

DeWITT CHARTER TOWNSHIP
1401 W. Herbison Rd. DeWitt, MI
REGULAR BOARD MEETING
April 24, 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: Max Calder, Steve Musselman, David Seeger.

MEMBERS ABSENT: Trustee Jeff Baumann

Also Present: Manager Matthew Kulhanek, Police Chief Brian Russell, Fire Chief Frederick Koos, Planning Director Jeffrey Grey, and several citizens.

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| AGENDA | Musselman moved, Seeger seconded, to approve the Agenda, as presented. Motion voted and carried. |
| MINUTES | Seeger moved, Calder seconded, to approve the minutes of the April 10, 2006 meeting, as presented. Motion voted and carried. |
| INTRODUCTIONS | Police Chief Brian Russell introduced new Officer Steven Murphy. He was welcomed.

Gregg Carlson introduced himself as a Republican Candidate for State Representative. |
| PUBLIC COMMENT | John Dallal, 1294 Castlewood, resident and volunteer coordinator of the VITA Program, explained that he has received an award from the Internal Revenue Service for his involvement in the VITA program. The Board thanked John for his commitment to the community and the VITA effort.

None. |
| PRESENTATION
2005 Audit | Aaron Stevens, Principal with Abraham and Gaffney presented the 2005 Audit, and graphics showing percentage breakdowns of expenditures and revenues. He noted that the Township is in sound financial condition and that the fund balances, including reserves, are sufficient as they relate to annual expenditures and sound financial planning.

Mosier moved, Calder seconded, to receive and place on file the 2005 Audit and authorize its filing with the State Treasurer. Motion voted and carried.

Correspondence included the following: letter from Mayor Singh of the City of East Lansing regarding Mutual Aid Agreements; March statistics from the Clinton County Sheriff; a programming change notice from Comcast; a letter from the Capital Regional Airport Authority regarding the Clinton County Economic Development Task Force; DARA March Financial Statements; 2005 Annual Report from the Clinton County Sheriff. |

COMMENTS

Clerk Mosier reminded the Board members to vote on May 2nd for the School Election. She also noted that she has Precinct Delegate forms for anyone who would like to file to be on the August ballot.

Trustee Seeger stated that at the Clinton County Officer's Association meeting there was significant discussion on the MSU Extension effort to open discussion on economic development within Clinton County, and their proposal to contract for a study. He stated that although he believes we should be involved with efforts for the greater Lansing area, we should participate in the County wide effort being led by MSU.

Seeger moved, Musselman seconded, to contribute the \$500 dollars requested by MSU Extension for the study relative to economic development for Clinton County. Motion voted and carried.

Seeger also noted that the Clinton County Road Commission continues to experience revenue losses which will affect the Township and its roads.

Manager Kulhanek reported the following: bids for the irrigation system at Valley Farms were not received, and will need to be rebid, delaying the project until fall; he made contact with Lansing School Superintendent Dr. Banks regarding their proposed sale of the old Gunnisonville School, and options will be discussed at their upcoming officers meeting; the buyer of the Crosswinds Mobile Home Park will be doing demolition at the site, and the previously approved training on the site by the Fire Department will not take place due to the condition of the structures; Planning Director Gray continues to be involved in discussion regarding the possible extension of Coleman Road; Tri County Office on Aging will be closing down the lunch program at the Community Center due to very minimal participation, and efforts will continue to determine what should be done in the future.

JoAnn Slabonek, 15178 Chetwyn, made a plea for the Township to do whatever possible to save the Gunnisonville School from private ownership that may destroy the building's historic value. She pointed out that it is with local tax dollars that the building was purchased, and local residents contributed to the building's renovation some thirty years ago.

Clerk Mosier stated that time is of the essence, since the Lansing School District could get an offer that would make the sale of the school building at any time due to the real estate listing of the property. She explained that there are private efforts currently underway to influence the School Board Members not to sell the property. She noted that she will continue to work with those residents and interested parties to get this issue into the limelight.

Supervisor Galardi stated that the Township Board is willing to discuss possibilities with Lansing School District, the current owners of the property who have listed it for sale.

COMMITTEE &
COMMISSIONS

Elections Comm

VOUCHERS

Mosier moved, Daggy seconded, to receive and place on file the minutes of the Election Commission meeting of April 10, 2006. Motion voted and carried.

