



1401 W. Herbison Road, DeWitt, MI 48820
October 25, 2021 Board of Trustees Meeting Minutes

The Regular Meeting of the DeWitt Charter Township Board of Trustees was called to order by Supervisor Galardi at 7:01 PM with the Pledge of Allegiance.

MEMBERS PRESENT Supervisor Rick Galardi, Clerk Adam Cramton, Treasurer Sandy Stump, and Trustees David Seeger, Brian Ross, and Steven Smith.

MEMBERS ABSENT Trustee David Fedewa.

ALSO PRESENT Police Chief Mike Gute, Fire Chief Dave DeKorte, Manager Andrew Dymczyk, Assessor Chris Coucke, Community Development Director Brett Wittenberg, Planning Commission Chair Bruce Keilen, Clinton County Commissioner Ken Mitchell, and several citizens.

AGENDA **Cramton moved, Seeger seconded, to approve the amended Agenda to include the late addition of Non-Motorized Transportation Easement – Auto-Owners Insurance to the list of new business items considered.**

AYES: Seeger, Ross, Smith, Stump, Cramton, Galardi.

NAYS: None.

ABSENT: Fedewa.

Motion carried.

CONSENT AGENDA **Smith moved, Stump seconded, to approve the Consent Agenda, which included the following: Board of Trustees Regular Meeting Draft Minutes, October 11, 2021; Board of Trustees Workshop Draft Minutes, October 8, 2021; Planning Commission Regular Meeting Draft Minutes, October 4, 2021; and General Vouchers 73487-73538, Tax Vouchers 9301-9309.**

AYES: Seeger, Ross, Smith, Stump, Cramton, Galardi.

NAYS: None.

ABSENT: Fedewa.

Motion carried.

PUBLIC COMMENT None.

PUBLIC HEARING

Remy Chandler
Assessment Roll and
Resolution 2021-10-64

At the September 13th Board meeting, the Township approved the creation of a special assessment roll for the Remy Chandler Inter-County drain and conducted an initial public hearing for October 11th. In the process of apportioning the costs of the Remy Chandler Drain Special Assessment, it was brought to the Township's attention that there was a calculation error affecting the assessed amounts on 248 parcels. For those parcels that were assessed between \$150 and \$450, the total cost should have been split across three years, paying one third of the total each year. Due to an error in the special assessment roll creation, these parcels were assessed 1/3 of their assessment in the first year, and had nothing listed as due in years two and three. After correcting this error, the cost per acre for all parcels is reduced from \$15.92 per acre, to \$13.72 per acre. After closure of the

public hearing, it will be necessary to approve Resolution 2021-10-64 that approves the roll.

Clerk Cramton presented to Board with the following statistics:

- DeWitt Township accounts for \$180,838 of a total \$600,000 assessment
- DeWitt Township is making a \$28,568 at-large contribution, leaving \$152,269 to be assessed.
- The owners of 1872 parcels were, again, notified of the proposed assessment and public hearing by first class mail.
- The owners of the largest parcels were contacted by phone prior to receiving their notice.
- Notice was published in the DeWitt Bath Review and Lansing State Journal.
- 5 letters to parcel owners were returned as non-deliverable.
- Approximately 50 inquiries, either in-person or by phone, were received regarding the notice.
- 3 written protests were received.

The Public Hearing was called to order at 7:04 PM by Supervisor Galardi.

Clerk Cramton opened the hearing by detailing the apportionment process undertaken by the Intercounty Drain Commission to determine the portion of the project costs to be borne by DeWitt Township. Further to this explanation, Clerk Cramton then informed residents that the liability presented to DeWitt Township by the Drain Commission is then distributed equally across affected Township properties. He explained that the error in the calculation, determined during the first public hearing, resulted in many properties' assessments being reduced. No properties increased in their assessment.

Manager Dymczyk outlined the process through which a landowner could challenge their assessment with the Township on the grounds of reduced benefit, and that Township personnel along with the Drain Commissioner would come on-site to evaluate the concern. He also described the legal precedent for maintenance and concern of upstream communities.

Jeff Ovenhouse, 15715 Turner Rd., owns 4 properties in the assessment area. He stated that two of them frequently flood so he does not feel he receives the full benefit of the Remy-Chandler. He also pointed out that the total acreage of his 4 properties is less than 3.5 acres, yet he is being assessed \$50 each; a total of \$200.

