

Regular Meeting of the Crystal Lake Township Board

1651 Frankfort Highway, Frankfort MI 49635

September 18, 2024

Meeting was called to order by Supervisor Amy Ferris at 6:00 p.m.

Pledge of Allegiance was recited.

Roll Call: Nielsen, Marble, Northway, Ferris, and VanMeter were present constituting a quorum.

Guests: Tom Kucera, David Spragens, Andy Miller, Sam Reed, LeRoy Reed, Fire Chief Michael Cederholm, Skye Gentle, Joe Gentle, Bob Schmidt, Neil Brilliant, David Ballentine, Wanda Shreiner, Joshua Toms, Keelee Beaudet, Abbie Ellsworth, Peter Ellsworth, Lindy Evans, Rich Reichenbach, Alan Marble, Bill Herd, Olivia Fox, Greg Wuennenberg, Deputy Clerk Sondra Halliday, County Commissioner Karen Cunningham, and Brian Halliday.

Agenda:

Ferris moved to accept the agenda as amended—removal of ZBA & PC resignations and appointments and the addition of Board of Review under “Reports” and Cherry Capital Communications update under “Buildings and Grounds.” Marble supported. All ayes. Motion approved.

Conflicts of Interest: Marble noted she could take part in discussion of the resolution regarding the hire of her husband, Alan Marble, as Enforcement Officer, but she could not vote.

Minutes: August 21, 2024, Regular Board Meeting

Ferris moved to accept the minutes of the August 21, 2024 Regular Board Meeting as amended to correct the spelling of two names (Abbie Ellsworth, Ellen Herscher) under “Public Comment” on page 7. Northway supported. All ayes. Motion approved.

Correspondence

- Ferris shared there was a compendium available on the website of correspondence regarding Camp Nearby and the Short-term Rental Ordinance.

County Commissioner Report

(Full report available on CLT website)

- Commissioner Cunningham said the MAC Environmental Regulatory Committee gave a report through Michigan Green Community, which included a survey regarding water protection, abatement, etc.
- She shared there will be a public meeting on October 7, 5:15 p.m., at The Garden Theater of Frankfort regarding hosting another Ironman 70.3 Triathlon. Brady Olsen noted an email invitation from City of Frankfort Clerk/Treasurer Spence was sent to the CLT Board.

Frankfort Fire and Rescue Department Report

(Full report available on CLT website)

- Chief Cederholm shared his report for August/September 2024. He noted CLT had 10 EMS and 2 fire runs thus far in September, for a total of 312 combined runs in 2024.

Public Comment:

- Benzie Chamber of Commerce Member Lindy Evans extended an invitation to everyone to attend the Municipal Mingle on Monday, September 23, 2024 from 3:00 p.m. to 5:00 p.m. at the Elizabeth Oliver Art Center. Candidates from local municipalities (Blaine, Crystal Lake, Gilmore, Lake, City of Frankfort, Village of Elberta) as well as state candidates will be in attendance. There will also be a candidate breakfast September 27, 2024 from 9:00 a.m. to 12:00 p.m. at Crystal Mountain.
- Andy Miller introduced himself as a candidate for 3rd District County Commissioner, noting he will be at the Municipal Mingle. He said he was on the Pt. Betsie Lighthouse Board, Benzie County Economic Development Committee, etc. and remarked about his efforts regarding the broadband project for Benzie County.
- Joe Gentle asked how the \$70.00 per hour wage for Township Enforcement Officer was determined and how the Officer would receive direction or contact when violations occurred. He also asked if the City of Frankfort Police Department and the Benzie County Sheriff Department were contacted regarding the supply of a CLT Enforcement Officer. Ferris shared the high hourly wage was chosen to attract experienced applicants and the City and County were not interested in providing an Enforcement Officer, noting no officers were available.
- Olsen, representing Molly and Daniel O’Neal, asked for clarity on the Lakeshore Drive Ordinance, Section 3, definition of “back lot owners.” He read the Ordinance section as well as a letter from the O’Neals, sharing their concerns about the “legal or equitable title” language in the section.