Daggy moved, Calder seconded, to approve General Fund Vouchers 48638 – 48691, Trust & Agency Fund Vouchers 4663 – 4668, Sewer Fund Vouchers 2968 – 2972, Water Fund Voucher 1699, and Electronic Transfers April 13, 14, & 15.

Motion voted and carried.

UNFINISHED
BUSINESS

None.

ADDITIONAL
REPORT/HUMMEL

State Representative Hummel provided an update on State budget issues, including projections for revenue sharing, which will include new “revenue sharing grants.”

NEW BUSINESS
Willow Creek Farms

Manager Kulhanek noted that the Board was provided a packet of information regarding the Willow Creek Farms Subdivision and a land division lot split development connecting to that subdivision by Pat Felpausch.

Kevin Covart, 3760 Mulberry, spoke as the President of the Willow Creek Farms Homeowners Association. Summarizing, he made the following points: this is the second public meeting they have attended and participated in, the first being a Board of Appeals meeting approximately one year ago, regarding a development that they believe has affected their quality of life and the safety of their resident families; they are requesting that the Township be an advocate for their neighborhood in this matter; at the Board of Appeals meeting the developer responded to their questions about access to the property being developed, and they were told by the developer that a new road would connect the new development directly to Airport Road, no connection planned into Willow Creek Farms; in December of 2005, without any notice to their residents, bulldozers began clearing a connection through Outlot B into Willow Creek Farms; he provided miscellaneous information about the history of the adjoining property and Outlot B; they have had numerous contacts with the Township, the Clinton County Road Commission and the Clinton County Drain Commission, feeling like they are getting the “run around” all the while the development of the property continues; they assert that work continues without issuance of required permits to the developer; they understand that the Road Commission has minimum requirements for footage between road cuts, however, it appears from the access allowed during the past ten years that they have not adhered to the minimum footage standards for other developments why the denial for a road cut now; they question whether their local subdivision roads can handle construction traffic and emergency service vehicles.

Supervisor Galardi stated that he attended the Willow Creek Farms Annual Meeting this past weekend, and it is clear to him that the residents object to the access to and through their subdivision, not the development itself. He pointed out that although it is not within the jurisdiction of the Township to regulate this development (created by lot splits governed by the Land Division Act) he understands the residents expecting better regulation of development, after all, the Township planning process is generally extensive and encourages public input at several junctures prior to a new development impacting existing neighborhoods. He stated that he understands that the residents of Willow Creek Farms are now looking for whatever help they can get from any agency because they feel like they have been left behind and they feel like the system have failed them.

Fred Tobin, 3727 Ivy Lane, provided additional information regarding the December event when the dozer began clearing on Outlot B; he stated that required permits and approvals are an afterthought for this developer; he stated that the neighborhood expects the Board’s understanding and support because this development is a “mockery of due process;” he described the

development as “loophole exploitation” beginning with the Board of Appeals where the developer attempted to deceive the regulatory agency by the plan presented, which has no resemblance to the development taking place; the fact that this development takes place under the Land Division Act with no local review required defies common sense (traffic study, etc.); the system is not allowing our regulators at the County and Township to do their jobs and no one is protecting the general public here; it makes no sense for these new property owners to go through the “spaghetti roads” of Willow Creek Farms when they could have their own direct access to Airport Road; this is a struggle for the right of due process for a neighborhood who has been denied the same; they need people of strength to assist in putting common sense and reason back into the process.

Meredith Hill, 3740 Mulberry Lane, stated that she is owner of the property which had the raspberry patch dozed by the developer in December; she provided some history explaining why she had done improvements to what is now known as Outlot B; she is the resident who questioned the developer about the access to his property at the Board of Appeals meeting where she was told that the access would be Airport Road; she is concerned about the tree on Outlot B which she fears will not survive; she asked why no communication was made with the residents so they could have saved the raspberries and been prepared for what they were assured would not happen.

Kevin Coveart stated that Consumers Energy has been working at the site and has already caused a power outage in the neighborhood.

