

DeWITT CHARTER TOWNSHIP
1401 W. Herbison Rd. DeWitt, MI
REGULAR BOARD MEETING
September 26, 2011

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

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

MEMBERS ABSENT: Supervisor Rick Galardi

Also Present: Manager Rodney Taylor, Police Chief Brian Russell, Planning Consultant Jim Foulds, VP of Indian Trails Chad Cushman, and several citizens.

Mosier moved, Ross seconded, to turn the meeting over to Trustee Musselman who will act as chair for the meeting in the absence of the Supervisor. Motion voted and carried.

AGENDA **Seeger moved, Ross seconded, to approve the Agenda, adding additional correspondence. Motion voted and carried.**

MINUTES **Calder moved, Daggy seconded, to approve the minutes of the September 12, 2011 Regular meeting, and Executive Session, as presented. Motion voted and carried.**

PUBLIC COMMENTS None.

PRESENTATION Chad Cushman, Vice President of Indian Trails, spoke for Michigan Flyer
Michigan Flyer explaining their grant application, and the Tri-County Planning Commission's vote that did not support their grant application. He stated that subsequently, their grant application, which was originally ranked favorably by the state, was not granted.

Cushman provided a power point presentation explaining their present shuttle service between East Lansing and Detroit Metro Airport, and their business plan for expansion of the service. The overview provided by Cushman, providing a summary of their services and the facts surrounding their most recent application for TCSP grant funding, was also reviewed and discussed.

Chair Musselman thanked Cushman for the information he provided.

PUBLIC HEARING Manager Taylor reviewed the proposal for a mountain bike/bmx track in the north
Padgett Park-Bike portion of Padgett Park, in the ravine just south of Herbison Road. He introduced
Proposal John Vandecar of Bike Works, who further explained the proposal and discussed the volunteer concept he has proposed to develop and maintain the track.

Board members questions and answers clarified the following: 1)a map of the location was shown 2)the mountain bike/bmx course will not allow use of any motorized bikes 3)no lighting has been or will be proposed for the site 4)this proposed use will generate very little noise.

After discussion and questions from the Board, Chair Musselman opened the Public Hearing.

Clerk Mosier reported that her office received approximately six calls regarding the advertisement for public comment on this issue. Three calls were in support of the proposed park and three were opposed. Tim Watkins, 1615 W. Herbison Road, lives directly across from the proposed park and wants to be on record opposing the plan. Kathy Hundt, 13077 Shadybrook Lane, requested to be on record as supporting the plan.

Todd Tarrant, 13626 Pearwood, DeWitt, stated that he is opposed to the proposed bike track, for the following reasons: it will need cleaning up and clearing of trees; violations of the rules will happen and no one will be in charge to report these violations; the track and additional use will draw drugs and hunters to the park; the track will be wrought with erosion problems; the park is now signed and used as a "natural area" and this proposed use does not fit that description; the park is the only natural area park in the area, so let's not spoil that; the park is currently used every day by numerous walkers, hikers, and dog owners, and this will ruin the park for that continued use. He provided handouts showing pictures of other bike areas and pictures of the Gier Park BMX Track. He also provided a written list of questions relating to the proposal.

Jim Woodard, 3927 Herbison Road, DeWitt, stated that he is opposed for this proposed use, noting that he uses the park every day, it is a natural area, the only natural area in our community. He explained that the current users take care of the park, and clean it of debris. He stated that he does not believe the proposed bike park will be conducive to their use.

Bob Clark, 3294 Hidden Ridge, stated that he is in favor, that he believes giving kids a place to ride will be an asset to our community, and he does not believe it will have a negative impact on the current use.

Forrest Lewis, 408 Riverview, stated that with this new proposed use, bikes will be all over this park, much of the current vegetation will need to be removed, and this use will draw users that will cause future problems.

Jason Julian, 1164 Wild Turkey, stated that he believes this bike park is proposed for the wrong location, that the Township should leave this park in its current natural state, and not begin eroding the natural state of the park.

Patty Flores, 11215 Airport Road, DeWitt, stated that she has used this park daily for 25 years. She fears that this proposal will bring in kids, without adult supervision. She stated that the Township should leave this park natural.

Alyson Tarrant, 13626 Pearwood, DeWitt, stated that this bike track proposal is not proposed for the right place, and that it will ruin the natural setting of the park, chasing out wildlife.

Cherly Holey, 417 W. Geneva, DeWitt, stated that she loves, loves, loves, the park as it is, please don't take away their lovely park.

Paula Jackson, 1212 Turner stated that she does not believe it is safe to install a bike track where there are so many trees, that this proposal will cause vandalism in the park, and she would like it to remain the same as it is now.

