

# MINUTES OF THE AU GRES TOWNSHIP BOARD OF TRUSTEES MEETING August 13<sup>th</sup>, 2024 ~ 7:00 P.M.

**IN ATTENDANCE:** Supervisor Jim Herzog, Clerk Michael Oxley, Treasurer Patricia Tremble, Trustee Penny Kurchak and Trustee Jan Bullock

**ABSENT:** None

**ATTENDEES:** In order of signing in: Pam Stewart, Bill Bullock, Aurette Gates, Kirk Olson, Art Gallop (Zoning Administrator), Jim Henry, Chuck and Kay Woods, Nancy Selle, Hugh Juss, Jeff Czymbor, Marsha Fortner, Kathleen Baba, Craig Corey, Amanda Derocher, Derek Porritt, Joy Willis.

**CALL TO ORDER:** The meeting began at 7:04pm with the pledge of allegiance.

**BOARD COMMENT:** Treasurer Pat Tremble chatted up the township website which went live last week. [augrestownship.com](http://augrestownship.com). Trustee Penny Kurchak stated that the 'Rock Snake' is taking starting to grown at the boardwalk pavilion, inviting residents to paint a rock and add it to the snake.

**APPROVAL of AGENDA:** Motion made by Tremble to approve the agenda as presented. Motion supported by Kurchak. Voice vote: All yeas. No nays. Agenda approved.

**PUBLIC COMMENT (2 minute limit per person/group):** Aurette Gates (2 questions) Was the resurfacing of Swenson Road at the townships cost or was it the a county project. Gates asked, with reference to the Pure Green marijuana facilities septic field problems (shut down by EGLE), what is the situation at other facilities in the township. Tremble replied that a meeting with Pure Green owners/staff and Tremble, Oxley and PC member Robert Cotter, issues were discussed. The rumor of Pure Green moving out is false, with only the processing workers being laid-off or moved to facility down state (40-60 jobs lost). The water disposal consists of storage tanks on the premises which is trucked off to a waste water facility.

Amanda Derocher read from a statement sent to Tremble via email concerning regulations for short term rentals STR's. Requesting the township adopt a fee system for rentals, as in other communities (annual registration fees, length of rental stays and fines for non-compliance), for statement read in entirety – see attached.

Nancy Selle asked about rental units being zoned commercial when in residential areas. And has the square footage of a structure been resolved. Art Gallop (ZA) replied that AirB&B's and group homes are allowed on lakeshore residential properties. Square footage has been clarified in the zoning ordinance to be 1020 sqft on the ground.

Derek Porrit reads the ZO definition of 'site line' being 'across the width of the lake'. (next principal structure 300ft) and that the rental A-frames are 27 feet in front of his home. Worried about what allowing such will do when other neighbors may move next to his residence. And that it has been 21 months he has been bringing up this issue.

Kirk Olsen having heard this issue again and again at board meetings, what is to be done. Suggesting that a solution may have to be settled in the courts.

A moratorium on short term rentals was suggested by Joy Willis.

Joy Willis asked about any other Air B&B's in the township and have there been issues. Agreeing that there should be rules in place (especially in summer months). Jeff Czymbor pointed out he has had a AirB&B since 2014.

**APPROVAL of the MINUTES:** Motion made by Tremble to approve the minutes of the July 9th, 2024 Board of trustees meeting (with the addition of two attendees added). Motion supported by Kurchak. Voice vote: All yeas. No nays. Minutes approved.

**PAYMENT OF BOOK OF BILLS:** Motion made by Tremble to approve the July 2024 book of bills as presented. Motion supported by Oxley. Voice vote: All yeas. No nays. Motion approved

**TREASURER'S REPORT:** Read by Treasurer Patricia Tremble pointing out corrections to the interest rates on some of the CD investments. Total of all funds (including CD, money market investments and \$17,498.91 in accrued interest on investments) is now \$1,647,784.51. Motion made by Trustee Jan Bullock approve the treasurer's report. Supported by Kurchak. Voice vote: All yeas. No nays. Motion approved

**BOARD REPORTS:**

**AUGRES-SIMS-WHITNEY FIRE AUTHORITY:** Meeting held at the Whitney Township Fire Hall, called to order by Olen Swartz. Tom Brandimore gave the treasurer's report, reviewing the monthly bills, pointing out a check for \$4,898.25 to Richardsons (Standish) was for a new trailer to haul the gator.

Hummerickhouse reported that the fire fighters responded to four downed power lines, 2 personal injuries from 2 car accidents, a gas leak at Huron Breeze and a bonfire. Also, that the Fire Authority booth at the county fair had two people wanting to join the fire department.

Next Au Gres - Sims - Whitney Fire Board meeting will be on Thursday August 15th at the Au Gres Twp Fire Hall.

**HERITAGE ROUTE AUTHORITY:** Jan Bullock reporting, the concerts are winding down, with the final show this week. Depot Days are set for October 5th and 6th. The farmers market is going strong, since the vendors have produce to sell. After discussion it was decided that not many people attended the Antique Car show this year since it was on the July 4th weekend. Next year it is planned to be held on the 2nd Saturday in July.

