

DeWITT CHARTER TOWNSHIP
1401 W. Herbison Rd. DeWitt, MI
REGULAR BOARD MEETING
May 8, 2006

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: Jeff Baumann, Max Calder, Steve Musselman, David Seeger.

MEMBERS ABSENT: None

Also Present: Manager Matthew Kulhanek, Police Chief Brian Russell, Fire Chief Frederick Koos, County Commissioners Virginia Zeeb and Robert Showers, and several citizens.

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

MINUTES **Calder moved, Seeger seconded, to approve the minutes of the April 24, 2006 meeting, as presented. Motion voted and carried.**

PUBLIC COMMENT None.

CORRESPONDENCE Correspondence included the following: April Activity Report; legislative update from Representative Hummel; system maintenance information from Comcast; pricing and programming change notice from Comcast; response from Attorney Robinson regarding the Feldpausch Land Division; information from Attorney Robinson regarding the Michigan Zoning Enabling Act; Sewer Rate Study from SCCMUA; Rob Hayes regarding drainage issues on Wilson Street in Creeping Brook; information from Planning Directory Gray regarding the East Lansing Comprehensive Plan; legislative update from Congressman Mike Rogers.

Supervisor Galardi provided a copy of the letter from Attorney Robinson regarding the Feldpausch Land Division to the residents of Willow Creek Farms.

REPORTS & COMMENTS Supervisor Galardi reported that a meeting was held with interested parties and agencies involved in the Feldpausch land division development.

Clerk Mosier reported that the turnout for the May School Election was very very low. She also reported that she has been working with staff and other agencies with the hope of resolving a drainage issue on Wilson Street in Creeping Brook Subdivision.

Manager Kulhanek reported the following: we are preparing for an auction of older vehicles and equipment; the proposed new gas main to service DeWitt now has the fourth proposed route based on an opinion of an Administrative Law Judge but the Public Service Commission has not yet selected a route; the spring Clean Sweep was held last Saturday and was the usual success with

over four hundred residents served; the Keep Michigan Beautiful committee has given the President's Award to DeWitt Township/Granger Corporation for Granger Meadows Park with an awards ceremony to be held in Southfield on May 20th; Crosswinds Mobile Home Park is being demolished as are the buildings on BR 27; Meijers has begun work at their site with demolition of the King Mobile Home building; there are two correspondence from Attorney Robinson as requested by the Board.

Clerk Mosier stated that this new gas main will also come along with a construction yard/pipe yard, which we currently have no regulations to control, and this operation to continue for approximately 12 months. Planning Director Gray was asked to investigate what other communities do to regulate temporary worksites.

Clerk Mosier requested that Building Official St. Pierre be recognized by the Board and Manager for his part in resolution of the Crosswinds Mobile Home Park dispute.

VOUCHERS

Daggy moved, Musselman seconded, to approve General Fund Vouchers 48692-48759, Streetlight Fund Vouchers 1425 & 1426, Sewer Fund Voucher 2972, Trust & Agency Fund Vouchers 4669 & 4670, and Electronic Transfer May 16. Motion voted and carried.

NEW BUSINESS
Ordinance Amd 103.1
Littering, First Reading

Manager Kulhanek explained that this proposed amendment to the zoning ordinance has been recommended by the Township Attorney to assist with handling junk or abandoned motor vehicles as "littering" because of changes being made at the state level.

Daggy moved, Calder seconded, to approve Ordinance Amendment 103.1, amending the Township's Littering Ordinance on First Reading.

Trustee Musselman questioned the state's definition of abandoned vehicles. He also questioned whether anyone is "grandfathered" when the new ordinance is adopted.

Trustee Seeger stated that he does not understand the language of Section 4, Severability. Trustee Baumann stated that the clause is written in legal terminology to address the legal issues which might arise with enforcement.

**Ayes: Calder, Baumann, Daggy, Mosier, Musselman
Nays: Seeger, Galardi Motion carried.**

Manager Kulhanek will check into the definition of abandoned vehicle within the state motor vehicle code, and report back before the Second Reading. It was requested that he assure the Board that ordinance does not apply to farm equipment and machinery.

Request for Waiver-
Buckingham Estates

Manager Kulhanek explained his memo, dated May 5, 2006, regarding Buckingham Estates Subdivision and their request for waiver to the fire flow 1500 gpm requirement, since their hydrant flow at the farthest point in the development would be 1430 gpm.

