

MINUTES
CASCADE CHARTER TOWNSHIP
ROUND HILL SUBCOMMITTEE OF THE
PLANNING COMMISSION

MEETING OF AUGUST 25, 2021

Wisner Center
10 am.
2870 Jacksmith Ave., SE

Article 1. Call the Meeting to Order

Chairman Rissi called the meeting to order at 10:11 am. (the delay caused by the doors not being unlocked for the Wisner Center).

Members Present: Chairman Rissi, and Members Meurlin, Moxley and Noordhoek

Member Absent: None

Others Present: Mr. Judd Rohde (joined at around 10:30 am).

Article 2. Pledge of Allegiance

Chairman Rissi led the Pledge of Allegiance.

Article 3. Approve the Agenda

Upon motion made by Member Moxley and seconded by Member Noordhoek, the Agenda was unanimously approved.

Article 4. Approve the Minutes of August 17, 2021 Meeting

Upon motion duly made and seconded, the draft minutes of the August 17, 2021 were approved.

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. Brief Review of Timeline.

Chairman Rissi explained the direction he had received from TM Swayze that all requests for assistance from Staff be cleared through either TM Ben Swayze or ATM Stephanie Fast. The rationale is that the Staff is short-handed and very busy and these requests could cause them to incur overtime, or miss deadlines for other projects. Member Meurlin stated that even before receiving Chairman Rissi's note, he had heard about that requirement from HR (Katie M.); he had asked for two job descriptions and she had them ready, but in speaking with TM Swayze, he had told her not to give them to Member Meurlin but rather to ask that all such requests should be made through him.

Members Meurlin and Moxley presented the summary Timeline for what happened at Round Hill ("RH") development, based on their review of documentary evidence that they have discovered from public records or received from of the Staff. This document was completed (in its draft form) on the night before the meeting and was distributed to the members by email at approximately 4 am on the date of the meeting and will be included as an exhibit to these minutes and so made available to the public). At this meeting, only the Summary Timeline (and not the full detailed draft timeline) is being used.

There is a far more detailed Timeline that is presently another 26 pages. But Member Meurlin thought reviewing that more detailed timeline might be detracting (and lead the Subcommittee down rabbit holes of dubious value for this meeting). Also, neither the Summary Timeline nor Detailed Timeline is as yet complete (as Members. Moxley and Meurlin have not yet completed their review of the documents they have received to date - which are not all the documents they need to receive). In addition, the Staff has not had an opportunity to comment on the Timelines, which is also necessary before it is finalized. Finally, given the desired move to a new 'issue based' approach to the Round Hill ("RH") analysis, the Summary Timeline is sufficient for this meeting.

As explained to Members Meurlin and Moxley by Brian Wilson, the basic planning process is that all new developments or homes must start with the Planning Department. They get all applications for building permits/developments. The Planning Department apparently assigns a case number to every application. Once the Planning Department (effectively Director Peterson) approves the application it sends the application to the Building Inspection Department which assigns a building permit number and asks for additional detail on construction plans and other more technical aspects of the development or construction. If the end of a calendar year, the building permit application is not yet complete, that application (and its permit application number) is closed out. The applicant must then resubmit an application and get a new number in the new year. In the case of Round Hill that is why there were two applications and Building Permit numbers for Unit #8, one filed in late 2017

(PB17001811) that was incomplete at the end of 2017 and the other filed in February 2018 (PB18000151) that was approved.

Article 7. Issues List.

Member Meurlin then started through the “RH Issues as of 8.23.2021” document that he had completed late the night before (that list is not a complete list, but only those issues that are known as of the date of the meeting). He had distributed the issues list to the members via email just after completion of the current draft at 4 am on the date of the meeting. The draft distributed at the meeting will be included as an attachment to these minutes and so be available to the public with the draft minutes.

