

**DeWITT CHARTER TOWNSHIP**  
**1401 W. Herbison Rd. DeWitt, MI**  
**REGULAR BOARD MEETING**  
**November 23, 2009**

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, Treasurer Phyllis Daggy, Trustees: Steve Musselman, Brian Ross, Max Calder, and David Seeger.

MEMBERS ABSENT: Clerk Diane Mosier

Also Present: Manager Rodney Taylor, Fire Chief Fred Koos, Community Development Director (CDD) Richard Trent, Deputy Clerk Judy Martiny, County Commissioners Showers and Heideman, Representative from C2AE Gary Arnold, and several citizens.

AGENDA                    **Seeger moved, Calder seconded, to approve the Agenda, as amended to include Public Comments on Non-Agenda Items under the normal Public Comment on Agenda Items; moving the Public Hearings and New Business 1 & 2 before the C2AE Presentation. Motion voted and carried.**

MINUTES                    **Musselman moved, Seeger seconded, to approve the minutes of the November 9, 2009 Regular Board meeting as presented. Motion voted and carried.**

PUBLIC COMMENT    There were several citizens present who requested to address the Board regarding the recently held Community Forum Meeting relative to proposed public water in the southern tier of the Township.

Supervisor Galardi opened the floor to public comment.

Mary Allen, 1306 Boichot, stated that she and her husband, Chuck, attended the Community Forum Meeting on November 10<sup>th</sup> and that was the first time that they had heard anything about water expansion into the southern tier of the Township. She has since canvassed her street and had no one say they were in favor of public water; she feels the Board has done a disservice to the residents in leading people to believe that “the people” wanted public water, when she feels that is not true.

CDD Trent stated that during the visioning sessions at the 2007 meetings those in attendance were asked to prioritize what they would like to have take place in the southern tier of the Township. Those in these sessions expressed their sincere interest in expanding water into the southern tier and as a result of that visioning session it was the charge of the Township to look into cost factors for doing just that. The Community Forum Meeting on November 10<sup>th</sup> was to simply bring the information acquired before the people to allow them to make a decision.

Galardi advised that the installation of water into the southern tier will only be done if 51% of the property owners in each of the five geographic areas (specific zones laid out) wants it, districts would then be established and more information will be provided to the property owners. At this time the Township is seeking information regarding the cost for public water and the desire of the property owners involved. Nothing is being shoved down anyone’s throat, this response is citizen driven.

CDD Trent advised that a South Central Area Plan Survey was made available at the November 10<sup>th</sup> meeting and is also available on the Township's web-site. We are still collecting results from that survey at this time. The deadline for receiving these surveys is yet to be determined.

Norm Spalding, 1430 Boichot, stated that there is a lot of misinformation out about this water issue and after talking with the Township Manager he thinks he has a clear understanding of where the Township is headed and public water is not being forced onto anyone. Back in 2007 the economy was much better than it is now and people are just worried that this water issue is one more thing that they are going to have to be dealing with and knowing that the property owners who have existing wells will not be required to hook-up to the public water until said well would be condemned or another well has to be put in for that particular piece of property. He believes that with the existing economy the Township is not going to be able to get the needed 51% of the property owners within a particular zone to request public water.

Kenneth Taylor, 1280 Boichot, stated that he feels that people do not have the disposable income that they had 18 to 24 months ago. Any aggressive pursuit of an expanded water system off the Business 27 corridor in the southern tier of the Township is a waste of time and energy. We all want something better in life and water is one of the most basic issues for any community, but to pay for it is another thing, and if it is not an absolute question of contamination of wells from some local source, it should be a moot point. Let those that need it, pursue it, let those that don't, don't force it upon them in any way, shape, or form.

Charles Allen, 1306 Boichot, concurred with those that previously spoke and added that he wanted people to also be aware that there is not just a hook-up fee that a person would be required to pay, but also an assessment fee for running the water into a particular zone. That assessment would run for a number of years and does not continue with the sale of a home to the new owner, but would have to be paid off at the time of a sale and property values have plummeted enough as it is and there are people out there that might not even have enough money to pay off this proposed special assessment in order to sell their home.