He explained that both he and the Fire Chief agree that 1430 gpm is more than adequate to address fire fighting issues and that there are many hydrants on the system that do not have the 1500 gpm standard now recommended by the

Board of Water and Light. He noted that while the loop options 4 and 5 might slightly improve water system performance for both Buckingham and Springbrook Hills, the need for a private easement and additional installation costs might outweigh the benefits. He also explained that of the seven options shown on the Board of Water and Light communication, option 3 is the option which would require the waiver which BWL is asking that the Township Board approve.

Kulhanek explained the seven options for water service and the drawings of each.

Fire Chief Koos explained that the 70 gpm reduction in fire flow is insignificant in fire fighting capabilities.

Baumann moved, Daggy seconded, to approve the request for a fire flow waiver to 1430 gpm for Buckingham Estates Subdivision and authorize the Township Manager to notify the Lansing Board of Water and Light of such approval.

Trustee Baumann question why the Township would be asked to waive a requirement to meet a standard when the standard was established by the BWL. He stated that he believes they should waive the requirement if they deem it appropriate to do so.

Manager Kulhanek stated that the requirement is for fire fighting purposes and we provide fire protection to the subdivision, therefore the request for the Township to approve the waiver.

Trustee Musselman stated that he was shocked to see this request, after all the discussion regarding low water pressure in Springbrook Hills Subdivision. He stated that he is not a hydrologist, and he has trouble believing that there is no correlation between pressure and volume. He stated that Springbrook Hills residents have called BWL many times about low water pressure.

Manager Kulhanek attempted to explain the difference between water pressure and water volume. He noted that the problem at Springbrook Hills appears to be a pressure issue.

Eric Helzer, Buckingham Landtec Holdings, spoke to the issue stating that even the 70 gpm requested for waiver is the absolute worse case scenario. He also explained that he does not believe that the other options would provide measurable improvement to the Springbrook Hills current situation, nor does he believe the Buckingham development will negatively impact the Springbrook Hills situation.

Manager Kulhanek explained that the problem with water pressure in Springbrook, besides usage trends, is the size of the pipe crossing the river. He stated that BWL cannot increase pressure by just turning a valve or a volume, you must increase the pressure, which can be done by putting in smaller pipes, but then you loose volume. He explained that Buckingham could put in a ten inch pipe and meet the 1500 gpm requirement, and not need the waiver, however the BWL does not want a ten inch pipe because of water quality issues where the turnover in a ten inch pipe for 60 homes is low causing stale water. That is why the Board wants the eight inch lines which cause the 1430 gpm fire flow rate.

Residents present from Springbrook Hills questioned why options 4-7 have not been discussed since they would not require the waiver. Manager Kulhanek stated that to ask the Buckingham developer to install 2000 feet of 12 inch main in a public right of way to solve the Springbrook Hills pressure issue is not reasonable. Springbrook residents stated that they do not want their problem made worse by adding the Buckingham development and common sense says that is what will happen. They stated that their problem is with water pressure in the summertime at certain times of the day, especially in the early mornings.

Options for future loops to the water system were reviewed. The seven options proposed were also discussed.

Manager Kulhanek questioned whether Springbrook Hills is willing to give the Buckingham developer an easement through one of their parks to connect back into Hidden Springs Trail. He stated that Springbrook Hills might see some relief by creating the loops, however, those options would require that Springbrook Hills provide an easement.

Manager Kulhanek also noted that the BWL long term plan is to extend the Airport Road water line to the north and down Howe Road, which will improve pressure, volume, and water quality to the area.

Eric Helzer, Buckingham, stated that the 1500 gpm requirement never comes into play in other developments. They develop all over the state and have never seen a requirement for a gpm rate this high. Typical requirement is 1250 or 1300 gpm. He stated that they have agreed to install the 12 inch main from Crofton to their subdivision because it will help service properties further north and east.

Manager Kulhanek explained that the seven options provided have not all been costed out by the developer, however, the developer has indicated option three as their choice and therefore the request for the waiver. The developer explained that it has taken them several months to get to this point with BWL, and delay will have significant impact on their development.

