

# Melrose Township Board of Trustees Minutes

## Special Meeting

September 14, 2021 6:00 p.m.

Call to order: V. Goodwin called to order 6:03 pm

Present: V. Goodwin, S. Burr, M.P. Goldich, D. Nowland, R. Hissong Berry

Business:

Public Input on Melrose Township Noise Ordinance Draft

V. Goodwin outlined the comment submitting directions with the audience:

- One at a time will be recognized
- Comments to be addressed to the Board not others in the audience

Public Comments:

Concerns expressed included:

- Management of Growth and Development
- Amplified sound levels
- Boat noise & sound systems
- Enforcement
- Time of Day – Quiet hours
- Education efforts
- Short term rental impacts
- Penalties / fines

**Comments read aloud as requested from:**

- Joe Dalton
- James Kelly
- Karen Mulligan

Comments attached to the minutes.

**Written comments received by the board from:**

David Beier, Steve and Cathy Byrnes, Joe and Laura Dalton, Joanne & Paul Lutmer, Shannon Hamilton, Greg and Colleen Pachuta, Jo Ann Asquith, Bart and Sarah LaBelle, Tom and Lisa Kotcher, Mike Wehrenberg, Nancy Curran, Jim McKee, Cary Adgate, Robert Flynn, Michael B & Patricia Hopkins, John Bunge. Jerry Mulligan, Karen Mulligan

Comments attached to the minutes.

A straw vote was called from the audience. The majority support for some kind of ordinance.

Adjournment 6:52pm

To: The Melrose Township Board

Re: Noise Ordinance Misses the Major Concern

Thank you for sending the proposed noise ordinance. We are very appreciative of the Township board members and their service to our community.

After reviewing the proposed ordinance, we have several questions for the township attorney or those who drafted the proposed noise ordinance:

1) Will the “exceptions” as stated in the proposed noise ordinance allow for businesses or commercial enterprises to have amplified sound (beyond any yet to be designated decibel limits) and easily heard by neighbors if they apply for a permit?

For example, would a permit allow an outdoor event or wedding that includes sound amplifying devices? If so, there is no reason for this noise ordinance as it doesn’t address the problem. In this case, the business owner is Mr. Borish or his family enterprises although a sale could change ownership.

1a) Did we look at Boyne City? Would we consider a 50 foot rule?

2) How will violations be determined?

3) What is the recourse throughout the hours of the event?

3) How will violations be enforced?

4) Who will enforce it? Will it be shut down immediately?

5) Rather than a noise ordinance, is there any kind of regulation or other vehicle that might prohibit commercial enterprises, when located near private residences, from outdoor, loud, amplified sound?

6) Is mediation between those citizens most impacted and the business owner (Mr. Borish) an option that both parties might consider? For example, would it be possible to keep the volume from live music or speakers so the sound would not disturb adjacent residences, neighbors, and not be egregious?

We have lived here for 18 years and have not had issues with noise until the village was developed to include a bar, a tiki bar, a hotel, and now, revenue generating outdoor events or wedding venues adjacent to these. In addition, I have a real concern, as this proposed ordinance is written, and also based on the open forum comments made during the board meeting, that the ordinance hearing will create fear, anger, stir up controversy and pit neighbor against neighbor, rather than tackle the main issue for us reaching out to the board. Our concern is not neighbors in the township having a party. It is the commercial enterprises in the Village hosting outdoor events with amplified sound/music.

Truly, for many residents, the quality of life, is threatened. The concern, is both the excessive noise level and duration (4-5 hours) of amplified sound coming from the outdoor events in the Village, despite the “good neighbor” rhetoric. These events have made it impossible to sit outside our homes and even have a conversation. I believe the township can make an ordinance very simple. Delete everything else but

the commercial enterprise rock concerts, amplified sound, and loud bands that are so egregious and unreasonable, you can no longer enjoy your property. As the business owner's financial goals are to increase event revenues, this problem will only grow with time. For all the reasons we love Walloon and the village, the unabated noise inflicted on residences, if left unchecked, will not serve anyone well, save the business owner.

I realize the township attorney was not present at the recent meeting. However, I don't believe anyone who came to the meeting was concerned with "yelling, shouting or singing." I didn't hear anyone complain about noise from neighbors having parties, kids playing or using their radios too loudly. I can't remember the village having any parades in 18 years, but I'd love to hear the music from one. It gives me pause to wonder why we would raise our resident's fear levels (as witnessed by some of the comments made after the meeting, and even the board stating that "no one will be happy") because many believe they would no longer be able to do the things they have always done like host outdoor residential parties, drive their boats, etc. encompassing this very broad-based anti-noise ordinance? Let's be clear about where the problem is and why neighbors close to the village are upset.

