



- » Overview
- » Board / Commission Packets
- » Current Agendas
- » FAQs
- » Forms
- » Important Links
- » Job Postings
- » Maps
- » Minutes Archive
- » Newsletter
- » Ordinances & Resolutions
- » Press Releases
- » Stormwater Information
- » Township Directory

**Minutes Archive**

Ozonia - Cascade Community Foundation - Downtown Development Authority - Library Advisory Board  
Planning Commission - Township Board - Zoning Board of Appeals

**Planning Commission Minutes**

**MINUTES**

**Cascade Charter Township Planning Commission**

Monday, May 16, 2005

7:00 pm

ARTICLE 1. Chairman Goldberg called the meeting to order.  
Members Present: Goldberg, Koessel, Lewis, MacAllister, McDonald, Postma, Robinson  
Members Absent: Logue and Richards (both excused).  
Others Present: Planning Director Peterson, Planner Deem, Admin. Assistant Thompson and those listed on Supplement #1.

ARTICLE 2. Chairman Goldberg led the Pledge of Allegiance to the Flag.

ARTICLE 3. Member Lewis supported by Member Robinson moved to revise the agenda and take Article 10 following Article 4. The motion carried.

Member Robinson supported by Member Koessel moved to approve the agenda as amended. The motion carried.

ARTICLE 4. The Minutes of the May 2, 2005 meeting were approved as submitted on motion by Member Koessel and supported by Member McDonald. The motion carried.

**ARTICLE 10. Presentation by the Fire Chief Regarding Dry Hydrants**

Planning Director Peterson related this item was on the Work Plan. He related Chief Sigg is present to describe the process and explain the dry hydrant issue.

Chief Sigg related we have in the past required facilities such as Ada Bible Church and the Quail Crest Golf Club to install water tanks because they are outside of the city water boundary. The Old Elm subdivision on Grand River Drive and Buttrick Avenue has a cistern system. Their development may have an 10% road grade and the Fire Department was concerned about getting fire trucks up the road during the winter. We required the developer to install a 20,000 gallon water storage tank. The Fire Department is continuing to look at the cost to install dry hydrants in the community. The Fire Department surveyed water sources in the township such as lakes, ponds, etc. and found ten sources of water that might be able to be used for dry hydrant service. We are also checking with other area fire departments for information on dry hydrants.

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- » Home
- » Search
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Member MacAllister referred to Chief Sigg's letter which states some of the ordinances can be improved. She asked what type of improvements. Chief Sigg responded he is looking at all of the ordinances. Some of them may need to be refined. The new tanker truck will be bigger and private road widths may need to be widened. The Fire Department is making sure everything is up to date. They may also develop a new fire prevention code for the township.

Chairman Goldberg asked do they put in dry hydrants and piping in all developments. Chief Sigg responded no, the Fire Department does not require anything to be installed.

Planning Director Peterson related the Old Elm subdivision has one hydrant with a water storage tank.

Chairman Goldberg stated criteria should be used for requiring that. Planning Director Peterson stated Old Elm was required to have a cistern due to the steep road. The Fire Department is reviewing what those standards will be.

Chairman Goldberg asked when would you be coming back to us with a recommendation. Planning Director Peterson responded that will be up to the Fire Department if they believe changes are required. This was really for discussion and information purposes. The Fire Department will be talking with the Township Board also.

Member McDonald asked if the grants would be state or federal. Chief Sigg responded he believes it is a state grant. They have been looking at dry hydrants for a year or so.

Member Robinson asked where our community has no water source, are there any state regulations for providing dry hydrants. Chief Sigg responded none that he is aware of. The state does regulate the amount of fire personnel needed for the number of citizens in the community.

Member Robinson asked if these developments are looked at on an individual basis. Chief Sigg responded yes.

Chairman Goldberg asked how much water does a tanker hold. Chief Sigg responded the new one will hold 3,000 gallons.

Chairman Godlberg asked how many gallons of water is used for a house fire. Chief Sigg responded they can easily go through 20,000 - 30,000 gallons.

Member Lewis asked about swimming pools and if they could be used as a water source. Chief Sigg responded they can be used and we have done that in the past. They do not have a map of everyone's swimming pool. But sometimes we see that the neighbors have one or a citizen will suggest using a nearby pool.