Andon Pogoncheff, 1793 W. Stoll Road, inquired as to how long the Township will be accepting survey results.

Supervisor Galardi advised that the Township will be accepting these surveys for another 2 to 3 weeks and an announcement will go out in the DeWitt/Bath Review, Lansing Community News and be posted on the Township web site as to the deadline for the acceptance of surveys.

Supervisor Galardi called the public hearing to order at 7:30 p.m.

CDD Trent reviewed his memorandum, dated November 20, 2009, providing

reasoning behind the establishment of a district within the Southern Tier of the Township to be known as "Transition Redevelopment Area" and pointed out said areas on a map of that area of the Township. Trent also pointed out that perhaps there is a misconception on Tax Exemption and/or Tax Abatements. This is not exempting individuals from any taxes, what it essentially does is "caps" or "freezes" the taxes for someone who wishes to submit for a Tax Exemption Certificate for costs incurred after the purchase of the property in the rehabilitation of the building/site, and essentially "freezes" those taxes at the pre-development portion or assessed value of the property, prior to any of the additions and/or improvements that have been or are being made. The Tax Exemption period, not to exceed 10 years, is determined by the Economic Development Committee when the application is reviewed and recommended for approval to the Township Board of Trustees.

Bruce Angell, owner of two commercial buildings in the office park known as Crowne Pointe Plaza on BR 27, which is also in the Commercial Rehabilitation District, requested that CDD Trent speak on his behalf.

CDD Trent stated that Mr. Angell's concerns are that there is a tremendous amount of vacancy within his buildings and in others in Crowne Pointe and he has strong concern about the Township allowing an individual to come in and purchase an older building, renovate it, and then pay no taxes when existing property owners of newer facilities that have vacancies are still paying their regular taxes and therefore cannot compete with leasing fees, etc.

Lengthy discussion followed on the different forms of incentives that are offered by other communities and what form of incentives DeWitt Township has to offer.

Trustee Musselman stated that he understands what Mr. Angell is saying and the position he is now being placed in with the vacancies in his \$200,000 building versus what the lease fees might be by Northcrest & 27, LLC \$200,000 building due to the Tax Exemption Certificate. This is something that he doesn't believe has been considered and feels that this type of situation does need to be addressed by the South Central Area Plan Economic Development Committee.

Teresa Hayes, 16937 S. U.S 27, manager of Rotunda Trailer Park, stated that she is confused about what this program really is and asked for clarification as to what the Commercial Rehabilitation District and Tax Exemption Certificate program could do for the Rotunda Trailer Park property.

Supervisor Galardi explained that this incentive program was established to help enhance the south central area of the Township and is under the guidelines of the State. He further explained the criteria that property owners are required to file for exemption under.

Rich Kelly, owner of the Mega Mall at 15487 S. U.S. 27, stated that he applauds the Township for taking this measure and feels this is the right thing to do. He feels the improvements that Redline and Mohre Soft Water are an asset to the southern tier and their work has given him the incentive to do improvements at

his establishment. He asked if improvements could be packaged to reach the \$50,000 minimum and is there a time frame that these improvements need to be made in. He appreciates it when his neighbors are proactive and feels this program is a good program overall and these improvements are influencing him into making improvements to his own building and property.

CDD Trent advised that the State allows a six month window for improvements to qualify.

Mark Watros, owner of Michigan Off Road located at 16241 S. U.S. 27, feels the program is a great idea, however, small business owners need the motivation with the money to even be able to do anything. He questioned the criteria involved in filing for this program. He also asked if one was to make these improvements then sells the property before the time frame expires for the tax exemption, does the exemption go with the property or the initial investor?

Galardi provided Mr. Watros with a copy of information relative to the filing requirements and gave examples of those who have qualified.

CDD Trent stated that he believes this tax exemption programs goes with the property. Every year staff is required to report to the State as to where things are at with the project, where things are at with jobs that may have been indicated as being brought in, and where things are at with ownership.

Watros stated that now that an explanation of the formula/criteria for this program has been explained he would like to state that he is in favor of having the Commercial Rehab District and Tax Exemption program available to commercial property owners in the southern tier.