As it is currently written, I'm not sure it even addresses the main concern of a very large group of Walloon neighbors. And potentially worse, in our very divided world, it may simply pit neighbor against neighbor, raise unnecessary fear, and simply support the overarching financial goals of a monetized village owner(s) without regard to tax paying, home owners, and long-standing Walloon residents.

Regards,

Karen Mulligan

As we are not able to attend the Sept township meeting, I request that the following comments be made part of the meeting record:

Regarding the proposed noise ordinance, we are in favor of the ordinance, and also request that the township explore with the township attorney how additional language could be added that:

1. Restricts commercial enterprises operating with a Michigan Liquor Control Commission license to end **outdoor** service and activity at 10pm. All patrons would need to vacate the outdoor venue at 10pm.
2. Prohibits commercial enterprises operating with a Michigan Liquor Control Commission license from using amplified sound at any **outdoor** venue at any time.

The following property owners and Walloon Lake Village neighbors are in favor of the above requested language:

Dalton

Heydenburg

Beier

Parrish

Lutmer, P

Lutmer, J

Woodhouse

Collins

Byrnes

Kucharczyk

Perhaps an additional public comment session could be scheduled in October to review the additional language drafted by the township attorney.

Regards,

Joe and Laura Dalton

Joe Dalton

Cell phone 512 796 3110

Dear Melrose Township Board,

I am writing in favor of the Melrose Township Noise Ordinance to be voted on in the upcoming board meeting. I own a house on Walloon Lake and find that the music played on boats on Walloon Lake is often very loud and disturbing, many times both early in the morning and late at night. I am in favor of creating and strictly enforcing a noise ordinance with meaningful penalty / fine to address the loud music from boats every day on Walloon Lake.

Thank you,

Jim

James Kelly

882 North Shore Dr.

Walloon Lake, MI 49796

Dear Board members,

Unfortunately, a family commitment has precluded me from being present at this hearing. I view this hearing as an important juncture as to how the downtown area of Melrose Township moves forward.

Certainly, the proposed ordinance covers everything a noise ordinance could cover. I am sure that some would argue that it would be illegal to sing in Melrose Township IF THIS BILL WERE TO PASS. AS A PRACTICAL MATTER OF ENFORCEMENT this ordinance results in action only when a reasonable resident is annoyed or harmed. At that POINT a call would be made to enforcement. Enforcement would investigate and then decide as whether or not to issue a citation; likely a conversation would occur between the "offender" and the enforcement officer. At this point enforcement would suggest that the "offender" discontinue the noise. I would imagine that the incident would end there.

I see this ordinance as being a backup to the failure of neighbors being neighborly. I acquired a Steam launch 40 years ago and would take overnight Inn guests out for a morning tour at 8:30 on Sundays. I had a practice of tooting my whistle when I left the dock. The tour would last about an hour and one day after returning I had a message on my phone machine complaining about blowing the blankety blank whistle so early. I stopped the whistle before 9 a.m. and all was well in the neighborhood. THE PROPOSED ORDINANCE WOULD BE AN ALTERNATIVE TO A REASONABLE REQUEST. Recent trends in vacations have seen an increase in VRBO rentals. Although these rentals are usually owned by individuals that are occasional neighbors, the renters can be to any reasonable person extremely annoying. This ordinance would give any resident in the township some recourse to loud persistent noise.

THE INTEREST IN NOISE ORDINANCE is due to large parties using amplified music that neighbors find annoying. This ordinance would also give recourse to the commercial interests that are monetizing the ambiance of the neighborhood should a neighbor be creating noise that Inn guests or hotels guests find annoying.

I am in favor of the proposed ordinance because I believe that it provides a course of action for the residents of Melrose Township when neighbors are unneighborly.

*Paul Bear*

4208 WFS

## Melrose

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**From:** Cathy Byrnes <chbyrnes@yahoo.com>  
**Sent:** Tuesday, July 13, 2021 11:56 AM  
**To:** Melrose  
**Cc:** steve byrnes; Joe Dalton  
**Subject:** Walloon Village Noise Ordinance

We have lived next door to the Walloon Lake Inn since 2007. Until the last couple of years, we have always appreciated the peaceful setting where we live. Due to large parties and receptions with amplified outdoor music that have been occurring at both the Inn and Hotel, our peaceful setting is no longer peaceful.

