

DeWITT CHARTER TOWNSHIP
1401 W. Herbison Road
DeWitt, MI 48820
April 22, 2013 Board Minutes

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, and Trustees Johanna Balzer, Steve Musselman, Brian Ross and David Seeger

MEMBERS ABSENT: Phyllis Daggy

Also Present: Manager Rodney Taylor, Police Chief Brian Russell, County Commissioners Jack Enderle and Eileen Heideman, Library Director Jennifer Balcom, and several citizens.

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

CONSENT AGENDA **Musselman moved, Seeger seconded, to approve the Consent Agenda, which included approval of General Operating Fund Vouchers 61387 - 61432; approval of Township Board Minutes of 04/08/13; approval of Election Commission minutes of 04/08/13, and to receive and file Planning Commission minutes of 04/01/13 . Motion voted and carried.**

BRIEF PUBLIC COMMENT None.

COUNTY COMM. REPORT Commissioners Heideman & Enderle offered to answer questions on Clinton County Business.

CORRESPONDENCE Correspondence included: DCT Police 2012 Annual Report; information regarding Gunnisonville Community Historic Preservation meeting from Trustee Balzer; 2005/2006 Personal Property Taxes information from Treasurer Daggy; 2013 First Quarter Real Estate Market Report; Miracle League of Mid-Michigan Opening Day invitation.

UNFINISHED BUSINESS None.

NEW BUSINESS 2013 Road Projects Manager Taylor reviewed his report, dated April 19, 2013, detailing both preventive maintenance projects totaling \$120,355 and Capital Projects totaling \$316,981, with the Road Commission funding \$57,264 and the Township funding \$380,102. He noted that the Township's share is \$33,000 over what is approved in the 2013 Budget, explaining the need for a budget adjustment.

Mosier moved, Seeger seconded, to approve the Budget Adjustment for \$33,000 to 101-446-977-900 (Roads-Capital) from 101-000-390-000 (General Fund Balance), and to authorize

the Township Supervisor, Clerk, and Treasurer to execute any documents necessary with the Clinton County Road Commission for the recommended 2013 Road Projects with an amount not to exceed \$437,336.50. Motion voted and carried.

OrdAmd/Zoning
Mixed Use Regs
First Reading

Assistant Planner Niewiadomski reviewed his staff report, dated April 15, 2013, explaining the recommendation by the Planning Commission to approve an amendment to the DeWitt Charter Township Zoning Ordinance to allow mixed use standards to permit by special use a range of residential land uses to be combined or missed with non-residential land uses in the Professional Office (PO), Business Local (BL), Business Community (BC), and Business Shopping Center (BSC) zoning districts. His memo also provided the basis for the recommendation.

Board discussion included questions relating to allowed signage and the amendment to the Codified Ordinance.

Balzer moved, Musselman seconded, to approve, on First Reading, as recommended by the Planning Commission, an amendment to the DeWitt Charter Township Zoning Ordinance to allow mixed use standards to permit by special use a range of residential land uses to be combined or mixed with non-residential land uses in the Professional Office (PO), Business Local (BL), Business Community (BC), and Business Shopping Center (BSC) zoning districts, on the following basis: 1)that the proposed amendment is based on a policy recommendation within the Comprehensive Development Plan 2)that the proposed amendment provides flexibility within certain zoning districts to promote mixed uses based on certain design and performance standards that encourage walkable neighborhoods through innovative and creative developments that currently do not exist due to zoning regulations 3)the proposed amendment awards residential bonus densities when developments incorporate senior housing and/or special needs housing that compromise a minimum of 25% of all new housing units 4)the proposed amendment awards developments that utilize or promote energy conservation either through LEED certification or alternative energy sources and other significant or substantial amenities.

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

NAYS: None

Motion carried.

Rezoning 13-880001
Rathke/First Reading

Planning Assistant Niewiadomski explained the rezoning request from Mr. Rathke, for an approximate 3 acre parcel from IL (Industrial, Light) to A (Agricultural) to create a 13.79 proposed parcel that would be zoned A (Agricultural) in its entirety so that the property may be used for residential purposes on current vacant land located on the south side of Round Lake Road, north of the Looking Glass River, east of the City of DeWitt limits, and west of Old US 27.

Mr. Rathke was present to answer questions from the Board.

Ross moved, Balzer seconded, to approve as recommended by the Planning Commission, Rezoning Request 13-880001, as legally described on the application materials, to rezone approximately three acres from IL (Light Industrial) zoning district to A (Agricultural) so

that the proposed parcel of 13.709 acres may be zoned Agricultural in its entirety based on the fact that the request is not in conflict with the future land use recommendations of the Comprehensive Development Plan and is consistent with the existing land use pattern in the immediate area.

**AYES: Balzer, Ross, Mosier, Galardi, Seeger, Musselman
NAYS: None Motion carried.**

SUP 03-990005 & SUP 35-0044 Cook Assistant Planner Niewiadomski explained the request to transfer the Special Use Permit from the late owner Louie Leitz to Douglass Cook.

Seeger moved, Musselman seconded, to receive and approve a transfer of Special Use Permit 03-990005 and 36-0044 from Jill Lietz on behalf of Louie Leitz to Douglass Cook effective on the date of property transfer, with said permit regulating the operation of an automobile salvage yard subject to the conditions stipulated within the permits, noting that approval of this transfer of the Special Use Permit recognizes that all standards and conditions of the original permit and final site plan documents are still in force. Motion voted and carried.