**ZONING ADMINISTRATOR REPORT:** Art Gallop Zoning Administrator reporting. The garage and sunroom on Santiago are going up. A barn is scheduled on Pt Au Gres Road. A home on Rumsey sold last week with the new owners already moving in, asking about getting a shed delivered.

Gallop made comment on zoning permits he has issued, some have site plans which are detailed, and others do not. He is not there to hold hands after a permit is issued. Using the Turner couple on Booth Road as an example who laid their foundation too close to the property line and had to put in new footings. Taking offense that he is accused of allowing things to happen - if you go against the site plan, shame on you.

**LINWOOD CEMETERY REPORT:** Kurchak had good news that soon Linwood Cemetery will have four metal benches and matching trash receptacles. They are green and will be mounted on cement slabs (by Ed Manor).

**UNFINISHED BUSINESS:**

a). Streetlights on Manor/Dreyer and Manor/Davis Roads. Clerk Michael Oxley referenced the \$200.00 invoice from Consumers Energy (2 cobra lights at \$100.00 each installed). Monthly cost to be billed on the same invoice as our other township streetlights. Motion made by Oxley to pay the \$200.00 and have the streetlights installed. Motion supported by Tremble. Voice vote: All yeas. No nays. Motion approved.

**NEW BUSINESS:**

- a. Jodway Road Ditching project: Bids sought to clean out the North side Jodway ditch from Swenson to Santiago (removing all trees and spoils). Two bids out of three requested were received. Killingbeck Excavating (\$32,000) and Chuck Woods Excavating (\$19,650). Tremble asked if the cost of replacing culverts. Woods responded that a culvert would be \$600-\$700 additional each. Motion made by Oxley to approve the Jodway Road ditching project, including necessary culvert replacement, not to exceed \$23,000.00. Motion supported by Kurchak. Voice vote: All yeas. No nays. Motion approved.
- b. Land Division/Combination: Fritz Dore purchased the Wilk property (parcel ID 003-0-018-200-030-01 and -035-01) on M-65 just north of the Jerky Outlet (US-23 and M-65) (parcel ID 003-0-018-200-040-00). Oxley referenced the applications and survey documents, showing said property being divided into two parcels, with one for a home to be built and the other to be combined with the Jerky Outlet property. Assessor Kelly Rifenbark has given her approval (Oxley read an email to the board members giving her approval). A \$300.00 check has been received to pay for the split/combo. Motion made by Oxley to approve the land division and combination. Motion supported by Tremble. Voice vote: All yeas. No nays. Motion approved.
- c. Annual donation to the Au Gres Historical Society: Oxley explained that 'Support of Township history' was a permitted use of taxpayer funds, and in year past we donated \$500.00 to the Au Gres ACHS. Oxley noted that we received over \$100,000 from Michigan Marijuana Excise Tax kickback and could afford to give more. Motion made by Oxley to donate \$1000.00 to the Au Gres ACHS. Motion supported by Kurchak. Voice vote: All yeas. No nays. Motion approved.
- d. Township attorney Melissa Sprague resigned as our attorney last month. An interview with Robert Eppert – (Tawas City) was held by Supervisor Jim Herzog and Oxley on (DATE), and were impressed with his responses to current issues in the township (blight ordinance, citation document). Herzog noted that since that date, phone and email questions to Eppert had been answered in a timely manner. Motion made by Oxley to retain Robert J Eppert as our township attorney (at \$175.00 per hour). Motion supported by Tremble. Voice vote: All yeas. No nays. Motion approved

**BOARD COMMENT:** Bullock suggested that Eppert examine our retirement plan, and or change the plan contract all together.

Herzog stated that a 2nd roadside mowing was in the works. And that on Wednesday next, trustee Penny Kurchak and himself were going to review the township roads and ditches.

Kurchak thanked the attendees for being respectful during the meeting, noting that things can get heated, but this is a business meeting.

**PUBLIC COMMENT:** Kathleen Baba said she hoped her road (Nearman North of US-23) would get attention.

Pam Stewart asked to have the Linwood Road ditches cleaned out.

Craig Corey asked to have Manor Road ditches dug out, which have not had any work done in years. Dreyer Road to Davis Road to Big Creek - when it rains as much as it has, the water flows from East to West and set there, instead of flowing into Big Creek.

Kirk Olson asked about other townships and sharing their attorneys. Such as Sims township attorney representing both jurisdictions. Oxley replied in canvassing for an attorney, the denials we got were often due to potential conflicts with the township said attorney already represented.

Nancy Selle remembered in 2010 when a pole barn was built on her property that a detailed drawing (with front, side and rear setback dimensions was required - when did that requirement change? Concerning about driveway culverts (proposed Jodway north ditch cleaning project), it used to be that the cost for a replacement was the property owner's responsibility. And lastly inquired as to why the township board uses Area Code Enforcement for its building permitting instead of using the County Building Permit office in Standish.

