

**SAUGATUCK TOWNSHIP BOARD
SPECIAL MEETING**

**FRIDAY, AUGUST 16TH 2013
LAKETOWN TOWNSHIP HALL
4338 BEELINE ROAD, HOLLAND, MI 49423**

MINUTES

Wester called the meeting to order at 4:00 p.m.

Members Present: Supervisor Bill Wester, Clerk Brad Rudich, Treasurer Lori Babinski, Trustee Jonathan Phillips and Trustee Roy McIlwaine.

Members Absent: None.

Present: Acting Township Manager Aaron Sheridan, Legal Council Ron Bultje

Public Comment: Suzanne Dixon, wanted to know if the consent agreement says anything in regards to setbacks from the river. Marsha Perry questioned why the meeting was in Laketown on a workday, which in her opinion made it hard for folks to attend the meeting. She also read a letter from Saugatuck Coastal Alliance to the Township Board. Jill Winston stated her support for Saugatuck Coastal Dunes Alliance and wanted to see how the board does business making these important decisions. Tracey Shafroth recommended and pleaded not to jump into another consent judgment. Jon Helmrich wants to know what the rush and urgency is to agreeing to this settlement, urging the board not to vote on the agreement today. Dale Harrison shared his concerns as to how the township can proceed to protect the dunes after this agreement, and also requested a joint meeting between the Planning Commission and the township attorney. Harrison would also like the Planning Commission to revisit the ordinance versus agreeing to this consent agreement. Fritz Royce objected to the agreement stating there should be more time for a hearing on this matter and not to default to the state's regulations.

Discussion of legal matters, Singapore Dunes Lawsuit: Wester opened up the discussion to the board on this matter. McIlwaine states it ambiguous, if anything the Township is giving up all permitting and zoning of anything to the DEQ and he does not understand why the Township would do that. He also feels Township Board is not being transparent to the residents and taxpayers by holding the meeting this particular day. He believes the board should be uncomfortable with this agreement; and that there should be more open public hearings on this matter, while also having other attorney's weight in. McIlwaine is also concerned the board is missing something (by overlooking details on the agreement). Wester stated the board is being transparent, and does not believe the board is hiding anything; he postponed the vote from Thursday's 9am meeting to Friday 4pm just so more could be involved in this matter. McIlwaine thinks there was not enough time to review this legal document that it brings up a red flag. Wester stated the "red flag" McIlwaine has mentioned in this agreement was written by the very attorney that represent the Coastal Alliance (that is also suing the Township in Circuit Court). Wester went on to say McIlwaine should recuse himself from the vote because he was part of the group who filed in Federal Court against McClendon. McIlwaine argued he was not a part of the group that did this. Rudich asked Ron Bultje if Township will be giving up anything on the Critical Dunes overlay. Bultje stated that the Township is giving up anything contrary or beyond the state law. Back in 1989 when the Critical Dune Overlay was enacted, the Township did not file the provisions with the state and even it had in 2012, and the legislature amended the critical dune law to say you can't go beyond the state law with your local regulations.

Discussion of legal matters, Singapore Dunes Lawsuit: (continued)

Bultje went on to say the Township may not use our Critical Dune overlay to go beyond the state law, but will still preserve their right to exercise the zoning over the property outside the critical dunes provisions, which is what the state allows the Township to do. Bultje continued to state all the township is being asked to do is to be consistent with the way the planning commission has implemented the critical dune overlay, as the Planning Commission has not attempted to require 100 foot setback from the Kalamazoo River, because the Planning Commission understands they cannot require that, as it goes beyond the critical dunes provisions. He went on to say the allegation that Singapore Dunes is requesting something contrary to what everyone else does is not true, they (Singapore Dunes) is not unhappy with the way the Planning Commission has interpreted its zoning ordinance and critical dunes provisions, although they probably would object to how other parties interpret the zoning ordinance and critical dune overlay. Mcllwaine asked that if Singapore Dunes requested a hotel in that property it would be up to the DEQ whether it would be built? Bultje stated it wouldn't be allowed because the R-3B still applies, which does not allow hotels. Bultje went on to say to comparing the plan 2, 3, 4 years ago to the plan today and then to say we (the Township Board) give them everything they want, that on its face absurd. Mcllwaine wants to know if the state doesn't address an issue, then the local authority has the ability to have a zoning regulation, so why is that going away (in regards to Kalamazoo River set back). Bultje said the state does talk about setbacks, but not does not talk specifically about set backs from the Kalamazoo River for critical dunes. So when the Township says that in their ordinance, they are going beyond the critical dunes. Mcllwaine feels there is a major disagreement on the interpretation per the Coastal Alliance Amicus. Bultje understands and agrees this is true, although the procedural problem that happened back in '89 (that it was never filed with the state) is the main issue. The township could fight the fight if they choose, but this would be very costly and would greatly affect the tax payers. Bultje went on to say with all due respect to the Coastal Alliance, they have objected to every single possible settlement, including the one that would have saved millions of dollars years ago. Phillips chimed in stating that if the Alliance wanted to make these decisions they'd be sitting on the board. Mcllwaine believes that the Coastal Dunes Alliance is trying to preserve what is in the master plan, and a lot of times people don't want to listen. He (Mcllwaine) does not believe we should give up the 100 foot setback from the Kalamazoo River. Bultje stated the setback was discussed at the Planning Commission and ZBA level and at neither place was it enforced, so that is the way the Township has already been interpreting the law. Rudich says we can keep fighting this fight, and keep going on, but we will come to the same the same conclusion. Given the financial burden that this could pose to Township, Wester makes a motion to approve the consent judgment, Rudich second. Roll call vote: Phillips, Wester, Babinksi, Rudich all vote yes, Mcllwaine, voted no. Motion to approve the consent judgment passes 4-1.

Wester adjourned meeting at 4:45pm.