Pat Feldpausch, 13383 Hideaway Lane, and developer of this property to the north of Willow Creek Farms, stated that he has been a resident of DeWitt since 1983. He made the following points: he never intended to upset anyone; the site plan submitted to the Board of Appeals was a rough sketch and not final, and although not required, he submitted it because the Planning Director said it would be a good idea; after the variance was approved by the Board of Appeals, he went to the Road Commission and he was told that he could not connect to Airport Road, which was a disappointment to him also because that was always his preference; the Drain Commissioner also supported the Road Commission’s decision since it eliminated an additional drain crossing; he received an verbal go ahead so he began work; pipes were not installed until a permit was received from the Drain Commissioner; he does not believe that his operator treated the raspberries bad, since the operator actually helped to move some of them; he was unaware that there was a problem with the neighbors until April when he got a call regarding a permit he needed to work in the road right-of-way; the Road Commission’s attorney has provided a written opinion that connection can be made to Outlot B.

Supervisor Galardi asked Mr. Feldpausch if the Road Commission reconsidered their decision, and it was possible to connect to Airport Road, is that connection still a possibility for the development? Mr. Feldpausch stated that the drains are put in for the crossings, the trees are cut, and the expense of the work already done may make the Airport Road connection cost prohibitive at this point.

Supervisor Galardi suggested that there may be additional options that could be investigated with the parties involved.

Discussion determined that there are three parcels involved in this project,

creating 14 lots under the State Land Division Act, which effectively bypasses the Township's planning regulations.

Clerk Mosier stated that she understands the frustration of the residents, who were told one thing by the developer and then the opposite is what was done regarding the Airport Road access versus the Millbrook Meadows Outlot B access. She questioned whether a temporary construction access on Airport Road was possible, since the biggest impact on the neighborhood is the construction traffic, not the end result of 14 additional lots.

Mr. Feldpausch explained that the creek crossing is really the difficult issue because of the heavy equipment. The residents pointed out that the creek crossing is also a major issue for the heavy equipment going through their subdivision.

Supervisor Galardi explained that the Township has no jurisdiction to regulate this development. He also appealed to the developer to consider what he can do to help alleviate the residents concerns. Mr. Feldpausch stated that he has a partner in this venture and he will need to be consulted in any decisions. He stated that he is willing to sit down with the group and discuss the issues, and that he is willing to consult with his engineer about options for change and determine the associated cost which will determine feasibility.

Sandra Childress, 3856 Tumbleweed, stated that she just recently found out about this issue. She questioned why there were no notices sent to the residents.

An unidentified resident stated that the Township leaders should be the policy makers, and that communication with the residents could have defused this situation.

Les VanAlstine, 3709 Ivy Lane, stated that there are some public safety issues here that must be addressed; he pointed out that the school bus cannot cross the culvert due to its width; he resents coming home to find razor wire (put there by the developer) across the Outlot B access, on a piece of property that no one really knows who owns it; he sees the Township Board as his first level of help, advocates, who need to help their residents.

Lorelee McClearey, 3753 Ivy, stated that she echo's the comments made by the residents this evening, and she supports the idea of investigating alternatives to minimize the impact within her neighborhood, especially the construction traffic issue, since she has children and she fears for their safety.

Kevin Coveart stated that it concerns him to hear the developer state that he is so far along with the development when the drain permit was only issued four weeks ago, and no other permits have yet been issued. He stated that the neighborhood is requesting the following five things: 1)to stop work on the site because it is being performed without necessary permits, approvals, and safety equipment 2)to suspend the land division approval 3)establish ownership of Outlot B 4)that the variance for the width to depth ratio be retracted 5)request that the Road Commission remove the concrete pad, forms, and other construction materials from Outlot B, and return the outlot to its original condition. He stated, in closing, that this is a quality of life issue for the residents of Willow Creek Farms. He stated that they are not challenging the development's future existence, just the manner in which it is being accomplished.

Kevin Coveart provided the Clerk with a written copy of his comments.

Planning Director Grey stated that he believes it would take action of the Circuit Court to overturn or change a decision of the Board of Appeals.

Les VanAlstine stated that for some time he and his neighbor believed they owned the property now being called Outlot B. His attorney has now told him that Fifth Third Bank owns the outlot. He stated that he believed his property was on a cul-de-sac which increased his value, and he has been injured by this development's connection to Outlot B.

Supervisor Galardi most of what the residents want done the Township cannot do because we have no jurisdiction in the matter.

Trustee Musselman left the meeting at 9:50 p.m.

Supervisor Galardi recessed the meeting for a ten minute break.

Supervisor Galardi reconvened the meeting.

