

MINUTES
CASCADE CHARTER TOWNSHIP
ROUND HILL SUBCOMMITTEE OF THE
PLANNING COMMISSION

MEETING OF AUGUST 17, 2021
Wisner Center
10 am.
2870 Jacksmith Ave., SE

Article 1. Call the Meeting to Order

Chairman Rissi attempted to call the meeting to order at 10:02 am., but there not being a quorum present, he stayed for a few minutes to await the other members.
(Messrs. Meurlin and Noordhoek joined by 10:15 am)
Members Present: Meurlin and Noordhoek
Member Absent: Moxley (excused)
Others Present: Mr. Judd Rohde (joined at around 10:25 am).

Article 2. Pledge of Allegiance

Chairman Rissi led the Pledge of Allegiance.

Article 3. Approve the Agenda

Upon consensus motion (by several of the members of the Subcommittee), the Agenda was unanimously approved.

Article 4. Approve the Minutes of August 3, 2021 Meeting

Upon motion duly made and seconded, the draft minutes of the August 3, 2021 were approved, with one change. Chris Noordyke was not absent from the meeting. He is not a regular member of the Subcommittee; he is an alternate member for the Chairman, Scott Rissi, when Mr. Rissi cannot attend.

Article 5. Acknowledge Visitor and Those Wishing to Speak

There being no visitors present at this time, Mr. Rissi still wanted the public to know that the Subcommittee welcomes all visitors and their input. This process is attempting to be as transparent as possible. To help assure citizen awareness of these meeting, the Subcommittee has its own place on the "Agendas/Meeting Packets" page of that portion of our Township website under "Government" and then "Agendas and Minutes." The Subcommittee has elected to have each of its meetings fully compliant

with the Open Meetings Act, so notice will be given, citizen will have opportunities to address the Subcommittee, and minutes will be kept of each meeting.

Article 6. Initial Review of Documents provided by the Twp and reviewed to date to Members Moxley and Meurlin.

Member Meurlin, in the absence of Member Moxley, presented a summary of the documents provided to them by Director Peterson (and the Planning Department), as well as the documents in the files of the Inspections Department and the Clerk's office.

The Planning Department gets all applications for developments. They are the first step in the process. The Planning Department apparently assigns a case number to every application and in the case of Round Hill they had two case numbers that eventually led to the two ordinances that the Board of Trustees passed on Round Hill (in 2016 and 2020). In this instance, Member Meurlin said that, in response to our request for all of the Planning Department's Round Hill documents, the Planning Department had supplied a box of materials (not well organized, except for one clipped file of Director Peterson, and he also supplied two chain of emails of more than several hundred pages – which were very helpful). When we found that the box only pertained to the 2020 ordinance, we asked for their file on the 2016 ordinance and it was delivered very quickly. This, too, came in a box without significant organization. We have worked our way through portions of these documents. They are in their original boxes in the storage area of the Town Hall. It appears that these boxes are their filing systems (based on a photo I had received earlier from Stephanie Fast when I asked her just to "see" the files to see how much we would have to review).

Member Meurlin stated that he and Member Moxley agreed that the Inspections Department's records were very well organized, as they used software that could track projects by permit application number very easily. That software showed every piece of the inspection process. Every visit for an inspection and the results of those inspections (with either approvals or disapprovals) are recorded on the software summary. We later discovered that there was a separate enforcement file for Round Hill; Mr. Wilson quickly provided those to Member Meurlin by email after a subsequent meeting.

Member Moxley received from Assistant Clerk Brott the material on the 2016 and 2020 Ordinances. Member Moxley asked for them during Members Meurlin and Moxley's second meeting at the Townhall to review files. They have not yet been fully reviewed; Member Moxley did locate the actual ordinances approved with some site drawings attached (which are presumed to be the final approved site plan). Member Moxley took them home for review, so Member Meurlin could not comment substantively on them. Ms. Brott was very cooperative with us.

Mr. Judd Rohde arrived in the midst of this discussion and provided additional information that he had collected. He had lien records, dates for the filing of the 2016

and 2020 Ordinances with the Kent County Recorder of Deeds, information about the change in address for Unit #8 (with the possibility of liens being left attached to the old address (which was now given to Unit #9, a vacant unit). The members thanked Mr. Rohde for his information and indicated that we would independently verify it all before using that information in the Report. Chairman Rissi also reiterated that individuals knowing anything about the Round Hill Project, what happened there and anything else related to Round Hill should come to this Subcommittee and give the information to us. We had include it in our charts once there is some verification

Article 7. Summary of Issues Identified.

Member Meurlin then distributed an Issues List for the Subcommittee to focus upon. The group wanted to focus on the key issues and not get pulled away into less important matters. It appears that part of the issue surrounding Round Hill is a total lack of process at CCT's planning department and an absence of coordination among CCT, the largely independent Building Department (that has to treat Cascade just as it would any of the townships it serves, and the County (through the KCRC).