Member Robinson asked how much water does a normal swimming pool hold. Chief Sigg responded 5,000 to 10,000 gallons. A pumper can pump 1,500 gallons a minute.

Member McDonald asked Staff is this kind of an ordinance is directed toward new developments. Planning Director Peterson related this was for information purposes. We will leave that to the Fire Department on how they want to deal with this issue.

Member McDonald asked how many homes have been lost because they didn't have dry hydrants. Chief Sigg responded he does not know.

Chairman Goldberg asked Chief Sigg to find the statistics if it is decided an ordinance would be desirable.

ARTICLE 5. Case #05-2727: Faulk & Foster  
(PUBLIC HEARING)

The applicant requested a Type I Special Use Permit to co-locate a communication antenna with a

small equipment structure at an existing cellular tower site behind the Buttrick Avenue Fire Station at 2990 Buttrick Avenue.

Planning Director Peterson related the tower at the Buttrick Fire Station has been there for several years. This is a co-location request. The packet has a depiction of what the tower would look like with the antenna added. The applicant will also be locating an equipment cabinet. The Township does encourage co-locations on existing towers. Planning Director Peterson recommended approval.

Chairman Goldberg asked how many antennas will this make on the tower. Planning Director Peterson responded this will be the fourth.

Chairman Goldberg asked if there is room for additional antennas. Planning Director Peterson responded yes, the lease is written for up to 12.

Member Koessel related the new antenna looks like it would be tight to the pole. Planning Director Peterson responded that is correct.

Member Koessel asked if all the equipment will be housed inside the existing structure. Planning Director Peterson responded that is correct.

Beth Striegle of Faulk & Foster represented the applicant. She related this request is similar to the one approved two months ago for a co-location at another site. There will not be any increase in the tower height.

Member Lewis asked if this antenna will fill a need for the area. Ms. Striegle related yes, it is for Centennial, a new company coming in. They are filling the voids in service that they have experienced and are getting the most important sites first.

Member Koessel supported by Member Robinson moved to open the public hearing. The motion carried and the public hearing was opened.

There being no one present to speak on the matter, Member Lewis supported by Member MacAllister moved to close the public hearing. The motion carried and the public hearing was closed.

Member Koessel supported by Member Lewis moved to approve the applicant's request for a Type I Special Use Permit to co-locate an antenna on an existing tower and equipment structure behind the Buttrick Avenue Fire Station at 2990 Buttrick Avenue. The motion carried.

#### ARTICLE 6. Case #05-2725: Lighting Ordinance (PUBLIC HEARING)

Review of proposed language to amend the lighting regulations in the Cascade Township Zoning Ordinance.

Planner Deem related this review of the lighting ordinance was prompted by the Work Plan. The language relating to downcast lighting and facade lighting will be creating a new Section 4.34 (General Characteristics section of the Zoning Ordinance). Those paragraphs will also be added to Section 19.19 where the current lighting regulations are located (parking section of the Zoning Ordinance). In addition, a new Special Use Permit (Type II) is being created for recreational lighting. Currently the maximum that we allow is 5 foot candles. Should a soccer park develop and need lights for night games, 5 foot candles would not be adequate. The Staff Report has the new language for Special Use Permit requirements for recreational lighting.

"1) Fixtures used for event lighting shall be fully shielded or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare." And

"2) All events shall be scheduled so as to complete all activity before or as near to 10:00 pm as

practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 pm except to conclude a scheduled event that was in progress before 11:00 pm and circumstances prevented concluding before 11:00 pm."

There are also two additions to the general ordinance for the down cast lighting to be added to Section 19.19:

"3. Downcast Lighting: For parking lots, cutoff type luminaries shall be used and shall be equipped with devices, such as shields, visors, hoods, for redirecting light. All outdoor lighting on private, residential, commercial, industrial, municipal, recreational, and institutional property shall be so equipped, aimed, located, designed, fitted, and maintained. Directional luminaries such as spot lights, and sign lights shall be so installed and aimed that they illuminate only the task and do not shine directly onto neighboring properties, roadways, and distribute excessive light skyward."

"4. Facade Lighting: For the lighting of predominantly non-horizontal surfaces, such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays, and statuary, lighting fixtures shall be fully shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, or onto a public roadway. Lighting fixtures with an aggregate rated lamp lumen output per fixture that does not exceed 1,000 lumens are exempt from the requirements of this paragraph."