Amanda Derocher asked the attendees how they would feel if a hotel had opened up next to their homes and requested that the Planning Commission regulate short term rentals.

Derek Porritt read from FOIA'd paperwork of prior zoning administrator contracts (2001 - 2004). While the A-Frame units permits were approved to be constructed without locations of where they were going to be on the properties. Petitioning the board to correct the situation of the A-Frame buildings being 27 feet in front of his home.

Auretta Gates ended public comment, stating Art Gallop is doing his job, and that there are people who take out a zoning permits, but do not adhere to the limits set on the permit - there are unscrupulous people who will violate.

**ADJOURNMENT:** TIME – 8:31pm. Motion made by Tremble to adjourn the meeting. Supported by Kurchak. Voice vote: All yeas. No Nays. Meeting adjourned.

Minutes approved at the regular Board of Trustees Meeting on \_\_\_\_\_

James Herzog, Supervisor \_\_\_\_\_

Michael Oxley, Clerk \_\_\_\_\_

## Statement read by Amanda Derocher during public comment period:

A week or so ago when me and Derek came into the office and spoke to you and Tom B, I had mentioned my expectancy for the planning commission to begin to draft regulations for short term rentals- I see the new zoning ordinance defines the term and allows them with no guidance or restrictions....honestly I find this unacceptable and offensive. Short term rentals are here and expanding and local governments all over the state have decided they need to be regulated- and I would urge our township to do the same- this is an issue that should have begun to be addressed by the planning commission years ago but as of yet has not been adequately confronted. The longer the township waits to address this issue the more complicated the situation is going to become.

As a neighbor to three short term rental units I will not stop bringing this issue up until steps are taken and our neighborhood is protected. Having multiple rental units that change guests every single day is the equivalent of living next to a motel- you have no idea who your neighbors are- they aren't our neighbors, they're transient guests at a lodging establishment. There is a constant nuisance of increased traffic, loud, disorderly conduct, and constant campfires that are never extinguished. A small portion of the guests are quiet and respectful but they are not the norm. With each new renter there is the excitement of starting their vacation, followed by the noise, drinking and partying that seems to be the nature of getting away and going up north, and since there is no host living on the property they have no initiative to keep their behavior respectful. This undermines the reasonable expectation of long term/year round tax-paying property owners to have peace and privacy in their homes and yards. If you have an issue with a real neighbor it is easy to talk to them about it and resolve it respectfully, but when you have a rotating circus of clowns next door with the same issues occurring day after day and a slumlord who won't talk to you it is impossible to address and resolve these issues. All we can do is our own non violent protest to ruin the peace of the rental guests who have ruined our peace.

Regulating these is a no-brainer. An annual registration fee per rental unit will bring in revenue for the township, and as this is a business for the landlords who are renting them this is not some penalty but just another business expense. Having restrictions of the length of the rental allowed and the days per year allowed is another great idea that many townships have enacted. A couple townships over, Whitney township has restrictions which require the short term rental to be rented for 7 days minimum by each renter- this weeds out the riff raff who want to come and party for a night or two- if you'll be staying somewhere for a week you're probably going to be more respectful of the neighbors- and if the townships STR ordinance has fines for noncompliance with their regulations guests have more incentive to be well behaved. Ensuring the properties are in compliance with all zoning ordinances is also crucial.

Other townships regulations have provisions like: you can operate a STR but not for more than 28 days per year. Other communities like the city of Tawas cap how many properties they will allow to be used as short term rentals in order to maintain housing for year round residents looking for a place to call home. Other municipalities restrict how many properties one owner can operate. Other municipalities only allow STRs to occur on a property that is the owner's primary residence. Without restriction, it only creates more incentive for vacation rental agencies such as Lake Life Vacation Home Rentals to gobble up more and more properties to rent for profit. There is also the issue of these rental agencies and property owners circumventing the typical regulations, licensing, taxes and insurance that are required for a bona fide lodging establishment. These rentals hurt legitimate lodging establishments by undercutting their pricing since they are not subject to the same regulations and other things forementioned. This is a commercial operation operating in a residentially zoned area and needs to be subject to special use permits, application fees and other restrictions.

We had hoped to make this our forever home and live in a community where we know our neighbors and have a sense of safety, peace and privacy, however our lives have been overturned and hopes to raise a family here shattered by the commercial rental development that ruined the once peaceful home and yard we had. Allowing short term rentals is only good for the owner of the rental- not for the neighbors and long term residents of the community. We would have never bought a property next to a motel (no one in their right mind would)- but now that's what we own, and the township's failure to act has only compounded the problems we are facing with these. We are immensely frustrated and have both suffered a marked decline in our mental health and quality of life due to the stress of this issue and I am eagerly awaiting the township to make a move and begin regulating these in a reasonable logical way that puts the rights of long term residents first and strives to maintain the residential nature of our neighborhoods.

I have attached several documents from other townships in our region and state who have regulations for STRs for you to look over in hopes that it will inspire you to start the process of drafting an ordinance to regulate and address this growing issue. Nothing rekindles the spirit of public service like helping someone work through a problem!