1. Unit Liens/PPN/Addresses:

- Round Hill has had six units have a change in permanent parcel numbers, two units exchange addresses and a number of liens filed against various units, at least two of which raise questions.
- The PPN number changes are explainable, as described by Brian Wilson. Whenever a unit’s legal description is changed, it is treated as a split/combine on CCT’s Building Department records and the Mapping Division of Kent County generally assigns a new PPN to the parcel with a “new” legal description. The filing of Amendment No. 1 to the Master Deed changed the lot sizes for 6 of the units.
- As the first unit built, a lot of the issues were tied to it (some just because it had, prior to the other lots receiving PPNs at all, the only discrete permanent parcel number assigned to it – the rest being part of the PPN of the overall PUD). Each of the six that had lot sizes changed in Amendment #1 to the Master Deed had a new PPN assigned to it.
- Among the other key issues are:
 1. 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. From the documentation Members Moxley and Meurlin have seen, the Address Assignment from the KCRC assigned that same address to Unit #9 (adjacent to #8) but which then and now remains a vacant lot.
 2. There were some liens placed on Unit #9; address assignments are made in PUDs by the KCRC. Members Meurlin and Moxley will

follow up with KCRC to determine who asked for the change in addresses.

- b. When was the Certificate of Occupancy granted and was it granted before the deck issue (the deck being built outside the building envelopes but not in the 25 foot setback in which all building was prohibited).
 - c. 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. Members Meurlin and Moxley think that this is explainable after conversations with Brian Wilson for the reasons cited above. The old “parent” parcel remains on the books but is essentially made non-relevant. In this case, the PPN changeover on Unit #8 was not done well since both tax assessment forms reflect the purchase price paid by Dalton DeVos. Also, the PPN for this Unit #8 changes between the deed to Dalton DeVos in 2019 and the deed from Dalton DeVos to Daulton DeVos and his wife
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 Member Meurlin. The Subcommittee has to go through the Kent County Records (available online) 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 and are mentioned in the Ordinances as being applicable to the Round Hill PUD, 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 after the initial approval of the development), the performance bonds were forgotten. There appears to be no process where checklists of remaining open items in projects are written down and so not forgotten when finally construction begins. This may also be a reflection of the “file” (for want of a better name) having been sent to the Inspections Department; what role would the Planning Department have once it has approved the site plan and the Ordinance has been approved by the Board of Trustees?

5. Reviews of Project after the Litigation.

- a. The Staff has indicated to the Planning Commission that they have done several internal reviews of the Round Hill project among the Staff. We have yet to see any reports setting forth any findings. Members Meurlin and Moxley will be asking for those reports and about process changes resulting from those internal reviews.

6. Building Plans –

- a. Member Moxley noticed, in reviewing the building plans that many of the plans for different units were identical, even down to the elevations showing on the plans. That seemed strange and was contrary to the actual other homes constructed or in process (in some cases).
- b. There is also a strange extra dip in the elevation lines in the middle of the back side of Unit #8; that does not appear to reflect conditions on the ground.

7. Other Conspiracy Theories.

- a. 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 9. Next Steps.

The Subcommittee discussed where the priorities should be on future activities. They agreed that it was time to focus on obtaining the last major pieces of factual evidence:

Members Meurlin and Moxley will be getting into more sensitive factual questions now, given that they have been given most of the general files have been collected and largely reviewed. They expect to be asking for the Rohde litigation files, the material from the internal staff reviews of what happened at Round Hill, and the changes in the project from that set forth in the ordinances that occurred and who, if anyone, at Cascade Township approved those changes, why none of those changes came to the attention of the Planning Commission or the Board of Trustees (and to understand the reasoning that staff had the discretion to approve such changes). The Issues List indicates that we have identified a number of unusual occurrences that seem to point to process failures (or simply a deficiency in processes by the lack of resources or a decision to not aggressively enforce compliance or a decision to leave as much as possible to the KCRC). Members Meurlin and Moxley will also begin to investigate the rumors about the property behind the Culver's restaurant.

We hope to have subject matters to be covered by each interviews with each interviewee. These people will include staff members, as well as third parties such as officials at the KCRC and Cliff Bloom.

These topics to be identified will be supplied to those being interviewed prior to the interview. But these will be topics and not specific questions as the interview can go into more detail in follow up questions to ensure that they obtain the most accurate factual answers they can.

Article 10. Discussion of Wall.

The group discussed the current safety of the Retaining Wall on the SE corner of Round Hill. Member Moxley stated that he is not a structural engineer but he does not believe the wall to be a current safety threat. But he would suggest a more detailed discussion with the Fishbeck engineer and the MTC official.

Article 11. Adjournment.

Chairman Rissi suggested that the next meeting be held on Wednesday Sept. 8, 2021 at 10 am. The rest of the Subcommittee agreed.

The meeting was adjourned at 12:14 pm on motion by Member Noordhoek, and seconded by Member Moxley, and unanimously approved.