John Makara, 16343 S. U.S. 27, stated that he has been in business in the Township for 32 years and he hasn't seen one dime thrown his way, and if he improves his building and the cost is under the \$50,000, his taxes go up. What is the incentive for him? He has improvements that he would like to make but they do not meet the \$50,000 requirement. He feels the \$50,000 requirement is too much for an existing business to qualify for the abatement, otherwise he is in favor of this program.

Galardi advised that this incentive is available to his business, as well as any other in the Southern Tier, as long as the criteria of the state for applying can be met.

Randy Campbell, 805 E. Sheridan Road, stated that he is interested in what the Township is going to do for residential property owners.

Galardi stated that blighted residential properties are going to be addressed with the adoption of a proposed Property Maintenance Code which is still in the planning and organizational stage.

**Ross moved, seconded by Musselman, to close the public hearing. Motion voted and carried.**

There was lengthy discussion regarding the unintended consequence affecting some of the existing business property owners, such as Mr. Angell, who has also owned commercial property on the corridor for a number of years. There was, however, consensus of the Board that the Commercial Rehabilitation District program is a favorable move for the southern tier of the Township.

Supervisor Galardi stated that he feels very bad about Mr. Angell's situation and ask that CDD Trent and members of the Economic Development Committee look into this type of situation and see how it can be addressed.

CDD Trent stated that a Corridor Improvement Authority is another economic development tool to enhance properties along a specific corridor and, in this case BR 27. The Township is doing research on developing a Corridor Improvement Authority at this time but it is a slow going process.

**Calder moved, Ross seconded, that the Board of Trustees concur with the Economic Development Committee and approve Resolution #091168 establishing a new Commercial Rehabilitation District (Transition Redevelopment Area) for future consideration of a Commercial Rehabilitation Exemption Certificate(s) under the State of Michigan Commercial Rehabilitation Act, Public Act 210 of 2005, as amended.**

**Roll Call Vote:**

**AYES: Musselman, Seeger, Galardi, Daggy, Calder, Ross**

**NAYS: None**

**ABSENT: Mosier**

**Motion voted and carried.**

**PUBLIC HEARING**  
Tax Exemption Cert/  
Northcrest & 27, LLC

**Ross moved, Seeger seconded, to open the Public Hearing at 8:50 p.m.**

CDD Trent reviewed his memorandum, dated November 20, 2009, providing background and review of the request from Northcrest & 27 LLC, along with the Economic Development Committee's recommendation of approval for a Commercial Rehabilitation Tax Exemption Certificate for property located at 1011 Northcrest Road.

Rich Kelley, owner of the Mega Mall located at 15487 S. U.S. 27, stated that he is in favor of the granting of the Tax Exemption Certificate to the applicant.

Bruce Angell stated that he thinks that the project is very good but would ask for reconsideration in granting the Certificate for an eight year period.

**Musselman moved, seconded by Calder, to close the public hearing at 9:00 p.m. Motion voted and carried.**

**NEW BUSINESS**  
Tax Exemption Cert/  
Northcrest & 27, LLC

**Musselman moved, seconded by Daggy, that the Board of Trustees approve Resolution 091169 for Commercial Rehabilitation Tax Exemption Application for Northcrest & 27 LLC for property located at 1011 Northcrest Road for an abatement period of eight (8) years with the**

**following basis:**

1. **Northcrest & 27 LLC has filed a complete application for a Commercial Rehabilitation Exemption Certificate as required by P.A. 210 of 2005, as amended.**
2. **The proposed commercial rehabilitation is located at 1011 Northcrest Road and is within a Commercial Rehabilitation District (Transition Redevelopment Area) as required by P.A. 210 of 2005, as amended.**
3. **A public hearing on the proposed Commercial Rehabilitation Tax Exemption Certificate was held on November 23, 2009 by DeWitt Charter Township as required by P.A. 210 of 2005, as amended.**
4. **The Commercial Rehabilitation Tax Exemption Certificate was evaluated within the guidelines of the DeWitt Charter Township Commercial Rehabilitation Tax Abatement Policy as amended on November 9, 2009.**
5. **The recommended eight (8) year abatement period is based on the ranking criteria of priority property location, anticipated other jobs, project value, and additional bonus provisions as contained within the Tax Abatement Policy and evaluation by the Committee.**

**Roll Call Vote:**

**AYES: Musselman, Daggy, Seeger, Calder, Galardi, Ross**

**NAYS: None**

**ABSENT: Mosier                      Motion voted and carried.**

Supervisor Galardi called for a five (5) minute recess.

