

**Minutes of a Regular Meeting of the
Port Sheldon Township Board
March 8, 2023 – 5:30 P.M.**

1. Call to order
2. Roll Call
Present: Teresa De Graaf, Rachel Frantom, Bill Monhollon, Michael Sabatino and Gerald Smith.
Absent: None
Also present: Attorney, Ron Bultje, Fire Chief, Brad Dirkse, eight township residents and guests.
3. Pledge of allegiance.
4. Invocation
Gerald Smith offered the invocation.
5. Additions to Agenda:
 - a. Siegfried Crandall Engagement Contract
 - b. Set amended date Budget Hearing – March 15, 2023
6. Approval of Agenda.
Motion by Smith to approve the agenda with additions. Supported by Frantom and carried.
7. Consent Agenda Approval
 - a. Approve Minutes
 - February 8, 2023 Regular Board Meeting
 - February 17, 2023 Budget Workshop
 - February 20, 2023 Special Board Meeting
 - b. Approve Financial Report
 - c. Approve Correspondence: Resident letter of thanks for contracting with Ottawa County for management of Kouw/Windsnest Parks.
 - d. Approve Committee Reports
 - Building & Zoning – February – three permits issued with no new house starts.
 - Fire Department – February – fifteen calls and two meetings. Fire Chief, Brad Dirkse recommends the promotion of Connor Millar to Captain. This promotion will leave an open Lieutenant position, which will be posted.
 - e. Approve payment of Bills
Motion by De Graaf to accept Chief Dirkse’s recommendation and promote Connor Millar to Captain. Supported by Monhollon and carried.
Motion by Smith to approve the consent agenda. Supported by Frantom and carried.
8. Trustee Appointment.
The board discussed the February 20, 2023 trustee interviews and shared the candidates’ strengths. The desire to have a member with an agricultural background was expressed.
Motion by De Graaf to appoint Lucas DeVries to Trustee effective April 1, 2023 to fill the remainder of Gerald’s Smith unexpired term. Supported by Frantom and carried.
9. Public Hearing – 0 Olive Shores Rezoning Request.
Supervisor Sabatino opened the Public Hearing at 5:46 p.m.
Petitioner Curtis Moran’s representative, Emily Palacios of Miller Johnson, shared the desire for rezoning and the reasoning behind the request, including existing land uses, future land uses and established zoning patterns.

Motion by Frantom to close the public hearing. Supported by Smith and carried with five yes roll call votes. Ayes: De Graaf, Frantom, Monhollon, Sabatino and Smith. Nays: None. Public hearing closed at 6:15 p.m.

10. Consider Planning Commission Recommendation for parcel 709-11-09-200-005

Motion by De Graaf to accept the recommendation made by the Planning commission and deny the rezoning request made by the applicant for parcel number 70-11-09-200-005, from AG-1 Agricultural Preservation to LSR Lakeshore Residential.

The reasons for the denial of the rezoning request are the reasons stated by the Planning Commission in its minutes for its January 25, 2023 meeting, including the reasons stated by the Township Planner in his December 7, 2022 and January 19, 2023 memoranda, and the reasons stated by the Township Attorney in his January 17, 2023 memorandum.

The reasons for rejecting the arguments made by the applicant's attorney at this March 8, 2023 meeting are as follows:

1. The applicant's attorney stated that the property is not suited for agricultural uses. However, as zoned, the property may be used for many purposes other than agriculture.
2. In the same area as the applicant's property is property currently being used by Consumers Energy, which intends to terminate operation of a power plant on its property in the next few years. As a result, a land use study and a zoning study of the entire area should and will be conducted for this area, and those studies should include the applicant's property.
3. The applicant's attorney stated that the applicant is seeking to have the uses for his property diminished from those uses allowed by the current zoning. To the extent the applicant does not believe uses allowed by the current zoning are appropriate, the applicant can refrain from using the property for those allegedly inappropriate uses and can prevent future owners from using the property for those uses as well.
4. Rezoning the property now will have limited if any effect on the use of the property for the next eight years, because the property is limited in its allowable land divisions for those eight years.
5. To the extent the applicant is requesting his property be rezoned to match the zoning of certain other property in the area, so that if that other property is rezoned the applicant's property will be rezoned at the same time and in the same way, the applicant's claim is speculative and without merit. Rezoning the applicant's property now to be zoned in the same way as certain other property in the area is no guarantee that the applicant's property and the other property in the area will continue to be zoned in the same way in the future.
6. Rejecting the requested rezoning is consistent with the future land use map in the Township's master plan. To the extent the denial of the requested rezoning would be inconsistent with the text of the master plan, that is not an indication that the applicant's property is now ripe to be rezoned in accord with the text of the master plan.
7. To the extent that there are parcels in the Township that are not on Lake Michigan or in a plat but are still zoned in the LSR District, many of those parcels have at least private lake access. Further, most of the approximately 60 parcels in the Township that are eight to 12 acres in area, such as the applicant's parcel, are used for single family dwellings with no farming operations.

