

Bellaire Village Council and Planning Commission
DRAFT Meeting Minutes
August 26, 2024

1. **Call to Order:** President Bennett called the meeting to order at 5:00 PM.

2. **Roll Call Attendance:**

Present: President Dan Bennett, Council Trustees Pat Boyd, Dave Ciganick, Trish Drollinger, Eldon McPherson, Bryan Hardy and Helen Schuckel. Planning Commission members: Butch Dewey, Don Seman, and Fred Harris.

Absent:

Staff Present: Bill Drollinger, Chief of Police; Angela St. Pierre, Clerk.

Staff Absent: Nora Stead, Treasurer; Bradley Keiser, DPW Supervisor

Also Present: Bryan Graham, Larry Baumchen, Jason Green, and one other unidentified.

3. **Approval of Agenda:** President Dan Bennett suggested to move the public comment section after the discussion of the old business items. The agenda was approved as amended.

Motion by Bennett, seconded by Hardy, to approve the agenda as amended. Motion carried by voice vote.

4. **Conflict of Interest:** None Presented

5. **Old Business**

- a) **Short-Term Rental discussion:** Bryan Graham was present to speak on the legalities of short-term rentals and what the Village can do. Mr. Graham asked the council to define what they are trying to achieve with the short-term rentals. Member Ciganick spoke about how he believes there is a loss of a sense of community with the amount of short-term rentals that have taken over the village. He spoke about how previously there were 800 plus students attending the public school k-12, there are now 225 students k-12. Ciganick is concerned with houses available on the market being obtained by those who intend to use only as short-term rentals, leaving it very difficult for families and workers to find housing in the Village. Ciganick would like to find a way to cap short-term rentals where they are. He does not intend to take anything away from anyone who is already doing a short-term rental but would like to help prevent the decrease in available housing for the workforce. Mr. Graham spoke about how if the Village would like to set a hard cap, someone would need to do an inventory of the current short-term rentals. There can be a limit set on how many short-term rentals would be allowed or there can be a limit on rental periods allowed per year or per week. Mr. Graham then asked the council what they would like to see for short-term rentals so that he can draft an ordinance and what zoning districts to include. He stated that short term rentals will have specific definition and will be a land use so any short-term rentals already operating in the zoning districts where it would not be allowed in the new ordinance would be allowed as non-conforming use to future owners. These properties would continue to be non-conforming use unless changed by the property owner. Mr. Graham then went on to speak on how typically these short-term rentals have an agent to contact about complaints about the renters were there to be a parking, noise, or other issue to arise. With other ordinances that they have drafted, it is up to the property agent or manager to police the renters on complying with the ordinance for those parking, noise, or other issues that arise and have a specified amount of time to correct any problems that arise. Member Boyd asked if there is a way to limit the number of licenses per owner with the fear of big companies purchasing multiple properties for

the use of short-term rentals. Mr. Graham spoke about how in their draft ordinances they have verbiage stating there can be one license per individual, so a corporation cannot buy and operate several properties. There were questions about the Spillway Lodges and Bed and Breakfasts' being short-term rentals by an unknown member of the public. Spillway Lodges and Bed and Breakfasts' are not short-term rentals. Fred Harris asked about how the homestead status is affected if you are a short-term rental. Mr. Graham answered stating that you would not be eligible for a homestead exemption as it is not the principal residence. He also spoke about how there is legislation pending that says a municipality can impose a tax on short-term rentals which he believes is 6%. The Village can impose a license fee but it cannot be a revenue raiser as it is to only cover the cost of processing the application.

Motion by Boyd, seconded by Hardy, to have Bryan Graham draft an ordinance for short-term rentals using Elmwood Township as a reference. Motion carried by voice vote.

- b) **Marihuana Sales discussion:** Bryan Graham again spoke about how the Village opted out of Marihuana establishments several years ago. To move forward the Village would have to rescind their choice to opt out and choose to opt in to allowing marihuana establishments. Butch Dewey spoke about how the Planning Commission had met previously and discussed allowing micro-businesses in certain districts. Mr. Graham then asked how many they would like to allow in the Village. Trustee Drollinger spoke about allowing an unlimited number and letting the economy determine how many will succeed. Member Dewey spoke about how the Planning Commission had discussed drawing a map to determine which districts and which specific parcels a marihuana business would be allowed. Mr. Graham then stated that one way to do this from a zoning perspective is to amend the ordinance to create an overlay district which would allow to define a specific area within a zoning district where they would be allowed. He recommends amending the Master Plan with the change of the overlay district for marihuana businesses, then amended the zoning ordinance implementing that Master Plan change. President Bennett asked about how Central Lake had a vote for Marihuana businesses and if that is a normal way of proceeding. Mr. Graham spoke how Central Lake decided against marihuana and under the recreational marihuana stature, people have the right to initiate an ordinance. With an initiated ordinance, the Village does not have any say in drafting the ordinance. Trustee Ciganick asked to have clarified of why we would want to have marihuana businesses allowed in village limits. Trustee Boyd spoke about how the additional source of revenue would benefit the village, specifically the police. Member Fred Harris asked Bill Drollinger about the public safety aspect of allowing these businesses in the village. Mr. Drollinger spoke about how he has been in contact with the Police Chiefs from other towns and villages that allow marihuana businesses, and they do not have anything bad or negative to say. Ciganick asked if there are any statistics to show what the Village would gain financially if these businesses were allowed. Jason Green spoke up about how last year his business had to pay \$59,000 per license per municipality. On top of the \$59,000 each community can charge a licensing fee. Mr. Graham stated that the fee needs to equate to the cost of processing the license and cannot be a flat cost along with the fact that the fee cannot go into the General fund as this is illegal.

Motion made by the Boyd, seconded by Hardy, to have Planning Commission adopt wording in the Master Plan. Motion carried by voice vote.

6. **Public Comment:** Jason Green spoke about how the industry he works in is almost over regulated and that these businesses are under high security with cameras monitoring 24/7 and the employees need to have background checks. If allowed in the Village, they plan to employ 10 full-time employees with higher than average wages. They also plan to put a large amount of money into remodeling their property to increase the curb appeal of the property. President Bennett asked Jason what he would recommend the Village go toward. Jason stated he would recommend retail licensing

and that processing and growing operations are more for big areas and does not feel Bellaire has the space to do any growing or processing businesses.

7. New Business: None

8. Discussion Items: Trustee Boyd asked if the revenue from marihuana could be ear marked for public safety. Trustee answered that that would be a good auditor question.

9. Department/Committee Reports:

- a) *Committee Reports:* None presented.
- b) *Clerk/Zoning Administrator:* None presented.
- c) *Treasurer/Deputy Clerk:* None presented.
- d) *Department of Public Works:* None presented.
- e) *Police Department:* None presented.
- f) **Planning Commission:** None presented.

10. Closing Member/Public Comment: None presented.

11. Adjourn: Meeting adjourned at 5:50 P.M.
Compiled by Angela St. Pierre.
Minutes are subject to approval.

Approved: _____

Date: _____