

DeWITT CHARTER TOWNSHIP
1401 W. Herbison Rd. DeWitt, MI
REGULAR BOARD MEETING
May 26, 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, Clerk Diane Mosier, Treasurer Phyllis Daggy, Trustees: Steve Musselman, Brian Ross, and David Seeger.

MEMBERS ABSENT: Max Calder

Also Present: Manager Rodney Taylor, Fire Chief Frederick Koos, County Commissioner Bob Showers, SCCMUA Assistant Director Keith Sanders, and several citizens.

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

MINUTES **Musselman moved, Seeger seconded, to approve the minutes of the April 27, 2009, and May 11, 2009, as presented. Motion voted and carried.**

BRIEF PUBLIC COMMENT None.

PRESENTATION Tim Fair, representing Friends of Clinton Transit, provided information regarding Clinton Transit the .2 (2 tenths) millage renewal proposal that will be placed before the voters in Millage Renewal August by Clinton Transit. He explained that the County Commissioners have approved, and voted to support, this millage renewal and he requested that the DeWitt Township Board adopt a Resolution of support for the millage renewal. He also provided a video presentation with information about what is affectionately known as the "Blue Bus" service.

Ross moved, Daggy seconded, to adopt Resolution 090512, supporting the Clinton Transit millage renewal, an issue to go before the County voters in August of 2009.

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

NAYS: None Motion carried.

COUNTY COMMISSIONER Commissioner Showers provided an update on happenings with the County. He also provided figures for the Ingham, Clinton, Eaton county governments regarding county millages and budget deficits.

CORRESPONDENCE Correspondence included the following: April statistics for DeWitt Township from the Clinton County Sheriff; membership renewal information from the Michigan Townships Association; a notice of repairs from the Clinton County Drain Commissioner.

COMMITTEES &
COMMISSIONS
Planning Commission

Trustee Ross reviewed the Planning Commission May 4, 2009 minutes.

Ross moved, Mosier seconded, to receive and place on file the draft minutes of the Planning Commission meeting of May 4, 2009. Motion voted and carried.

UNFINISHED
BUSINESS

None.

NEW BUSINESS

SUP 09-990004
Schafer's 27 LLC

Manager Taylor reviewed the Planning Commission consideration of the application for a Special Use Permit (SUP) from Schafer's LLC, to allow an open air business for landscape and garden products with outdoor storage and sales on property located at 16164 US-127 BR. He noted that the proposed use is an interim land use until such time as a more permanent land use can be developed on this site.

Roger Dean was present, representing Schafer LLC, and answered questions from the Board.

Clerk Mosier questioned whether other similar operations within the Township operate under provisions of a SUP, and how hours of operation have been assigned when surrounding residential uses are in close proximity. Manager Taylor stated that two similar operations operate with Special Use Permits but he is unfamiliar with the terms of those SUP's. Clerk Mosier stated that she believes hours of operation proposed at 7 a.m. until 8 p.m. may not be appropriate for this type of business, especially when loaders with back up beepers could then begin running at 7 a.m. on Sunday morning. She also questioned how a use could be "temporary" when there is no time limit, renewal, or review of the SUP proposed once it is issued.

Supervisor Galardi stated that he believes if this business impacts residential properties, as others have within the community, then we should also consider this with possible hours of operations in the SUP.

Manager Taylor offered options: 1)approve as presented 2)table until next meeting for more information 3)impose specific hours of operation 4)to approve with contingencies.

Trustee Musselman asked if the same requirements for screening from residential properties were dictated for this applicant as those other operations adjacent to residential use. There was a brief discussion regarding the nuances of this site for this proposed use.

Clerk Mosier stated that she believes that some of the provisions of the SUP should be clarified based on the discussion so and that in the end we will have an operation that works for both the Township residents and the business owner.

Galardi moved, Ross seconded, to table the Schafer SUP 09-990004. Motion voted and carried.

Galardi stated that Planning Consultant Foulds will contact Roger Dean to work out the proposed details discussed this evening.

SUP09-990003
ET MacKenzie &

Manager Taylor addressed the two SUP proposed amendments for ET MacKenzie as one issue. He explained that the two mining operations are currently operating under existing SUP's and the proposed amendments would allow the connection of those mining operations, with the proposed elimination of the setbacks, and the creation of a lake approximately 35 acres in size.

SUP09-990003
ET MacKenzie

Taylor noted that the proposed amendments do not change the timeline already approved under the MacKenzie currently existing SUP's. He noted that the applicant estimates that the Clark Road site will operate for approximately 7 to 8 more years and the Stoll Road site for another two years, which is within the existing permitted timeline.