In light of this, we are asking the Board to adopt a noise ordinance that would prohibit amplified music at any outdoor venue in the Walloon Village and establish quiet hours from 10pm to 8am.

Thank you.

Steve and Cathy Byrnes  
4141 Windsor

Sent from my iPad

## Melrose

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**From:** Joe Dalton <joe.dalton.austin@gmail.com>  
**Sent:** Friday, August 20, 2021 10:40 AM  
**To:** Melrose  
**Subject:** Noise Ordinance - Public Hearing comments

We are in support of the proposed Noise Ordinance, and also ask that additional language be included that specifically applies to any entity operating with a Michigan Liquor Control Commission license that would:

1. Limit the hours of operation for outdoor dining and/or alcohol consumption to 10pm. All outdoor service must end at 10pm and all patrons must vacate the outdoor facility.
2. Prohibit any amplified sound at any time for outdoor dining and/or alcohol consumption facilities.

We believe these to be reasonable restrictions for operating a large outdoor dining facility in a residential neighborhood, such as the Walloon Lake Inn.

Thank you,  
Joe and Laura Dalton  
4205 West St.  
Walloon Lake, MI

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Joe Dalton  
Cell phone 512 796 3110



## Melrose

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**From:** Reinhold, Joanne (GE Aviation, US) <Joanne.Reinhold@ge.com>  
**Sent:** Friday, August 20, 2021 11:07 AM  
**To:** Melrose  
**Subject:** Melrose Township Noise Ordinance

Melrose Township Board:

Thank you for your prompt attention to developing the draft township noise ordinance. I would like to submit the following comments for consideration:

Please add language that is specific to outdoor dining and/or events where alcohol is served:

1. Limit the hours of operation for outdoor dining and/or alcohol consumption to 10pm. All outdoor service must end at 10pm and all patrons must vacate the outdoor facility.
2. Prohibit any amplified sound at any time for outdoor dining and/or alcohol consumption facilities.

These are reasonable given the close proximity of the establishments in the Walloon Lake Village to residents, such as the Walloon Lake Inn, Barrell Back, and the circle park in the Village.

The constant noise late into the night is not allowing us to enjoy our property. We find ourselves hoping for rain so the outdoor areas will be vacated and this is not right.

Joanne & Paul Lutmer  
4239 West Street  
Walloon Lake

## Melrose

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**From:** Hamilton, Shannon <shannon.hamilton@thermofisher.com>  
**Sent:** Thursday, August 26, 2021 1:13 PM  
**To:** Melrose  
**Subject:** Walloon Village Noise Issues

Good Afternoon,

This letter is to make the Melrose Township Board aware of our concern about the lack of any ordinance in Melrose Township that protects its residents' peaceful enjoyment of their properties. We have been at this location since 1992, so we have some historical perspective on how the level of noise in the village has increased over the years. The Walloon Lake Inn was, for many years, a lakeside neighborhood restaurant with indoor dining only. There were never any issues with excessive noise. In 2015 an outdoor dining patio was added, with tables of guests, sometimes quite loud, staying until 11:00 p.m. or later. The immediate neighbors of the Inn were never asked for their feedback or comments about the outdoor patio. In 2020 the patio was expanded, and now it can serve about 50 people outdoors at 15 or so tables. Again, the immediate neighbors were not asked for their opinion on this expansion. Most nights the noise from the patio is tolerable, however there are occasions where large groups of people make excessive noise late into the night.

Additionally, there were two recent events, both wedding receptions, of which we would like to make the Board aware. In the fall of 2020, an outdoor wedding reception was held on the patio of the Walloon Lake Inn, with a loud DJ, which ran from 8:00 p.m. to 11:00 p.m. The noise was excessive inside our home, even with all of the windows closed. More recently, on June 4th and 5th, there was an outdoor rehearsal dinner and wedding reception at the Hotel and Circle Park, respectively. Each of these had loud music, but the wedding reception had a live band which played from 8:00 p.m. until 11:40 p.m. During this time, it was impossible to hold a conversation on our deck, let alone try to sleep. On both occasions calls to the Walloon Lake Inn and Hotel Walloon asking to stop the excessive noise were ignored. Finally, we have no information on how many more outdoor wedding receptions are scheduled for this year or next.