Planner Deem recommended that the Planning Commission recommend to the Township Board approval of the proposed changes.

Chairman Goldberg related he has one question. Some terms are vague. For example outdoor lighting shall not be used to draw undue and excessive attention to buildings, properties or appurtenances for purposes, etc. That is kind of in the eye of the beholder as to what is un-due and excessive. "Or to be used to compete for the attention or cause distraction of physical discomfort". That will vary from person to person. He asked Staff does this give us sufficient clarity that a person reading this ordinance would understand what type or things are allowed and what are not. Planner Deem related the main purpose of the special use criteria is for recreational lighting and that portion is basically a guide.

Chairman Goldberg related so that is to assist in interpreting. Planner Deem responded **yes**, and to give direction for what purpose and how the lighting should be.

Member Lewis related on that same subject he is surprised it is under recreational lighting and does not appear in the regulations for commercial buildings. It is possible to draw undue and excessive attention to buildings through lighting. Planner Deem related he can copy that section and put it in Section 4.34.

Member Robinson asked where would lighting trees come in. Planner Deem related it would fall under facade or up lighting.

Member MacAllister related she is having a hard time with the facade lighting with respect to we have asked a multitude of vendors on 28th Street to not any up lighting at all on their facades. She is struggling with allowing any up lighting on facades. We have seen compliance with that. She related she does not have any problem with facade lighting as long as it is downcast. Planner Deem related it is covered in the section referring to downcast lighting.

Member McDonald related you are saying we should not have facade lighting unless it is downcast. Member MacAllister responded yes and it does not read that way in these **proposed** regulations. For example, Bob Evans has roof lighting that is shining directly skyward.

Planning Director Peterson related it says "shall be fully shielded and aimed". Member MacAllister related it does not say "down".

Chairman Goldberg related in looking at the two sections downcast lighting seems to be directed at parking lots and outdoor lighting has to be so equipped, aimed and designed. He asked what

does so equipped mean. It refers back to parking lot lighting. It is not really talking about other types of lighting when it says downcast. And then it says directional luminaries such as spots and sign lights have to be aimed so that they point. In the whole downcast lighting section he is not sure where it refers to facade lighting. He asked Staff is there some place where you think facade lights are dealt with in the downcast lighting area.

Member McDonald related let's just require them to be down cast.

Planner Deem related he thinks it is there now.

Chairman Goldberg related he does not see it. It says for parking lots we are going to have a certain type of fixture. Then it says all outdoor lighting on any kind of property shall be so equipped. What does so equipped mean.

Member McDonald suggested simply this by saying facade lighting shall be downcast.

Chairman Goldberg related so in the third line you want to say "shall be fully shielded and down cast" and shall be installed and aimed. Chairman Goldberg related we would say the same thing in Section 4.34 as well.

Member Robinson supported by Member MacAllister moved to open the public hearing. The motion carried and the public hearing was opened.

Rob Beahan of 3148 Thornapple River Drive related his two main complaints have been billboards and lighting. He related this is a step in the right direction to get downcast lighting. He wanted to show his support for the proposed regulations.

Planner Deem related no phone calls or letters were received.

Member Lewis supported by Member Robinson moved to close the public hearing. The motion carried and the public hearing was closed.

Member Koessel spoke regarding the issue of downcast facade lighting. He asked would that require lights on buildings to be shielded down. With regard to signs along 28th Street they would be allowed to attach lights to shine down. He thinks downcast is okay but it might apply more to lights that are attached to the building.

Member McDonald related he believes that is covered by the 1,000 lumens.

Member Koessel asked what wattage is that. Planner Deem responded 60 watts. A 60 watt flood light is not equivalent to a 60 watt house light. That's why we use lumens instead of watts.

Member Robinson related flag poles and lights on trees are way over 1,000 lumens. Planner Deem related they are not to use an excessive wattage that illuminates past the flag.

Member McDonald asked if it would be helpful to have a sentence at the end that says "this is not to preclude illuminating the flag so long as it is not illuminating beyond the object being the flag". Planner Deem believes it is already in there.

Chairman Goldberg asked that the sentence be repeated.

Member McDonald read it again. Chairman Goldberg related he is reluctant to draft language at the meeting because it is not a good idea. Adding the word "downcast" is fine.

