

DeWITT CHARTER TOWNSHIP
1401 W. Herbison Road, DeWitt, MI 48820
May 27, 2014 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, Treasurer Phyllis Daggy, Trustees Johanna Balzer, Steve Musselman, Brian Ross, and David Seeger

MEMBERS ABSENT: None

Also Present: Manager Rodney Taylor, Police Chief Brian Russell, Planner Brett Wittenberg, Attorney Gresens with Thrun Law, and several citizens.

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

CONSENT AGENDA **Mosier moved, Balzer seconded, to approve the Consent Agenda, which included approval of General Operating Fund Vouchers 63003 – 63062; approval of Township Board Minutes of 05/12/14 with two corrections; and to receive and file the Planning Commission draft minutes of 5/5/14. Motion voted and carried.**

PUBLIC HEARING Supervisor Galardi called to order the Public Hearing at 7:08 p.m. on the proposed Special Assessment for the Old US-27 Sidewalk/Pathway project which will run between Sheridan Road and Northcrest Road. He explained that the purpose of the hearing is to hear comments and objections to the proposed improvement and/or the proposed special assessment district.

**Special Assessment
Old 27 Sidewalk/
Pathway Project**

Clerk Mosier reported that 102 legal notices were sent on May 8th to those owners of parcels within the proposed assessment district who are proposed to be assessed. Included with those legal notices were the following documents: 1)letter from Manager Taylor outlining the details of the proposed project 2)map of the proposed route and properties impacted 3)estimates of the proposed assessment to all properties involved, both by address and parcel number Also, two publications were done, as required by law, in the DeWitt Bath Review. She noted that no written complaints or comments were received, however, a few calls were received and routed to Manager Taylor.

Manager Taylor explained that he received less than five calls from individual property owners. Most of the calls were to get answers to questions relating to details of the project and he met with those property owners individually.

Manager Taylor provided a power point presentation with details of this project, and details of the proposed assessment. He noted that this Public Hearing is for the proposed assessment of property for this project, however, the project itself will also involve future meetings with property owners, Township representatives, and the project engineers, while the project details are designed and finalized.

Attorney Gresens with Thrun Law provided details of what property owners need to do if they object to the proposed assessment for this project.

Supervisor Galardi called for public comments.

Andon Pogoncheff, 1793 W. Stoll Road, stated that he agrees with the need for the project, however he believes the businesses should pay their fair share, not the taxpayers picking up the bulk of this tab. He stated that this is just taking dollars from one pocket to another and grant dollars are still tax dollars being spent. He stated that he feels that all tax payers within the Township should have gotten a notice in the mail about this project.

Shelly Byrnes, 16300 S. US 27, stated that she objects to residential properties being assessed, and that the only people using the pathway will be those homeless people and prostitutes who hang hang out in the area. She stated that she believes this sidewalk will just bring more riff raff. She explained that her property is now zoned commercial even though they live there. She stated that she objects to this project and the proposed assessment.

Pat North, 2300 E. Stoll Road, stated that she and her husband own 16120 S US 27 in the proposed assessment district. She stated that although she agrees that sidewalks are needed and she favors the project, she has questions about the Township taking part of their property for the sidewalk and then assessing them for the improvement and making them maintain the sidewalk.

Steve Philo, 16850 S. US 27, made the following points: 1)his house is so close to the road now, adding a sidewalk will really change his property 2)it will be unsafe to clear the sidewalk, and as soon as you clear it, the plow will come by and fill it again 3)his house is currently 17 feet from the curb, and the Township wants to put a sidewalk there? He stated that he believes the Township should do a bike lane that is adjacent to the road, not a sidewalk.

Bruce Robbins, 1331 Northcrest, made the following points: 1)he is opposed to sidewalks, and he moved here into his neighborhood because there were no sidewalks 2)the MDOT Grant is taxpayer dollars, so the taxpayers will pay for the project 3)he attended the public meeting to discuss the non-motorized pathway plan and he was told by the Supervisor that there would be no assessments for sidewalks.

Ted Rochelle, 1201 Valley, stated that the southern tier is an old neighborhood, and it needs a public boost to bring it back to vitality. He stated that he believes this proposed improvement will be a wonderful opportunity for the southern tier.