Ken Pung, 14780 Boichot Road, stated that originally, in 1996, he supported the Stoll Road permit because he felt strongly about property owner rights. He explained that during the initial consideration, the applicant stated that they would probably be in for an extension to their original permit to be able to have adequate time to complete the mining operation. He explained that two extensions have been given and thirteen years later we still have this operation to contend with. He continues to listen to the construction, the trucks, the equipment, and he has had it. He stated that he has nothing against ET MacKenzie, but enough is now enough, he has put up with this mound, this noise, this dust, for long enough. He pointed out that he has complained about the silting and the infringement into the setback. He stated that he has concerns with the Township and their ability to enforce their own special use permit. He stated that he does not have a good comfort zone with the fact that the applicant can ask for an amendment and continue to extend the timeframe under which the operation will continue. He asked when his property rights are considered. He stated that he is now concerned that when 2012 comes around the Board will again grant an extension. He asked for a commitment from the applicant to have this operation shut down, the equipment removed, and the site restored by 2012 before the Board approves the amendment. He stated that he wants equal property rights to this land owner. He has rights too, and the Board should say NO now, because the original permit and two extensions is enough. He does not want to listen to another 100,000 yards being removed.

The issue was discussed at length.

Pung asked what will happen in 2012 when the Stoll Road permit expires. Will they still be utilizing the Stoll Road pit because of the addition of connecting the two operations?

Ron Clark, representing ET MacKenzie, stated that all the answers to these questions are in the booklet that he provided to the Board. He explained that the amendment proposal will allow them to eliminate the setback between the two pits and then connect them by taking out another 200,000 yards of sand and gravel that is currently locked up in setbacks. He stated that all of the material that will be taken out of the middle area will be taken out through the Clark Road pit onto Clark Road then to BR-27. He also stated that the existing SUP for the Stoll Road pit also includes land to the southwest side of the site where there is currently a large stockpile of gravel that has been put there over the last year, effectively completing the excavation on the Stoll Road pit. Any material that will be removed because of this amendment will all go to the north through the Clark Road pit, and be processed on the north side of the Clark Road property. He pointed out that both of these permits are currently active through 2012.

Clark stated: 1) that the excavation on the north side of the Stoll Road pit is now within 50 feet of the north property line, since the north wall of the pit caved in almost two years ago 2) the northwest corner is close to the 50 foot setback, but there the property line changed with a property swap that occurred since the permit was issued 3)the other areas are not nearing the 50 foot setback.

Clark noted that when the Clark Road pit was before the Planning Commission, MacKenzie then stated that it would be 8 to 9 years to finish that excavation, necessitating an extension in 2012, but they now anticipate that with adding this amendment area and the changes in the economy, another year (or season) will be added to finish the Clark Road excavation. He stated that MacKenzie has too much invested in this project to walk away without completing the project, and the economy will dictate the need for the materials in the area.

Ross moved, Seeger seconded, to approve, as recommended by the Planning Commission, Special Use permit 09-0003 from E.T. MacKenzie to allow the expansion of excavation of soils and minerals on an existing excavation site located on an approximately 107 acre site on the east side of US 127-BR, the south side of 1300 East Clark Road, and the west side of Boichot Road, the proposed expansion would connect with the existing Stoll Road excavation directly to the south, on the following basis: 1)the proposed expansion of excavation of soil and minerals will be operated in accordance with the requirements of Section 7.13.7 of the Zoning Ordinance 2)the proposed expansion of excavation of soil and minerals will continue to meet the requirements of existing Special Use Permit 07-990007 for the property 3)the Basis for Determination for special Use Permits listed in Section 7.4.3 of the Zoning Ordinance have been met 4)the applicant meeting the permit requirements of the Michigan Department of Environmental Quality for the expansion of the water service 5)the applicant meets the Clinton County Drain Commissioner's requirements for soil and erosion and sedimentation control as well as any water level control devices for the expanded water body 6)that the applicant provides the required expanded financial guarantee to assure that the site will be restored in accordance with

approved plans for the site.

Pung stated that the conditions are nice, but they do nothing to protect the residents in the area. Where do the residents get any consideration? He stated that he is upset about the way this operation is being handled, because the residents are the ones putting up with the noise, etc.

Clerk Mosier stated that she believes connecting the two pits into one lake makes sense, however, in the future she will not vote to extend the time for operation of the Stoll Road operation beyond 2012. Clerk Mosier asked for a roll call vote on the motion.