Supported by Smith and carried with five yes roll call votes. Ayes: De Graaf, Frantom, Monhollon, Sabatino and Smith. Nays: None.

11. Request from West Ottawa Public Schools to collect the 2023 Summer Tax Levy.

Motion by Smith to collect the West Ottawa Public Schools 2023 Summer Tax levy. Supported by Frantom and carried with five yes roll call votes. Ayes: De Graaf, Frantom, Monhollon, Sabatino and

Smith. Nays: None.

12. Request from Grand Haven Public Schools to collect the 2023 Summer Tax Levy.
Motion by Smith to collect the Grand Haven Public Schools 2023 Summer Tax levy. Supported by Monhollon and carried with five yes roll call votes. Ayes: De Graaf, Frantom, Monhollon, Sabatino and Smith. Nays: None.
13. Request from OAISD to collect the 2023 Summer Tax Levy.
Motion by Smith to collect the OAISD Summer Tax levy. Supported by De Graaf and carried with five yes roll call votes. Ayes: De Graaf, Frantom, Monhollon, Sabatino and Smith. Nays: None.
14. 2023-2024 Board Meeting Dates Resolution.
Motion by Smith to adopt Resolution 2023-08 setting forth regular township board meetings the second Wednesday of each month at 5:30 p.m. Supported by Frantom and carried with five yes roll call votes. Ayes: De Graaf, Frantom, Monhollon, Sabatino and Smith. Nays: None.
15. Budget Amendment.
Motion by Frantom to table Budget Amendments until the March 15, 2023 Special Board Meeting. Supported by Sabatino and carried.
16. Consumers Energy Power Plant Closure – Future Use Study Update.
Supervisor Sabatino provided an update. The plan is for the property to be separated into zones by possible uses. The Future Use Study is due mid-March.
17. Discussion - Planning Commission’s Short Term Rental Report.
Four emails from residents were read. Three were opposed to short-term rentals and one was in support of short-term rentals. Trustee Bill Monhollon shared that the Planning Commission is actively working through the details of short-term rentals.
18. Discussion - Pre-existing, non-compliant and non-grandfathered businesses in residential/Agricultural Zoning Districts.
Supervisor Sabatino shared recent activity regarding two property owners who have long-standing business operations in the township. In discussions with township attorney, the possibility exists to have an ordinance adopted to afford such businesses the opportunity to seek special use permits with sunset clauses.
Motion by Sabatino to have the Planning Commission work on draft ordinance language addressing pre-existing, non-compliant and non-grandfathered businesses in Residential/Agricultural Zoning Districts. Supported by Frantom and carried.
19. Discussion - Polk Street/Windsnest No Parking Zone.
Public safety concerns regarding parking on Margaret Avenue were discussed. Supervisor Sabatino will contact the Ottawa County Road Commission and Michigan State Police to discuss the possibility of an interim township ordinance to limit parking while pursuing a long-term solution for “No Parking Zones” with Ottawa County and Michigan State Police.
20. Discussion - MTT/Dash 2022 Contract Progress.
The board expressed disappointment in the lack of action regarding the alternative milfoil weed treatment for 2022. No action will be taken in regards to the 2023 season at this time.
21. Discussion – Arrowaste Rate Increase/Trash Program
Supervisor Sabatino discussed the rate increase and change to trash service hours being proposed by Arrowaste. Supervisor Sabatino will continue discussions and research alternatives to the current system.
22. Additions to the Agenda.
 - a. Siegfried Crandell Contract.

Motion by De Graaf to approve the services of Siegfried Crandell for the 2022-2023 annual audit. Supported by Frantom and carried with five yes roll call votes. Ayes: De Graaf, Frantom, Monhollon, Sabatino and Smith. Nays: None.

b. Change Budget Hearing Date.

The publication deadline was not met for the previously scheduled March 8, 2023 date, necessitating a date change.

Motion by De Graaf to change the Budget Hearing Date to March 15, 2023 at 5:30 p.m. Supported by Monhollon and carried with five yes roll call votes. Ayes: De Graaf, Frantom, Monhollon, Sabatino and Smith. Nays: None.

23. Public Comment:

Streetlight outages and the length of time for replacement was an area of concern.

Gerald Smith was recognized for his years of service on the board.

Two Sheldon Dune residents spoke and are against short-term rentals in their neighborhood.

24. Adjourn

Motion by Smith to adjourn. Supported by Frantom and carried.

The meeting adjourned at 7:16 p.m.

Teresa De Graaf, Clerk