Police Hiring Rec Police Chief Russell reviewed his recommended hire.

Ross moved, Balzer seconded, to approve the hiring of Brandon Shellberg as a full-time employee for the position of Police Officer contingent upon the completion of the pre-employment physical, psychological test, and complete background check. Motion voted and carried.

Water Tower Inspection Manager Taylor provided the history on the water tower, it's previous maintenance, and the revenues generated by cellular leases. He suggested another evaluation of the tower.

Motion by Ross, second by Seeger, to approve the following budget adjustment: \$1,800 to 591-536-956-000 (Water Fund-Misc) from 591-000-390-000 (Water Fund Balance) and to authorize the Township Clerk to execute any necessary documents with Nelson Tank Engineering & Consulting for inspection services for the Water Tower and the contract shall not exceed \$1,800, charged to 591-536-956-000 (Water Fund Misc). Motion voted and carried.

Water Tower Lease Agreement Manager Taylor explained Alltell (d/b/a Verizon Wireless) wants to make changes to their lease.

Seeger moved, Musselman seconded, to authorize the Township Clerk and the Township Manager to execute the fourth addendum to the lease agreement with Alltell (d/b/a Verizon Wireless) to allow additional equipment to be placed on the water tower, to increase the lease rate by \$2,000, and allow for one additional five year renewal term. Motion voted and carried.

Property Maintenance Code/First Reading Manager Taylor explained that the latest Board action, to appoint an ad-hoc committee to review the findings of the citizen committee, resulted in review of the original committee's Property Maintenance Code and Violations Bureau Ordinance. He explained the ad-hoc committee's agenda and recommendation to the Board to consider adoption of the IPMC, the ordinance that modifies the IPMC, and the Violations Bureau Ordinance. He reviewed the process to follow.

Musselman moved, Mosier seconded, to approve the International Property Maintenance Code, the Ordinance (IPMC) that modifies the IPMC, and the Violations Bureau Ordinance, on First Reading.

AYES: Musselman, Galardi, Mosier, Balzer, Ross

NAYS: Seeger

Motion carried.

SCCMUA-Amd
to Articles of Inc

Trustee Ross explained that the SCCMUA Board is recommending changes to their Articles of Incorporation. The Board reviewed the proposed changes 1)to allow an alternate voting member to the municipality who only has one member on the Board (City of DeWitt), and 2)to change the articles as they refer to a quorum, currently shown as five and proposed to change to six (6), and change the affirmative vote number from five (5) to six (6) members of the commission.

Trustee Ross explained that the DeWitt SCCMUA representatives had no problems with recommended change one (1), or with the first change under number two (2), but that he believes that requiring six yes votes out of nine members, or eight members, to pass any action is unreasonable. He pointed out the chart which was provided to the Board, shows with ten members present, the current requirement to pass a motion is six (6), but with nine (9) or less present, the requirement to pass a motion is then five (5). The SCCMUA Board recommends that the minimum to pass any motion be six (6) and he, Manager Taylor, and Clerk Mosier voted against recommending that change. He stated that he believes we are close, but would like to have the SCCMUA Board reconsider this final point. He noted that the comparison to Township Boards and what is required to pass a motion was brought up at the SCCMUA meeting, but he believes that this is not a good comparison, in part because of the even number versus the odd number of Board members.

The issues were discussed at length. The Board was concerned that SCCMUA know our willingness to consider their recommendation, and that SCCMUA also know that this Board believes we are very close to agreement here.

Ross moved, Balzer seconded, to disapprove the changes to the SCCMUA Articles of Incorporation, recommended by the SCCMUA Board. Motion voted and carried.

Ross moved, Balzer seconded, to return the issue of the amending the Articles of Incorporation back to the SCCMUA Board for reconsideration, letting them know that our Board concurs with the alternate representative recommendation, that we concur with the six (6) member quorum change, but that the DeWitt Charter Township Board believes that the table showing "majority to pass a vote" should remain as is. Motion voted and carried.

It was pointed out that reconsideration by the SCCMUA Board will require a motion by a member on the affirming side of the vote, so Ross, Taylor, or Mosier cannot make this happen.

REPORTS

Manager Taylor reported the following: the Community Showcase was certainly successful, and very well attended by the community; he provided an update on the progress of the Non-Motorized Transportation Plan and explained that he will be attending the DeWitt City Council meeting to insure that our two plans can coexist; he noted that Ashley Photography will retaking the Board picture.

Trustee Ross provided an update on DARA Board business, noting that they are hoping to use a facilitator to assist the Board. He also reported that the Next Michigan meeting will be on the 24th at 2:30 p.m.

Trustee Balzer reported the following: she reviewed the Board of Appeals business from their previous meeting; reminded the Board of the Business Awards on May 9th; she is trying to follow up on the grave marking proposal by the Sons of the American Revolution; Gunnisonville Day will be September 15th, which will include cemetery tours from 12:30 to 6 pm.

Trustee Seeger reported that he attended the presentation on the interurban, and it was interesting and well attended.

Clerk Mosier reminded the Board to vote on May 7th. She also reported that she will be on vacation the week of May 13th.

EXTENDED
COMMENTS

None

ADJOURNMENT

Seeger moved, Musselman seconded, to adjourn at 8:55 p.m. Motion voted and carried.

Respectfully submitted,

Diane Mosier, Clerk

Rick Galardi, Supervisor