LELAND TOWNSHIP BOARD MEETING
Monday May 11, 2020 – 7:00 p.m.
Leland Township Library Munnecke Room
203 E. Cedar Street, Leland, MI 49654

(Leland Township will be holding all meetings remotely under the COVID19 Executive order issued to limit person to person transmission of the virus until such order is lifted. Directions to participate in the meeting via Zoom were included in the posting of the agenda.)

MINUTES

PRESENT: Supervisor Susan Och, Clerk Lisa Brookfield, Treasurer Shirley Garthe, Trustee Michael Collins, Trustee Tony Borden.

ABSENT: 0

GUESTS: 8

CALL TO ORDER: Ms. Och called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

APPROVAL OF AGENDA: Ms. Garthe moved to approve the agenda as presented; supported by Ms. Brookfield.

VOICE ROLL CALL:
Supervisor Susan Och: Yes
Clerk Lisa Brookfield: Yes
Treasurer Shirley Garthe: Yes
Trustee Michael Collins: Yes
Trustee Tony Borden: Yes

Motion carried. 5 in favor, 0 opposed

DECLARATION OF POTENTIAL CONFLICTS OF INTEREST: In reference to Item #3: Mr. Collins and Ms. Brookfield have interest in short term rentals. Ms. Och also has a future interest in short term. None felt that their interest would interfere with their objectivity in discussion and possible action in this matter at this meeting.

APPROVAL OF MINUTES
April 13, 2020 (Regular Meeting): Ms. Brookfield noted an error on page 2: “Judge Hubbell” should be “Joe Hubbell.”

ACTION: Mr. Collins moved to approve the minutes of April 13, 2020 as corrected; supported by Ms. Garthe.

VOICE ROLL CALL:
Supervisor Susan Och: Yes
Clerk Lisa Brookfield: Yes
Treasurer Shirley Garthe: Yes
Trustee Michael Collins: Yes
Trustee Tony Borden: Yes

Motion passed. 5 in favor, 0 opposed.
PUBLIC COMMENT

Keith Ashley – Mr. Ashley commented on the proposal to register short term rentals. He believes the information sought by a registration system could be obtained through property tax records. A registration fee would be charged for information that is already known. He also commented on complaints about renters. He feels that homeowners are involved in as much disruptive behavior as rental patrons. He also feels this subject should be handled through the Planning Commission. He asked permission to be involved in the discussion of Item #3 later in the meeting.

Steve Mikowski – Mr. Mikowski submitted his public comments prior to the meeting through email. He presented his request to hold a referendum vote on the Leland Township Zoning Ordinance 96-1. He also asked the Township Board to correct a longstanding error denying a 17 ½ inch side yard setback variance. This is his 285th request.

Mr. Mikowski also sent in written comment on item #1. He feels the 2020 Annual Meeting can be held after June 1, 2020 with proper social distancing. He believes the cancellation of this meeting is unlawful and requests the Board to hold this meeting in a timely manner.

REPORTS FROM BOARDS AND COMMISSIONS

Fire & Rescue, Chief Dan Besson

A report was distributed to Board members prior to the meeting. He reviewed items from his report. There were fewer calls for service. Currently, there is one person staffed at the Leland station and 2 people staffed at the Lake Leelanau station.

County Commission, Patricia Soutas-Little

Ms. Soutas-Little provided a written report to the Board. She commented on the progress of the Early Childhood program.

There are three new Internet Service Providers who have contracts in process with the County to mount equipment on the county owned towers. Two others already have contracts bringing the total to five. She discussed other details of her report concerning high speed internet in the county.

She also commented on other issues that are on the agenda of tomorrow’s County Commission meeting.

TREASURER’S REPORT

Ms. Garth reported on income and expenses for the last month. Revenue sharing check came in; they come in every other month. This income comes from revenue on sales tax and may decrease as much as 50% in the future because of the Covid19 pandemic. Township taxes have come in.

ACTION: Ms. Brookfield moved to approve the Treasurer’s report as presented; supported by Mr. Borden.