Many townships, municipalities, and cities have noise or peaceful hours ordinances to protect the rights of their residents to enjoy their properties. Additionally, many also have regulations on the location of outdoor wedding reception venues designed to protect densely populated residential neighborhoods. There is no location within Walloon Lake Village that is appropriate for an outdoor wedding reception, given its proximity to so many residential dwellings. In light of this, we are asking the Board to adopt an ordinance which would:

- a. Prohibit any amplified sound at any outdoor venue within 100' of a residence at any time.**
- b. Establish quiet hours from 10 p.m. to 7 a.m. (This would include the outdoor patio dining at the Walloon Lake Inn)**

This would go a long way to protect the rights of the residents of Walloon Lake Village to enjoy their properties peacefully while also allowing the Walloon Lake Inn and the Hotel Walloon to operate as intended: as a restaurant and a hotel.

Regards,

Shannon Hamilton  
4131 Windsor  
Walloon Lake

## Melrose

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**From:** Colleen Pachuta <cpachuta@aol.com>  
**Sent:** Friday, August 27, 2021 3:39 PM  
**To:** Melrose  
**Subject:** Re: Walloon Village Noise Issues - Please Address

Hello,

We would like to voice our support for our neighbor's request for some sort of noise ordinance for the Village, as noted in their email below.

The noise level in the Village increased dramatically this summer. Several times per week throughout the summer, we have had to close our windows in order to have a conversation or sleep. This is due to the loud voices from diners (and sometimes music) on the patio of the Walloon Lake Inn, usually until 11:00 pm and sometimes 11:30 pm. The majority of cottages on West Street and Windsor Street do not have air conditioning, which makes for uncomfortably hot and stuffy sleeping conditions with windows closed in the summer.

We have been in the Village for over 25 years and have enjoyed seeing the growth in the Village. We love the patio at the WLI and are happy to see them doing so well, but respectfully request an ordinance requiring that all outside activities at the WLI, including dining and amplified music, conclude by 10:00 pm. The WLI is surrounded by over 20 cottages in very close proximity and the use and enjoyment of these properties is being negatively affected on a very regular basis by the late night outdoor patio noise.

Quiet hours from 10:00 pm - 7:00 am, extending to all businesses in the Village, is the right thing to do to allow for peaceful enjoyment of the area for all.

Thank you for your consideration,  
Greg and Colleen Pachuta

-----Original Message-----

From: DUANE KUCHARCZYK <dkucharczy@aol.com>  
To: melrose@melrosetwp.org  
Sent: Thu, Jun 17, 2021 5:45 pm  
Subject: Walloon Village Noise Issues - Please Address

Good Afternoon,

This letter is to make the Melrose Township Board aware of our concern about the lack of any ordinance in Melrose Township that protects its residents' peaceful enjoyment of their properties. We have been at this location since 1992, so we have some historical perspective on how the level of noise in the village has increased over the years. The Walloon Lake Inn was, for many years, a lakeside neighborhood restaurant with indoor dining only. There were never any issues with excessive noise. In 2015 an outdoor dining patio was added, with tables of guests, sometimes quite loud, staying until 11:00 p.m. or later. The immediate neighbors of the Inn were never asked for their feedback or comments about the outdoor patio. In 2020 the patio was expanded, and now it can serve about 50 people outdoors at 15 or so tables. Again, the immediate neighbors were not asked for their opinion on this expansion. Most nights the noise from the patio is tolerable, however there are occasions where large groups of people make excessive noise late into the night.



Additionally, there were two recent events, both wedding receptions, of which we would like to make the Board aware. In the fall of 2020, an outdoor wedding reception was held on the patio of the Walloon Lake Inn, with a loud DJ, which ran from 8:00 p.m. to 11:00 p.m. The noise was excessive inside our home, even with all of the windows closed. More recently, on June 4th and 5th, there was an outdoor rehearsal dinner and wedding reception at the Hotel and Circle Park, respectively. Each of these had loud music, but the wedding reception had a live band which played from 8:00 p.m. until 11:40 p.m. During this time, it was impossible to hold a conversation on our deck, let alone try to sleep. On both occasions calls to the Walloon Lake Inn and Hotel Walloon asking to stop the excessive noise were ignored. Finally, we have no information on how many more outdoor wedding receptions are scheduled for this year or next.

