

Saugatuck Township
Regular Board Meeting Minutes
Wednesday, February 8, 2023, at 6:00 p.m.
Meeting held in person & via Zoom

Call to Order: Supervisor Bigford called the meeting to order at 6:00 PM

Roll Call:

Present: Supervisor Bigford, Clerk Israels, Treasurer Helmrich, and Trustee Marcy.

Absent: Trustee Aldrich

Also Present: Township Manager Daniel DeFranco, Recording Secretary Morgan Arens, Allegan County Commissioner Dean Kapenga, David Bean, David Swam, Nicolas Wallace, Bob Hardemn, Tracy Slais, Doug Heydrick, Sue Moeller, Jessica Gonzalez, Rob Joon, and Nick Otting.

Approval of Agenda:

A **Motion** was made by Israels to approve the agenda as presented. Supported by Marcy.

Discussion: None

Voice Vote: 4-0.

Motion Carried Unanimously.

Public Comment: Bigford opened the floor for public comments.

1. Dean Kapenga, Allegan County Commissioner – gave an update from the County Commissioners activities.
2. David Bean – announced his support of AutoCamp.
3. Dave Ihle – announced his support of AutoCamp.
4. Sue Moeller – doesn't want the Old Allegan dangerous structure demolished because her niece is in the process of buying the property.
5. David Swan – researched the NorthShore Marina minutes and is urging the Township to take action.
6. Nick Otting – stated that he is going to appeal the dangerous structure ruling.
7. Nicolas Wallace, Saugatuck Dunes Coastal Alliance - urged the Township to take action against the North Shore Marina due to the permits expiring and the contractor failing to update the permits.

Public Comment Closed

Approval of Consent Agenda: Bigford introduced the consent agenda.

Discussion: Bigford made a correction to the January 20, 2023 minutes.

A **Motion** was made by Marcy to approve the consent agenda as amended. Supported by Israels.

Discussion: None

Voice Vote: 4-0.

Motion Carried Unanimously.

Presentations:

Annual Audit Report: Dan Veldhuizen, Siegfried Crandall P.C.

New Business:

1. Appointments: BOR Alternate

The Township has two (2) vacancies for alternate members on the Board of Review. All terms to the Board of Review are set to expire on December 31, 2024. The Township is able to appoint up to two alternate members to the Board of Review.

A **Motion** was made by Helmrich to approve the appointments of Rob Joon and Tracy Slais as alternate members to the Board of Review for terms to expire December 31, 2024. Supported by Marcy.

Discussion: None

Voice Vote: 4-0.

Motion Carried Unanimously.

2. Dangerous Structure Appeal

On January 12th, the Township held a Dangerous Structure Hearing. Hearing Officer Marvin, appointed by the Township Supervisor, heard testimony, determined whether any of the structures located at 6354 Old Allegan Rd were in a dangerous condition, and prescribed necessary actions to remedy the dangerous condition. To address the dangerous structures, Hearing Officer Marvin ordered the property Owner to take the following actions: (1) Vacate the structures immediately, (2) Demolish the detached accessory structure, (3) Demolish the house and attached garage, and (4) Remove all garbage, rubbish and household materials from the exterior property including but not limited to vehicles and tires. Per the Zoning Ordinance, the Township Board shall hold a hearing on the findings and order of the Hearing Officer. Notice of the hearing has been given to the owner in the manner prescribed in section 8-58(d) of zoning ordinance. At this hearing, the owner shall be given the opportunity to show cause why the order should not be enforced. The township board shall either approve, disapprove or modify the order. If the township board approves or modifies the order, the township board shall take all necessary action to enforce the order. If the order is approved or modified, the owner shall comply with the order within 60 days after the date of the hearing under this section.

For the failure or refusal of the owner or party in interest to comply with the decision of the township board made pursuant to this article, the township board may, in its discretion, contract for the demolition. The costs of demolition incurred by the township shall be reimbursed to the township by the owner. If the owner fails to pay the costs within 30 days after mailing of notice of cost, the township shall have a lien for the costs incurred by the township.