Supervisor Galardi asked if the encroachment into the 50 foot setback has been going on for two years. Manager Taylor stated that he does believe that is true, that the issue was under the Brown Brothers operation.

AYES: Ross, Daggy, Mosier, Seeger, Musselman

NAYS: Galardi Motion carried.

Ross moved, Seeger seconded, to approve, as recommended by the Planning Commission, Special Use permit 09-0002 from E.T. MacKenzie to allow the expansion of excavation of soil and minerals on an existing excavation site located on three parcels on the east side of US 127-BR, the north side of Stoll Road, and the west side of Boichot Road, on the following basis: 1)that the proposed expansion of excavation of soil and minerals will be operated in accordance with the requirements of Section 7.13.7 of the Zoning ordinance 2)the property expansion of excavation of soil and minerals will continue to meet the requirements of existing Special Use permit 07-990005 for the property 3)the Basis for Determination for Special Use permits listed in Section 7.4.3 of the Zoning Ordinance have been met 4)the applicant meets the permit requirements of the Michigan Department of Environmental Quality for the expansion of the water surface 5)the applicant meets the Clinton County Drain commissioner's requirements for soil and sedimentation control as well as any water level control devices for the expanded water body.

Trustee Ross requested a roll call vote on the motion.

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

NAYS: None. Motion carried.

2009 Sanitary Sewer
Rehab Projects

Manager Taylor reviewed his memo dated May 22, 2009, regarding 2009 Sanitary Sewer Rehabilitation Projects.

Mosier moved, Seeger seconded, to authorize the Township Clerk to execute any necessary documents with Cadwell Brothers for sewer repairs on BR127, State and Stoll Roads, with the contract not-to-exceed the amount of

\$132,000, and to also authorize the Township Manager, depending on the use of contingency monies for the State and BR 127 projects, to either delete the Stoll Road project or come back to the Board for a budget adjustment, charged to Sewer Capital Expenditures 590-537-977-000. Motion voted and carried.

Proposed 2009 Budget
Cutbacks

Manager Taylor reviewed his proposal for \$85,525 in cuts from the 2009 Budget subsequent to discussions at the past two Board meetings. These cuts were discussed at length. All Board members expressed concern with upcoming financial projections, noting that making cuts now will better prepare the Township for the future projected to include drastic cuts in revenues. Additional concerns were discussed regarding making cuts to Public Safety, a focus of our Strategic Plan.

Trustee Ross commented that making cuts to Public Safety is contrary to our stated vision.

Manager Taylor reported that he is working on alternative plans to accomplish some items proposed for cuts, i.e. the State Road sidewalk. He also noted that he will return at the next meeting with information to initiate discussion on the Gunnisonville Cemetery project.

The Board asked that Manager Taylor communicate with Cadgewith Farms to clarify the budget situation.

Seeger moved, Musselman seconded, to reduce Township expenditures for 2009 by concurring with the manager's recommendation to make cuts, not reducing the actual budgeted line items, but establishing a new goal for cost savings. Motion voted and carried.

Manager Taylor presented his recommendation for new website development for the Township. The issue was discussed in light of the current financial concerns.

Ross moved, Musselman seconded, to authorize the Township Clerk to execute an agreement with i2Integration in an amount not to exceed \$8,190 for the development and implementation of a Township, development, and green web sites. Motion voted and carried.

VOUCHERS

Seeger moved, Musselman seconded, to approve General Operating Fund Vouchers 55530 – 55579. Motion voted and carried.

REPORTS &

Fire Chief Koos commented that while the Department Heads are cutting budgets, the Board is now considering a purchase outside of the 2009 budget, which could be a public perception issue.

COMMENTS

Manager Taylor reported the following: the grant he submitted to the Capital Area Foundation for Case Cares has been granted in part and will receive additional consideration; continuing to work on the Parks and Recreation Master

Plan has initiated meeting with recreation parent led athletic clubs.

Trustee Ross asked that whenever Planning issues are on the Agenda, that Planning staff is present to assist the Board in decision making.

Clerk Mosier reported that she and the Treasurer will be attending the MTA Legislative Conference this summer.

Supervisor Galardi reported attending the opening of the Point of Entry at the Airport.

EXTENDED PUBLIC
COMMENT

None.

ADJOURNMENT

Seeger moved, Musselman seconded, to adjourn at 9:10 p.m. Motion voted and carried.

Respectfully submitted,

Diane K. Mosier, Clerk

Rick Galardi, Supervisor