Scott Randall, 16040 S. US 27 – owner of Redline Auto, stated that this project is needed, that this is a win/win situation where the corridor will be safer and much improved.

Alberta Kuhn, 1330 Northcrest, stated that she has had issues with her road since it was “improved” last year.

Gerald Shooltz, 11423 Wood Road, and owner of two parcels on US 27 in the southern tier, stated that he is not sure sidewalks will be used if they are installed, since it is the homeless he sees in the area. He questioned why the sidewalks will stop at Northcrest, when the entire corridor could use sidewalks, and maybe more in the north. He stated that he pays taxes, and most businesses in the area cannot afford to pay more than the 10% being proposed for assessment.

Supervisor Galardi explained the years of public input processes that have put the wheels in motion for the southern tier improvements. He noted that respected experts have been hired to assist the Township in these processes. He stated that this project is needed to improve safety in the southern tier. He spoke about blighted properties the Township has purchased and will remove, noting that this area took years to deteriorate and will take years to come back. He stated that he thinks that this project is the right idea, and this Board's job is to find consensus on the improvements after hearing all of the issues.

Supervisor Galardi thanked those who spoke to the issue.

Seeger moved, Musselman seconded, to close the Public Hearing at 7:45 p.m. Motion voted and carried.

Trustee Musselman stated that he served on the Corridor Improvement Committee, and he continues to support these improvements to improve safety in the southern tier.

Trustee Seeger stated that he believes that this plan is the best that we can offer the area, and he supports proceeding with the project.

Trustee Balzer stated that she has lived in DeWitt Township her entire life and remembers when this area was vibrant. She stated that she drove this route to work for 30 years and has seen it change over the years and thought that if she ever had the chance to help the area, she would, never imagining that someday she would actually be in a position to help. She stated that she does sympathize with those residents who have small front yard setbacks. She explained that on one occasion, in the pouring rain, she swerved to miss two pedestrians who were walking in the roadway, and she could have killed those two people. She stated that she believes the snow removal problem is universal, even where she lives. She stated that she believes that the more pedestrians use the area the more it will deter undesirable behavior.

Trustee Ross stated that he has seen the need in this area for 23 years, since he moved into the Township. He stated that the safety of the public will improve with this public improvement project, the quality of life in the area will improve, and yes, this is public money that this Board has thought long and hard about before considering to fund this project. He stated that he believes the grant contributes to making this a good opportunity to improve public safety and quality of life in the southern tier.

Treasurer Daggy stated that she has lived in the Township for some 60 years, at first on Sweet Road when the airport bought their property and lots of changes happened. She stated that she believes we are fortunate that no one has been killed on this stretch of road where pedestrians are

often seen walking in the roadway. She stated that she believes the Township Board cannot pass up this opportunity to fund the project. She stated that she is often afraid to drive this stretch of road at night. She also noted that the deterioration in the southern tier needs to stop, and this is one step in the process.

Clerk Mosier stated that she has lived in the Township her entire life, and was born when her parents lived at the corner of Brook and State Roads where the church bought her childhood home to expand the church. She stated that when she was a child, this area was vibrant, but even then her parents would not allow her to walk to Fennings Drug Store because of safety issues on the business corridor. She explained that 24 years ago when she came to work for the Township, the issue of the need for sidewalks in the southern tier existed. She pointed out that in those 24 years, the Township Board has never assessed for a public improvement that was not solicited by the residents, and unlike other communities who have assessed residents out of their properties, the Township is proposing 10% of the Township's at large costs as the assessment amount, spread over an eight year period to make the assessment affordable. She explained the grant process where some community will get this money and it might as well come back to DeWitt Township. She listed the projects the Township has funded in the southern tier, stating that she knows this project is not perfect but she has to support proceeding with this improvement. She also pointed out that connectivity with the existing sidewalks will be key to their use by pedestrians.

Manager Taylor explained the next steps in the process, noting that there will be another Public Hearing on the Assessment District.

BRIEF PUBLIC COMMENT None.

COUNTY COMM. REPORT None present.