A **Motion** was made by Israels to move to modify the Order for 6354 Old Allegan Road signed and dated January 12, 2023 by Township Dangerous Structure Hearing Officer Martin with the following conditions: (1) present to the Township a buy/sell agreement within 60 days, (2) have buy/sell agreement executed between Mr. Otting and Mrs. Mercia within 120 days, (3) property to be vacated immediately and remain unoccupied, and (4) property to be cleared of debris, inoperable vehicles, and general trash within 120 days. Supported by Marcy.

Discussion: None

Roll Call Vote:

Yes: Bigford, Israels, Helmrich, Aldrich, Marcy

No:

Motion Carried Unanimously

3. Wiley Rd SAD Public Hearing and Resolutions 2023-02 and 2023-03

On January 11, 2023, the Board of Trustees adopted Resolution 2023-01 A Resolution of Declaration of Intent to Make Public Improvements; Tentative Designation of Special Assessment District; Notice of Public Hearing for the installation of an approximately 650ft water main extension from the current dead-end water main at the east side of 6893 Wiley Rd extending to the west side of parcel 20-017-009-20. In accordance with Resolution 2023-01, a Public Hearing has been scheduled for this evening with notice of the Public Hearing being published more than 10 days prior to the hearing and notification of Public Hearing mailed to all owners of property in the proposed SAD.

The Supervisor should open the Public Hearing to hear and consider objections to the petitions, to the proposed Public Improvements, to the special assessment district which has been tentatively designated, and to all other matters relating to the Public Improvements.

Upon the Supervisor closing the Public Hearing, the Board will consider adopting Resolution 2023-02, a *Resolution of Determination to make Public Improvements; Approval of Plans and Estimate of Cost; Final Determination of Special Assessment District.*

If the Board adopts Resolution 2023-02, the Board will consider adoption of Resolution 2023-03, a *Resolution Filing Special Assessment Roll and Notice of Public Hearing*.

A **Motion** was made by Israels to adopt Resolution 2023-02, a *Resolution of Determination to make Public Improvements; Approval of Plans and Estimate of Cost; Final Determination of Special Assessment District*. Supported by Marcy.

Discussion: None

Roll Call Vote:

Yes: Bigford, Israels, Marcy

No: Helmrich

Motion Carried 3-1.

A **Motion** was made by Marcy to adopt Resolution 2023-03, a *Resolution Filing Special Assessment Roll and Notice of Public Hearing*. Supported by Israels.

Discussion: None

Roll Call Vote:

Yes: Bigford, Israels, Marcy

No: Helmrich

Motion Carried 3-1.

4. Conditional Rezoning

At their January 17th meeting, the Planning Commission voted 5-2 recommending approval of a conditional rezoning request to have a portion of three parcels rezoned from R-1 to C-1, consistent with the Township's Future Land Use Plan: 1) 20-003-071-00 – rezoning in whole from R-1 to C-1, 2) 20-003-041-00 – in part. Two-thirds of parcel is already zoned C1, rezoning one-third from R-1 to C-1, and 3) 20-003-063-18 – in part. A portion of the parcel is already zoned C1, a portion will be rezoned C1, and a portion will remain with its existing zoning designation, R-1.

While the Planning Commission can recommend rezoning requests, the Board, as the legislative body, is responsible for approving rezoning requests. The Board should consider adoption of an ordinance to amend the Zoning Map and support of the terms of the rezoning identified in the Conditional Rezoning Agreement.

If approved by the Board, the rezoning is subject to nine (9) conditions identified in the Conditional Rezoning Agreement, the intent being to restrict rezoning to only a campground use in C1, and that any future campground operation would have to adhere to the same scope, scale, caliber, operations and intent of the project AutoCamp site plan and special land use, or require a new SAU. Additionally, none of the uses permitted by right in the C-1 district shall be allowed on the Rezoned Property while the conditional rezoning is in effect. The property Owner and Developer have voluntarily offered in writing to enter into this agreement, consistent with Section 405 of the Michigan Zoning Enabling Act.