Financials:

- Treasurer Marble shared she had processed around 5.5 million dollars in property tax payments, which kept her very busy. August and September financial reports will be given at the October Board meeting.

Warrant Report

- Clerk VanMeter amended the warrant report to include bills from The Pioneer Group and Pro Image Design.

VanMeter made the motion to approve the warrant report as amended to include The Pioneer Group bill (\$51.60) and Pro Image Design (\$2,545.65). This adjusted the General Fund total to \$7,957.21. The Cemetery Fund expenses totaled \$185.17. There were no charges to the Road or Fire Funds. Marble supported. Roll was called. VanMeter, yes; Marble, yes; Northway, yes; Nielsen, yes; Ferris, yes. Motion approved.

COMMITTEE/DEPARTMENT Reports

Airport

- Spragens said the FCCAA was in the process of recruiting and retaining a new law firm/attorney. He encouraged the Board to review and sign the conflict-of-interest waiver and consent form, which was a formality included with the law firm contract. Ferris asked for the

other five pages of the document as only page six (Waiver and Consent page for CLT and City) was given to the Board. She also stated the Board was waiting for a response from the Township attorney regarding the language of the waiver. Spragens remarked he did not have FCCAA minutes to share.

Board of Review

BY RESOLUTION: Ferris moved that Neil Brilliant be appointed to the CLT Board of Review commencing September 18, 2024 and membership was renewable upon fulfillment of required training and duties. Nielson supported. Roll was called. VanMeter, yes; Ferris, yes; Northway, yes; Marble, yes; Nielsen, yes. Motion approved.

Buildings and Grounds

- Brian Halliday shared:
 - The new North Cemetery sign was installed.
 - Board chairs were replaced with new ones.
 - There was a water leak in the storage building at East Cemetery. West Shore Plumbing & Heating made the necessary repairs including modernization of the system.
 - The current Canon printer/copier was old and malfunctioning, and a new printer was needed for Zoning Administrator Tom Kucera. It was determined a larger printer could be purchased and be sufficient for everyone instead of multiple small printers.

BY RESOLUTION: Ferris moved that Crystal Lake Township agree to purchase a replacement printer at a cost not to exceed \$4,500.00. VanMeter supported. Roll was called. Ferris, yes; Nielsen, yes; Northway, yes; VanMeter, yes; Jill Marble, yes. Motion approved.

- Ferris shared an update from Cherry Capital Communications regarding fiber optic broadband installation. Software issues delayed the activation of the feed along the M-115 corridor from US 31 to the 911 tower site for about a month. Construction in CLT was nearing completion and hoped to be finished by Thanksgiving.

Enforcement Officer

- Ferris stated William Kelly did not accept the job as Enforcement Officer. She recommended the hire of Alan Marble, noting his experience and training with the Department of Natural Resources. It was also shared that Deputy Treasurer Elaine Walton agreed to handle any secretarial-related duties.

BY RESOLUTION: Ferris moved that Crystal Lake Township hire CLT resident and retired Chief of the Law Enforcement Division of the Michigan Department of Natural Resources, Alan Marble, as the lead CLT Enforcement Officer at \$70/hour, as needed. VanMeter supported. Roll was called. Northway, yes; VanMeter, yes; Nielsen, yes; Ferris yes; Marble, abstained. Motion approved.

Environmental Committee

- Abbie Ellsworth stated the Environmental Committee link could be accessed by navigating through CLT's website. Volunteer applications were available, and she shared the need for additional members to the Committee.

- Brian Halliday said there was woolly adelgid on the branches of hemlock trees found on his property. Should contact the NW Michigan Invasive Species group if you have a problem.
- Kucera asked if the Committee had a mission statement. Ellsworth noted there was no mission statement but focus would be on water, land, soil, etc.

