

DeWITT CHARTER TOWNSHIP
1401 W. Herbison Rd. DeWitt, MI
REGULAR BOARD MEETING
October 24, 2011

The regular meeting of the DeWitt Charter Township Board was called to order by Clerk Mosier at 7:00 p.m.

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

MEMBERS ABSENT: None

Also Present: Manager Rodney Taylor, Police Chief Brian Russell, Assessor Laura Tafelsky, Attorney J. Richard Robinson, County Commissioner Robert Showers, and several citizens.

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

MINUTES **Calder moved, Daggy seconded, to approve the minutes of the September 26, 2011 and October 10, 2011 Regular meetings, as presented. Motion voted and carried.**

PUBLIC COMMENTS None.

PUBLIC HEARING Supervisor Galardi convened a Public Hearing on the Proposed 425 Agreements
Proposed 425 Agmts/ with the City of Lansing at 7:03 p.m.
City of Lansing

Manager Taylor provided a power point presentation explaining the proposed 425 agreements, and displayed a map of the proposed 425 areas, for both Area #1 and Area #2, on or surrounding the Capital Regional Airport Authority. Board members asked questions and clarified details of the proposed agreements.

Supervisor Galardi pointed out the benefits of the proposed agreement with the Airport.

Supervisor Galardi called for comments from the public.

Mike Borta, 109 Rivergate, DeWitt, stated that in general these agreements sound like a good thing, unless of course you are him, for whom it could have a very high cost. He pointed out that a previous Township Newsletter stated that this property, at the end of the agreement, would revert back to DeWitt Township, and that is not so in the draft agreements. He asked the Board why the agreement says that the property “may” revert back to DeWitt Township, instead of saying “shall” revert back to DeWitt Township if the Aerotropolis designation is not given.

Theresa Shively, 16421 Turner, questioned how this agreement will promote growth within the Township, as stated in the Manager’s memo. She stated that her property is surrounded by Airport property on both sides, and she wonders how this will affect or include her property. She stated that the Airport has not been a good neighbor to residents in the area, and she does not see how one

meeting a year will improve anything with Airport/resident/Township communications.

Supervisor Galardi pointed out that the proposed agreements do not include Theresa Shively's property, and that at least initially, the Airport agreement will spark significant communication with the Township in an effort to meet the requirements of the agreement. The mention of one meeting per year is a minimum requirement, likely to come into play years from now when we have a good working relationship and planning process in place.

Chris Thelen, representing Consumers Energy, referred to a letter he mailed to all Board members approximately seven days ago. He provided statistics and history regarding Consumer's service to the Airport properties, noting that the proposed 425 Agreements will now require the use of the Board of Water and Light to provide electrical service to Airport properties. He explained how this is not only unfair to Consumers Energy, but not in conformance with the very premise of the agreement, to promote development.

Supervisor Galardi and Manager Taylor pointed out that during negotiations, the City of Lansing made it very clear that this was an important issue for the City.

Ron Lebbon, 13220 Primrose, stated that the provision to return to the Township for payment of services basically means that there is no chance for the property to revert back to DeWitt Township because it will be cost prohibitive. He also stated that because of the planning process for properties at the Airport, under this agreement, there will be less ability for the Township to have input on development. He questioned why the agreement is not definitive about termination of the agreement if the aerotropolis designation is not given.

Attorney Robinson suggested that since the City of Lansing is also considering the agreements this evening, no language changes should be made at this time. He suggested that a solution to making the intent of the parties clear would be to draft a Memorandum of Understanding as an attachment to the 425 Agreements, which could be executed by both parties, stating that if an aerotropolis designation is not granted, then the 425 Agreements shall be terminated.

Kenneth Thompson, 6909 Springtree Lane, in Delta Township, stated that if the property is under the control of the City of Lansing, then he will have to deal with Lansing's Administrative Code Enforcement, which will greatly raise the "hassle" factor for him. He stated that he believes that Clinton County and Eaton County should have representation on the Airport Authority Board. He asked the Board to consider that there are still "little" guys around that will be significantly impacted by these agreements.

Howard Shooltz, 13620 Turner, asked questions to clarify the tax rate for already developed properties at the Airport. He also stated that he does not believe in creating a monopoly with electric service, and is concerned about the City of Lansing's intentions for property north of the Airport which is in the Township.

He does not understand why people are not here in droves, because of the income tax issue. He thinks maybe the City wants this property for a casino.

Manager Taylor explained that the agreements basically “hold the property owners harmless” since the Township’s local millage rate will remain on those properties for the 50 year term of the agreement. He also noted that the agreements provide some protection for the Township properties north of the Airport.

