws, policies and procedures.

Ayes: Sabgash, Loomis, Keinath, Jaruzel and Green Nays: None Motion carried

Motion by Loomis, support by Sabgash to hire Terry Hunt for roadside mowing at \$16 an hour.

Ayes: Green, Loomis, Jaruzel, Keinath and Sabgash Nays: None Motion carried

Motion by Keinath, support by Jaruzel to adopt the amendment to regulate Bed and Breakfast establishments, short term rentals as special land use and to include long term rentals as principle use.

Ayes: Keinath, Loomis, Jaruzel, Green and Sabgash Nays: None Motion carried

Supervisor's Report. Thank you.

S. Keinath read a letter clarifying the statement that was made by the Supervisor at the March 15, 2024 meeting regarding the "illegal planning commission meeting" when the SLUP for the campground/mud bog was approved. She clarified that no email from MTA was received calling the Planning Commission meeting "illegal" but MTA had said the Township needs to seek legal counsel on the matter. She emphasized that although we may not agree with each other it is our duty as elected officials to support the decisions of the Board. We are one governing body and need to work together as such.

Motion by Green, support by Keinath to adjourn.

Meeting adjourned at 8:26PM.

Jackie Sabgash, Township Clerk

UNAPPROVED XXXX
Approved _____