Gary Tarrant, 1914½ W. Stoll Rd., requests to meet with Clinton County Drain Commissioner Phil Hanses to evaluate the level of benefit on his property.

Andrea Zeeb Polverento, representing 3200 E. Herbison Rd., is still looking for an accurate description of the project scope and questions if her properties will receive a benefit if the improvements are not being made nearby. She feels that development upstream as negatively impacted the downstream properties like her. Ms. Zeeb Polverento questions if there will be enough time to evaluate properties before a commitment to tax tribunal is required. She would like to meet with the Drain Commissioner as well. Ms. Zeeb Poverento submitted a letter of opposition to the Board.

Jackie Reese, 14567 Wood Rd., thanked the Board for being open and responsive to the residents' concerns. She feels that it is time, after 18 years, to redo the apportionment study to determine the impact that upstream development has had on the flow in the Remy-Chandler drain. She would like to be notified when the Intercounty Drain Commission meets in order to attend the meetings. Ms. Reese would like to see the current and future plan for the Remy-Chandler on the Clinton County Drain Commission Website. She would like to know, specifically, what maintenance is planned and at what locations. She is concerned that improvements upstream will allow more water to flow and create additional problem downstream.

Pat Zeeb, 3200 E. Herbison Rd., informed the Board that his name was spelled incorrectly on the assessment letter.

Lisa Stowe, 1120 Commerce Park Dr., inquired if this assessment is a one-time assessment or if this will happen again. The Board responded that assessments are a result of maintenance of the drain and happen as needed. It has been 11 years since the last one. She asked if the drain district includes the tributaries that feed into the Remy-Chandler. The Board confirmed that this is the case.

Ross moved, Smith seconded, to close the Public Hearing at 8:01 PM.

AYES: Seeger, Ross, Smith, Stump, Cramton, Galardi.

NAYS: None.

ABSENT: Fedewa.

Motion carried.

Treasurer Stump explained that once the winter tax roll is ~~input~~ reconciled and committed to the County, ~~that is becomes~~ it is locked down and ~~unable to~~ can't be modified according to tax law. Once committed, the Michigan Tax Tribunal has exclusive jurisdiction in all matters involving special assessments. The target date for the upcoming winter roll is December 1st. She further explained that, due to tax law, it would not be possible to ~~reimburse~~ refund landowners during the upcoming tax year if it is subsequently discovered that their property is worthy of an exemption.

Trustee Ross is troubled by the age of the 2003 apportionment. He feels that it would benefit the Township to have an updated apportionment study.

Jackie Reese believes that development since 2003 has created more flooding problems for the downstream properties. She also feels that there has been a lot of development upstream and that a new apportionment could only help DeWitt Township.

After much Board discussion it was determined that the Board would not take action for this upcoming winter tax roll, as the required timing would not allow residents the opportunity to have their properties evaluated. The Township will make the first-year's payment to the Drain Commission, inclusive of the Township's at-large contribution, without assessing the residents. Clerk Cramton's Office will generate another mailed notice to residents reminding them of the assessment that will be intended for the winter 2022 tax roll, and to contact the Township if they feel they would like to challenge the assessment based upon level of benefit. The Township can then coordinate a visit with the Drain Commissioner and determine if an exception is warranted prior to the formation of the winter 2022 tax roll.

PRESENTATION

2022 DeWitt Area Recreation Authority Budget – Chad Stevens, Director

DeWitt Area Recreation Authority (DARA) Director, Chad Stevens, gave a brief presentation outlining the proposed 2022 DARA budget. Director Stevens highlighted the challenges faced as a result of the COVID pandemic, and thanked the Township and the DARA Board for their support. The Township Board complimented Director Stevens on his continued effective management of the DARA budget and resources while consistently growing the available programs.

Cramton moved, Ross seconded, to receive and place on file the DeWitt Area Recreation Authority 2021 Budget.

AYES: Seeger, Ross, Smith, Stump, Cramton, Galardi.

NAYS: None.

ABSENT: Fedewa.

Motion carried.

COUNTY COMMISSIONER REPORT

County Commissioner Ken Mitchell was present to offer a brief update. He feels that the 2003 apportionment study for the Remy-Chandler Drain should be updated and offered his support. Commissioner Mitchell informed the Board that the Commission has hired a consultant to assist them with navigating the requirements of the American Rescue Plan Act (ARPA) funds. Commissioner Mitchell also gave a brief update on the status of small business grants that are being managed by the Lansing Area Economic Partnership (LEAP).