CORRESPONDENCE Correspondence included the following: April Statistics from the Clinton County Sheriff; an invitation to the Art Sculpture Unveiling from the City of DeWitt; membership renewal letter from the Michigan Townships Association; Michigan Farm News Article on Urban Rights; Activity Report; and a 6/2/14 meeting notice from Consumers Energy.

UNFINISHED BUSINESS None.

NEW BUSINESS Proposed Zoning Ord 42.4 Planner Brett Wittenberg explained the proposed changes to Ordinance Amendment 42.4, reviewing his memo dated May 20, 2014. The changes were discussed.

Trustee Seeger stated that he does not think that making the Township "exempt from the requirements for a sign permit" is the best way to accomplish what the Township is planning to do. He stated that he believes the sign ordinance is too restrictive in many ways, and exempting the Township is just not a good idea.

Trustee Balzer stated that she believes the temporary sign allowance, even with the change, is too limiting on the number of days it can be displayed. Changing the proposal to allowing 14 days before an event and two days after an event to remove was discussed.

Planning staff will return with changes that consider the Board's suggestions. No action was taken.

Contract for Demo/
Site Improvements
16164 US-27

Manager Taylor reviewed his memo, dated May 23, 2014, which explained the RFP process and results of the bids.

Ross moved, Seeger seconded, to authorize the Township Clerk and Township Manager to execute an agreement with E.T. Mackenzie Company for the demolition of the building and site improvements at 16164 S. US 27 in an amount not to exceed \$80,189.50 which includes a 15% contingency above the bid amount of \$69,730. Motion voted and carried.

Budget Adjustments

Mosier moved, Balzer seconded, to approve the following budget adjustment to the 2014 Budget.

\$475 to Board-Mileage/Travel 101-100-860-000; \$10,000 to Physical Plant – Overtime 101-262-703-000; \$6,000 to Physical Plant – Supplies 101-262-740-000; \$5,000 to Physical Plant – Utilities 101-262-920-000; \$5,000 to Community Center – Utilities 101-263-920-000; \$7,800 to Township Hall – Engineering Services 101-265-801-000; \$2,200 to Township Hall – Supplies 101-265-727-000; \$1,650 to Township Hall – Postage 101-265-728-000; \$2,500 to Parks – Utilities 101-751-920-000 all from General Fund Balance 101-000-390-000. Motion voted and carried.

Ord Amd/High Blood
Alcohol Content

Chief Russell explained the proposed "super drunk" ordinance changes as recommended by the attorney.

Seeger moved, Balzer seconded, to approve, on First Reading, the new High Blood Alcohol Content-Super Dunk Amendment – to DeWitt Charter Township Motor Vehicle Ordinance 10.10, and to amend Article II of Chapter 38 of the Township Code, to add Section 38.23 of the Township Code, to adopt by reference the Michigan Motor Vehicle Code, being 1949 PA 300, as amended, codified at section 2.57.65 (1) of the Michigan Compiled Laws (a.k.a. "Super Drunk").

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

NAYS: None

Motion carried.

Clerk Mosier noted that Second Reading will be delayed due to publication timing.

Outstanding Citizen
Award

Mosier moved, Balzer seconded, to adopt Resolution 2014-05-11, recognizing Albert and Billie Gladstone as Outstanding Citizens.

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

Andon Pogoncheff, 1793 W. Stoll Road, stated that he knows the Gladstones and cannot think of a more deserving couple to be recognized.

Ted Reuschel, 1201 Valley Road, asked about regulating wire signs, or temporary signs that appear everywhere along roads and intersections. Manager Taylor reviewed the local regulations and what the Township is doing to enforce these rules.

Clerk Mosier noted that the presentation to Gladstones will be at the next meeting.

REPORTS &
COMMENTS

Chief Russell provided information on the in car camera replacements.

Manager Taylor reported the following: DARA is working on a real possibility to partner with DeWitt Schools; staff has been working with Speedway to get sidewalks at their recently renovated site; Valley Farm Park improvements continue; and the Miracle League has 89 players this year, its largest number.

Trustee Ross reported that he and Commissioner Showers recently toured the Niowave site.

ADJOURNMENT

Seeger moved, Musselman seconded, to adjourn the meeting at 8:50 p.m. Motion voted and carried.

Respectfully submitted,

Diane Mosier, Clerk

Rick Galardi, Supervisor