Many townships, municipalities, and cities have noise or peaceful hours ordinances to protect the rights of their residents to enjoy their properties. Additionally, many also have regulations on the location of outdoor wedding reception venues designed to protect densely populated residential neighborhoods. There is no location within Walloon Lake Village that is appropriate for an outdoor wedding reception, given its proximity to so many residential dwellings. In light of this, we are asking the Board to adopt an ordinance which would:

- a. Prohibit any amplified sound at any outdoor venue within 100' of a residence at any time.**
- b. Establish quiet hours from 10 p.m. to 7 a.m. (This would include the outdoor patio dining at the Walloon Lake Inn)**

This would go a long way to protect the rights of the residents of Walloon Lake Village to enjoy their properties peacefully while also allowing the Walloon Lake Inn and the Hotel Walloon to operate as intended: as a restaurant and a hotel.

Regards,

Duane and Sharleen Kucharczyk  
4131 Windsor  
Walloon Lake

## Melrose

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**From:** Jo Ann Asquith <joannasquith@icloud.com>  
**Sent:** Saturday, August 28, 2021 12:52 PM  
**To:** Melrose  
**Subject:** Township Inquiry

Given recent sales in our neighborhood just wondering if there are vacation rental restrictions in Melrose Township. What was once all owner occupied homes is quickly becoming homes with plans for VRBO and short term occupancy. Friends in the area who have seen this growth often face noisy weekend parties and we would like to know if Melrose Township is limiting these types of properties. If so, where can we find copies of the restrictions. Increasing property values are nice, but not if it means loud music and loud backyard parties. Thanks!

Sent from my iPhone

## Melrose

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**From:** Barton Labelle <bart.labelle@dc ranchnet.com>  
**Sent:** Tuesday, September 7, 2021 11:00 AM  
**To:** Melrose  
**Cc:** Walloon Lake Association  
**Subject:** NMoise Ordinance

Board of Trustees

I will be out of town at the time of your meeting.

However, I want to express our support of the proposed Noise Ordinance.

Walloon Lake has always been a place of peace and tranquility, however, some individuals are ruining that peace by creating unreasonable disturbance.

Thank you for your consideration of this issue.

Bart and Sarah LaBelle  
870 N Shore Dr

## Melrose

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**From:** Tom Kotcher <tomkotcher@hotmail.com>  
**Sent:** Tuesday, September 7, 2021 10:40 AM  
**To:** Melrose  
**Subject:** Noise Ordinance

As I can't be present at the meeting, I would like to comment:

Yes, it's a nuisance. But creating a police state for those on a boat relaxing and thinking they are being responsible with their volume when someone thinks otherwise, will enforce subjective interpretation by the officer issuing the citation. It's so subjective. Will this create an environment where I have to be nervous about being on my pontoon with my kids and keeping the volume below talking level? Without having a "measure" or audible level to evaluate what makes something too loud, I worry that I may never want to play music again. I don't want that. I don't want to be anxious about playing it with reasonable volume. But who defines reasonable?

Double decker towers blasting...yes

A moratorium or a curfew on stereos is a great idea...define the time when and enforce

But leaving it up to an officer to ticket, I think we can be smarter than making this rule absolute.

Until that time, I vote NO on this proposal.

Sincerely,

Tom and Lisa Kotcher  
1200 North Shore Drive  
Walloon Lake, MI

## Melrose

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**From:** Wehrenberg Family <wehrenberg@comcast.net>  
**Sent:** Tuesday, September 7, 2021 12:47 PM  
**To:** Melrose  
**Cc:** wiac@walloon.org  
**Subject:** conflict arising from Melrose Township Noise Ordinance

This proposed ordinance, as currently written, does not provide a specific reference to Michigan state law that allows fireworks on the holidays of New Year's Eve, Memorial Day weekend, the week surrounding July 4<sup>th</sup>, and Labor Day weekend.

State law would take precedence over a city/township ordinance but it would be wise to make that clarification in section 5 of the proposed noise ordinance so that people are directly aware of this exemption to help eliminate unenforceable complaints.

While I would personally appreciate the ability for this proposed ordinance to help reduce loud fireworks, it does not and, according to state law, cannot be used to eliminate/reduce legal fireworks noise during the authorized holidays of the year. Thus my comments to add clarification to the ordinance.

Mike Wehrenberg  
3545 Hamilton Ct



## Melrose

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**From:** Nancy Curran <ncurran2398@yahoo.com>  
**Sent:** Tuesday, September 7, 2021 6:53 PM  
**To:** Melrose  
**Subject:** noise ordinance

My family , like many others has been enjoying walloon since the late 1800"s. Many changes have happened since then.

