

**SAUGATUCK TOWNSHIP BOARD
REGULAR MEETING**

**WEDNESDAY, JANUARY 2, 2008, 7:00 p.m.
SAUGATUCK HIGH SCHOOL CAFETERIA
401 ELIZABETH ST, SAUGATUCK, MICHIGAN 49453**

MINUTES

At 7:00 p.m., Supervisor Wester called to order the regular meeting of the Saugatuck Township Board.

Members Present: Supervisor Bill Wester, Clerk Jane Wright, Treasurer Pat Knikelbine, Trustee Chris Roerig and Trustee Damien Jarzembowski.

Members Absent: None.

Also Present: Township Attorney Ron Bultje.

Public Comments on Proposed Settlement Agreement With Saugatuck L.L.C.

Jim Bruinsma, an attorney from Grand Rapids representing Saugatuck, L.L.C., read his statement attached as Exhibit A. The statement requests that the proposed Settlement Agreement between the Township and Saugatuck, L.L.C., concerning the former Denison property (the "Property") be tabled until Saugatuck, L.L.C. has submitted to the Township an application for a planned unit development on the Property.

David Swan of the Saugatuck Dunes Coastal Alliance noted that the statement by Mr. Bruinsma was welcome news. Mr. Swan further stated he respects what Audrey McClendon has done in Oklahoma City. Mr. Swan said he expects Mr. McClendon will likewise do great things in this area when he has read the Tri-Community Comprehensive Plan.

Scott Howard, an attorney from Traverse City, noted that with the statement read by Mr. Bruinsma, the pressure is off the Township Board. He stated that is great news. However, he stated this matter is not over. He stated that development plans would come in and that they would need to be analyzed carefully. Mr. Howard urged the Township Board to maintain its stance on the R-4 zoning of the Property.

Frederick "Fritz" Royce urged the Township Board to support the Tri-Community Comprehensive Plan and the R-4 zoning of the Property. He urged the Township to bring the proposed development plan for the Property in front all of the people.

Marsha Perry stated that the community is behind the Township financially. She said the community will raise money for a legal fund to supplement work done by the Township attorney.

Kate McPolin stated she agrees with Ms. Perry. She said she is willing to donate to the Township her 2008 stipend for service on a local planning commission.

Peggy Boyce stated that she believes Saugatuck, L.L.C. does not have a valid claim before the Michigan Tax Tribunal, because the value of the Property is established by its sale. She urged the Township to let the public see the development plan when it is submitted.

Dave Burdick stated that the Township Board needs to stand firm. He said the community will help the Township. He said personally, he would donate his Douglas Planning Commission stipend for 2008 to help the legal defense fund for the Township.

Phil Miller stated that he is pleased with the statement made by Mr. Bruinsma. However, he stated this is a marathon, not a sprint. He indicated that he would be open-minded about the development of the northern portion of the Property, if the development is in compliance with local zoning rules, and if the southern portion of the Property is preserved.

Patti Birkholtz read a letter from Paul McEnroe of Minnesota, who owns property in the Township. In that letter, Mr. McEnroe stated that Saugatuck, L.L.C. has issued ultimatums and has pitted family member against family member. The letter stated that while this mode of operation may be legal, it is not preferred.

Ms. Birkholtz stated that the Property is adjacent to the Saugatuck Dunes State Park, which prohibits all development.

Lisa Lenzo stated that the request by Saugatuck, L.L.C. to relax the R-4 zoning does not make sense when the owner has stated that the R-4 density will not be exceeded anyway. She stated that it further does not make sense for the owner to refuse to sell the Property but also to ask for the valuation of the Property to be reduced. She stated the owner of the Property asks to be trusted but threatens a lawsuit. She urged the Township Board to not give in.

Charles Zoper asked three questions of the Township attorney. In response, Mr. Bultje stated that planned unit developments are allowed in the R-4 Zoning District. He further stated that planned unit developments are allowed in the zoning district in which the Property was previously included, before it was rezoned to the R-4 District. However, Mr. Bultje further explained that a planned unit development cannot exceed the density of the underlying zoning district.

Suzanne Dixon of the League of Women Voters reviewed the goals of that organization. She stated that the loss of the Property would be irrevocable. She urged the Township Board to not give in to Saugatuck, L.L.C.

Lyndelle Herrick of the City of Holland stated that she supports the Township Board. She thanked the Township Board for its time and dedication. She congratulated the Township Board for allowing such open public debate on this issue.

