MINUTES

CASCADE CHARTER TOWNSHIP
ROUND HILL SUBCOMMITTEE OF THE
PLANNING COMMISSION

MEETING OF AUGUST 3, 2021
Wisner Center
2 pm.
2870 Jacksmith Ave., SE

Article 1. Call the Meeting to Order

Chairman Rissi call the meeting to order at 2:06 pm.
Members Present: Meurlin, Moxley and Noordhoek
Others Present: Stanley Grunske, resident of Cascade.

Article 2. 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. Acknowledge Visitor and Those Wishing to Speak

Chairman Rissi welcomed Mr. Grunske to the meeting, saying that the Subcommittee wanted more citizens of Cascade Charter Township ("CCT") at these meetings in the future. We want these meetings to be very transparent.

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. The Subcommittee will also have such materials as it intends to consider or review in the packet on the website for the meeting. These materials may be supplemented after the original packet if new information becomes available or a particular member of the Subcommittee would like to have such material made available to the public and the Chairman agrees to placing it on the website.

Mr. Grunske stated that he had been invited to the meeting by Member Meurlin. Mr. Grunske said that he lived across the street from the Rohde property and look straight up to the retaining wall. He also stated that during each of the last heavy rains the water coming out of the culvert under Thornapple River Drive from the Rohde property

was completely full of sediment that then simply settled on top of the other sediment and silt that has accumulated from the Round Hill development and from the big drain on the Sentinel Pointe property that also flows into the bayou (or what used to be a bayou) from points on the other side of the bayou from his property. He has not had water access for a number of years; Round Hill has just made it worse. He was in attendance because he wanted to know more about what happened on the development, which has been a constant source of irritation. He now states that there seem to some improvements being made behind the Retaining Wall.

Article 5. Subcommittee Goals

The members reviewed the "Round Hill After Action Report Work Plan" ("Work Plan") and the "Round Hill Timeline from Beginning of Development Process" ("Timeline"). Both documents were placed on the CCT Website that morning, but a copy of each was made available to Mr. Grunske.

Mr. Meurlin, who had created the two documents suggested that the Subcommittee focus first on the Goals listed in the first two pages of the Work Plan and asked if the Subcommittee was comfortable with those goals. There was significant discussion (which also was intermingled with discussion of how to accomplish these goals). All members spoke. The following Goals were identified and there appeared to be consensus on them. The Subcommittee needs to finally approve these goals with an actual resolution. The Goals:

- **Determine Round Hill Facts from 2015-2021**
  - Major issues include accuracy of ordinance as filed; why building permits were not stopped when violations occurred?

- **Examination of (and prove whether accurate or inaccurate) alleged Conspiracy Theories that abound in the Township**
  - #1: Connection of Tom Guisti with 6370 28th Street property (behind Culver Restaurant).
  - #2: There was a desire to have the property east of Thornhills held for some Township use in the future; that is why the developer left the property undeveloped for a more significant time period than usual.
  - Others if someone brings them up to us.

- **General Zoning Enforcement Policy & Process (and as used in Round Hill Development)**
  - How proactive is CCT in ensuring developers are complying with the requirements of the Township approvals?
  - How are citizen complaints handled and responses sent?
  - What is the philosophy of the Planning Department in enforcing zoning ordinances?

- **Draft Final Report with Significant Concerns Identified**
    - Accurate analysis of the facts of Round Hill development.
    - Identification of concerns for full Planning Commission consideration with current internal processes/philosophies of zoning enforcement in CCT (in part as exhibited in Round Hill).

The Subcommittee spoke at length on whether to make recommendations in the Final Report to the full Planning Commission or to simply raise the concerns identified in the investigation of the facts surrounding Round Hill. Chairman Rissi felt that any recommendations should come from the full Planning Commission. He also did not want to appear to be leading the Planning Commission towards particular recommendations made by the Subcommittee in our Final Report. The other members were in agreement. Mr. Meurlin noted that in his longer-term work plan that drafts of each of the factual portions developed by the Subcommittee would be shared with the full Planning Commission, as would interim drafts of the overall report pursuant to the direction of the Planning Commission for periodic reports. It was agreed that we would only note our areas of concern and allow the deliberations over recommendations – be they on internal processes, enforcement policies, or even ordinances changes.

