

**SAUGATUCK TOWNSHIP BOARD
SPECIAL MEETING**

**TUESDAY, AUGUST 9, 2011, 8:00 a.m.
SAUGATUCK TOWNSHIP HALL
3461 BLUE STAR HWY, SAUGATUCK, MICHIGAN 49453**

MINUTES

Supervisor Wester called the meeting to order at 8:00 a.m. and stated the reason for the special meeting is to consider the ratification of two minor changes negotiated to the Consent Judgment between Singapore Dunes, LLC and Saugatuck Township, by the attorneys for Singapore Dunes and the Township.

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

Members Absent: None.

Wester opened the public comment portion of the meeting. David Swan, 345 Griffith, stated given this is a zoning change from R1 to Limited Retail/Hospitality he wondered if the immediate neighboring property owners were given notice and asked to have Limited Retail/Hospitality described. Hanson stated this is not a zoning change. Swan asked what Limited Retail/Hospitality meant. Hanson replied the term is described in the Consent Judgment where we define Limited Retail/Hospitality as businesses that are oriented to the people who live in the development. Roy Mcilwaine, 3466 Riverside Dr, read a letter written by Paul McEnroe, 3468 66th St., and signed by McEnroe, Mcilwaine, Fran Myers of 3430 Riverside Dr., Diane Bily and Katherine Wallace of 3524 Dugout Rd., Ed Kelly of 3470 Riverside Dr., and Jacqueline Carey and Julie Abel of 6544 Bradley Rd. He stated the individuals felt like they would like their names added to the letter Paul wrote and asked him to read. Letter stated as neighbors they are appealing to the Board to temporarily delay a formal vote on the two "slight changes" to the Consent Judgment UNTIL the Chief United States District Judge decides whether to grant a Fairness Hearing on behalf of property owners whose land is adjacent or nearby the development. At the conclusion of the letter Mcilwaine added Diane Bily and Katherine own the cottage that is immediately adjacent to McClendon's land and have lived in it for years and have refused to sell to McClendon. He added there were many offers that were turned down because they wanted to keep the cottage ambiance of the area. Mcilwaine stated Ed Kelly is a neighbor of his that lives down the street closer to the camp. Lesa Werme, 671 Spear St. stated there are two areas that seem to have been impacted and while she is not very clear exactly what the details might be, the first one is number 18 that talks about the fact that you are in legal binding with Saugatuck Dunes on certain zoning, certain things, that they have made a condition to the settlement. However it seems like there is an opportunity here in the future to step in and make amendments not to that but to other things. She stated she was hopeful if there was some consideration of moving forward on this settlement or having amendments, some of the issues that were brought up might have been considered. Werme stated the issues that were brought up at the previous meeting held on Friday where there were 400 people and you tentatively approved the settlement. She added that one of her concerns is whether or not water can leave or come from that property, off of the property because we have several very wealthy business people like Maurice Strong in Canada as well as T. Boone Pickens who both own thousands and thousands of acres on top of two of the largest U.S. aquifers and it is her understanding that there are aquifers under that property on both sides, the north and the south. She added those two men claim it is the 21st century bonanza, the hydrocarbon era, that water is the new

oil. What Pickens believes is that there are multinationals that are eager to buy water, bottle it and sell it for profit. They are also tempted by cash strapped municipalities with offers of replacing aging infrastructures in return for collecting fees for water. She stated this is a concern that we need to potentially consider and at the very least look into these documents to be sure that water will never leave that area; he does have an exemption being an oil company, I know we believe he can not take the water from Lake Michigan because there are laws put in effect by our former Governor, however there are aquifers there that he can access and if in fact he is able to do that, that is well worth more money than any development he is proposing or any future development and the township would have absolutely no say in it with this current settlement. You would not be able to control anything that he is doing if there is nothing in this current settlement that prohibits that.

Hearing no further public comment Wester closed public comment at 8:10 a.m.

Wester stated you have had time to digest the document and does anybody have any questions or concerns. Hanson stated that what the Limited Retail/Hospitality reference does is underlines the intention of the negotiations where the retail activity that takes place on the property is primarily for the use of the people who are on the property. He added it is a very small piece which is zone G and already in a commercial zone and I think that it clarifies the understanding. He stated my conclusion is that both of these changes are beneficial to the township and that is why the attorney is advising to ratify these changes. Wester stated personally he has no questions. Wright asked to have it explained, particularly to Roy Mcilwaine who brought up a statement that this is a huge change and there is no downside to taking our time, why we really do not want to delay the decision. Wester asked why would we not want to do this; the changes are in our favor so all the more reason for us to ratify it. He added obviously there are people in the group that don't want the consent judgment to go and I understand that, and I can't take sides but I think it is more in favor of the group that is opposed to it than not and that has been echoed by the attorney. Knikelbine stated the Limited Hospitality would rule out any boutique or shopping area other than for their personal needs. Wester added it would restrict them from putting a Toys R Us out there. Wright stated she understands the reason for the change is because they were sensitive to some concerns in the meeting on Friday. Hanson said that is true and there never was any intention the retail be anything but focused on the idea of a resort community and they did not want another downtown. Roerig stated "a" it's been recommended by our legal advisors and "b" if they need to have a fairness hearing this should be a part of it so we should go ahead and approve this. Hanson added first of all I wouldn't call this momentous, I disagree with that statement. I would call the meeting on the 22nd momentous but this is not; and secondly making these changes does not affect the rights of any of the people who are bringing their papers to the court. It doesn't cut off anybody as far as their position. **Motion by Wester, seconded by Hanson to approve the slight changes to the Consent Judgment between Saugatuck Township and Singapore Dunes, LLC as laid out in Bultje's memo dated August 2, 2011.** Motion carried unanimously.

Wester stated if no further business is to come before the board I declare us adjourned. Meeting was adjourned at 8:15 a.m.

Jane Wright, CMC; Township Clerk

Date