Dayle Harrison said that it sounds like good news to table the proposed Settlement Agreement until a planned unit development application is received from Saugatuck, L.L.C. He said in the interim, the Township needs to establish a millage in order to purchase the Property from Mr. McClendon. Alternatively, he stated the Township needs to very closely monitor any development on the north portion of the Property. He noted that 80 units on the north portion of the Property may be too many.

Mr. Harrison stated that when Saugatuck, L.L.C. made its appeal to the Michigan Tax Tribunal, it breached the 2006 Cooperation Agreement it had with the Township. He asked why the Township Board does not hire legal counsel to defend the Township against that tax appeal. He stated that the Township should have had a full public hearing on this new proposed Settlement Agreement.

Tracey Shafroth read a letter from Jill and John Winston. That letter urged the Township Board to maintain the R-4 zoning of the Property and to support the Tri-Community Comprehensive Plan.

Nick Cappelletti asked for a question and answer session with the Township Board. He said that at the December 19, 2007 Township Board meeting, after all of the public comment, Mr. Bultje's statement took the air out of the meeting room. He urged the Township Board to hold public hearings as this matter progresses. He said the Township Board should generally rely upon its attorney, but sometimes the Township Board may need to disagree with its attorney.

Bonnie Wilkins thanked the Township Board for working so hard on this matter. She thanked Mr. McClendon for listening to the public.

Steve McKown stated that the request by Saugatuck, L.L.C. to table the proposed Settlement Agreement was good news. However, he said this is simply the start of a long process. He urged the Township Board to be open with the community. He urged the Township Board to communicate closely with the Planning Commission. He urged the Township to be skeptical of the developer of the Property.

Joe Milauckas agreed that it is good news that Saugatuck, L.L.C. wants to table the proposed Settlement Agreement until it has submitted a planned unit development application. He thanked the audience for its comments, and he especially thanked Chris Roerig for delaying this matter at the Township Board meeting on December 5, 2007.

Jane Dickie stated that Mr. McClendon is playing a game and that the Township should be skeptical of trusting him. She said that he divides families and he has asked the Township Board to make secret agreements. She stated that he should tithe like she does and give the Property to the community.

Terry Burns thanked the Township Board and the public for all the work done on this matter. He stated that tabling the proposed Settlement Agreement pending the submission of a planned unit development application is just a first step.

Christian Burkey, a junior at Saugatuck High School, stated that all men are created equal. He stated that the Township Board should represent the majority of its constituents, who are opposed to the proposed Settlement Agreement.

Dick Waskin noted that in the past he had paid the necessary fees in order to enjoy the southern portion of the Property. However, he stated that the northern portion of the Property has always been private. He stated that once dwelling units are constructed there, even with the R-4 zoning, nothing will have been gained if the area remains private. He stated there is no free public access to Lake Michigan in the Township. He urged the Township to keep that in mind and to try to obtain such free access.

Brad Dykstra of Manlius Township urged the Township Board to maintain the R-4 zoning of the Property. He stated it would be wrong to develop this Property. He stated that federal laws protect the right of the Township to regulate the development of land.

Cynthia McKean stated that this issue before the Township Board may be the most important decision it will ever make. She stated that the proposed Settlement Agreement would admit that the Township failed to give proper notice when it rezoned the Property to the R-4 District. She stated the proposed Settlement Agreement would open the Township up to a huge lawsuit. She stated that Mr. Bultje really does not have the welfare of the Township as his concern. She said she is unable to understand why the

Township Board would have hired Mr. Bultje in the first place, and she is further confused why the Township Board would continue to employ him given his poor performance to date.

Rachel Hood of the West Michigan Environmental Action Council encouraged the Township Board to uphold the R-4 zoning of the Property and to support the Tri-Community Comprehensive Plan.

Donald Battjes stated that the parties need to talk. He said the process should be slowed down. He said the Township should give the public lots of notice before any action is taken. He said the Township should not allow any development to violate this sacred place.

Mike O'Brien stated that if Mr. McClendon loves the area, he needs to stop threatening lawsuits. He suggested that the Township Board vote the proposed Settlement Agreement down, rather than tabling it. He said then Mr. McClendon could focus on his development plan for the Property.

Maggie Conklin encouraged the Township Board to look forward rather than looking back. She stated the Property has always been private, and the fact is the State of Michigan is not in an economic position to buy the Property. She said that the Township needs more information and more time.

Allison Swan stated that a person from another state should not be allowed to divide the area residents. Rather, the area residents should all stick together.

