



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF CONSTRUCTION CODES
IRVIN J. POKE
DIRECTOR

STEVEN H. HILFINGER
DIRECTOR

STATE BOUNDARY COMMISSION

Meeting Location:
2501 Woodlake Circle - Conference Room 3/First Floor
Okemos, Michigan 48864

MINUTES
May 9, 2012

ALLEGAN COUNTY

MEMBERS PRESENT

Mr. Dennis Schornack, Chairman
Mr. Cameron Priebe, State Commissioner
Mr. James Stewart, State Commissioner

MEMBERS ABSENT

Mr. Kenneth Heckman, Local Commissioner
Mr. Samuel Dykstra, Local Commissioner

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS PERSONNEL ATTENDING

Mr. Kevin O'Brien, P.S., Office of Land Survey and Remonumentation
Mrs. Angela Sanderson, Secretary, Office of Land Survey and Remonumentation
Mr. Chris Beland, Director, Office of Land Survey and Remonumentation
Mr. Keith Lambert, Deputy Director, Bureau of Constructions Codes

OTHERS IN ATTENDANCE

Mr. Stephen Rideout, Assistant Attorney General

1. CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman Schornack called the meeting to order at approximately 2:10 p.m. and read the Opening Statement. A quorum was determined present at that time.

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2. APPROVAL OF AGENDA

A **MOTION** was made by Commissioner Stewart and seconded by Commissioner Priebe to approve the Agenda for the meeting. **MOTION CARRIED UNANIMOUSLY.**

3. APPROVAL OF DRAFT MINUTES

A **MOTION** was made by Commissioner Priebe and seconded by Commissioner Stewart to approve the Draft Minutes from the April 11, 2012 meeting. **MOTION CARRIED UNANIMOUSLY.**

4. DOCKET # 11-C-1 – RESCHEDULING PUBLIC HEARING

a. Discussion by Commission and Staff:

Mr. O'Brien explained why the certified mailings missed the 30 days notice requirement; therefore, causing the public hearing, as originally scheduled, to be canceled. He explained that the staff sent the mailings out 35 days prior to the scheduled meeting date; however, they were delayed in the State's mail system and were not postmarked in time to meet the 30-day requirement.

Mr. O'Brien recommended **June 20, 2012** as a new date for the public hearing and recommended the meeting be held at the **Saugatuck High School**. He commented that the Commission had received negative feedback regarding the, originally scheduled, 10:00 a.m. start time and asked the commissioners what time the public hearing, on June 20, should be held. Mr. O'Brien commented that 4:00 p.m. has traditionally been the start time for these hearings.

Commission questions/discussion/deliberation: Discussion ensued.

A **MOTION** was made by Commissioner Stewart and seconded by Chairman Schornack to reschedule the Public Hearing for **June 20, 2012 at 4:00 p.m.** at the **Saugatuck High School gym**. **MOTION CARRIED UNANIMOUSLY.**

Chairman Schornack assured the SBC that OLSR will send notice 30 days in advance of this public hearing. He also noted that there will be no pre-hearing conference for this docket.

Mr. Priebe asked what the commission will be able to discuss at the public hearing.

Mr. O'Brien replied that the SBC can discuss a revised boundary and receive public comment at the public hearing.

Commissioner Priebe asked if they would be able to put everything on table and then later make a decision.

Mr. O'Brien said yes, the SBC can hold additional meetings following the hearing and postpone their final decision in order to gather as much information as they deem necessary to make a properly informed decision.

Director Beland explained that what is being considered, at the public hearing, is the petition as it was originally filed; however, questions can be raised about revising the boundaries, but a decision would not be made until after the hearing. If, after the public hearing, the SBC wants to consider a different boundary they can hold meetings about that scenario and gather information.

Commissioner Priebe asked if when it comes time to decide on a boundary if they have to submit a boundary or can SBC pick out their own boundary.

Director Beland answered saying that the SBC can pick their own if they want.

Commissioner Stewart asked if the petitioner has the ability to file an amended petition.

Director Beland answered saying no; they can submit ideas to be considered by the Commission, but not an amended petition.

Commissioner Stewart wanted to confirm that the SBC cannot expand the boundaries without an additional public hearing for those that would be affected, but they can reduce them without an additional public hearing.

Commissioner Priebe asked if the SBC can recommend the parties try amending their boundaries.

Director Beland answered saying not at the public hearing, but after the public hearing the SBC can.

Chairman Schornack asked Mr. Rideout or Director Beland whether the commissioners should in the future, feel constrained about talking about possible new boundaries at any point in the process.

Assistant Attorney General Rideout explained that at the prior SBC meeting for this docket the Commissioners raised an issue about the boundaries, which is proper.

Commission questions/discussion/deliberation: Discussion ensued.

Chairman Schornack explained that some locals had complained that the Commission had advised or recommended a change in boundaries.

Director Beland expanded, saying that at the public hearing the SBC may get a presentation regarding boundary changes. Following up and asking questions and asking for additional information during the hearing or after would be appropriate.

Director Beland further explained, saying that at the meeting on legal sufficiency the Commission discussed boundary revisions before deciding on sufficiency. He continued explaining that, procedurally, legal sufficiency should have been decided first and then the discussions about boundary revisions should have followed but that the Commission was not out of line.

Commission questions/discussion/deliberation: Discussion ensued.

Commissioner Priebe asked if after the public hearing, the Commission can then come back and have a meeting and talk about boundaries that make sense and then vote on that.

Mr. Rideout answered yes.

Director Beland asked Mr. Rideout if at the end of the public hearing the Commission can ask for more information on boundaries at that point or if they have to have an adjudicative session.

Assistant Attorney General Rideout answered saying that the Commission can ask based upon the comments they receive on the day of the public hearing.

Director Beland indicated that at the close of the public hearing or anytime after the public hearing the SBC can direct the staff to request additional information from the involved parties prior to holding an adjudicative session.

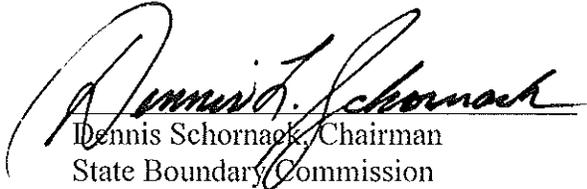
Commission questions/discussion/deliberation: Discussion ensued.

5. ADJOURNMENT

A **MOTION** was made by Commissioner Priebe and seconded by Commissioner Stewart to adjourn this session on Docket# 11-C-1. **MOTION CARRIED UNANIMOUSLY.**

Chairman Schornack adjourned the meeting on Docket# 11-C-1 at 2:34 p.m.

APPROVED:


Dennis Schornack, Chairman
State Boundary Commission

10/10/12
Date