

**GRAND HAVEN CHARTER TOWNSHIP BOARD
MONDAY, AUGUST 28, 2023**

REGULAR MEETING

I. CALL TO ORDER

The regular meeting of the Grand Haven Charter Township Board was called to order at 7:00 p.m.

II. PLEDGE TO THE FLAG

III. ROLL CALL

Board members present: Reenders, Behm, Redick, Wagenmaker, Meeusen, and Larsen

Board members absent: Kieft

Also present were Manager Cargo, Assessing Director/Deputy Treasurer Larrison, Public Services Director Chappell, and Senior Planner Thibault.

IV. APPROVAL OF MEETING AGENDA

Motion by Trustee Meeusen and seconded by Trustee Wagenmaker to approve the meeting agenda. **Which motion carried.**

V. APPROVAL OF CONSENT AGENDA

1. Approve August 14, 2023, Regular Board Minutes
2. Approve Payment of Invoices in the amount of \$362,023.41 (*A/P checks of \$223,192.07 and payroll of \$138,831.34*)
3. Approve the sale of surplus equipment (*i.e., 2001 Dump Truck*) through Miedema Auctions

Motion by Trustee Wagenmaker and seconded by Trustee Redick to approve the items listed on the Consent Agenda. **Which motion carried.**

VI. OLD BUSINESS

1. Senior Planner Thibault reviewed the August 24th memo on the application from Mr. MacKeigan regarding the STR application for 10615 Lakeshore Drive.

Public comments included:

- ✓ Jeff MacKeigan (*10621 Lakeshore*) noted the STR ordinance provides for flexibility that the property has a rental history; that he is a neighbor of the property; that there are no registered complaints against the property; and that the STR rental agreement would not allow access to the shared beach.
- ✓ Mike Podein (*10569 Lakeshore*) spoke on behalf of the Poplar Dunes Drive

Association stating that the owner of the property would not be with the STR users if they used the shared beach as required; that the Associations do not allow for STRs; the McKeigan does not have a rental history, but rather previous owners have a limited rental history; STR users could have parties or large gatherings that would change the character of the neighborhood.

- ✓ Charley Jameson (*10511 Lakeshore Drive*) is opposed to the STR application noting that the homes and cottages are fairly dense in this area; that about 30 families have access to the shared beach; that owners must accompany any guest to the beach; that all of the owners – except the applicant – within this neighborhood oppose the STR application.
- ✓ Ed Schoenleber (*17248 Sandgate Place*) is a homeowner in the Dunes subdivision and opposed to the STR application having purchased their home specifically because the Association did not allow STRs; believes the STR application is inconsistent with the nature of the neighborhood and would change the character of the community.
- ✓ Tamara Cook Smith (*10589 Lakeshore Drive*) is a granddaughter to the original family that owned and developed the property; owns the parcel directly west of the subject property; notes that the deed restrictions requires the owner to accompany any guest to the shared beach; believes an STR would change the character of the existing beach community; acknowledged that the previous owner did rent on a very limited basis in order to pay property taxes as opposed to a commercial venture.
- ✓ Judy Bregman (*17262 Sandgate Place*) is opposed to the STR application and is concerned it would set a precedent for other STRs in the neighborhood; notes that the property has legal access to the shared beach; and opined that the property was not meant to be used as a commercial enterprise.

Trustee Redick noted that he is not supportive of the STR application because this STR would be not meet at least two of the three C's (*i.e., consistency, compatibility, and capability*) that apply to rezoning requests, nor with at least two of the criteria that the Township has developed to specifically evaluate STR rezoning. Moreover, this STR application is an outlier from previously approved STR applications. Specifically:

1. Although this neighborhood is not a platted subdivision, the property functions as part of a traditional residential neighborhood, and was designed and developed as such, despite the tract not being recorded. Allowing an STR in this neighborhood would be incompatible with the use and character of the other residential lots in this same neighborhood, which are governed by Homeowner Associations and/or bylaws that completely prohibit STRs.
2. The STR overlay map, when it was originally created by the Township, made a purposeful distinction between the large lots and tracts immediately to the north and south of this neighborhood, where STRs were permitted vs. the small-lot development in this unique neighborhood, where STRs would be prohibited.

Allowing an STR on the subject property would be inconsistent with this purposeful master planning scheme.

