

**SAUGATUCK TOWNSHIP BOARD  
REGULAR MEETING**

**WEDNESDAY, SEPTEMBER 7, 2011, 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, Trustee Chris Roerig, and Trustee Jim Hanson.

**Members Absent:** Treasurer Pat Knikelbine.

**Public Comment:** Wester opened the meeting to public comment and comments were heard from Judith Schneider, Garrett Sturuss, and Jonathan Phillips. Hearing no further comments Wester closed that portion of the meeting at 6:07 p.m.

**Approval of Agenda:** Wester asked for any additions or deletions to the agenda, or changes to the consent agenda. Wright requested to correct the date on the agenda to reflect September 7, 2011. Hearing no further changes to the agenda, Wester brought the consent agenda to the floor for approval.

- A. Accounts Payable
  - i. AQUA-TEC IRRIGATION through RICH TRUMBLE  
Total to be paid \$49,965.36
  - ii. Checks issued to be post-audited  
(check register attached)
- B. Payroll (check register attached)
- C. Approval of Minutes
  - i. August 3, 2011 Regular Board Meeting
  - ii. August 9, 2011 Special Board Meeting

**Motion by Roerig seconded by Hanson to approve the agenda as amended.** Carried 4 - 0.

**Correspondence:**

- A. Al Ellingsen – Request for Education Conference Reimbursement. Roerig verified this is an annual expense reimbursement request. **Motion by Roerig, seconded by Hanson to approve Al Ellingsen’s request for education conference reimbursement in an amount not to exceed \$245.** Motion carried unanimously.
- B. SPS – Invoice for Use of Gym. Discussion took place regarding the charges for use of the High School gymnasium during a recent special meeting and Wright suggested the invoice be split with SDLLC as they were the reason for the meeting. Hanson commented the charges may be due to the fact school was not in session and suggested checking with management to verify when charges will be incurred for using school facilities. **Motion by Roerig, seconded by Hanson to approve paying Saugatuck Public Schools invoice of \$319.26 with a copy of the**

**bill to SDLLC for 50% reimbursement after verifying charges are valid.** Motion carried unanimously.

- C. City of Douglas – Division of Assets Payment Request. Wright stated she is uncomfortable paying the annual \$15,000 charge for settling the division of assets when the settlement agreement states Douglas must negotiate in good faith for cemetery maintenance and they are not. Wester stated we are getting closer to getting Douglas to buy in to negotiations so we should not upset the apple cart. Hanson questioned if we have legal grounds to not pay the annual payment. Roerig verified we have had a legal opinion that stated we should maintain our end of the bargain. **Motion by Hanson, seconded by Wester to pay the settlement amount of \$15,000 for 2011.** Motion carried 3 to 1 with Wright voting against the motion.

#### **Unfinished Business:**

- A. Proposed Ordinance 2011-02 – Wind Energy Turbines. Wester stated the Planning Commission worked very hard on the ordinance, but he would prefer not to see any wind turbines. Board discussion took place regarding the language and restrictions they impose. **Motion by Hanson, seconded by Wright to adopt Ordinance 2011-02 Wind Energy Turbines as presented and dated 7/21/11.** Roll call vote: Roerig-yes, Hanson-yes, Wester-no, Wright-yes. Ordinance declared adopted.
- B. Charter Township Status. Roerig verified the information about General Law vs. Charter Township has been posted on the township's website and suggested holding a town hall meeting to discuss with residents the benefits of each and receive feed back. Wester will contact the Michigan Township Association and see about a representative giving an educational presentation on charter townships at a yet to be scheduled town hall style meeting.

#### **New Business:**

- A. Proposed Ordinance 2011-03 – Medical Marijuana as a Home Occupation. Wright asked if the recent court of appeals decision made this ordinance unnecessary. Hanson stated the law allows for caregivers to provide medical marijuana to patients and recent court decisions have indicated some dispensaries are allowed while others are not. He added this ordinance language was written by our attorney which would address a legal use by allowing the distribution of medical marijuana as a home occupation. Roerig asked how it was concluded that a home occupation use is better than a commercial use. Hanson responded the Planning Commission made no conclusions, only that according to our attorney, the Attorney General, and a number of people dispensaries are not a legal use. He explained this text protects the township and provides for the legal distribution. It does not necessarily mean people have to show up at the home of the person doing the distribution. Hanson stated the intent of the Michigan Medical Marijuana Act was not to create a new industry or business for the purpose of distributing this particular substance and from that intent comes the idea you handle it as a home occupation. Board discussion took place and Hanson stated the best person to answer questions would be the township attorney and not himself. Wester made the suggestion to look toward the State and wait until they address the issue of distribution. **Motion by Roerig, seconded by Wester to table the proposed ordinance, extend the moratorium against any new dispensaries for 30 days, and get additional clarification from the township attorney.** Motion carried unanimously.
- B. Proposed Revised Cemetery Agreement with City of Saugatuck. Hanson voiced his disappointment with the City of Saugatuck Council who had been very nice in helping us keep

the cemeteries maintained but are now pulling back their support. Roerig agreed saying we went to great lengths to support their purchase of the Denison South and this proposed agreement would not support the cemeteries in a fair and equal manner. Board discussion took place regarding the City's desire to annex and what would be the right dollar amount of support if it is not what we are asking. Hanson suggested starting with a letter from the Manager voicing our disappointment but asking to start a discussion to arrive at reasonable terms for cemetery support. He added if we can get to an agreement with Saugatuck that would give us a basis to address Douglas. Roerig stated the alternative is the burial costs gets so high no one outside of the township will be able to use them and that is not right either. Additional discussion took place and it was agreed more meetings are needed.

**Committee Reports:**

- A. Planning Commission. Hanson stated the finalization of the medical marijuana ordinance was predominant.
- B. Road Commission. Roerig noted the work orders for 2012 projects are due in the fall and Manager Quade should be working on them for the next meeting.
- C. Interurban. No report.
- D. Fire Authority. Wright stated the new Fire Chief, Brian Florey, started a week ago Monday. He has been very well received by the departmental members and is making some big changes.
- E. Supervisor's Report. Wester stated he has been getting a lot of calls on the status of two lawsuits waiting for the Judge's ruling. He added the attorneys have made the statement that repeated inquiries would not be welcomed and we need to just wait for the rulings.
- F. County Commissioner's Report. Burns explained Victim's Services.

Wester opened the meeting to public comment. Judith Schneider, Larry Edris, and Andrew Leach all commented on medical marijuana. Andrew Leach added he was pleased with the re-paving of 127<sup>th</sup>. **Wester stated having no further business to come before the board we stand adjourned.** Meeting was adjourned at 7:05 p.m.

---

Jane Wright, CMC; Township Clerk

---

Date