Member Meurlin led them through a list of issues:

1. Unit #8: As the first unit built, a lot of the issues were tied (some just because it had the only discrete permanent parcel number assigned to it – the rest being part of the PPN of the overall PUD. Among the key issues are:
 - a. The address of Unit #8 changed during the construction. It was initially 6538 Round Hill CT SE, but at some point in the process it became 6546 Round Hill CT SE.
 - b. There were some liens on the Unit (probably subcontractor liens); did they remain with the building through the address change? Address assignments are made in PUDs by the KCRC. Need to follow up with KCRC to determine who asked for the change in addresses.
 - c. There were two Building Permits applied for; one in late 2017 and the other in early 2018. The one filed in 2018 was granted. Were they for different type buildings?
 - d. When was the Certificate of Occupancy granted and was it granted before the deck issue (the deck being built in spite of it not being on the original plans and it being in part within the 25 foot setback in which all building was prohibited).
 - e. There were two tax assessment forms for the 6546 Round Hill address; one showing the correct original PPN of the site and no taxable value for 2020 and the other having another PPN and showing a significant taxable value. Both reflect the purchase price paid by Daulton DeVos. So, it appears the discrete PPN for the unit changed at some point during the building and initial ownership. The PPN for this Unit #8 changes between the deed to Daulton DeVos in 2019 and the deed from Daulton DeVos to Daulton DeVos and his wife. It appears that the PPN's of a number of the parcels in the development changed in the recent past. This requires follow up with Jennifer Genter, the head of assessments for CCT.

2. The Final Site Plans in 2016 and 2020. There does not appear to be anything in particular that designates a Site Plan as the final site plan. The Subcommittee wants to make certain that the site plan as filed by the developer with the Kent County Registrar of Deeds is the same one as approved by the Board of Trustees.
 - a. In this case the ordinance from 2016, which was to have been filed prior to any construction, wasn't filed until 2020 (according to documents obtained by Mr. Rohde. The Subcommittee has to go to the Kent County Recording Office to obtain copies of all filings (of ordinances and master deeds) relating to Round Hill. Members Meurlin and Moxley were told that the Planning Department does not automatically keep copies of these filed documents.
 - b. A significant change was the change from a traditional condominium to a site condominium.
3. The question of enforcement of the zoning ordinance and the stormwater and soil erosion plans.
 - a. CCT has an arrangement, perhaps as required by state law, that allocates the permitting and enforcement powers for the sedimentation and soil erosion issue permits to the KCRC. Stormwater issues do not seem to be covered by this delegation to the Federal regulator, but there is no hint that CCT attempted to involve themselves in any part of the erosion and wash out problems coming from Round Hill (even though both were caused by storm water).
 - b. In the CCT Answer to the Rhode Complaint, Defendant Mr. Peterson did not admit to being responsible for zoning enforcement.
 - c. What level of cooperation is there between CCT and KCRC in enforcement matters? The Building Department, through Brian Wilson, as CCT's authorized agent, issued the Stop Work Order on behalf of the KCRC against Tom Guisti involving Round Hill. When the Stop Order was lifted, it was lifted against 6538 Round Hill CT SE.
 - d. Mr. Wilson did note that the Stop Order issued against 6538 Round Hill CT SE was the first he had issued in his 16+ years working with Cascade Township.
4. Performance Bonds.
 - a. Why were they not asked for or ever obtained here? In a recent meeting of the Planning Commission, Director Peterson simply said one of the learnings of Round Hill was that due to the delay in the commencement of construction (almost a year between the internal plans i, the performance bonds were forgotten. There was no process where checklists of remaining open items in projects are needed before re-opening .

5. Reviews of Project after the Litigation.

- a. The Staff has indicated to the Planning Commission that they have done several internal reviews among the Staff. We have yet to see any reports setting forth any findings.

Other Conspiracy Theories.

- b. No investigation has been made into any of the conspiracy theories.

There was significant discussion of the issues and the possible explanations for them. Each of the members of the Subcommittee, as well as Mr. Rohde, contributed ideas.

Article 8. Review of Timeline.

Member Meurlin suggested that moving forward, the Subcommittee should focus on the finding the facts on items already identified on the issues list rather than focusing more on making certain our timeline is complete with every detail we can find (that would make us take too many detours and lose focus (as the members have from time to time in this meeting). More often, we have found that the items on our current list of questions generate new issues themselves. That is great, as it allows us to link information between files dynamically. The other members supported this approach, so the first items on the list will become the subject of our next meeting.

Article 9. Next Steps.

Follow up on issues already identified and make certain that the issues list is complete. Next scheduled meeting is Wednesday, August 25, 2021 at the Wisner Center again.

Article 10. Discussion of Wall.

This article was not disclosed due to lack of time.

Article 11. Adjournment.

The meeting was adjourned at 11:47 am on motion by Mr. Meurlin, and seconded by Chairman Rissi, and unanimously approved.