Member MacAllister related she thinks the amount of lumens covers it.

Member MacAllister supported by Member Lewis moved to approve the lighting ordinance as

presented with the addition of adding the word "downcast" in line three of Item 2 and 4 Facade lighting.

Member Koessel related think it states it as far as the downcast part. He is not sure that it is a lot different than the flag issue. We have issues with lights pointed up. This would prevent that from happening. If we were to allow an exterior facade light a sign so long as it only lit the name of the company and didn't shine up I think it has accomplished that through the shields that are in the ordinance. He thinks the ordinance as it was proposed addressed that by the shielding fact and that it can't project only on the object that it is intended to.

Planning Director Peterson related adding downcast to the facade may cause problems with lighting a flag because it would be more than 1,000 lumens. He still thinks it is addressed in the current language of the facade lighting by not letting it go higher than what it is aimed at.

Member Koessel related our issues in the past have been lights that have shined up in the sky. The way this is written addresses that without adding the word "downcast".

Member McDonald suggested having Staff add a sentence that government/state flags are exempt.

Member Koessel related he is comfortable with the way it was presented regardless of the flag issue.

Member MacAllister related the way it was written without the downcast added, it would still allow for commercial industry to light up their building with ground lights. We have been very adamant about not allowing landscape lights to be put on the ground and light up a building completely. This does not address that.

Chairman Goldberg related there is another issue we discussed earlier on adding the introductory phase about drawing undue and excessive attention to buildings, properties and appurtenances. We talked about taking that language and having it modify Section 4.34 and 19.19. He asked is that part of this motion.

Members MacAllister and Lewis related they will amend the motion to add it.

Chairman Goldberg related the motion then would be the proposal as written to take the modifying phrase about drawing undue and excessive attention on the outdoor lighting shall not and the outdoor lighting shall modify Sections 4.34 and 19.19 as well. And, the downcast phrase is included in the motion.

The motion carried with Member Koessel casting a nay vote.

#### ARTICLE 7. Case #05-2712: Barnes Management

The applicant requested Basic Plan Review for a PUD rezoning of 1544 MacNider Avenue.

Planning Director Peterson related we first discussed this project in April. At that meeting the applicant presented a new site plan that addressed some of Staff's concerns. Staff has now had time to review the new plan. The applicant also provided Options A and B of how the entire area could be developed in the future. They are not proposing to do any of that development. The concern was if this was to proceed what was going to be left over and how would it be developed. Most of the buildings do not have identified uses. The Master Plan identifies this area as a mix of residential and office uses. Essentially this new plan is the same as the former one. There are some comments from the Fire Department and Township Engineer. Their comments are really site plan issues that we would get into during the public hearing. Staff suggested the project be ready to proceed to public hearing on June 20, 2005.

Member MacAllister asked do they meet all the setbacks, drive location, etc. Planning Director Peterson related the applicant has addressed those concerns from the previous meeting.

Member MacAllister asked if there are any side walk requirements we can look at. Planning Director Peterson related no, we don't have any idea for sidewalks here. The bike path is on the other side of Cascade Road.

Member Lewis asked about the traffic counts. Planning Director Peterson related he did not know. Maybe this type of change needs a traffic impact study. We have required other projects to do those. We do not have a standard that says if it is this type of use we need one. It has been a case by case basis. If the rezoning is going to happen we need to see a plan that involves everything. Obviously the applicant is reluctant to do that. Staff related it would not be a bad idea to require a traffic study and center turn lane analysis prior to public hearing.

Member Lewis related there has been a precedent for it in that area. Some areas along Cascade Road have left hand turn lanes and some do not. He does not like the way the left hand turn lanes are piece meal.

Chairman Goldberg related there are no curb cuts on Cascade Road for this development. This is an existing public street and traffic would be added to MacNider. Planning Director Peterson related none of the other previous projects had access directly to Cascade Road either and they were required to install turn lanes.

Chairman Goldberg asked if this property is rezoned, then the rest of the property along Cascade Road will also be rezoned. This is kind of a jump here. We are stepping down Cascade Road and crossing another street with development. That seems counter to the direction that the township residents gave us during the Master Plan process and the Cascade Road Corridor Study. Chairman Goldberg asked what is driving this other than this particular applicant. Planning Director Peterson related that would be a good thing to discuss at the public hearing. This area is identified as mixed use PUD on the Master Plan map.

