

**SAUGATUCK TOWNSHIP BOARD  
REGULAR MEETING**

**WEDNESDAY, OCTOBER 7, 2009, 6:00 p.m.  
SAUGATUCK TOWNSHIP HALL  
3461 BLUE STAR HWY, SAUGATUCK, MICHIGAN 49453**

**MINUTES**

Supervisor Wester called the meeting to order at 6:00 p.m. and led in the Pledge of Allegiance.

**Members present:** Supervisor Bill Wester, Clerk Jane Wright, Treasurer Pat Knikelbine, Trustee Chris Roerig, and Trustee Jim Hanson.

**Members absent:** None.

**Approval of Agenda:** Wester asked for any additions, deletions, or removal of items from the consent agenda, and Wright presented additional bills for a total to be approved of \$12,752.21. Hearing no further changes, Wester brought the consent agenda to the floor for approval.

- A. Accounts Payable
  - i. ALLEGAN CO TREASURER through SCHOLTEN & FANT  
Total to be paid \$12,752.21
  - ii. Checks issued to be post-audited  
(check register attached)
- B. Payroll (check register attached)
- C. Approval of Minutes
  - i. September 2, 2009 Regular Board Meeting

**Motion by Wright seconded by Knikelbine, to approve the agenda as amended.** Carried unanimously.

**Correspondence:** Wester stated he received a letter from Dayle Harrison and asked Harrison to read it. Harrison cited several concerns regarding the proposed zoning text amendment ordinance that would create a residential, recreation and open space PUD district.

**Unfinished Business:** None.

**New Business:**

- A. Proposed Zoning Text Amendment Ordinance. Hanson explained what is being presented is a new kind of PUD for the township, not a change in zoning. He stated he supports taking the language and presenting it to the Planning Commission for consideration, as well as asking the PC to examine the R4 zoning district to see if it still meets the needs of the area. He added that we are at the end of the cooperation agreement and we agreed to consider a repeal of the R4 zoning. Roerig agreed the process needs to be adhered to, and to allow the PC and their professional advisors to review all aspects of the zoning, and to have public assessment throughout the process. **Motion by Knikelbine, to turn the zoning text amendment ordinance over to the Planning Commission for study.** Hanson asked to amend the motion and Knikelbine withdrew her motion. **Motion by Hanson, seconded by Wright to instruct the Planning Commission to promptly consider**

**repealing the zoning amendment which established the R-4 zoning district and which rezoned the affected properties to that R-4 zoning district. The Planning Commission may wish to recommend to the Board to repeal the R-4 zoning district and rezone the affected properties into something other than the R-4 zoning district, or to revise the R-4 zoning district language or revise the zoning of the affected properties or both; or conclude that no action need be taken to either the R-4 zoning district language or the zoning of the affected properties. The Planning Commission's consideration should include not only all the options previously cited with regard to the R-4 zoning district and the zoning of the affected properties in the R-4 zoning district, but also the proposed zoning text amendment ordinance as prepared by Singapore Dunes LLC.** Wester asked for discussion on the motion. Hanson stated he felt the first thing to do is to hold a joint meeting with the Board and Planning Commission and then the PC would hold a series of meetings where the public would be encouraged to give input, and where the PC might consider possible changes to the ordinances or not. Wester allowed McClendon's attorney Stephen Neumer to address the Board. Neumer asked to postpone the meetings until December after the Michigan Natural Resources Trust Fund meets to vote on funding the purchase of the South Denison. Neumer also asked to extend the cooperation agreement to April 30, 2010. Hanson noted that nothing moves quickly and sees no reason to postpone preliminary meetings. Additional board discussion took place and a joint workshop meeting was agreed as necessary. Roll call vote: Hanson-yes, Roerig-yes, Wright-yes, Wester-yes, Knikelbine-yes. Motion carried unanimously.