Ideas generated by the members as places where the process used by CCT in Round Hill (and other developments) might have gone wrong (from member's experiences based on other situations that they noted involving the Township) included the following:

- Determining if the Planning Department (or whatever department is responsible for enforcement) has a system in place (computer or paper based) that would show a list of things that are preconditions to the start of development work and to the issuing of permits. For example, performance bonds, receiving filed copies of the Ordinance, and any others specified in the Ordinance approving the development. Another worrisome issue is whether if all of the information is really in one person's head, what if something happens to him or her? Is there also needed a proactive component to the enforcement process – someone visiting the site periodically? As we currently understand it, the enforcement process is reactive to complaints, not proactive.

- Determining who is responsible for zoning ordinance enforcement. The Zoning Ordinance says the Planning Director is, but in the Township's answer to allegation #13 to the Rohde complaint, it states that the allegation that Steve Peterson is responsible for implementing the ordinances is untrue and that he "has those responsibilities set forth in the Ordinance." It would be good to get the job description of the new Zoning Enforcement Officer that the Township has just hired to see whether that is the person responsible. It would also be good to get documentation to support Director Peterson's appointment as

Planning Director once he became Community Development Officer. His job description does not have Planning Director as a part of his duties.

- Coordination between the various state and county and township officials as to who is responsible for what parts of the enforcement effort. The Kent County Road Commission has jurisdiction, we understand, for stormwater control systems, though the Township has zoning ordinances covering that as well. And the State is responsible for damage to the Thornapple River. Also, even though MiOSHA has grading requirements, the Township has no standing to bring a complaint to the attention of MiOSHA. Does each agency really coordinate efforts when someone seemingly violates the orders of one or another of the agencies, so neighbors do not get hurt or natural areas damaged?

- There may be a philosophical approach issue, as Director Peterson gives some flexibility to developers during the construction period. But in Round Hill that seemed to go for over two years in a situation where significant damage to one or more neighbors was occurring.

The Subcommittee then discussed how to move forward to get the facts and accomplish its goals. Member Meurlin indicated the Work Plan draft he has submitted had this take place in stages, starting with interviews with key people like Director Peterson and Town Manager Swayze, as well as others in the planning department and them answering basic questions to complete the timeline of what did happen, with follow up interviews later for specific questions. But he mentioned that given the forensic audit, in combination with a review by the Township's new General Counsel, now authorized to look at the legality of certain expenditures and accounting practices in specified situations, the cooperation of members of the senior staff might be less than robust. Member Noordhoek agreed and wanted to quickly get answers quickly. After discussion it was agreed that the first step was to gather all of the Round Hill files at the Township and inventory them and use them to complete more of the timeline with the Township's documentation. Of key interest was the site plan as finally approved by the Board of Trustees on March 9, 2016 to see if it was identical (as it should have been) to the site plan filed as a part of the Master Deed on April 27, 2018, well after the site had been cleared (and the KCRC issuing a notice of violation) and a building permit issued for Unit #8.

Members Moxley and Meurlin agreed to meet at the Town Hall on Monday morning at 9:30 pm with all of the Township's files in the big conference room to review them for 3 or more hours and identify those that we want copies of for the Subcommittee. Chairman Rissi sent a message to the Town Manager and Asst. Manager Fast, as well as Director Peterson, to ask them to compile all of the Township's Round Hill documents (including their own and documents from the Inspection Department (permits, etc) and the Clerk's office (final ordinance documentation) in the conference room on Monday and to notify him if that would be a problem.

The Subcommittee agreed to schedule their next meeting for Tuesday morning, August 17, 2021, from 10 am to noon.

Member Noordhoek, seconded by Member Moxley, made a motion to adjourn the meeting. Chairman Rissi again thanked Mr. Grunske for staying for the entire meeting and invited him to see if other citizens wanted to come to future meetings, as the Subcommittee would welcome other guests and their comments. The motion was then approved unanimously and the meeting was declared to be adjourned at 3:35 pm.

Craig Meurlin
Acting in the Role of Secretary