CORRESPONDENCE

Correspondence included the following: Q3 Cash and Investments; Q3 2021 Financial Reports; DeWitt Township Fire Department September 2021 Activity Report; DeWitt Township Police Department September 2021 Activity Report; Consumers Energy Notice of Hearing; 2022 Township Budget Draft; and MERS – DeWitt Township Pension Actuarial.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Rezoning 21-880003 – Deborah Spink & Jeffrey Kelley are requesting to rezone approximately 1.00 acre from the A (Agricultural) zoning district to the R3 (Single-Family Residential) zoning district. The subject site is located west of S. US 27, on the north side of Stoll Road, east of Turner Road, part of the southeast ¼ of the southeast ¼ of Section 21 of DeWitt Charter Township (Parcel #050-021-400-075-00).

Presently, Deborah Spink & Jeffrey Kelley own approximately 1.00 acre of property. In August of this year the applicant applied for a building permit for an addition to the existing single-family residence. The permit was denied, as the proposed addition encroached into the side yard setback. Staff spoke with the applicant and advised that the options were to verify the setback in compliance with the ordinance, seek a rezoning, or request a variance.

The subject property is designated for Medium Density Single-Family Residential (SF-M) use on the Future Land Use Map. Parcels in the vicinity are generally planned for

Medium Density Single-Family Residential (SF-M) and Multiple-Family Residential (MFR). The proposed change from A (Agricultural) to the R3 (Single-Family Residential) zoning district is compatible with the existing residential land uses in the area.

A public hearing was conducted on the proposed rezoning request on October 4, 2021 in which the Planning Commission unanimously recommended approval. There was no public comment received regarding the request.

Ross moved, Galardi seconded, based on a unanimous recommendation from the Planning Commission, to approve the first reading of rezoning request 21-880003, from Deborah Spink & Jeffrey Kelley as legally described on the application materials and survey documents, from A (Agricultural) to the to R3 (Single-Family Residential) zoning district based on the fact that the request is not in conflict with recommendations of the Comprehensive Development Plan and is consistent with the existing land use pattern in the immediate area.

AYES: Seeger, Ross, Smith, Stump, Cramton, Galardi.

NAYS: None.

ABSENT: Fedewa.

Motion carried.

Step II Condominium
Review – Thomas
Farms Phase 1B

Step II condominium approval is similar to final preliminary plat approval for a subdivision. It signifies that the final design and engineering of the development, including the infrastructure systems, has been reviewed and found acceptable by the respective public agencies and the Township Engineer. Correspondingly, the applicant may proceed with construction of the infrastructure upon receipt of Step II approval. Step II review also entails evaluating the plan for consistency with the preliminary design and any conditions from Step I approval that the project was subject to.

The proposed development is consistent with the Step I approval and conditions. Additionally, the applicant has provided a sidewalk along the east side of the cul-de-sac (adjacent to units 13-20) as discussed during the Step I review with the Planning Commission.

A Condominium project is made official through the recording of a Master Deed with the Register of Deeds. The Township is interested in the Master Deed because it includes the restrictions for the development and spells out maintenance responsibilities for open spaces and other common elements that are available for benefit of the residents in the development.

As part of the Step II preliminary review procedure, applicants are required to submit a copy of the proposed deed restrictions or covenants. The applicant provided a copy of the draft master deed that will cover this phase of the condominium project. The Master Deed will be subject to the Township Attorney's review and approval prior to Step III.

The Planning Commission held a public hearing on this request at the October 4, 2021 regular meeting. The Commission found, with the recommended conditions, that the development is designed in accordance with applicable ordinance standards.

Galardi moved, Ross seconded, as recommended by the Planning Commission, to grant Step II approval for the Thomas Farms Condominium Phase 1B project, based on the plans last revised on September 8, 2021, and received August 17, 2021 subject to the following conditions:

- 1. The final plan shall indicate the presence of street lights that meets the requirements of the Township.**
- 2. The Master Deed shall be subject to review and approval by the Township Attorney prior to Step III final plan approval.**
- 3. The applicant shall comply with the requirements of all reviewing and permitting agencies prior to the commencement of construction.**

AYES: Seeger, Ross, Smith, Stump, Cramton, Galardi.

