

## SAUGATUCK TOWNSHIP PLANNING COMMISSION

July 22, 2013

The Saugatuck Township Planning Commission held a regular meeting on July 22, 2013 at the Saugatuck Township Hall, 3461 Blue Star Highway, Saugatuck, Michigan 49453.

**Present:** Chair Maggie Conklin, Brad Rudich, Joe Milauckas, Sandy Rausch, Ed Welk, Dayle Harrison, Bill Rowe

**Absent:** None

**Also Present:** Township Planner, Mark Sisson

Chair Conklin called the meeting to order at 7:07pm.

### III. Review to Adopt the Agenda.

Motion by Rudich and second by Rowe to add agenda item #6 "Election of Officers", motion passes 7-0. Date of next meeting was updated to show as August 26, 2013 (versus July 22, 2013). Harrison motioned to add to agenda #12 "Interactions of the board members and the chair at the Planning Commission meetings, as well as the audience", Milauckas seconds, motion passes 6-1, Welk opposed.

### IV. Approval of Minutes

The June 24<sup>th</sup> minutes were amended in two areas. Under item 4, it should state 7.4 Rules of Procedure (versus 6.4 Rules of Procedure). This will also need to be updated the March 25<sup>th</sup> minutes. The second revision, was simply capitalizing Ox Box under section 6. Approve Minutes as amended, Milauckas motions, Rausch second, motion passes 7-0.

### V. Public Comments and Correspondence

None

### VI. Election of Officers

Welk motioned to nominate Conklin as Chair, Rowe as Co-Chair and Rausch as Secretary. Rudich second. Discussion: Harrison asked to be considered as Chair. Harrison motioned, no second. Motion does go to the table.

Further Discussion: Harrison put a motion on the table to defer the election of officers to the next meeting. Milauckas second. Motion does not pass 2-5.

Vote on Welks initial motion of officers. Motion passes 6-1.

### VII. Discussion – Mr. Bill Rowe

Welk moved to table this item as the point of authority made the decision at their July meeting that there were no issues or problems, and feels there is no point in wasting time on a dilatory (taking up time on an issue that is not relevant) issue is unnecessary. This motion did not get to a vote as it did not receive a second. Harrison feels it is not up to the Township board, but it up to the PC. Milauckas mentioned Rule 5.2 of the PC Rules & Procedures, the determination of a conflict of interest, if there is a question whether a conflict exists or not, or an appearance of conflict of interest it should be put in front the PC. He also mentioned how this issue was brought to the PC by the public, therefore it should be addressed. Rowe said he was happy to have an open discussion about it. Chair Conklin stated because the public brought it to the PC, that is why it's on the agenda. Rowe read his letter addressed to clerk, zoning board of appeals and PC. Rowe will recuse himself on any voting on the Singapore Dunes LLC due to the appearance of conflict of interest. (Unless PC votes otherwise).

Public Comments:

Dick Waskin: Stated that himself and Rowe have always had a firewall on this issue (Singapore Dunes LLC listing). He also did not know he'd get this listing until he received it in May. He also finds that Harrison serving the PC has more of a conflict of interest as a founding member of the Coastal Dunes Alliance. He went on to say that Rowe has been a man of credible integrity.

Jon Helmrich: Mentioned the reason he is address this issue with the PC is because the Township Board directed him to address this with Planning Commission. He also stated that the listing of a home by Singapore Dunes, LLC had a photo of Rowe come up in the Website (back on May 2<sup>nd</sup>), when they pulled it up again July 19<sup>th</sup>, it was Dick Waskins photo. So he questions as to how Rowe is not involved. Rowe clarified that while they do own the company 50/50, 100% of the commission goes to the person who sells it (in regards to Dick & Bill). If an agent sells it, then the owners get a percentage. Therefore anything Dick Waskin sells does not go to Rowe. Rowe again confirmed he is not the listing agent on Singapore Dune properties. Rowe continued to state the reason his photo comes up on the website listings is that is the way their website works, various agents show up on different days.

Dawn Schuman – shared her concern that there is a conflict of interest. She asked Rowe to reconsider his position.

