

**DeWITT CHARTER TOWNSHIP**  
**1401 W. Herbison Rd. DeWitt, MI**  
**REGULAR BOARD MEETING**  
**July 23, 2007**

The regular meeting of the DeWitt Charter Township Board was called to order by Supervisor Galardi at 7:00 p.m. with the Pledge of Allegiance.

MEMBERS PRESENT: Supervisor Rick Galardi, Clerk Diane Mosier, Treasurer Phyllis Daggy, Trustees: Max Calder, Steve Musselman, and David Seeger.

MEMBERS ABSENT: Trustee Brian Ross

Also Present: Manager Rodney Taylor, Planning Director Jeffrey Gray, Fire Chief Frederick Koos, State Representative Paul Opsommer, and several citizens.

AGENDA

**Musselman moved, Seeger seconded, to approve the Agenda, as presented. Motion voted and carried.**

MINUTES

**Seeger moved, Calder seconded, to approve the minutes of the July 9, 2007 meeting, adding under Unfinished Business the word “Zoning” to Ordinance Amendment 60.71 and adding “Farm Bureau” to the Clinton County tour of two local farms under Comments. Motion voted and carried.**

PUBLIC COMMENT

State Representative Paul Opsommer reported the following: he has been asked to head the Republican team on revenue sharing formula that is up for review at the end of the year, with work scheduled to begin in late August; also he will be heading up a house committee on reforming government, trying to save some money, public forum is scheduled to take place in St. Johns (he will inform the Board of the date) focusing on how state government can save money; he will be testifying tomorrow before the Senate sub-committee on local government for the Urban Cooperation Act, with a goal to make it easier for governments to work together and combine services; he congratulated Brian Ross for his participation in recent discussions with the City of St. Johns and Bingham Township in an effort to accomplish processing waster water jointly (sewer); the Township bills have not moved at all, but he believes they are a priority for a few legislators in south east Michigan.

CORRESPONDENCE

Correspondence included the following: Relay for Life information from the American Cancer Society; June Statistics from the Clinton County Sheriff's Office; recycling information from Granger.

REPORTS

Clerk Mosier noted that she also participated in the discussions with Bingham Township and the City of St. Johns.

Clerk Mosier stated that she cannot say enough about the Township staff's roll in the success of this year's Meadows Celebration.

Treasurer Daggy and Trustees Musselman and Calder commented positively

about the Meadows Celebration.

Trustee Musselman reported that the goodwill mission to Japan is underway, with Michigan adults traveling to Japan this week.

Manager Taylor reported the following: there will be a car show on August 22<sup>th</sup> in conjunction with the historic route designation; he will be attending the MLGMA conference this week; Davis Construction has contacted the Township about locating a Family Dollar on Grand River near the Airport, which may need cooperation between the City of Lansing and the Township, for sanitary sewer service; he clarified that only one application of calcium chloride was contracted for Howe Road and that he will monitor the application's effectiveness.

Manager Taylor stated that this was his first Meadows event and he was very proud to be able to even play a small part in the success of this event. He commended the staff for their commitment to what is now a premiere family event.

COMMITTEES  
Planning Commission

Planning Director Gray reported on the Planning Commission meeting of July 2, 2007.

**Mosier moved, Daggy seconded, to receive and place on file the minutes of the Planning Commission meeting of July 2, 2007. Motion voted and carried.**

VOUCHERS

**Seeger moved, Daggy seconded, to approve General Fund Vouchers 52191 – 52285 and Tax Fund Vouchers 6703. Motion voted and carried.**

UNFINISHED  
BUSINESS

Second Reading of Ordinance 258 was delayed for publication.

Ordinance 258

NEW BUSINESS

SUP 07-990004

Tim Hortons

Planning Director Gray reviewed his staff report, dated July 16, 2007, addressing the Planning Commission consideration and action on SUP 07-990004, Tim Hortons.

June Machala was present representing the applicant.