I fear however that these changes are way too harsh. Basically, boats can't have radios, or music. No fun can be had as neighbors will complain knowing they can shut any fun you have down. Sound carries on the lake. I listen to fireworks before and after the 4th, my neighbors have cocktail parties and kids beer parties-- with no complaints from me-- but this is looks to me like this will be my neighbors opportunity to shut all forms of fun down because all they have to do is call the sheriff. This is just making walloon a police state.

I will most certainly vote no. If this is what the walloon Association is all about then I will question ever being a member.

Nancy Curran

## Melrose

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**From:** Jim McKee <jmckee8008@gmail.com>  
**Sent:** Tuesday, September 7, 2021 2:55 PM  
**To:** Melrose  
**Subject:** Noise Ordinance

Dear Melrose Township Board Members and Trustees:

I have read your proposed Noise Ordinance that will be discussed Tuesday, September 14th.  
I will be unable to attend the meeting, but wanted to express that I am in favor of the Ordinance.

Noise on the lake, especially early in the morning and late at night has become a serious nuisance.  
A few summers ago, we contacted the Charlevoix County Sheriff about loud music being played on the lake, near our home at 2:30 am.  
The Sheriff did come to our shoreline and encouraged the boater to move along. We certainly appreciated that.

Over the past couple summers, noise from boats has become a more regular occurrence.

If I had any additional comment or suggestion, it would be to suggest that fines be greater amounts than what has been proposed.

Best regards,

Jim McKee  
1412 North Shore Drive  
Walloon Lake

## Melrose

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**From:** Cary Adgate <caryadgate@mac.com>  
**Sent:** Tuesday, September 7, 2021 4:07 PM  
**To:** Melrose  
**Subject:** proposed noise ordinance

I'm not technically a Melrose Township resident, but do have waterfront property in the township on Walloon Lake where I have spent considerable time in the spring, summer, and fall seasons – both on the weekends and mid-week, and at all times of day.

I am wondering whether the impetus for this new ordinance is partly about surf boats with their loud sound systems on Walloon Lake. It seems to, as it goes to the trouble to define what a boat is. If so, does the proposed ordinance even address that problem, or excessive noise created by vehicles on public roads? Section 4 Prohibited Activities seems to specifically address only noise created on private property, which would not include roads or lakes.

Regardless, my experience is that inconsiderate use of the boat sound systems has decreased markedly over the last couple years. I can only assume that education efforts have led many boaters to become aware of the irritation they were causing, and that they have voluntarily turned their music down or stopped playing it altogether.

I am not in favor of the ordinance as it's being proposed. I am in favor of continued education efforts by the township, its officials, the Walloon Lake Association, and the private vendors who sell and rent watercraft in the area. It would be a big stretch to say that the level of current noise problems "endangers or injures the public health, safety, and welfare" of anybody, at least in our area of the township. By the way, I don't own or use such a boat or sound system.

Aside from the boat issue, my thought about a noise ordinance is that it's not a perfect world and I don't think an ordinance can make it perfect. Building and landscaping projects make noise on a temporary basis, as do occasional social events. My neighbor running a chainsaw for a few hours a couple times a year can be marginally irritating – as it can for him when I'm the one running a saw. However we both are considerate of the other's needs. If they hold a wedding party next door late into the night once in a year, I'm not in favor of a court appearance or a fine for them.

I would be in favor of an ordinance that addresses constant or intermittent but ongoing excessive noise in or near residential areas. For instance, if my neighbor decided to start selling firewood and ran a chainsaw all day, every day. Or a neighbor who continually rented his or her property to large groups without managing those tenants so they are not making excessive noise, day after day, week after week. (It's another subject, but this should be addressed individually as specific cases of disturbing the peace arise, not by attacking property rights and banning rentals by all property owners.)

I will leave it to others to put into writing what is reasonable and acceptable and what is not – but, if there is doubt, I would rather see a less restrictive ordinance that only addresses situations involving constant and ongoing excessive noise.

Thank you.

Cary Adgate  
mobile 231-838-7718  
[caryadgate@mac.com](mailto:caryadgate@mac.com)

## Melrose

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**From:** robert flynn <robtcflynn@gmail.com>  
**Sent:** Wednesday, September 8, 2021 10:20 AM  
**To:** Melrose  
**Subject:** Noise Ordinance

To: Melrose Township Board  
From: Bob and Sandy Flynn  
Address: 1371 South Shore Drive

### Proposed Noise Ordinance

I am unable to attend the Township Board meeting next week but want to register my strong support for putting in place an improved Noise Ordinance for the benefit of all in the Township. There have been several incidents over the past 2-3 years that I have witnessed as a result of changes with new businesses, expanded residences and new technologies/watercraft that necessitate this now.

