

DeWITT CHARTER TOWNSHIP
1401 W. Herbison Rd. DeWitt, MI
REGULAR BOARD MEETING
February 27, 2006

The regular meeting of the DeWitt Charter Township Board was called to order by Clerk Mosier at 7:00 p.m. with the Pledge of Allegiance. Clerk Mosier presided over the meeting in the absence of the Township Supervisor.

MEMBERS PRESENT: Clerk Diane Mosier, Treasurer Phyllis Daggy, Trustees: Jeff Baumann, Max Calder, Steve Musselman, David Seeger.

MEMBERS ABSENT: Supervisor Rick Galardi

Also Present: Manager Matthew Kulhanek, Police Chief Brian Russell, Fire Chief Frederick Koos, Planning Director Jeffrey Gray, County Commissioner Virginia Zeeb, and several citizens.

Note: the audio tape of this meeting was fragmented, and not utilized in transcribing these minutes.

AGENDA **Baumann moved, Calder seconded, to approve the Agenda, noting that New Business Item 5, Executive Session/Litigation/MacKenzie vs DCT will be addressed timely with the arrival of the Township Attorney. Motion voted and carried.**

MINUTES **Calder moved, Seeger seconded, to approve the minutes of the February 13, 2006 meeting, as presented. Motion voted and carried.**

PRESENTATION
Clinton County
Conservation District
Manager Kulhanek introduced Kristine Foight with the Clinton County Conservation District. She provided information relative to the Conservation District's history, current projects, and future endeavors. Written materials were distributed and the Board thanked Foight for the information provided.

PUBLIC COMMENT
None.

CORRESPONDENCE
Correspondence included the following: Remy Chandler Drain Board minutes of 12/20/05; Clinton County Extension February 2006 Newsletter; Michigan Township's Association Tax Abatement Article.

REPORTS &
COMMENTS
County Commissioner Zeeb provided an update on projects currently underway and provided assurance regarding the financial stability of the County.

Treasurer Daggy reported that tomorrow is the deadline for payment of winter taxes. Her office will settle with the County Treasurer this week. In response to a question from Trustee Musselman, Treasurer Daggy reported that as of last week, 89% of taxes were collected, which is up from the previous year.

Manager Kulhanek reported the following: the annual meeting with the Clinton County Road Commission will be held March 21st at 11:00 a.m. and Board members are welcome to attend; the committee has set the date for this year's Meet the Meadows event, which will be held on July 22nd; patrol officer Greenman has been called to active duty for a second tour; recently

hired patrol officer Stewart has resigned, and the previous application pool is being utilized to fill the department vacancy; the Township has received notice of a suit filed involving and incident an investigation handled by the police department.

Trustee Baumann questioned whether we should consider filling the one year Greenman slot with a temporary hire. Manager Kulhanek will consider options.

Manager Kulhanek pointed out that the information provided from MTA regarding tax abatement is for the Board's general information in light of the fact that the Township has received a request from Spartan Printing to establish an Industrial Development District. He explained that Spartan Printing is proposing to purchase a 2.5 million dollar printing press and they are looking for a tax abatement associated with the purchase.

Manager Kulhanek explained that the process involves two steps: 1)creating an Industrial Development District, which can be as restrictive as one address 2)reviewing an application for an Industrial Facilities Tax Exemption. He noted that once a district is established by this Board, the State Tax Commission will make the final decision regarding whether an exemption is granted.

He pointed out that if the Board is inclined to consider tax abatements, the Board should consider drafting and adopting a written policy outlining the procedure and criteria relating to tax abatements. Discussion determined that the issue will be on the Agenda of the next meeting for discussion, which is obviously sparked by the Spartan Printing application. The Manager will proceed with acquiring sample policies in the event the Board elects to proceed with establishing a program.

COMMITTEES & COMMISSIONS

Trustee Seeger reviewed the minutes of the Planning Commission meeting of February 6, 2006.

Planning Commission

Seeger moved, Musselman seconded, to receive and place on file the Planning Commission minutes of February 6, 2006. Motion voted and carried.

VOUCHERS

Seeger moved, Musselman seconded, to approve General Fund Vouchers 48395-48443, Tax Account Fund Vouchers 6033 – 6056, Trust & Agency Fund Vouchers 4639-4643, Sewer Fund Voucher 2960, Remy Chandler Fund Voucher 1047, Drug Forfeiture Fund Voucher 1256, Electronic Transfers February 5, 6 & 7. Motion voted and carried.

UNFINISHED BUSINESS

None.

NEW BUSINESS Major or Minor Amendment for SUP 23-0030 Schlegel

Planning Director Gray reviewed his staff report relative to Special Use Permit 23-0030, and an application from Schlegel, Inc. to make an operational change to their mining operation located on the south side of Howe Road between Business 27 and Wood Road. He explained that the proposed change to operate a dredge 24 hours a day, 5 days a week, has lead to his recommendation that the proposed change constitutes a major amendment to the existing Special Use Permit therefore requiring application for a new Special Use Permit.