NAYS: None.

ABSENT: Fedewa.

Motion carried.

Snow Removal Map 2021-2022 - Resolution # 2021-10-65 In the fall of 2015, the Complete the Streets Ordinance (O2015-1-7) became effective. A provision for snow removal was provided in the Ordinance to ensure safe passage for walkways, including sidewalks and shared use pathways, within the Township. Instead of requiring all sidewalks and pathways within the Township to be cleared of snow, the adopted ordinance ensured that “sidewalks to nowhere” did not need to be cleared. Below are some relevant guidelines as to when sidewalks are to be cleared of snow or ice.

- Sidewalks and shared use pathways shall be cleared from a path of at least 36” in width from the outside edge.
- Snow and ice shall be removed from sidewalks or shared use pathways within 24 hours after accumulation or drifting of snow, sleet or freezing rain or by the beginning of business hours of the next day, whichever is shorter to ensure passage.
 - Exception provided when the wind chill is below zero degrees Fahrenheit.
- Snow removal is subject to an annually adopted sidewalk and pathway snow removal map adopted by the Township Board.
 - Includes properties along corridors that have greater than 75% of sidewalk or shared use pathway between 2 street intersections.
 - Properties within ¼ mile of a school or 300 feet of a bus stop location.
 - May include properties that provide pedestrian access to destination areas to provide safe and accessible passage.
 - Destination areas include but are not limited to:
 - Parks, schools, commerce areas, and religious institutions that have pedestrian connectivity within the existing system.
- In the event of a significant snow or ice event, an additional 48 hours shall be allowed for the removal of snow and ice from sidewalks or shared use pathways.
 - Significant snow/ice event means a period of snowfall of 6 inches or greater within a 24-hour period or ice formation of greater than ¼ of an inch.

Trustee Seeger inquired as to why the map did not include the paths on Old US 27 south of Northway drive. Community Development Director Wittenberg replied that Old US 27 are part of the network of paths maintained by the Township, and that the resolution and map provided are defining the paths and sidewalks that residents are required to maintain.

Galardi moved, Ross seconded, to adopt resolution 2021-10-65 based on a finding that it satisfies the criteria under Section 34-8 of the Codified Ordinance for the Township's annual sidewalk and pathway snow removal map.

AYES: Seeger, Ross, Smith, Stump, Cramton, Galardi.

NAYS: None.

ABSENT: Fedewa.

Motion carried.

Salary Compensation Report The Salary Compensation Commission filed the 2022/2023 report with the Township Commission 2022/2023 Clerk on October 13, 2021.

MCL 42.6a(1)(b) provides: that the Commission shall determine the salary of each elected Township official which determination shall be the salary unless the Township Board by resolution adopted by 2/3 of the members elected to and serving on the Board rejects the determination. A determination of the commission shall be effective 30 days following its filing with the Township Clerk unless rejected by the Township Board. If rejected, the existing salary shall prevail.

If the Board takes no action to reject the report within 30 days, the report will be effective as written.

Scott Hummel, Chair of the Salary Compensation Committee, was in attendance to answer any questions from the Board.

Supervisor Galardi thanked Mr. Hummel and the members of the Committee for their continued service.

Ross moved, Smith seconded, to receive and concur with the report provided by the Salary Compensation Commission.

AYES: Seeger, Ross, Smith, Stump, Cramton, Galardi.

NAYS: None.

ABSENT: Fedewa.

Motion carried.

Code Enforcement Officer – New Hire

The code enforcement position has been open for some time with the Township exploring potential cost share opportunities. After much deliberation, it has been determined that the position is best suited to be part-time (20 hours per week) dedicated to DeWitt Township. Building Official Hoard and Manager Dymczyk conducted interviews on October 13th, and believe Mr. Mark Nicholson would be the best fit for the Township. Manager Dymczyk recommends the hiring of Mr. Mark Nicholson for the position of part-time Code Enforcement Officer in the Building Department.

Galardi moved, Stump seconded, to approve the hiring of Mark Nicholson at Grade 4, Step 3 of the Classification and Wage Scale, for the position of part-time Code Enforcement Officer in the Building Department contingent upon the successful completion of the pre-employment physical.

AYES: Seeger, Ross, Smith, Stump, Cramton, Galardi.