After reading the proposals, I want to make sure that the new ordinance passes with the following

- 1) it needs to be comprehensive and cover all commercial businesses, personal residences, (including their contractors doing work and renters), and all lakes/watersheds and environments in the Township.
- 2) it needs to provide specific time limits (e.g; a 10:00pm or 10:30pm cutoff is used at night by other cities in the region, which seem reasonable). I would add that the time restriction should have a start at night and finish time in the early morning to be comprehensive (e.g. 10:00pm-8:00am EST).
- 3) It needs to have substantial penalties for first and multiple offenses and be enforceable by authorities. A \$100 citation is a slap on the wrist for anyone, so I advocate much higher fines and that you consider a commercial/contractor and personal residence/watershed tiers.

Everyone is entitled to the quiet enjoyment of their property, with reasonable boundaries and rules that define that for all. Thanks for your consideration.

SEPTEMBER 10, 2021

MELROSE TOWNSHIP BOARD  
RE: NOISE ORDINANCE

THIS IS IN SUPPORT OF THE PENDING  
MELROSE TOWNSHIP NOISE ORDINANCE.  
AS PERMANENT RESIDENTS ON  
NORTH SHORE DRIVE WE HAVE BEEN  
ALARMED AND VERY ANNOYED AT THE  
TRULY SIGNIFICANT INCREASE OF  
LOUD MUSIC, DEEP WAKES, ETC.,  
EMANATING FROM BOATS ON OUR  
FORMERLY TRANQUIL LAKE.

WHILE THE ORDINANCE ITSELF  
MIGHT BE A GOOD FIRST STEP,  
ENFORCEMENT WILL BE THE KEY  
TO HOPEFULLY RESOLVE THIS ISSUE.  
IT IS UNCLEAR TO US AS TO  
HOW THAT WILL BE ACCOMPLISHED.  
WE LOOK FORWARD TO ATTENDING  
THE MEETING ON THE 14th.

SINCERELY,  
MICHAEL B HOPKINS  
PATRICIA L HOPKINS  
890 N. SHORE DRIVE  
WALLOON LAKE



Subject: Proposed Noise Ordinance

First, I would like to thank the Melrose Township Board of Trustees for reviewing a proposed noise ordinance for Melrose Township. This could not come at a better time for the township and Walloon Lake residents. I believe if a noise ordinance does not get approved, that it will only get worse.

We are residents of Melrose Township and have lived on Walloon Lake for 10 years. In the past few years we have noticed a big difference in the noise level. Particularly on the lake, with the increased number of wakeboard boats that have speakers on the towers and bass speakers projecting amplified sound out on the lake. Many people who own these boats do not turn the tower speakers on and are very considerate of the residents on the lake. However, the few who don't care and turn these speakers on, disrupt anyone living within the vicinity of the boat and also those all the way across the lake. A few of these boats can make it very unpleasant for the hundreds of residents who are forced to endure this loud amplified music, sometimes for several hours.

One morning in August, two boats were between North Shore and South Shore playing music from the speakers on the towers from 6:00am to 8:00am in the morning, while teaching 6-8 people how to wakeboard. My wife called the police after one hour, and while they sympathized greatly with this issue, they said their hands were tied since there was not a noise ordinance they could enforce. They said they were aware that some of these boats pick people up at the foot and boat up and down between the north and south shore early in the morning teaching wakeboard lessons while amplifying loud music to the lake.

It is unacceptable that we would allow the few to ruin the peace and comfort of everyone else. The only way the police will be able to enforce the noise level, is if there is an ordinance in place that they can use.

We understand from prior township meetings that many of the north shore residents have raised issues regarding amplified sound from weddings at the Walloon Lake Inn and the park in the foot. It only seems reasonable that residents should not have to endure amplified music from commercial businesses that are located in residential areas. Even if some people "like the music", think about if they were amplifying music that you didn't like.? This is not about if we like the music or not, it is about everyone having the ability to enjoy their property and surroundings without loud amplified music playing. We all have the right to enjoy our property without being disrupted by loud noise for several hours.