Andrew Zarkovich, 10668 Williams Road, stated that he wants the natural aspect of this park to remain, but he believes this proposal could be done and not impact the current uses of the park. He stated that he has children and he wants them to have a place to ride. He stated that any comparison for this proposed bike park and Gier Park is a terrible example of a comparison, the two are vastly different. He stated that further making of our community into a pro-biking community can only be a good thing.

Cheryl Anderson, 3897 W. Herbison Road, DeWitt, stated that she does not believe that biking fits into this type of nature park, and she does not want the present use changed.

Todd Tarrant, 13626 Pearwood, stated that this park is only 70 acres and it does not have the space needed for a bike park and natural use.

John Vandecar, owner of Bike Works, made the following points: 1) this park will be an asset to the community 2) not just teens and delinquents use bike trails and tracks, they are used by all ages 3) bikers do not want to use the open spaces, those will remain as they are now, the bikers will be using the most unused portion of this park, in the ravine, closest to the road 4) this type of use is increasing, not decreasing 5) the proposed track will be built and maintained by volunteers, will not remove many trees, and the existing park will see very little if any impact.

Patty Flores, 11215 Airport Road, DeWitt, stated that the Township should look at other areas for this proposed bike track, not use Padgett Park.

Paula Jackson, 1212 Turner, stated that the current users are the ones maintaining this park, that they remove downed trees all the time, and clean up the existing park.

Clerk Mosier stated that the proposed bike use within the ravine should not affect wildlife more than the current predominate use as a dog park.

Gloria Siwek, 13384 Blackwood, questioned whether the Township has looked into liability involved with this proposed park, and the cost that the Township will incur to provide liability coverage.

Jason Julian, 1164 Wild Turkey, stated that liability should be a major concern when considering this use, and that the Township needs more space than this site provides.

Treasurer Daggy stated that she just does not understand how this proposed pedal bike trail/track will change any of the current activities or uses within Padgett Park, considering where the proposed track will be located.

Seeger moved, Mosier seconded, to close the Public Hearing at 9:00 p.m. Motion voted and carried.

Chair Musselman thanked those present for their input in this process, and the Board will take their comments into consideration. Clerk Mosier noted that those who signed in tonight have provided the Board with contact information to further communication on tonight's topic.

COUNTY None present.
COMMISSIONER RPT

CORRESPONDENCE Correspondence included the following: August 9, 2011 minutes of the Clinton County Economic Alliance; letter from Township resident Gil Miske regarding his objection to open burning; July 27, 2011 minutes from Where Development Begins; copy of the invitation for Rick Smith's Retirement Open House; Lansing State Journal Opinion letter, reports and information from Capital Regional Airport Authority, and the Lansing Regional Chamber, all relating to the Michigan Flyer presentation.

COMMITTEES & COMMISSIONS Trustee Musselman reviewed the draft Planning Commission minutes of September 6, 2011 Planning Commission meeting.

Musselman moved, Ross seconded, to receive and place on file the draft minutes of the Planning Commission meeting of September 6, 2011. Motion voted and carried.

UNFINISHED None.
BUSINESS

NEW BUSINESS Planning Consultant Jim Foulds reviewed his staff report, dated September 21, 2011, relating to SUP 09-990002. He noted that this request is for a one (1) year extension. Ron Clark, representing E.T. MacKenzie, was present to answer

SUP09-990002 Mining/
MacKenzie Stoll Road
Extension questions.

Ross moved, Seeger seconded, to approve the renewal of Special Use Permit 09-990002 (Major Amendment to 07-550005), the existing excavation operation conducted by E.T. MacKenzie Company for property located on Stoll Road in Section 22 for an additional one (1) year. Motion voted and carried.

SUP11-990004 Fill Site Planning Consultant Foulds reviewed his staff report, dated September 21, 2011, relating to SUP 11-990004, E.T. MacKenzie Fill Site located at 15620 S. US27 (BR) He explained that this request is for a new SUP, since the previous SUP was for four (4) years and has now expired. Ron Clark, representing E.T.

MacKenzie, was present to answer questions.

Ross moved, Seeger seconded, to approve, as recommended by the Planning Commission, Special Use Permit 11-990004, a request for a new Special Use Permit to continue a fill operation at 15620 S. US 27, which was previously approved in 2006 and expired in July of 2011, noting that as a requirement of the previous SUP four annual inspections and renewals were processed by the Township. Motion voted and carried.