Planning Director Gray pointed out that in addition to the information the Board previously received, the applicant has now provided the Board members with statistical information relating to noise levels that the operational change will generate.

The following issues were raised thru discussion: 1)regulating the hours of operation is one of the tools that the Township uses to mitigate the impacts that a mining operation has on surrounding property owners; 2)broadening the hours of operation at the site can decrease the overall duration that the mining occurs on the property, however it increases the number of hours per day that properties can be impacted and potentially increases the intensity of use; 3)although the nearest residence is significantly removed from the operation, the site and traffic generated continues to generate concern from residents on Howe Road; 4)designation as a major amendment will trigger the Public Hearing process, affording the surrounding property owners the opportunity to see the proposal and voice their opinions; 5)a 24 hour dredging operation will generate noise at night, and require lighting during dark hours.

Mark Schlegel, representing Carl Schlegel, Inc., spoke regarding the proposed change in operation at the Howe Road pit. He pointed out the following: from the road to the dredge it is 657 yards and that is closer than any house; no house can see the dredge, it can only be seen from the road at the Remy Chandler Drain; he compared the noise from the dredge to a lawn mower; they are proposing a 24 hour a day dredging operation to get ahead of the demand they are experiencing; the highest light pole would be 15 feet above the deck and the land surrounding it is significantly higher than the lights will be; if he just made the change, he does not believe any of the neighbors would ever notice the difference; all motors operate on electricity; he believes the proposed change should be considered a minor amendment to the SUP.

Planning Director Gray reported that he has received complaints about the operation, such as alleged activity outside of the permitted hours of operation. He stated that despite several visits to the site at various times of the day and evening, he has never been able to substantiate any violation of the permit. He stated that he believes there is a small group of residents who live on Howe Road that are unhappy about the operation's existence.

Trustee Baumann questioned whether decisions from one mining operation have effect on decisions made relative to another mining operation, reminding the Board of current litigation disputing conditions of a SUP for a mining operation.

Trustee Seeger stated that he has worked on the drain in the area of the operation, and the noise is minimal.

Planning Director Gray explained that he understands that requiring a new Special Use Permit would likely require the owner to meet more stringent standards than were in place back when this permit was initially approved. However, the time of operation is a specific condition of the permit, and he feels that warrants the amendment designation as major.

Mark Schlegel stated that although this change in operation is very important to the business, he does not feel that applying for a new Special Use Permit would be in the best interest of the mining operation, and if this proposed change is deemed major, he will likely not proceed further.

Trustee Musselman stated that it is the responsibility of this Board to regulate the hours of a mining operation to support the local community, and no matter how he tries to look at this as a minor change, he cannot justify any approach that does not designate change to a 24 hour operation as major.

Calder moved, Seeger seconded, to concur with staff's finding that the request to operate a dredge 24 hours per day, 5 days a week constitutes a major amendment to Special Use Permit 23-0030, further the applicant shall be advised that such an amendment will require application for a new Special Use Permit, pursuant to the requirements of Section 7.11A of the Zoning Ordinance. Motion voted and carried.

PUBLIC COMMENT

Clerk Mosier stated that the Board will be going into executive session at this time, and requested public comment. None was received.

EXECUTIVE SESSION
MacKenzie vs DCT

Baumann moved, Seeger seconded, to adjourn to executive session to discuss litigation, MacKenzie vs DeWitt Charter Township.

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

Adjourned to executive session at 8:10 p.m.

Clerk Mosier reconvened the regular meeting at 9:24 p.m.

Baumann moved, Daggy seconded, to authorize Attorney Robinson to proceed as discussed in executive session in the matter of MacKenzie vs DeWitt Charter Township. Motion voted and approved.

Sister City Community
Board Appointment

Baumann moved, Daggy seconded, to concur with the Supervisor's recommendation to appoint Peggy Brown to the DeWitt Sister City Community Board for a four year term ending 12/31/09. Motion voted and carried.

South Central Area
Plan Proposal

Planning Director Gray reviewed his proposal to proceed with the South Central Area Plan.

Seeger moved, Calder seconded, to concur with staff's proposal for completion of the South Central Area Plan. Motion voted and carried.

Employment Agreements
For Inspectors

Baumann moved, Seeger seconded, to approve the revised employment agreements for Robert Ranney, Bruce Ballard and David Ballard as presented and authorize the Township Manager to execute said agreements. Motion voted and carried.

ADJOURNMENT

Seeger moved, Daggy seconded, to adjourn at 9:35 p.m. Motion voted and carried.

Respectfully submitted,

Diane K. Mosier, Clerk

Rick Galardi, Supervisor