Hearing no further comments, Mr. Wester closed the public comment section of the meeting at 8:30 p.m.

Mr. Roerig read the attached statement.

Mr. Jarzembowski stated that he previously was surprised to get a last minute draft of the proposed Settlement Agreement designed to protect Mr. McClendon. He was later surprised to be told that he needed to approve that Agreement. He indicated that people with money can be intimidating, even to a good attorney. He indicated the whole Township Board was intimidated. He thanked the public for speaking out against the proposed Settlement Agreement.

Approval of Agenda: Wester then brought the consent agenda to the floor for approval.

- A. Accounts Payable
 - i. A.D. BOS through XTREME CLEANING LLC
Total to be paid \$18,433.24
 - ii. Checks issued to be post-audited
(check register attached)
- B. Payroll (check register attached)
- C. Approval of Minutes
 - i. December 5, 2007 Special Township Board Meeting
 - ii. December 5, 2007 Regular Township Board Meeting
 - iii. December 19, 2007 Special Joint Meeting
 - iv. December 19, 2007 Special Township Board Meeting

Motion by Wright, seconded by Knikelbine to approve the consent agenda as presented. Carried unanimously by voice vote.

Correspondence: Wester stated he received many letters all with the same tone requesting to uphold the R4 zoning.

Unfinished Business:

Proposed Settlement Agreement With Saugatuck, L.L.C.

Ms. Wright stated that she is glad that the Township will receive from Saugatuck, L.L.C. a planned unit development application before the Township Board needs to act on the proposed Settlement Agreement. She moved to table consideration of the proposed Settlement Agreement until Saugatuck, L.L.C. has submitted an appropriate planned unit development application and the Planning Commission has considered that application.

Ms. Knikelbine seconded the motion.

Mr. Roerig asked why the Township would not proceed with the Tax Tribunal proceeding. The Township Assessor indicated that if the tax appeal is withdrawn, there is nothing for the Township to do.

Mr. Bultje advised that the statement from Saugatuck, L.L.C., as read at this meeting and as submitted in writing to the Township, is that Saugatuck, L.L.C. will simply agree to "stay" the 2007 real estate Tax Tribunal cases for a period of one year.

A discussion was held concerning the placement of a deadline upon Saugatuck, L.L.C. to submit a planned unit development application to the Township. No motion was made concerning any deadline.

Mr. Jarzembowski indicated that the Township Board should consider using other people to work with Mr. Bultje to review the proposed Settlement Agreement while it is tabled.

The motion passed unanimously by voice vote.

Adjournment

The meeting was declared adjourned by Mr. Wester at 8:54 p.m.

Jane Wright, CMC, Township Clerk

Date

Bill Wester, Township Supervisor

Date

ATTACHMENT: ROERIG STATEMENT

I feel a great sense of relief regarding the decision by Saugatuck LLC to step back and allow us an opportunity to understand the intent for the Dennison property.

But that sense of relief is already fleeting, and is replaced by a sense of concern and urgency.

Let us not rest easy and dwell on this sense of relief. Something in my gut tells me this relief is temporary and we will be in the same place at some point in the not so distant future. Why? Because we were in this same position 16 months ago, and here we are in that same place again.

So my response to this concern is an urgent call for action.

We need to explore any and all options to improve the financial health of our Township so that we can be in a position of strength, not weakness in the future. Let's explore millages, Charter Township status, sharing and consolidation and all options to become stronger. Our friend today can quickly become tomorrow's opponent. We faced this community threat, yet we were the lone municipality defending it. The sooner our municipalities come to an understanding that we are weak individually and stronger together, the sooner we can meet the important challenges of land use, bridge repairs and harbor dredging without going to the public with hat in hand.

We need to practice diligent preparation at the Township Official, Administrative and Support levels. We need to recognize that sometimes a penny saved is a dollar wasted when we prepare and that several sources exist to assist in our diligence. And I hope can we now agree that sometimes it is far better to take the time than to make haste.

We need to communicate regularly with all of our board members, but mostly with our constituents and community members. They should never again hear an alarm sound, especially if they are too far to hear it. Meetings should be scheduled so that all can listen and there is no excuse for keeping anyone from the opportunity to speak.

Now is the time to take proactive steps to prepare for the future. The next critical decision is around the corner, and we need to be ready. This is not a time to relax and rest on our laurels. No, to the contrary, this is a time for bold action.

I challenge my fellow board members, community leaders and constituents to keep the past few weeks fresh in your minds. I ask you to answer this urgent call for action and take it. Take bold action.

Thank you.