Board Meeting minutes, 5-11-2020
ROLL CALL:
Supervisor Susan Och:   Yes
Clerk Lisa Brookfield:    Yes
Treasurer Shirley Garthe:   Yes
Trustee Michael Collins:   Yes
Trustee Tony Borden:    Yes

Motion carried.  5 in favor, 0 opposed.

SUPERVISOR’S REPORT
Ms. Och provided a report to the Board members prior to the meeting. Bridge work will continue until the end of July. The Celebrate Life issue has been delayed by the attorneys involved because of the Covid19 pandemic. It has been moved to September. The Reynolds Street litigation has been ordered to go back to mediation to take place in October or November. There was discussion about the future need of replacing the Leland River break wall on the Library property. Some estimates have been sought for different applications of repair or replacement.

Mr. Collins commented on an email about STR’s that had been sent to residents and then subsequently sent to Board members. It was an unintended mistake.

ACTION ITEMS


There was discussion about the cancellation of the Leland Township Annual meeting. If the public had petitioned for the meeting, it would have to be held. Otherwise, the Board may cancel the meeting. It appears that it will be some time before we will be able to have a face to face meeting,

ACTION: Whereas the Leland Township Board passed Resolution R-20-04 to hold an Annual Meeting of the Electorate on March 28, 2020 at 10:00 a.m. and further resolved to postpone the Annual Meeting due to Governor Gretchen Whitmer’s Executive Order declaring a State of Emergency and restricting public meetings due to Covid-19.

And Whereas, The Leland Township Board, with regret, voted to cancel the 2020 Annual Meeting of the Electorate if it were not permitted to gather a public meeting by June 1, 2020. As the Governor’s Executive Order has extended the Stay at home, Stay Safe Order through May 28, 2020,

Therefore, let it be resolved, that the Leland Township Annual Meeting of the Electorate 2020 is hereby regretfully cancelled. Moved by Mr. Collins and supported by Ms. Brookfield.

VOICE ROLL CALL:
Supervisor Susan Och:   Yes
Clerk Lisa Brookfield:    Yes
Treasurer Shirley Garthe:   Yes
Trustee Michael Collins:   Yes, with regret
Trustee Tony Borden:    Yes, with regret

Resolution was passed.  5 in favor, 0 opposed.
It was discussed that we may be able to give it another month. However, the law requires that the meeting be held by the last Saturday of the month of the end of the fiscal year, which is May 28. It was also discussed to do the meeting via Zoom. Since it is an electors meeting, it would need to be facilitated by the electorate. Also, the meeting is considered to be non-essential, not like the monthly Board meetings.

**ACTION:** Mr. Borden moved to approve that the Board, as quickly as possible, place an ad in the Enterprise advising residents that the Annual meeting is cancelled and all reports in connection with the Annual meeting will be available on the Township website. Residents will be encouraged to review the reports, and questions and comments can be sent to Board members by email by May 25, 2020; supported by Mr. Collins.

**VOICE ROLL CALL:**
- Supervisor Susan Och: Yes
- Clerk Lisa Brookfield: Yes
- Treasurer Shirley Garthe: Yes
- Trustee Michael Collins: Yes
- Trustee Tony Borden: Yes

Motion carried. 5 in favor, 0 opposed.

On the agenda of the Annual meeting was an item for a pay raise for the Township Clerk.

**ACTION:** Mr. Collins moved to approve the Clerk’s pay raise retroactive to April 1, 2020; supported by Ms. Garthe.

**VOICE ROLL CALL:**
- Supervisor Susan Och: Yes
- Clerk Lisa Brookfield: Yes
- Treasurer Shirley Garthe: Yes
- Trustee Michael Collins: Yes
- Trustee Tony Borden: Yes

Motion carried. 5 in favor, 0 opposed.

2. **Cancellation of Leland 4th of July events**

The Chamber of Commerce has decided to cancel the 4th of July parade and fireworks for this year. No tax dollars are used for these events. It was discussed to wait on this until next month. Other suggestions were offered such as change of venue. However, the Chamber is not interested in holding these events. The public should be encouraged to not hold their own fireworks events. A notice could be put in the Enterprise about the current state of affairs and appropriate public behavior. Ms. Brookfield also brought up a related issue of the opening of the public rest rooms in Leland. The Parks and Rec Commission will be discussing this at the May 26, 2020 meeting.