Pat Denner – also shared her concerns w/conflict of interest. (Rowe)

Kathy Roppert – Agreed with Ms. Denner that Rowe should not be included on votes that have to do with the McLendon Property.

Tracey Shafroth – recommends that all information be put in front of the PC as a “CYOA” (in regards to getting documentation on Rowe’s financial situation with RE/MAX)

Rudich motioned to accept Rowe’s recusal on any further Singapore Dunes action on the planning commission board, based on an appearance of conflict of interest, in the rules 5.2. Welk second.

Motion passes 7-0.

**VII. Continuation of Discussion – of Committee to study Hydraulic Fracturing or “Fracking”, possible Ordinance.**

Chair Conklin discussed what she learned at a local Ottawa County Fracking meeting. It appears as though, not a lot can be done on a local level, as it is mostly state regulated. Most of the wells that are affected by possible fracking are located in the upper part of the lower peninsula. Although, there are some possible local ordinances that can be put in place. Rudich mentioned the Township board has placed a 6-month moratorium on all fracking. Rowe wanted to know what the potential is as a township of being affected by fracking; Harrison has offered to look into.

Public Comment: Kay Smalley – Suggested the board members attend another fracking meeting, as the Ottawa County meeting was more pro-fracking. She also said there is more to be done to stop fracking on a local level.

Jon Helmrich: Mentioned there is a SCA Documentary coming up this October w/panel discussion on HBO or Netflix. Also urged PC to watch Gasland 2. Informational on Fracking.

Tracey Shafroth – Mentioned that Larry Dickee did a good job presenting information at the last meeting and that F.L.O.W has really great training programs and inexpensive workshops.

Laurie Goshorn – commented to the PC that mineral rights can be stopped, unless everyone wants in. Chair Conklin is looking into what other townships are doing with ordnances, and also mentioned township owns mineral rights, unlike many other states.

**VIII. Discussion – Consider alternative review and approval for “minor” and “major” private roads.**

Milauckas concerned with PC not being able to approve private roads that provide access to a development, as it is something the zoning administrator deals with. PC reviews all aspects of a site condominium except the private road. Milauckas feels that when we are reviewing an application anyway, with a private road component to it, the PC also ought to be the ones who review/approve the private road. If it’s a private road unrelated to site condominiums, then it can stay with zoning administrator.

Sisson stated that there is not really a way to only approve site condominiums private roads, without getting involved in other private road approvals.

Rowe questions the rationale behind separating these approvals. Sisson recalls that PC looks at the roads within the development, not the roads leading up to the development (which is issue on the table). Most minor private roads are done as a part of land division, so Sisson assumes that land division is a minor type of development that the PC didn't need to look at. Rowe wants to know if it's possible to review roads that service site condominiums. Sisson believe this is possible, the problem is disclosure. Sisson suggests that a number of lots or amount of traffic can determine whether or not the private road needs to be approved by PC. He continued to say the McClendon thing is really so rare, it should not be considered as the only rationale for an ordinance change. Chair Conklin curious as to the likelihood of this discussion happening again outside McClendon. Welk asked if this has ever been a problem before, and the answer was no. Milauckas feels it is the right thing to do and why wait until there is a problem. Milauckas suggested that the PC review the paperwork given to them by Sisson and put on the agenda for next week to discuss further. Sisson will also work on proposed language for possible new ordinance for next meeting. This would then require board approval and a public hearing.

#### **X. Discussion Reverting R-4 area to R-3B**

The details of each zoned area were discussed and the various differences between them. Due to the lateness in the evening, it was decided the agenda item would be put on next month's agenda to discuss further.

#### **XI. Continuation of Discussion – Sign Ordinances and definition of “sign”**

Rowe motioned to move to next week as a middle agenda item. Rudich second. Motion passes 7-0

#### **XII. Interactions of the board members and the chair at the Planning Commission meetings, as well as the audience**

Harrison requested this be removed from the agenda. All members were OK with this.

Chair Conklin adjourned meeting at 10:26pm.

Elizabeth “Birdie” Holley, Recording Secretary