A **Motion** was made by Helmrich to approve (1) the recommended Ordinance, number as the next in order, an Ordinance to amend the Zoning Map provided by Section 40-586 of the Township of Saugatuck Zoning Ordinance to conditionally rezone portions of the parcels known Tax I.D. Nos. 20-003-071-00, 20-003-041-00, and 20-003-063-18 from the R-1 Residential Zoned District to the C-1 General Commercial Zoning District and (2) the Conditional Rezoning Agreement between Outdoor Lodgings Fund II Holdings, LLC, Chad and Jenny Van Horn, and Saugatuck Township. Supported by Israels.

Discussion: None

Roll Call Vote:

Yes: Bigford, Israels, Helmrich, Marcy

No:

Motion Carried Unanimously

5. 2023 Poverty Exemption Guidelines

PA 253 of 2020 amended MCL 211.7u which requires the Township Board to approve and adopt Poverty Exemption Guidelines on an annual basis. The attached resolution and policy have been updated with the income levels as approved by the U.S. Department of Health and Human Services for 2022.

In addition, you will find the new Poverty Exemption Application as approved by the State Tax Commission. In the past we had created and used our own application but since the passage of PA 253 of 2020 we must now use the State approved form.

A **Motion** was made by Israels to approve Resolution No. 2023-04: 2023 Poverty Resolution. Supported by Helmrich.

Discussion: None

Roll Call Vote:

Yes: Bigford, Israels, Helmrich, Marcy

No:

Motion Carried Unanimously

6. Board of Review Start Date Resolution 2023-05

The Board of Review (BOR) holds an organizational meeting the Tuesday after the first Monday of March. The BOR must also meet on the second Monday in March and meet one additional day during this week (MCL 211,30). The Township may authorize an alternative starting date for the second meeting of the March BOR, which can be either the Tuesday or the Wednesday following the second Monday in March (MCL211.20(2)).

The resolution before the Board authorizes the schedule for the March BOR, including an amendment to allow the second BOR meeting to be held on the Wednesday following the second Monday of March as permitted per state law.

A **Motion** was made by Marcy to adopt Resolution 2023-05, a resolution authorizing the amendment to change the Saugatuck Township Board of Review meeting schedule for March 2023. Supported by Israels.

Discussion: None

Roll Call Vote:

Yes: Bigford, Israels, Helmrich, Marcy

No:

Motion Carried Unanimously

7. Township Hall Renovation Agreement

For your review is the Agreement between Saugatuck Township and CarbonSix Construction to complete the renovation of the Township Hall. The contract was developed by the Township's architectural firm, Abonmarche, and reviewed by the Township Attorney. The Township Attorney's remarks will be incorporated into the contract. The Contractor is requesting that "Arbitration" be used as the method of dispute resolution. The request has been reviewed by the Township Attorney and Abonmarche, neither of whom had significant concerns with the Township electing arbitration for dispute resolution.

A **Motion** was made by Marcy to approve "the Agreement" (AIA A101-2017 Standard Form of Agreement between Owner and Contractor) with CarbonSix Construction for the Saugatuck Township Hall Renovations electing "Arbitration" as the method of binding dispute resolution per section 6.2 of the Agreement. Supported by Israels.

Discussion: None

Roll Call Vote:

Yes: Bigford, Israels, Helmrich, Marcy

No:

Motion Carried Unanimously

Old Business: None.

Reports: Supervisor Bigford opened the floor for reports.

Treasurer's Report

Helmrich gave an update on the Township finances; the report is on file.

Planning Commission

Helmrich gave an update on the past Planning Commission meeting; the report is on file.

Manager's Report

Township Manager DeFranco gave an update on the Township projects; the report is on file.

Open Board Report:

- **Israels:** stated that she is getting ready for the May election and has asked about the Township being reimbursed for the November 2022 recount.

Public Comment: None.

Adjournment: Supervisor Bigford adjourned the meeting at 9:19 p.m.

Meeting Adjourned.