Supervisor Galardi made the following comments in response to the five requests made by the residents of Willow Creek Farms.

1)the Township Board cannot stop work it did not authorize, however, the Planning Office will investigate whether soils are being moved in violation of Township Ordinance 2)we have no power to suspend a land division, however until the conditions are met the division is not official 3)it appears clear the outlot was always intended to be used for a future road extension 4)the Township will need to seek legal advice as to what ability the Township has to change any decision of the Board of Appeals.

Mosier moved, Calder seconded, to request that Attorney Robinson provided an opinion regarding the Board of Appeals decision to grant a variance for Riverside Lake Estates, questioning what options are available to the Township when and if additional or conflicting information is received subsequent to action being taken. Motion voted and carried.

Regarding request number five, Supervisor Galardi stated that he is not going to discuss anything being ripped out of what appears to be a legal right-of-way. He stated that he believes that the developer is willing to discuss options to improve the situation that now exists, and the only role the Township can play in the dispute is to be a facilitator to open discussion.

PROFESSIONAL
SERVICES CONTRACT
Audit Services

Mosier moved, Daggy seconded, to approve the attached proposal with Abraham & Gaffney, P.C. to conduct the Township's 2006 – 2008 annual financial audits and authorize the Township Clerk to execute said agreement. Motion voted and carried.

CHANDLER ROAD
ACCESS MGT

There was a brief discussion regarding the proposed Chandler Road access management plan being discussed by East Lansing, Bath Township, and DeWitt Township. Planning Director Gray requested some direction to assist him in further discussions.

Mosier moved, Daggy seconded, to delay action and discussion on the Chandler Road Access Management until the next meeting. Motion voted

and carried.

RESOLUTION 060406
Police & Fire Millage/
Ballot Proposition

Manager Kulhanek explained that the ballot proposition for the renewal of the police and fire millage will appear on the August ballot if we follow the timetable of the past, renewing every four years. He noted that the wording has been prepared by Attorney Robinson and needs board approval to meet the May filing deadline with the County Clerk. He also noted that he will follow up on this issue at future meetings.

Calder moved, Seeger seconded, to adopt Resolution 050606 to place the police and fire millage renewal ballot proposition before the voters at the August Primary Election.

AYES: Daggy, Calder, Mosier, Galardi, Seeger

NAYS: None Motion carried.

RESOLUTION 060405
MERS Defined Cont
Plan

Manager Kulhanek explained that the Resolution will authorize the Township's participation in the MERS Defined Contribution Plan as previously discussed to allow the Chief of Police to take advantage of previous years of service with other municipalities. He pointed out that this proposal will not cause additional cost to the Township and will not create a future liability.

Seeger moved, Calder seconded, to adopt Resolution 060405, to allow the Chief of Police to join the MERS Defined Contribution Program and authorize the Township Clerk to execute the necessary documents.

AYES: Galardi, Mosier, Daggy, Calder, Seeger

NAYS: None Motion voted carried.

INDUSTRIAL
FACILITIES TAX
ABATEMENT
POLICY

Manager Kulhanek initiated lengthy discussion on the draft of the proposed Industrial Facilities Tax Abatement Policy. Discussion determined that the Board is interested in adopting an tax exemption policy and that a Public Hearing should be held to determine public opinion.

Loretta Spinrad, 12830 S. US 27, stated that she believes local business would be supportive of the proposed policy, but agrees that a Public Hearing would allow for input.

Manager Kulhanek requested that Board members provide their specific comments as soon as possible before the policy is forwarded to Attorney Robinson, noting that changes can be made until the Board takes action.

The issue will be on the Agenda of the next meeting to set a Public Hearing.

COMMENTS

Supervisor Galardi stated that discussions with Tonia Olson, Granger, have brought to light issues in Granger Meadows Park, and other parks within the Township, the possibility of a plan for deterring vandalism through some type of volunteer watch.

Clerk Mosier pointed out that our Chief of Police has extensive experience in "volunteer policing" and we should take advantage of his experience with auxiliary police departments, specifically for our park system.

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Fire Chief Koos questioned whether emergency vehicles can access Willow Creek Farms, based on the comments heard this evening.

ADJOURNMENT

Seeger moved, Calder seconded, to adjourn at 10:25 p.m. Motion voted and carried.

Respectfully submitted,

Diane K. Mosier, Clerk

Rick Galardi, Supervisor