**Short term rental registration ordinance.**

Mr. Borden sent out a new draft of a short term rental registration ordinance. He stressed that the ordinance is not for regulation, but for registration. The Planning Commission has
been talking about this for awhile but no progress has been made. The information gained from rental registration would give data that could be used to define the issue and move forward. The property tax records can list owners as an LLC or trust, so it does not give ownership information that is helpful. Mr. Borden also shared several reasons why registration of short term rentals is a good idea. Mr. Borden knows of a firm that can handle the registration process and the management of it for $2500 a year. The fee of $100 for each STR owner would cover this expense. He encouraged the Board to read the draft ordinance and give him feedback or questions by May 18, 2020. Mr. Borden also encouraged the Board to read the ordinance from Suttons Bay on short term rentals. Mr. Parker suggested the Board also should look at the Long Lake ordinance. The Board discussed at length the various aspects of such an ordinance.

Mr. Ashley, a resident, voiced his opinion opposing the ordinance. He felt that such an ordinance should have a public hearing. He had many questions and comments which he indicated he would convey to Mr. Borden through email.

3. Authorize ZA Cypher to consult with Attorney Robert Parker to draft a land Division Ordinance (police powers)

This is not essential but should be addressed soon. Mr. Cypher will work pro bono on this. He has previously done work on land division. He shared examples of other township ordinances. Mr. Cypher spoke of the history of land division act. Land divisions have not been done correctly in the past and the ZBA has put a considerable amount of time and expense on such matters.

ACTION: Mr. Collins moved to authorize Mr. Cypher to work on a land division ordinance (police powers) and come back at a future meeting to approve the cost to consult with the attorney; supported by Ms. Garthe.

VOICE ROLL CALL:
Supervisor Susan Och: Yes
Clerk Lisa Brookfield: Yes
Treasurer Shirley Garthe: Yes
Trustee Michael Collins: Yes
Trustee Tony Borden: Yes

Motion carried. 5 in favor, 0 opposed.

OTHER/OLD BUSINESS
Mr. Borden expressed that we will have to answer the questions related to use of the beaches in relation to COVID19. Ms. Och stated that this will be discussed at the Parks and Rec meeting on May 26, 2020. Mr. Collins reiterated that this is a big concern.

BILLS AND ACCOUNTS
The bills and accounts list was distributed to Board members. There was nothing unusual for the month.

ACTION: Ms. Brookfield moved for payment of bills from April 14 through May 11, 2020; supported by Ms. Garthe.
VOICE ROLL CALL:
Supervisor Susan Och: Yes
Clerk Lisa Brookfield: Yes
Treasurer Shirley Garthe: Yes
Trustee Michael Collins: Yes
Trustee Tony Borden: Yes

Motion carried. 5 in favor, 0 opposed.

CORRESPONDENCE - None
BOARD COMMENT – None

PUBLIC COMMENT
Tim Cypher – He commented on the break wall at library. If rip rap is used, boats would not be able to pull up to the shore unless a dock system was built over the rip rap.
Keith Ashley – He questioned about what “repeal” means in proposed ordinance.

ADJOURNMENT
ACTION: Ms. Garthe moved to adjourn the meeting; supported by Ms. Brookfield.

VOICE ROLL CALL:
Supervisor Susan Och: Yes
Clerk Lisa Brookfield: Yes
Treasurer Shirley Garthe: Yes
Trustee Michael Collins: Yes
Trustee Tony Borden: Yes

Motion carried. 5 in favor, 0 opposed.

The meeting was adjourned at 9:07 p.m.

The next meeting is June 8, 2020.

Respectfully Submitted,
Cindy Kacin, Recording Secretary

Date Approved: ____________________

________________________________  __________________________________
Susan Och, Leland Township Supervisor   Lisa Brookfield, Township Clerk