**Seeger moved, Musselman seconded, to approve, as recommended by the Planning Commission, Special Use Permit 07-990004 from Tim Hortons based on the revised plans dated May 25, 2007, on the following basis: 1)the proposed drive-through facility has been designed in accordance with the requirements of Section 7.13.30 of the Zoning Ordinance 2)upon compliance with the conditions of the Special Use Permit, the plans will comply with the site plan review standards listed in the Zoning Ordinance 3)the standards of the Basis for Determination listed in Section 7.6(1) of the Zoning Ordinance have been met. Motion voted and carried.**

SUP 07-990006

Auto Body Credit Union

Planning Director Gray reviewed his staff report, dated July 16, 2007, addressing the Planning Commission consideration and action on SUP 990006, Auto Body Credit Union.

Jeff Sherman, Architect was present representing the applicant.

**Calder moved, Seeger seconded, to approve, as recommended by the Planning Commission, Special Use Permit 07-990006 from Auto Body Credit Union based on the revised plans dated May 8, 2007, on the**

**following basis: 1)the proposed drive-through facility has been designed in accordance with the requirements of Section 7.13.30 of the Zoning Ordinance 2)upon compliance with the conditions of the Special Use Permit, the plans will comply with the site plan review standards listed in the Zoning Ordinance, 3)the standards of the Basis for Determination listed in Section 7.6 (1) of the Zoning Ordinance have been met. Motion voted and carried.**

SUP 07-990005  
E. T. MacKenzie Co.

Planning Director Gray reviewed his staff report dated July 16, 2007, addressing the Planning Commission consideration and action on Special Use Permit 07-990005, E.T. MacKenzie Company, which would allow for the continued excavation of soil and minerals from the site commonly referred to as “the Stoll Road pit”. He noted the following significant changes from the initial permit: 1)the addition of another parcel – to allow for more stockpile area as a result of the dredging operation 2)the applicant has requested to be allowed to operate on three holidays not initially approved for the operation, Martin Luther King, Jr. Day, Good Friday, and Veterans Day. He noted that the Planning Commission approved these requests from the applicant.

**Seeger moved, Daggy seconded, to approve, as recommended by the Planning Commission, Special Use Permit 07-990005 from the E.T. Mackenzie Company based on the plans last revised on May 22, 2007, on the following basis: 1)the use has been designed and operated in accordance with the requirements of Section 7.13.7 of the Zoning Ordinance 2)upon compliance with the conditions listed in the Special Use Permit, the use is designed and operates to that it does not change the essential character of the area 3)the conditions included in the permit assure that the use will not be hazardous to the existing or future uses in the general vicinity 4)the permit includes reasonable conditions to assure that the potential impacts of the use, including noise and traffic, are mitigated.**

Ron Clark was present representing the applicant.

Trustee Calder raised concerns about the dust complaint from a neighbor. Mr. Clark stated that other agricultural uses in the area, the construction of a golf course, and the pit, all operate in the area, and he is uncertain where the dust was from. He explained that the current operation is not prone to the creation of dust, but there are dust control materials on site at all times.

Clerk Mosier stated that she will vote no on this motion. She stated that although she believes Mr. MacKenzie runs a fine mining operation and has been responsive to any complaints from neighbors, she does not agree with giving the three additional holidays for operation of the pit. She stated that she was on the Board when this initial permit was issued, as a result of many public and neighborhood meetings and the negotiated settlement of a lawsuit. She pointed out that the Pungs, Spragues, and Slaboneks still live in the area, as do many other neighbors who were made promises about the conditions of the permit. She stated that she gave her word to those neighbors ten years ago, and she is unwilling to change the conditions now, just because the applicant is asking for additional holidays. She indicated that she is disappointed in the applicant for even making the request, considering the history of this permit. She stated that she believes this pit already has very liberal conditions, and is currently allowed Saturday operations.

Clerk Mosier stated that she understands that the Planning Commission does not have a history with this permit, as this Board does not, so she understands

why it was approved at the Planning Commission and will likely be approved this evening, but she is not willing to vote for this permit because of the additional holidays.

The Board discussed the possible options regarding the permit. It was determined that the Planning Commission recommended action cannot be changed and at this point it must be returned to the Planning Commission.

Trustee Musselman stated that he understands that the neighborhood had concerns when they were sold a 5 year permit which is now proposed to be 15 years.

Clark stated that economics have played a role in the length of time this permit has continued.

It was discussed that the current permit will expire on July 31, 2007, and if the Board does not approve it this evening, returning the issue to the Planning Commission will delay the new permit beyond that date and likely stop the operation for a period of time.