Planning and Zoning

- Zoning Administrator Kucera shared the newest revision of the Lakeview Drive Ordinance. The new version was more in line with the court-ordered consent decree requirements. He will consult with the attorneys for more clarification on the “equitable restriction” in Section 3. VanMeter noted the previous version of the Ordinance included the definition of “municipal civil infraction” and also suggested a reference to the fees/penalties ordinance be included in Section 8 of the Lakeview Drive Ordinance.
- Kucera said that a landscape professional had been hired to help restore a property on South Shore Drive that was in violation of ordinances. The \$1,000.00 cost to hire the landscape professional will be charged back to the homeowner.

Roads

- Nielsen wanted to have several Township roads resurfaced next year, before prices increase, as there were funds available. He indicated the ChipSeal resurfacing would be good for 10 years. He wanted to authorize the Benzie County Road Commission to obtain bids. He shared the list of roads to be resurfaced and said we could get contractor bids back as early as January or February 2025 if we notified the Road Commission by October 2024. He will attend the Road Commission meeting next week. Ferris will write up the notification and send it to the Road Commission.

Ferris moved to authorize the Benzie County Road Commission to obtain bids for ChipSealing the following Township roads in 2025: Airport, Bacon, Bellows Avenue, Carlson, Didrickson, Forrester, Graves, Marquette, Pautz, Thomas, Adams, Elm Rd, Glory, Palcich, Robinson, Martin, Nelson, Nugent, Runway, Snell, Bridge St., Figg, Shorewood, Casey, Michigan Ave., Cox, Sunset Dr., and Putney. Nielsen supported. All ayes. Motion approved.

Old Business

Short Term Rental Ordinance Public Comment

- Bob Schmidt asked that the STR Ordinance have an exception section that would be relative to the Congregational Summer Assembly community—original landowners not associate members.
- Kucera gave a brief history which led to the draft of the STR Ordinance.
- Brilliant asked what STR Ordinance models were used, and Kucera said they included ordinances from the City of Frankfort, Lake Township, Elmwood Township, etc.
- Reed asked when enforcement of the STR Ordinance would begin. Kucera noted once the Board voted on it, it would be active 30 days after publication in the local newspaper.
- Herd explained the ordinance put the responsibility on the landlord and the renters. There was a lot of tailoring done to reflect our community. He felt it was well done and enforceable.
- Abbie Ellsworth shared a concern the Ordinance may not apply to those on Carlson Road due to lot sizes.

- Wright was hoping the Board would approve it sooner versus later so it would be ready to go in the spring.
- Toms asked if there was a cap on the number of properties an individual could purchase for rentals. Wright said the cap was two properties.
- Olivia Fox shared that she had just bought a home and rents it to relatives to help with the costs. She felt there was conflicting language in the Ordinance. Olivia wondered if the Ordinance was being put in place to cap corporate owners now or for the future. Wright shared there was an exception clause regarding rental to relatives.
- Herd noted there would be more control over a rental that had a STR license because there would be defined rules.
- Joe Gentle thanked those who developed the Ordinance. He inquired as to who would manage the permits. Kucera shared that a system would need to be developed and an administrator hired to maintain the licensing process, which would be a cost to the Township. Currently, Josh Mills and the police chief administer the City's STR Ordinance. Lake Township hired an administrator who was also the enforcement officer.
- Brilliant asked how the public would be notified after the Ordinance's passage. The Ordinance will be published in the local newspaper, placed on the Township website, and included in the Township newsletter.
- Wuennenberg thanked the Planning Commission for all the work done on the STR Ordinance and noted he submitted comments via email prior to the meeting. He said there could be potential Township liability beyond the Ordinance and felt the attorney should review inspection clauses. He stated the Township should implement a nuisance ordinance as an umbrella ordinance to tackle bigger problems.
- Herd mentioned that once the Ordinance was passed, additional questions could be resolved.