NAYS: None.

ABSENT: Fedewa.

Motion carried.

2022 Proposed Budget
– Set Public Hearing

At the September 13, 2021 meeting, a draft of the Proposed 2022 Budget was provided and on October 8, 2021, the Board held a Budget workshop. The next step towards adoption and appropriation are to establish a Public Hearing.

Cramton moved, Ross seconded, to set a Public Hearing on the 2022 Proposed Township Budget for November 8, 2021 at 7:00 p.m.

AYES: Seeger, Ross, Smith, Stump, Cramton, Galardi.

NAYS: None.

ABSENT: Fedewa.

Motion carried.

Non-Motorized
Transportation
Easement – Auto-
Owners Insurance

In 2019, the Township Supervisor, Township staff, and a representative from the Clinton County Road Commission met with Auto-Owners Insurance to discuss the opportunity for a non-motorized trail easement on their property(ies). As identified in the original adopted plan in 2013, and update in 2019, this easement affords the opportunity to connect to the Saffron Hills Subdivision, which currently does not have direct access to the Township’s non-motorized transportation system. This connection is identified as the number two priority in the 2019 Non-Motorized Transportation Plan.

Acquiring this easement would benefit the residents of the Saffron Hills Subdivision as they are one of the few subdivisions without access to the non-motorized transportation system and are severely limited with their access opportunities. It should be noted that the Township would also need to acquire an easement from the Saffron Hills Homeowners Association to complete the connection.

As part of the Easement Agreement, in return for the property owner providing the 20’ easement at no cost to the Township, the Township would ultimately be responsible for the construction and maintenance of the path once constructed.

Should the Township Board accept the easement, upon execution, the Township will record the document with the Clinton County Register of Deeds.

Smith moved, Stump seconded, to accept the pathway easement from Auto-Owners Insurance and authorize the Supervisor and Clerk to execute said easement upon receipt of signatures from Auto-Owners Insurance.

AYES: Seeger, Ross, Smith, Stump, Cramton, Galardi.

NAYS: None.

ABSENT: Fedewa.

Motion carried.

EXTENDED PUBLIC, Fire Chief Dave DeKorte presented that a new class for Medical First Responders has
STAFF, & BOARD begun. Tomorrow, the Department will be participating in the FAA drill at the airport.
COMMENTS Chief DeKorte also notified the Board that car/deer accidents are up dramatically.

Police Chief Mike Gute updated the Board on a recent accident that damaged a patrol car.
He will be participating in Officer new-hire interviews tomorrow.

Community Development Director Brett Wittenberg informed the Board that a new
Planner, Alex Bahorski, has started in the Planning Department.

Manager Dymczyk provided updates on the following:

- Parks and Recreation 5-year master plan; potentially will lead to grants
- Police Officer interviews
- Sewer master plan; met with vendor
- MS4 audit response and actions
- MIOSHA audit finding and appeal
- Emergent project lighthouse update
- ARPA funds have been received
- MERS actuarial addendum
- Community Center building assessment
- Pickleball engineering vendor meeting, soil assessment
- Fire Station 1 feasibility study this week

Trustee Smith informed the Board that he attended the MTA Trustees conference in
Frankenmuth. He feels that it was extremely beneficial. Trustee Smith also stated that he
appreciates how the Board handles potentially contentious Public Hearings.

Trustee Ross gave a detailed update on the status of projects with the Lansing Board of
Water and Light. He also informed the Board that the NEXT Michigan Development
Corp. will be meeting on ~~November 17th~~ December 15th at 2:30 PM. He has attained a
contact within BWL that can assist the Township with streetlight concerns. Trustee Ross
proposes an informational session about streetlights at an upcoming Board meeting. He
is also looking for an updated status on the mining senate and house bills that would
diminish local control.

Treasurer Stump presented that she will be attending the Treasurer's conference
tomorrow.

Clerk Cramton updated the Board on Election preparation for the November 2nd DeWitt
Public Schools Bond Proposal.

Supervisor Galardi informed the Board that he is receiving many questions regarding the
status of DeWitt Township's Pickleball Court project.

ADJOURNMENT **Seeger moved, Ross seconded, to adjourn at 10:05 PM.**

Motion voted and carried.

Respectfully submitted,



Adam Cramton, Clerk



Rick Galardi, Supervisor