Planning Director Gray stated that if this issue returns to the Planning Commission on August 6<sup>th</sup> it could then be back before this Board on August 13<sup>th</sup>. It was also pointed out that the applicant has been aware of the expiration date and the need for a new permit. Planning Director Gray explained that he has been working with the applicant since the beginning of the year and that we have not delayed the applicant in getting this application submitted.

Clerk Mosier asked if the applicant is willing to put into writing that they will not operate on these holidays? Clark stated that he believes the answer to be yes, but he will need to speak to Mr. MacKenzie before making that promise.

Trustee Calder stated that he also believes the Township made a commitment to the people in the area when the terms of this permit were originally negotiated and he thinks we should stick to those terms.

Clerk Mosier asked for a roll call vote on the motion.

**AYES: Seeger, Musselman**

**NAYS: Calder, Daggy, Mosier, Galardi**

**Motion failed.**

**Calder moved, Mosier seconded, to return SUP 07-990005 to the Planning Commission requesting reconsideration of their action to grant the additional holidays within the permit and that Planning Director Gray be instructed to provide the appropriate history of this SUP as the Board's rationale for this action. Motion voted and carried.**

Engineering Services

Manager Taylor reviewed his memo, dated July 20, 2007, requesting use of professional services to evaluate repairs identified by SCCMUA to the Township's sanitary sewer collection system.

**Calder moved, Mosier seconded, to authorize the Township Clerk and Township Manager to execute an agreement with C2AE for the purpose of conducting a sewer rehabilitation study, in an amount not-to-exceed \$12,850 and will be charged to the sewer fund engineering line item 590-537-802-000. Motion voted and carried.**

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Utility Agreement

**Mosier moved, Daggy seconded, to approve the Utility agreement with DTN Management Company for the DeWitt Crossings South development and authorize the Supervisor and Clerk to execute the same. Motion voted and carried.**

CIP Committee  
Appointments

**Seeger moved, Musselman seconded, to concur with the Supervisors recommendation to appoint the following people to the CIP Committee: Trustee David Seeger, Trustee Steve Musselman, Harmony Gmazel, John Moody and Rodney Taylor. Motion voted and carried.**

Liquor License Transfer  
Set Public Hearing

Clerk Mosier explained that an application has been received from Michael Pier and Matthew Pier for transfer of ownership of the escrowed 2006 Class C liquor license for the business located at 16219 US 27, Lansing, Michigan 48906 (Classic Pub).

**Musselman moved, Calder seconded, to set a Public Hearing for August 13, 2007 at 7:00 p.m. to hear comments relative to an application to transfer ownership of the escrowed 2006 Class C Liquor License for the business located at 16219 US 27, Lansing, Michigan (Classic Pub), applicants Michael and Matthew Pier. Motion voted and carried.**

Employee  
Recommendations -  
Fire Department

**Mosier moved, Seeger seconded, to hire Teresa Trudgeon, Kathleen Crosby, Derek Carr, and Brad Suor as At-Will Paid-On-Call Medical First Responders and Jessica Alvarez, Brian Hamel, and Jeff Wagner as Paid-On-Call Firefighter/MFR Trainees pending completion of a physical exam. Motion voted and carried.**

Michigan Municipal  
League Board of  
Trustees Ballot

**Mosier moved, Musselman seconded, to cast a ballot for the three incumbent Trustees to the Michigan Municipal League Worker's Compensation Fund. Motion voted and carried.**

COMMENTS

Fire Chief Koos reported that the Mobile Training Unit should be delivered next week. He also reported that Clinton Area Fire and Rescue held some festivities in St. Johns last week, and the Township had two teams entered in the Water Ball competition, with one of our teams taking second place.

There was general discussion regarding the success of the Meadows Celebration. Gray complemented the committee, largely comprised by Township staff. He stated that this is his first year on the coordinating committee, and after nearly a year of work, it is rewarding to see the event held successfully.

Manager Taylor stated that this event is an example of a successful team effort. He pointed out that employees Judy Martiny and Laurie Bradley are shining examples of employees who gave 100%. He stated that there are too many people responsible for the success of this event to thank them all individually this evening.

ADJOURNMENT

**Seeger moved, Musselman seconded, to adjourn at 8:47 p.m. Motion voted and carried.**

Respectfully submitted,

Diane K. Mosier, Clerk

Rick Galardi, Supervisor