**PRESENTATION**      Supervisor Galardi reconvened the meeting.  
Lift Stations 501 & 504 Manager Taylor introduced Gary Arnold, C2AE, Township Engineer, who was asked to provide an analysis of the shared pump station infrastructure between DeWitt Township and Bath Township.

Gary Arnold, provided a presentation of the summary of findings on Lift Stations 501 and 504. A written Executive Summary was also provided.

This presentation was for general informational purposes for the Board and to make the Board aware of expenses that will need to be addressed in the next few years. No action was taken at this time.

**Ross moved, seconded by Calder, to receive and place on file Lift Station 501 and 504 Capital Improvement Plan document. Motion voted and carried.**

**COUNTY COMMISSIONER  
REPORT**

Due to the lateness of the meeting, both Bob Showers and Eileen Heideman had asked to be excused. Eileen Heideman provided the Manager with a copy of a community report on the status of young children in Clinton County.

CORRESPONDENCE Correspondence included the following: Michigan Local Government Benchmarking Consortium Report; Certificate of Appreciation DeWitt Community Build; Clinton County Sheriff's October Statistics

Trustee Ross stated that he feels that the Michigan Local Government Benchmarking Consortium Report provided is a fantastic tool and he was very impressed with how DeWitt Township fared in relation to other communities that were benchmarked in this system.

Discussion on the data provided followed.

COMM & COMM REPORTS Trustee Ross reviewed the minutes of the November 2, 2009 Planning Commission meeting.

**Ross moved, Calder seconded, to receive and place on file the minutes of the Planning Commission meeting of November 2, 2009. Motion voted and carried.**

UNFINISHED BUSINESS None.

NEW BUSINESS New Business 1 & 2 were acted on at the time of their Public Hearing.  
Staffing Recommendation  
Fire Department Chief Koos reviewed this recommendation, dated November 18, 2009 for the hiring of Craig King as a Part-Time firefighter/MFR.

**Calder moved, Ross seconded, to approve the hiring of Craig King as an at-will employee for the position of Part-Time Firefighter/MFR. Motion voted and carried.**

2010 Aerial Funding Manager Taylor, reviewed his memorandum, dated November 20, 2009, pointing out that the last aerial flight of the Township was in 2005 and that the aerial flight information has become a significant customer service tool and resource for Township offices. Clinton County is working with the Tri-County Regional Planning Commission to get this task accomplished in 2010 and they are asking for a \$1,000 commitment from all jurisdictions in Clinton County.

Brief discussion followed.

**Musselman moved, Seeger seconded, that the Board authorize the Deputy Clerk to execute the agreement provided by Clinton County for a \$1,000 contribution to the 2010 aerial flight. Motion voted and carried.**

Resolution 091167  
2010 Fee Schedule Manager Taylor advised that every year the Board is required to adopt the fee schedule for the up-coming year. The fee schedule provided shows no increase in fees other than sewer usage fees which is a \$5.00 increase from \$73/quarter to \$78/quarter. The only other change to the fee schedule is the inclusion of fees adopted earlier in the year by the Board which can be found under Schedule C,

#19, Peddlers & Solicitors Ordinance and Schedule I, Sewer Rental Deposit fee.

There was lengthy discussion on the sewer rate increase.

**Seeger moved, Musselman seconded, that the Township Board approve Resolution 091167 adopting the 2010 Fee Schedule.**

**ROLL CALL:**

**AYES: Seeger, Musselman, Daggy, Ross, Calder, Galardi**

**NAYS: None**

**ABSENT: Mosier                      Motion voted and carried.**

Township Cell Phones

Manager Taylor reviewed his memorandum, dated November 6, 2009, pointing out that in the past the Township has allowed employees to use their Township cell phone occasionally for personal use as long as they did not go over the number of free minutes allowed by the plan and that it did not interfere with their job performance. He advised that the IRS has now made it clear that this is not an acceptable practice and if an employee uses their cell phone for even one personal phone call, the IRS requires the Township to consider this as taxable income and report it as such on the employee's W-2. The Benefit Committee met and discussed this issue at length, reviewing several different options, and ultimately decided to recommend that the best option for the Township and the employees was to get rid of Township cell phones all together and the Township provide a phone allowance to those individuals determined by the Township to need to carry a cell phone. Taylor provided a summary of proposed cell phone allowances. It should also be noted that the Township will be keeping one cell phone for Township use only.