Les VanAlstine, 3709 Ivy, stated that we are not talking about hydrology, we are talking about hydraulics. He stated that Springbrook Hills residents have a problem, and the will of the people of the Township has got to be considered, and development must be more carefully considered than what it is now. He stated no matter what the nature of the development, it is always about money. He stated that quality of life issues are really the important issues here.

Eric Helzer, Buckingham, stated that since no one here is a professional, we should rely on the advice of our professionals. He pointed out that the Board has a recommendation from their professional engineer and from BWL, and he requested that the Board consider that recommendation favorably.

Clerk Mosier stated that she will not vote to grant the waiver. She explained that the standard is set for others and others meet the standard, so why should we grant a waiver here, especially with the perception that it will compound the water problems in the area. She stated that without the waiver, the developer will need to find an alternate way to provide water and so be it.

Trustee Baumann stated that he does not believe that DeWitt Township has the authority to grant a waiver to a standard we did not set. He stated that he will not vote for the granting of the waiver for that reason.

Trustee Calder stated that the BWL set the standard for a reason, and now they request that we grant a waiver to their requirement. He stated that he believes the waiver, if appropriate, should be granted by BWL.

Manager Kulhanek stated that he believes it is appropriate to ask the Board to approve or acknowledge the waiver because it will affect our ability to provide fire protection and service our residents.

AYES: Seeger, Daggy

NAYS: Musselman, Galardi, Mosier, Baumann, Calder

Motion failed.

Chandler Road
Access Management

There was a lengthy discussion regarding the Chandler/Abbott Road corridor, where the City of East Lansing and Bath Township have completed a traffic study which recommends that an access management plan be developed to regulate the number of driveways and spacing between driveways along the corridor. Planning Director Gray reported that he has attended meetings with representatives of the City of East Lansing, Bath Township, and the Clinton County Road Commission, to discuss uniform access management regulations that would be adopted by all of the municipalities, including the Township. He explained that this area is not a top priority in our Comprehensive Development Plan, and he requested direction from the Board on the issue.

Discussion determined that although we find it difficult to work with East Lansing when their development plan shows their acquiring additional property that is within DeWitt Township, it is best to consider an access management plan for the area.

Sewer Utility Agmt
Meijer

Manager Kulhanek noted that the Utility Agreement with Meijer includes provisions for oversizing estimated at approximately \$18,000 to assure future service north of the Meijer site.

Mosier moved, Calder seconded, to approve the Utility Agreement with Meijer, Inc. and Good Will Co., Inc. for the Meijer Store #209 and authorize the Supervisor and Clerk to execute the same. Motion voted and carried.

2006 Road Projects

Manager Kulhanek reviewed his memo, dated May 5, 2006, and the proposed contracts for 2006 road improvements. Motion voted and carried.

Clerk Mosier asked that the residents on those roads being resurfaced get a letter to let them know that the project is upcoming.

Calder moved, Baumann seconded, to approve the contracts, as presented, for the road improvements and chloride application and authorize the Township Supervisor and Clerk to execute the same, with the Manager to send written notice to property owners affected. Motion voted and carried.

2006 Summer Tax
Collection Agmts

Mosier moved, Baumann seconded, to approve the Summer Tax Collection Agreements as presented, and to authorize the Supervisor and

Treasurer to execute the same. Motion voted and carried.

Baumann moved, Calder seconded, to approve the revised bylaws of the Public Safety Committee and make the following appointments: Thomas Hendrickson with a term ending 12/31/09, Bonnie Oetman with a term ending 12/31/08, Arthur Patriarche with a term ending 12/31/07 and Jeff Baumann as Trustee Representative with a term ending 12/31/06. Motion voted and carried.

Seeger moved, Calder seconded, to request that Southern Clinton County Municipal Utilities Authority apply the Township's 2005 fund balance to the Township's digester reserve fund. Motion voted and carried.

Seeger moved, Musselman seconded, to adopt Resolution 060507 to set a Public Hearing for June 12, 2006, at 7:00 p.m. to hear comments relative to the creation of a Streetlighting District and Assessment Roll for Creeping Brook Estates, Phase 7.

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

Fire Chief Koos reported that he worked check-in for the Clean Sweep Program on Saturday, and wanted the Board to know how much the residents appreciate the program.

Seeger moved, Musselman seconded, to adjourn at 9:20 p.m. Motion voted and carried.

Respectfully submitted,

Diane Mosier, Clerk

Rick Galardi, Supervisor