Chairman Goldberg related mixed use implies something other than all commercial. If we don't see the entire development, we don't see the mix in this PUD. If we see the entire parcel developed and saw some being single family, some multi-family and office then it is a true mixed PUD. If these developments continue to step out as office after office, there will never be a buffer. The mixed use PUD offers a buffer and smooth transition between office and residential. Planning Director Peterson related he tends to agree and that is why it should all come in together as one project. The applicant will have to address those concerns at the public hearing.

Member MacAllister related at the April 4 Planning Commission meeting, Staff asked the applicant to address internal landscaping in the parking lot. She asked if that has been met. Planning Director Peterson related he believes so, they have reduced their parking.

Roger Lamer of W.L. Perry Company was present for the applicant. He related the Cascade Corridor Study requires office sites to be a minimum of two acres. We looked at Option A as what could be the maximum to meet the criteria for an office. Option A is the maximum as what you would see as an office density versus residential. Option B shows increasing the residential and having only two office buildings along Cascade Road. We are proposing strictly office buildings and single family residential. We did not do any multi-family in between as a buffer. Mr. Lamer related they only have control of the two acres that they own. They cannot plan someone else's development. If they owned all the parcels they could, at a maximum, have three 10,000 s.f. office buildings. They feel they meet the criteria for an office building along Cascade Road and would like to move forward to public hearing. The realtor tried to get all the parties together but it did not work. They have been working for nine months to get the parties together. We only have control of this two acres. Mr. Lamer then handed out color drawings. There is a lot of green area on the plan. He related the setback is 100 feet from Cascade Road and 50 feet from the neighbor to the east. We will attempt to save as many existing trees on the property line and supplement with evergreen where needed. A green belt is along MacNider. The parking lot drive is aligned with the drive across from MacNider. This plan gives the best buffering from the all sides. The parking lot lights will be down and shielded. The building is one story masonry with split face block. Wood timbers will be used at the entry way.

Member MacAllister related appreciate you clear buffer to east. South side of property. That was

biggest concern last time. Looks like you have yews and not a great buffer. Biggest concern is where the drive is adjacent to existing home. Mr. Lamer related adjacent lot in there. I don't like tall shrubs. Your yard goes as far as you can see. I don't believe in six foot high shrubs and walls in my yard because it makes it look bigger.

Member MacAllister related her biggest concern was the buffer on the south side of the property. Yews are not great buffers, especially at a height of three feet. That is not going to shield large SUV's in the parking lot. Mr. Lamer related he does not like tall shrubs in his yard. It stops the view and makes your yard smaller. Your yard goes as far as you can see. Member MacAllister would like to hear from the residents on that.

Member Lewis supported by Member MacAllister moved to schedule the public hearing for June 20. The motion carried.

#### ARTICLE 8. Case #03-2459: Wal-Mart

The applicant requested permission to establish an outdoor garden center in the parking lot at 5859 - 28th Street.

Planning Director Peterson related the temporary parking lot garden center was approved a couple of years ago. All the conditions have been addressed. The applicant did not do the garden center last year because the brick facade was not finished. When Staff visited the site, garden materials were outside of the fence. The applicant submitted their application. They are asking for essentially the same as approved before. Staff is recommending a six week time period because they got ahead of themselves. He would like the start to be May 2 to June 17. The rest of the conditions would apply. Planning Director Peterson recommended approval.

Chairman Goldberg asked Staff if he spoke with the applicant about the time period. Planning Director Peterson responded not officially. The applicant did receive a copy of the Staff Report.

Member MacAllister related they have a lot of materials in the front and asked if that is allowed. Planning Director Peterson related that was the reason for his visit there. The materials have to be inside the garden center or within the corral area. He related he visited there tonight before the meeting and they are getting their materials where they are supposed to be. That seems to be a constant issue with Meijer also.

Tony Pierce, the store manager of Wal-Mart was present. He related they would be thrilled to agree with Staff's proposal.

Member Koessel supported by Member Robinson moved to approve an outdoor garden center in the parking lot from May 2 to June 17 in the location depicted on the map and all Staff recommendations from the original approval still apply.

Member Robinson asked if Wal-Mart has agreed to sign the sidewalk construction agreement. Planning Director Peterson related they already did that.

The motion carried.