3. Without exception, every lot owner from the surrounding neighborhood who spoke, during public comment periods, uniformly opposed STRs in the neighborhood, and specifically opposed them on the subject property.
4. The subject property is not adjacent to Lake Michigan.
5. The subject property has legal deeded access to the community beach that serves this neighborhood. Whether or not the owner of the subject property intends to attempt to prohibit renter access to the community beach by a set of renter rules, it is likely that short-term renters would nonetheless access and use the community beach, because they typically do not read nor comply with such rules. Nor would such short-term renters likely know or be invested in complying with the community beach rules that have been developed by this neighborhood for the protection of its permanent residents. Such use of a private community beach by transient renters would undoubtedly create conflicts with the permanent residents of the neighborhood, who should not have to share the beach with literal strangers every week. Trustee Redick has specifically encountered these types of conflicts, when his family had previously rented an STR on an inland lake that had shared access to a community beach.
6. In illustration of the above problem, the property previously advertised the subject property as having short-term renter access to the community beach; and, during the Township-review process, the applicant inaccurately stated to the Township that the subject property did not have lawful access to the community beach.

Supervisor Reenders noted that he drove the neighborhood and agrees that many of the existing lots are fairly small/compact. An STR would change the character of this neighborhood and he agrees with the concerns raised previously by Trustee Redick.

Trustee Behm agrees with the concerns raised by Trustee Redick and is not supportive of the STR application.

Motion by Trustee Redick supported by Trustee Behm to deny the Zoning Map Amendment Ordinance for the rezoning application of 10615 Lakeshore Dr. to be included in the Short-Term Rental Overlay Zone because the application does not meet the standards of the Zoning Ordinance for reasons previously delineated. **Which motion carried**, as indicated by the following roll call vote:

Ayes: Wagenmaker, Meeusen, Redick, Behm, Reenders
Nays: Larsen
Absent: Kieft

2. Trustee Meeusen stated that he was not comfortable with the General Fund fund balance level because it was well above the Board minimum level. Manager Cargo noted that the excess General Fund fund balance is used to fund capital projects (*e.g., park projects, roads, pathways, etc.*) as opposed to bonding or seeking additional millages from the voters. That said, staff will provide three options regarding the

General Fund millage for FY2024 during the Truth-in-Taxation hearing.

Motion by Trustee Redick supported by Trustee Wagenmaker to approve Resolution 23-08-02 that schedules the “Truth in Taxation” Public Hearing for September 11th and proposes the additional millage rate of 0.2668 mills for a proposed total of 6.0322 mills, which that includes 1.25 debt mills. **Which motion carried**, as indicated by the following roll call vote:

Ayes: Behm, Wagenmaker, Meeusen, Redick, Reenders, Larsen

Nays:

Absent: Kieft

3. **Motion** by Trustee Meeusen supported by Trustee Wagenmaker to approve Resolution 23-08-03 that adopts the Pre-Budget Policies budget amendments for fiscal year 2023.

Which motion carried, as indicated by the following roll call vote:

Ayes: Reenders, Meeusen, Behm, Wagenmaker, Larsen, Redick

Nays:

Absent: Kieft

VII. NEW BUSINESS

1. Trustee Wagenmaker noted that he preferred a specific time for park closing as opposed to “dusk” since many residents may not know when dusk occurs. Supervisor Reenders noted that “dusk” is used in state hunting laws and Public Services Director Chappell noted that “dusk” is also utilized by Ottawa County Parks.

Motion by Clerk Larsen supported by Trustee Behm to postpone further action on the proposed amendments to the Parks Rules and Regulations Ordinance that changes closing times from 10:00 p.m. to dusk and requiring all pets to be leashed in those parks that allow pets. This is a first reading. **Which motion carried.**

2. **Motion** by Trustee Meeusen supported by Trustee Wagenmaker to approve the low bid of \$90,838 from Weick Bros, Inc. for the 152nd retaining wall replacement project and authorize the public services director to execute the necessary contract documents. **Which motion carried.**

VIII. REPORTS AND CORESPONDENCE

1. Committee Reports

➤ Trustee Redick noted that NORA Committee learned that United Way of Ottawa County has merged with Kent/Allegan United Way due to fiscal concerns and that NORA will no longer be receiving any funds. Further Robinson Township may withdraw from NORA prior to July of 2025 and a new millage vote could occur in August of 2026.

2. Manager’s Report

3. Other

IX. PUBLIC COMMENTS – *(Non-Agenda Items)*

1. Kelly Peterson (*13726 Forest Park Drive*) wants to amend the Zoning Ordinance to allow the raising of chickens in subdivisions. The Board referred this matter to staff and the Planning Commission.

X. ADJOURNMENT

Motion by Clerk Larsen and seconded by Trustee Behm to adjourn the meeting at 8:25 p.m. **Which motion carried**

Respectfully Submitted,



Laurie Larsen

Grand Haven Charter Township Clerk



Mark Reenders

Grand Haven Charter Township Supervisor