There is the Talcott center where music can be managed inside for weddings, and the Inn can restrict music to inside and not on an outdoor patio that is located in a residential area.

I don't believe the owners of these establishments in the foot, or the Melrose township board of trustees, would like someone near their home playing loud amplified music for hours. Everyone needs to think about their surroundings and how they are affecting the lives of those around them.

I am in full support of a noise ordinance that will help to enforce the issues raised above. Many townships and cities across Michigan have noise ordinances in place so people can enjoy their homes without having to endure excessive noise. In addition, this ordinance will give law enforcement the tool they need to assist them in enforcing excessive noise.

Thank you again for considering a noise ordinance for Melrose Township.

Sincerely,

John Bunge

## Melrose

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**From:** Jerome Mulligan <jerome.mulligan@gmail.com>  
**Sent:** Monday, September 13, 2021 8:14 AM  
**To:** Melrose  
**Subject:** Proposed Noise Ordinance

I am unable to attend the Tuesday Public Hearing on the drafted/proposed noise ordinance for Melrose Township but wholly support the adoption of a noise ordinance.

Jerry Mulligan  
2036 North Shore Dr.  
Walloon Lake, MI

Sent from my iPad



Re: Noise Ordinance Misses the Major Concern

Hi Mary Pat,

Thanks for sending the proposed noise ordinance. As always, we are very appreciative of your service on the board.

We have questions for the township attorney or those who drafted the proposed noise ordinance:

1) Will the exceptions as stated in the proposed noise ordinance allow for business owners to continue to have amplified sound (beyond any yet to be designated decibel limits) and easily heard by neighbors if he applies for a permit?

For example, an outdoor event or wedding that would include sound amplifying devices? If so, there is no reason for this noise ordinance as it doesn't address the problem. In this case, the business owner is Mr. Borish or his family enterprises although a sale could change ownership.

2) How will violations be determined?

3) What is the recourse throughout the hours of the event?

3) How will violations be enforced?

4) Who will enforce it? Will it be shut down immediately?

5) Rather than a noise ordinance, is there any kind of regulation or vehicle that might prohibit commercial enterprises, when located near private residences, from outdoor, loud, amplified sound?

6) Is mediation between those citizens most impacted and the business owner (Mr. Borish) an option that both parties might consider? For example, would it be possible to keep the volume from live music or speakers so the sound would not disturb adjacent residences, neighbors, and not to be egregious?

We have lived here for 18 years and have not had issues with noise until the village was developed to include a bar, a tiki bar, a hotel, and now, revenue generating outdoor events or wedding venues adjacent to these. In addition, I have a real concern, as this proposed ordinance is written, and also based on the open forum comments made during the board meeting, that the ordinance hearing will create fear, anger, stir up controversy and pit neighbor against neighbor, rather than tackle the main issue for us reaching out to the board.

The concern, again is both the sound level and duration (4-5 hours) of amplified sound coming from the outdoor events in the Village, despite the "good neighbor" rhetoric. These events have made it impossible to sit outside our homes and even have a conversation. I believe the township can make an ordinance very simple. Delete everything else but the commercial enterprise rock concerts, amplified sound, and loud bands that is so egregious and unreasonable, you can no longer enjoy your property. As the business owner's financial goals are to increase event revenues, this problem will only grow with time. For all the reasons we love Walloon and the village, the unabated noise inflicted on residences, if left unchecked, will not serve anyone well, save the business owner.

I realize the township attorney was not present at the recent meeting. However, I don't believe anyone who came to the meeting was concerned with "yelling, shouting or singing." I didn't hear anyone complain about noise from neighbors having parties, kids playing or using their radios too loudly. No one

came to complain about the sound of boats cruising the lake. I can't remember the village having any parades in 18 years, but I'd love to hear the music from one. It gives me pause to wonder why we would raise our resident fear levels (as witnessed by some of the comments after the meeting, and even the board stating that "no one will be happy") because many believe they would no longer be able to do the things they have always done like host outdoor residential parties, drive their boats, etc. encompassing this very broad-based anti-noise ordinance? Let's be clear about where the problem is and why neighbors close to the village are upset.

As it is currently written, I'm not sure it even addresses the main concern of a very large group of Walloon neighbors. And potentially worse, in our very divided world, it may simply pit neighbor against neighbor, raise unnecessary fear, and simply support the overarching financial goals of a new, monetized village-owners without regard to tax paying, home owners, and long-standing Walloon residents.

Regards,

Karen Mulligan