SUP11-990005
Annie Rae RV & Price
Right Cars

Planning Consultant Foulds reviewed his staff report, dated September 20, 2011, relating to SUP 11-990005, a request from Annie Rae RV and Price Right Cars and Trucks, to operate a retail auto repair facility at 12909 South US 27. He explained that this is a new request to operate a repair facility out of an existing building located at the current RV and vehicle sales site. Doug Collins, General Manager and Operating Partner, was present representing Annie Rae RV and Price Right Cars.

Ross moved, Calder seconded, to approve, based on a unanimous recommendation from the Planning Commission, Special Use Permit 11-990005 from Annie Rae Chevrolet, Inc., dba Annie Rae RV and Price Right Cars and Trucks, to operate a retail auto repair facility on the property located at 12909 S. US 27, DeWitt, MI 48820, and legally described in the application documents, on the following basis: 1)the proposed retail auto repair facility has been designed and can comply with the requirements of Section 7.3 (Site Plan Review) and Section 7.13.14 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 to include the operation of the auto repair facility within an existing, enclosed building, as well as removal of the southern access drive when future new structures are added to the site 3)the Special Use Permit shall allow hours of operation to be Monday through Friday from 9:00 am to 6:00 pm and Saturday from 10:00 am to 3:00 pm 4)the standards for Basis for Determination listed in Section 7.4.3 of the Zoning Ordinance have been met. Motion voted and carried.

Resolution 110956
Honoring
Rick Smith/Retirement

Motion by Mosier, seconded by Daggy, to adopt Resolution 110956, honoring Detective Sergeant Rick Smith, for 32 years of service.

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

Outstanding Citizen
Nomination

Clerk Mosier explained her nomination to recognize Granger as an Outstanding Corporate Citizen.

Mosier moved, Seeger seconded, to approve the nomination of Granger to be recognized as an Outstanding Corporate Citizen. Motion voted and carried.

Resolutions 110957 & 110958/MERS **Mosier moved, Daggy seconded, to adopt Resolutions 110957 & 110958, changing the employee contribution rate for the MERS benefit for the Supervisory and Non-Supervisor Units of the POLC Union.**

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

Set Joint Workshop Twp/DeWitt City/DeWitt Schools **Ross moved, Daggy seconded, to set a joint workshop session with the City of DeWitt and DeWitt Public Schools for 7:00 pm on October 11, 2011 to be held at the City of DeWitt municipal building. Motion voted and carried.**

Set Hearing/425 Agmts/ City of Lansing Manager Taylor explained that details for the proposed 425 Agreements with the City of Lansing for the property owned by the Capital Regional International Airport and for properties along Grand River. He noted that the State of Michigan has indicated that we are in line to receive the Next Michigan (Aerotropolis) designation, but to receive the designation we must have the 425 approved before the MEDC mega board meeting scheduled for November 8, 2011. He pointed out that details are basically the same as previously discussed and the Township needs to set a Public Hearing for October 24, 2011. He provided draft agreements to allow Board members time to review the agreements.

Ross moved, Daggy seconded, to set a Public Hearing for 7:00 p.m. on October 24, 2011, on the proposed 425 Agreements with the City of Lansing. Motion voted and carried.

2012 Proposed Budget/ Public Hearing Manager Taylor provided a power point presentation with data relative to the 2012 Proposed Budget and previous discussion of the same. Discussion.

Calder moved, Daggy seconded, to set a Public Hearing for October 10, 2011, at 7:00 p.m. on the proposed 2012 Township Budget. Motion voted and carried.

Resignation/Arent **Musselman moved, Calder seconded, to accept, with regret, the resignation of Gale Arent from the DeWitt District Library Board, effective December 31, 2011. Motion voted and carried.**

VOUCHERS **Calder moved, Seeger seconded, to approve General Operating Fund Vouchers 59006 - 59055 and Tax Fund Vouchers 7434 - 7444**

REPORTS & COMMENTS Trustee Seeger reported that at a recent Clinton County Township Officers Association meeting, it was discussed that grant monies may be available from the Clinton County EDC.

Manager Taylor provided updates on the following projects: the Phase II DEQ Audit; the 504 Lift Station Project; the Case Cares fundraising for the Miracle League Field; the recent Friends of the Looking Glass cleanup.

Treasurer Daggy asked where we go from here on the Padgett Park bike track issues discussed this evening. It was determined to delay further discussion until the Supervisor has time to assess the situation.

Clerk Mosier reported that staff is working on a Fireworks Ordinance. She also thanked Trustee Musselman for his service presiding over the meeting.

EXTENDED PUBLIC None.
COMMENT

ADJOURNMENT **Seeger moved, Musselman seconded, to adjourn at 11:00 p.m. Motion voted and carried.**

Respectfully submitted,

Diane Mosier, Clerk

Rick Galardi, Supervisor