- B. Kalamazoo Harbor Master Plan Committee. Committee Appointees Dave Engle and Jonathon Phillips were present in the audience and gave a first report of committee actions to the Board. They stated the area is eligible for a grant but we need to apply for it and suggested hiring a firm to write the grant application. Engle added it could be advantageous to create a Harbor Authority for the area. Phillips stated the three communities are being asked to contribute "good faith" money to cover costs. Knikelbine stated the Township Manager is a good grant writer and could be utilized. Hanson asked how much money is being asked from the township and for what exact purpose. Engle stated they would like \$2,000 from each of the three municipalities. He added the committee approved paying Douglas \$100 for a recording secretary for each meeting and all costs would be divided in three, equal parts for each municipality. Wright noted being a general law township we are bound by state statute as to what is an authorized expenditure and a committee would not have the authority to approve any expenditure. She added we would not be able to send a check for good faith money to a committee but would require an invoice for a particular purpose before expending funds. Wright asked if the Board is in agreement the township would assume 1/3 of the harbor committee recommended expenditures. Roerig stated some expenditures might benefit some municipalities far greater than others and it should be approved on a case by case basis. He added in respect to writing a grant, 1/3 would be appropriate. Roerig suggested adding a new line item to the budget and amending the budget. **Motion by Hanson, seconded by Roerig to amend the budget to include \$2,000 for Kalamazoo Harbor Committee grant writing purposes.** Wester suggested to include Manager Quade for grant writing assistance, Wright suggested rotating the recording secretary similar to how it is done with the Joint Planning Committee. Hanson called the question, and the motion passed unanimously.
- C. Pat Foster, Appeal of FOIA Denial. Roerig stated he understands an individual put forth a Freedom of Information Act (FOIA) request to review and photograph the November 2008 general election ballots which was denied by the Clerk due to the material being protected by law. Wright stated yes, all the county clerks were directed to deny the request. Roerig stated he understands

that now some municipal attorneys are reversing their opinion as saying the ballots can be released but under strict guidelines to ensure the chain of integrity is kept intact and it is up to each municipality to decide on their own if they will grant the FOIA request. Wright verified that is a correct statement. Board discussion took place and the board agreed they would grant the FOIA request only on the basis that the township could charge and recover the actual time and expense necessary to process the request. **Resolution 2009-04, a resolution granting the appeal of a denial under the FOIA and allowing supervised access to the requested materials with specific conditions as attached was offered by Hanson and supported by Roerig.** Roll call vote: Knikelbine-yes, Hanson-yes, Roerig-yes, Wester-yes, Wright-abstains. Resolution declared adopted 4 to 0.

### **Committee Reports:**

- A. Planning Commission. Hanson reported the commission has given preliminary approval for Oxbow's metal studio expansion, continued review of a sand mining request on 63<sup>rd</sup> Street, and the start of a wind energy ordinance review.
- B. Road Commission. Roerig submitted the 2008 Allegan County Road Commission annual report.
- C. Interurban. Knikelbine reported ridership was down 14.2%.
- D. Fire Authority. Wright stated the fall open house was held Sunday with many in attendance and it kicks off Fire Prevention Week.
- E. Supervisors Report. No report.
- F. County Commissioner Report. Terry Burns reported the county is working on cutting the annual budget but that he will not support cuts to public safety departments.

Public comment was offered. David Swan, Saugatuck Dunes Coastal Alliance, spoke against the cooperation agreement with SDLLC and the proposed PUD. Dayle Harrison suggested implementing more restrictions for the R-4 zoning district. Mary Ann Glane, 3412 Maplegate, asked if all property owners are able to ask for zoning changes. Wester stated all owners have the Zoning Board of Appeals available should they desire to utilize their property in a non-conforming use. Stephen Neumer stated the property was down-zoned just before buying the property and the owner suffered due to it. Neumer added they are trying to offer options to allow the owner to develop the property, and the cooperation agreement keeps them from having to file a lawsuit against the township for the rezoning. Neumer stated the one reason the owner is selling the south portion of the property for way less than what they believe it is worth, is to get along with the community. Larry Edris, PC Chair, thanked the board for moving the PUD issue to the PC with options. Edris added that no special considerations are given for any applicant and normal processes will be honored. Dottie Lyon stated the purchase of the property was after the R-4 zone was in place and they purchased the property knowing the zoning so why should any negotiations take place. Hanson replied the township continues to work toward a consensus. Hearing no further comments, public comment was closed.

**Wester stated having no further business to come before the board we stand adjourned.** Meeting was adjourned at 7:45 p.m.

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Jane Wright, CMC, Township Clerk

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Date