MOTIONS

1. A **Motion** was made by Israels to approve the agenda as presented. Supported by Marcy.
Discussion: None
Voice Vote: 4-0.
Motion Carried Unanimously.
2. A **Motion** was made by Marcy to approve the consent agenda as amended. Supported by Israels.
Discussion: None
Voice Vote: 4-0.
Motion Carried Unanimously.
3. A **Motion** was made by Helmrich to approve the appointments of Rob Joon and Tracy Slais as alternate members to the Board of Review for terms to expire December 31, 2024. Supported by Marcy.
Discussion: None
Voice Vote: 4-0.
Motion Carried Unanimously.
4. A **Motion** was made by Israels to move to modify the Order for 6354 Old Allegan Road signed and dated January 12, 2023 by Township Dangerous Structure Hearing Officer Martin with the following conditions: (1) present to the Township a buy/sell agreement within 60 days, (2) have buy/sell agreement executed between Mr. Otting and Mrs. Mercia within 120 days, (3) property to be vacated immediately and remain unoccupied, and (4) property to be cleared of debris, inoperable vehicles, and general trash within 120 days. Supported by Marcy.
Discussion: None
Roll Call Vote:
Yes: Bigford, Israels, Helmrich, Aldrich, Marcy
No:
Motion Carried Unanimously
5. A **Motion** was made by Israels to adopt Resolution 2023-02, a *Resolution of Determination to make Public Improvements; Approval of Plans and Estimate of Cost; Final Determination of Special Assessment District*. Supported by Marcy.
Discussion: None
Roll Call Vote:
Yes: Bigford, Israels, Marcy
No: Helmrich
Motion Carried 3-1.
6. A **Motion** was made by Marcy to adopt Resolution 2023-03, a *Resolution Filing Special Assessment Roll and Notice of Public Hearing*. Supported by Israels.
Discussion: None
Roll Call Vote:
Yes: Bigford, Israels, Marcy
No: Helmrich
Motion Carried 3-1.
7. A **Motion** was made by Helmrich to approve (1) the recommended Ordinance, number as the next in order, an Ordinance to amend the Zoning Map provided by Section 40-586 of the Township of Saugatuck Zoning Ordinance to conditionally rezone portions of the parcels known Tax I.D. Nos. 20-003-071-00, 20-003-041-00, and 20-003-063-18 from the R-1 Residential Zoned District to the C-1 General Commercial Zoning District and (2) the Conditional Rezoning Agreement between Outdoor Lodgings Fund II Holdings, LLC, Chad and Jenny Van Horn, and Saugatuck Township .

Supported by Israels.

Discussion: None

Roll Call Vote:

Yes: Bigford, Israels, Helmrich, Marcy

No:

Motion Carried Unanimously

8. A **Motion** was made by Israels to approve Resolution No. 2023-04: 2023 Poverty Resolution.

Supported by Helmrich.

Discussion: None

Roll Call Vote:

Yes: Bigford, Israels, Helmrich, Marcy

No:

Motion Carried Unanimously

9. A **Motion** was made by Marcy to adopt Resolution 2023-05, a resolution authorizing the amendment to change the Saugatuck Township Board of Review meeting schedule for March 2023.

Supported by Israels.

Discussion: None

Roll Call Vote:

Yes: Bigford, Israels, Helmrich, Marcy

No:

Motion Carried Unanimously

10. A **Motion** was made by Marcy to approve "the Agreement" (AIA A101-2017 Standard Form of Agreement between Owner and Contractor) with CarbonSix Construction for the Saugatuck Township Hall Renovations electing "Arbitration" as the method of binding dispute resolution per section 6.2 of the Agreement. Supported by Israels.

Discussion: None

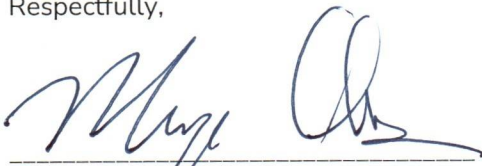
Roll Call Vote:

Yes: Bigford, Israels, Helmrich, Marcy

No:

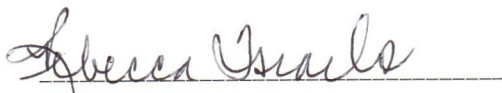
Motion Carried Unanimously

Respectfully,



Morgan Arens, Recording Secretary

I, Rebecca Israels, Township Clerk, certify that these minutes were approved on March 8, 2023 by the Township Board.



Rebecca Israels
Township Clerk

March 9, 2023
Date