New Business

Cell Phone Tower Install

- Kucera shared the City of Frankfort agreed to the installation of a leased communications tower on its Bellows Beach Park property. The tower will be 195 feet high and installed at the top of the hill behind the park. It will have a relatively small footprint, will not be lit, some trees will be removed, and there will be a small access road to the tower.

Old Business (continued)

Short Term Rental Ordinance Board Discussion

- Marble said the main point of the Ordinance was to determine who actually has rental units in the Township and to regulate those who want multiple rental properties—not families who just want to rent to other family members and friends. She shared there were approximately 1713 parcels but not all have homes. Of the 1713 parcels, 568 were primary residences, which left 1145 potential parcels/homes for rentals. Even if the vacant parcels were subtracted, there were still a lot of properties. Marble had specific questions concerning sections of the Ordinance including 1) What about Three Pines and Pine Farm, which have more than two rental units; 2) What about rentals that have bunk rooms, which hold more than two people per bedroom; 3) How can leaving dogs for more than two hours be a violation—maybe change to barking for more than two hours; 4) What about the many cottages that do not meet current building codes and will never meet the egress window requirement.

- Kucera said there would be further discussion on properties such as Three Pines and Pine Farm. He remarked the number of people per bedroom was based on the septic system design. Herd shared 12 people was the maximum for any size rental, as determined by the health department.
- Marble noted once the STR Ordinance was in place in Lake Township, it's running smoothly with 150 licenses issued.
- Northway said stipulations could be added as needed, and it was the owner's responsibility to have liability insurance.
- Ferris remarked there were too many numbers and times throughout the Ordinance. There was conflicting language. The Ordinance was trying to control current and future disruptions.
- VanMeter said the penalties and fees section needed to be removed and reference to the penalties and fees ordinance included. She noted there were grammatical and punctuation errors.
- Nielsen said once an ordinance was passed, no one could be grandfathered in. It will be in effect for everyone 30 days after publicized.
- Kucera noted there was a liability section in the Ordinance that needed to be reviewed by the insurance agent/attorney.
- Ferris said the Board needed to work on a "good neighbor booklet." She also remarked there should be shorter hours of activity allowed. Parking at STRs was problematic. She asked about the appeal process.
- Nielsen said input from current STR administrators would be helpful.

Marble offered to call Lake Township STR Administrator Mark Janeczko about what the position entails.

Ferris and Marble volunteered to: 1) compare their questions regarding the Ordinance and tighten it up; 2) review resident emails and comments; 3) invite Mark Janeczko and Josh Mills to speak at a Board meeting; 4) talk with the insurance company about the Township's liability; 5) look at the Ordinance from the nuisance perspective versus the safety perspective. VanMeter offered to proofread the final draft.

Public Comment

- Brilliant was concerned the Township was taking over the overseeing of safety and not just nuisances—different perspectives.
- Abbie Ellsworth said there were other ordinances that could be used for reference.
- Fox stated should find out the number of rentals first and could start attacking something smaller and then broaden the scope.
- Spragens noted the City of Frankfort offered volunteer applications prior to passage of its STR Ordinance, and those individuals were given first priority as licenses were issued. The City issued about 120 licenses.
- Kucera stated there was a section of the Ordinance that helped with determination of licensing. He said it's better to start with a "tough love" ordinance and then relax it as needed.
- Reed asked if owning/operating a STR would change the zoning designation of the property.
- Kucera noted the Township Master Plan maintained the rural atmosphere—there's a reason for limiting the number of STR licenses.
- Webber spoke on intention of property purchase and type of related insurance. Advertising of a rental triggers the need for a STR rental application and license.
- Ferris shared the Township has several cottage industries, which are still zoned residential.

Board Comment: There was none.

Meeting adjourned at 7:54 p.m.

Judy VanMeter, Clerk, and Sondra Halliday, Deputy Clerk, reporting.

Amy Ferris, Supervisor

Date

Judy VanMeter, Clerk

Date