**Calder moved, Seeger seconded, that the Board approve the elimination of Township issued cell phones to employees and implement a phone allowance program as provided by Manager Taylor. Motion voted and carried.**

2010 Wages

Manager Taylor reviewed his memorandum, dated November 20, 2009, which provides the Board with a background and rationale of proposed wages for the year 2010 for all Non-Union, Non-Contract Employees, Police Union Employees and Department Heads.

**Seeger moved, Daggy seconded, to approve the 2010 Classification and Wage Scale as presented.**

Taylor stated that he commends the fact that the majority of the employees are in agreement of the wage scale freeze and understand that this is what needs to be done as an organization during these tight times.

Trustee Calder requested a roll call vote on the 2010 Wages.

**AYES: Musselman, Seeger, Galardi, Daggy, Ross**

**NAYS: Calder                      Motion carried.**

Calder stated that he appreciates the fact that the employees have accepted this, but he feels that if the Township has an agreement with an individual he is not going back on that agreement. He is not accustomed to doing that, and if he makes an agreement, he sticks with it. He understands the Manager's rationale in what he proposes, but he doesn't feel that he can go back on his commitment.

**Seeger moved, Musselman seconded, to approve and authorize the Deputy Clerk and the Township Manager to execute the amendments to the employment agreements for Chad Miller, Rich Trent, Brian Russell, and Fred Koos to provide for a 0% raise.**

**AYES: Seeger, Musselman, Daggy, Galardi, Ross**  
**NAYS: Calder Motion carried.**

**Seeger moved, Musselman seconded, to approve and authorize the Deputy Clerk and the Township Manager to execute the three year employment agreement for Assessor Laura Tafelsky.**

**AYES: Seeger, Musselman, Daggy, Calder, Galardi, Ross**  
**NAYS: None Motion carried.**

**VOUCHERS**

**Seeger moved, Calder seconded, to approve General Operating Fund Vouchers 56363– 56404, and Tax Fund Vouchers 7117 – 7124. Motion voted and carried.**

**REPORTS**

CDD Rich Trent provided the Board with a monthly Department Report, Draft minutes of the Economic Development Committee and a copy of the South Central Area Plan Survey and a summary of compiled responses received to date.

Manager Taylor reported the following: the Township has been selected by Grand Valley State University to have a number of their graduate students do a financial report for the Township; the Health/Benefits Committee continues to meet as we approach the year end and the Township benefit change over coming in January; SCCMUA continues to work forward in hiring of a new Director; there is going to be a retirement celebration for current Director Larry Fitzgerald on December 15<sup>th</sup>, between 4 p.m. and 5:30 p.m.; last year the Township received about \$5,000 for planting of trees on Webb Road, however, this year we worked with the Clinton Conservation District to apply for a management plan for all of our parks, unfortunately our application has been denied; Clay Summers, DARA Director received a telephone call from DeWitt School District Superintendent Tina Templin asking to talk about any opportunities there may be for programs, etc.

Trustee Ross reported the DARA Exploratory Committee met and is ready to move forward and set public hearings, etc.

Twp Board Minutes  
Nov 23, 2009 Pg 10

Treasurer Daggy reported that the Winter Tax bills have been printed, the roll is in balance and the notices will be going out to be received by the residents by December 1, 2009.

Deputy Clerk Martiny advised that Clerk Mosier is recuperating from her surgery and is doing well.

EXTENDED PUBLIC COMMENT

None.

ADJOURNMENT

**Calder moved, seconded by Seeger, to adjourn at 10:30 p.m.**  
Respectfully submitted,

Judy Martiny, Deputy Clerk

Rick Galardi, Supervisor