Supervisor Galardi clarified, for those present, that the property will remain within Clinton County. Only the local unit of government will change.

Henry Amama, 11471 DeWitt Road, stated that he wants to see the language changed about abolishing the 425 Agreements if the aerotropolis designation is not given. He also questioned why only for 50/100 years, why not indefinitely share the revenue.

Gerald Shooltz, 11423 Wood Road, stated that he believes the language should be clear about the Board’s intent to abolish the agreement if no aerotropolis designation is given.

Manager Taylor explained that the legal limit for 425 Agreements is 100 years.

Ross moved, Musselman seconded, to adjourn the Public Hearing at 8:10 p.m. Motion voted and carried.

Board member comments included the following: the referendum period was clarified to be 30 days, not 45 days; the agreement does not guarantee development, but offers a chance development that could increase the viability of the Airport; the Airport needs the economic development tools the City can offer, so that they can be competitive in the development marketplace; the time to act on this agreement is now; the agreement offers some protections against annexation; an aerotropolis designation will benefit the entire region.

Mosier moved, Daggy seconded, to authorize the Township Supervisor to execute the Memorandum of Understanding between DeWitt Charter Township and the Capital Region Airport Authority.

Roll Call Vote on Motion:

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

NAYS: None Motion carried.

Musselman moved, Ross seconded, to authorize the Township Supervisor and Township Clerk to execute the Agreement for Conditional Transfer of Property Pursuant to 1984 PA 425 Capital Region International Airport – Area #1, and the Agreement for Conditional Transfer of Property Pursuant

to 1984 PA 425 Capital Region International Airport – Area #2, and also to create and authorize the signature of a Memorandum of Understanding to address Article IV, Section 4.2 , Termination, Rescission and Reversion of Property to the Township, clarifying that it is the intent of both the Township of DeWitt and the City of Lansing to terminate said agreements if a Next Michigan Development Corporation is not established encompassing all of the Airport Authority Property.

Roll Call Vote on Motion:

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

Supervisor Galardi thanked those present for their orderly participation in the public process.

COUNTY COMMISSIONER RPT County Commissioner Showers gave a brief update on Clinton County business.

CORRESPONDENCE Correspondence included the following: Consumers Energy 10/28/11 and 11/3/11 Meeting Notices; Design Lansing Comprehensive Plan from the City of Lansing; Consumers Energy feedback regarding the proposed 425 Agreements; BetterBuildings Update

COMMITTEES & COMMISSIONS Trustee Musselman reviewed the draft Planning Commission minutes of October 3, 2011 Planning Commission meeting.

Musselman moved, Calder seconded, to receive and place on file the draft minutes of the Planning Commission meeting of October 3, 2011. Motion voted and carried.

UNFINISHED BUSINESS None.

NEW BUSINESS 2012 Budget Adoption Res 111059 & 60/

Adoption & Appropriation **AYES: Mosier, Daggy Calder, Ross, Musselman Seeger, Galardi**
NAYS None Motion carried.

Resolutions 111061& 111062/MERS **Mosier moved, Daggy seconded, to adopt Resolutions 111061 & 111062, changing the employee contribution rate for the MERS benefit for the Supervisory and Non-Supervisory Units of the POLC Union, and to void Resolutions 110957 & 110958 due to the change of the effective dates.**

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

NAYS: None

Motion carried.

Salary Comp
Commission

The Board discussed the request for input from the Salary Compensation Commission.

Board members agreed that considering the financial climate in our state and our nation, together with ongoing efforts to balance the Township's budget, that no increase to elected officials salaries is appropriate at this time.

Galardi moved, Seeger seconded, to communicate to the Salary Compensation Commission, in response to their request for input, that the Township Board desires no increase to their current compensation, and the Board respectfully encourages the Commission members to end their process as soon as possible to conserve Township resources. Motion voted and carried.

VOUCHERS

Calder moved, Seeger seconded, to approve General Operating Fund Vouchers 59109 - 59178 and Tax Fund Vouchers 7445 – 7452. Motion voted and carried.

REPORTS &
COMMENTS

Manager Taylor reported the following: it appears that the Township has prevailed in the Bozung lawsuit; 504 Pump Station relocation continues to be a challenge, with crews now authorized to work Saturdays and Sundays; the Township has stipulated in a Tax Tribunal case with King Arthur's Court, refunding \$11,587; he will not be at the next Board meeting.

EXTENDED PUBLIC
COMMENT

Theresa Shively, 16421 Turner Road, made inquiries about the BetterBuildings program.

ADJOURNMENT

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

Respectfully submitted,

Diane Mosier, Clerk

Rick Galardi, Supervisor