#### ARTICLE 9. Case #05-2724: Culver's of Cascade

The applicant requested site plan approval for a 4,500 s.f. restaurant at 6300 - 28th Street, SE.

Planning Director Peterson related this project was recently approved for Phase One of the Riebel Development project. Staff met with them and they supplied us with all the follow up details on the site plan. Staff recommended approval of the site plan with the conditions listed in the Staff Report.

Member MacAllister related there was a discussion last time with sidewalks. We can ask them to construct the sidewalks as they construct the project. Planning Director Peterson related they agreed to do that. We asked them to delay it because of the re-do of 28th Street. The road will be



torn up and an old asbestos sewer line will be replaced. They agreed to put the sidewalks in after the road gets re-built. The project will run from Kraft Avenue to Cascade Road in 2007.

Member Lewis related at the last meeting on this project we spent a lot of time discussing the definition of fast food. Member Lewis related he would like to share some knowledge he picked up since then. The Mayor of Detroit proposed a tax on fast food. The Mayor's definition of fast food is "food you pay for it before you get it". That is exactly right. Member Lewis related maybe that is the definition he was missing. In the future that is going to be the definition he will work with.

Planning Director Peterson added to that. That is why we wanted to discuss it early on the in the project because it has an impact on parking. He wants the record clear that we did discuss it as a group. We need to further refine it because we have no definition.

Chairman Goldberg asked Staff to bring a definition back. Planning Director Peterson responded he has started a lot of that already.

Member MacAllister related she sees neon on the roof. Planning Director Peterson related it is not prohibited. A few other restaurants have it also.

Gary Kuhlman, the applicant, was present. He related he lives in Cascade Lakes in Cascade Township. Also present is Dennis Brinks on behalf of Riebel Development. Mr. Kuhlman thanked Staff for their help and especially Steve Peterson on this project. They had three main objectives for the final site plan: 1) maintained the preliminary plan approved; 2) incorporate all Staff's recommendations; and 3) meet sign requirements. Mr. Kuhlman then presented a picture of the Holland location. He related due to the demographics of the area they bumped out the main entrance and put in an ice cream parlor to seat 20 people and upgraded the patio area. The front was also changed and the tower (peak) was widened. They plan to break ground in mid-June of this year and complete construction in October or November of this year. Mr. Kuhlman related it is not neon lighting but LED similar to other restaurants in the area. It goes under the eaves and outlines the building. It is not on the roof. Planning Director Peterson related as long as it is not flashing or moving we allow it.

Member Lewis clarified he would drive up and order a hamburger, pay, park his car and someone brings it out. Mr. Kuhlman responded that is correct, it takes about 4-5 minutes to bring food out to you.

Member Robinson supported by Member Lewis moved to grant site plan approval for a 4,400 s.f. building at 6300 - 28th Street including the following stipulations: 1) the applicant shall submit a landscape bond in the amount of \$20,000; 2) comply with the Township Engineer's requirements; 3) apply for and receive a soil erosion permit prior to construction; 4) obtain a driveway permit from the KCRC; and 5) comply with the Fire Department requirements. The motion carried.

#### ARTICLE 11. Any Other Business

Planning Director Peterson updated the Commission on the Velting lawsuit. He related a Court of Appeals opinion was received which was favorable for the township. One item was remanded back due to a small technicality. The lawsuit shows how important our standards and findings of fact are.

Member McDonald related the walk signal at Cascade Road and Thornapple River Drive is still not installed. That is a busy intersection with the walkers and bikers during the spring and summer. Planning Director Peterson will check on it.

Member Robinson related there is a sign in the front yard at Medawar Jewelers. Planning Director Peterson related that is not permitted and they have already received a violation notice.

Member MacAllister related over the weekend there were two Fort Knox boxes in parking lots. Planning Director Peterson related he and Member Beahan spoke about those this morning. They will be contacted.

Member Koessel related the utility subcommittee will meet again on May 25 regarding sewer on Burton Street. There are several options.

Member Koessel also spoke regarding running a water line through the Tammarron development to Thornapple Elementary School. The school well has arsenic in the water.

ARTICLE 12. Adjournment

Member Lewis supported by Member MacAllister moved to adjourn. The motion carried and the meeting was adjourned at 8:45 pm.

Respectfully submitted,

Tom McDonald, Secretary

TMD:MJT

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