

DeWITT CHARTER TOWNSHIP
1401 W. Herbison Rd. DeWitt, MI
REGULAR BOARD MEETING
January 23, 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, Planning Director Jeffrey Gray and Assistant Planner Harmony Gmazel, and several citizens.

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

MINUTES **Musselman moved, Seeger seconded, to approve the minutes of the January 9, 2006 meeting, as presented. Motion voted and carried.**

PUBLIC COMMENT Michael Trebesch introduced himself as a candidate for State Representative in the 93rd District.

CORRESPONDENCE Correspondence included the following: Consumers Energy Winter Newsletter; a new Committee and Commission listing; the Fancher Field Proposal from Shannon Tenney; December Statistics from the Clinton County Sheriff; a thank you from the DeWitt Charter Township Fire Department; land acquisition information from the Capital Region Airport Authority; a request from Spartan Printing for the establishment of an Industrial Development District.

Manager Kulhanek answered questions from the Board regarding the Fancher Field proposal, where the family of Nancy and Ed Fancher is proposing that a 5 acre parcel near Everett and Clark Roads be donated to the Township as a park, which they proposed to be developed by Consumers Energy in exchange for an easement for their proposed gas line installation. Kulhanek explained that the Public Service Commission has not accepted this location as the preferred route for the gas line, and therefore Consumers Energy may not be interested in acquiring an easement through this property. It was determined that the Board should delay discussion and a decision in the matter until a route for the gas line has been finalized.

Baumann moved, Calder seconded, to postpone further discussion or decision on the Fancher Field Proposal until the Public Service Commission makes a determination on the route for the DeWitt Natural Gas Tie-Line. Motion voted and carried.

Manager Kulhanek explained that Spartan Printing has requested that the Township establish an Industrial Development District which could, if

approved, ultimately provide for personal property tax abatements for Spartan Printing relating to a new printing press they are purchasing for their establishment. He explained that he is working with Assessor Tafelsky to determine the required procedures relating to the request.

Trustee Musselman initiated discussion regarding the Airport's notice that they are proceeding with property acquisition for the next phase of their expansion, which is a 500' extension on runway 06. He pointed out that this project will move DeWitt Road to the east and is proposed to be completed by 2008.

Clerk Mosier requested that the Board do whatever is necessary to open the dialog with the Airport Authority, the Clinton County Road Commission, and Township officials, to assure that the end result of the DeWitt Road relocation is what is best for our community.

Trustee Baumann stated that the Township could seek an injunction to stop the relocation of the DeWitt Road.

Supervisor Galardi stated that he has never had any indication that the Airport is unwilling to work with the Township, however his is not certain about involvement of the Clinton County Road Commission. Trustee Musselman stated that it may be too late for the Township to provide input on the relocation of DeWitt Road since the Airport's plans appear to be finalized.

Manager Kulhanek pointed out that there appears to be an issue with the Road Commission since they apparently oppose the Airport's plan where DeWitt Road intersects State Road.

Trustee Baumann suggested that a special meeting be held with the Airport to discuss their proposed plans, and that Attorney Robinson be involved in the process in the event that the Township needs to seek an injunction in this matter. He stated that he does not believe the Airport has any intention of cooperating in this issue, and they will need to be pushed to do so.

Baumann moved, Calder seconded, to authorize Manager Kulhanek to communicate with the Airport and the Clinton County Road Commission to gather plans and information relative to the Airport expansion, at which time the Supervisor will schedule a special meeting with the appropriate agencies, with Attorney Robinson to be involved in the process.

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

Police Chief Russell introduced new Patrol Officer Bill Darnell, who was welcomed by the Board.

Clerk Mosier reported that the audit will begin February 6th. She also reported that the new election equipment has been received and will soon be tested and accepted.

REPORTS &
COMMENTS

Trustee Seeger reported on the most recent Clinton County Township Officers Association, noting that annexation was discussed at length.

Manager Kulhanek reported the following: a felony arrest was made of the individual believed to do turf damage to Granger Meadows Park; he will be

meeting with representatives of Wolverine Pipe Line this week to discuss upgrades and repairs of the existing pipeline within the Township; the Township will be submitting some Risk Assessment Program Grants in the near future; an initial meeting was held with the Christman Construction who will be overseeing the Auto Owners project; we are working with Meijer's, specifically on the lift station design, to oversize the station for future development, which will involve the Township covering the oversizing costs until further development occurs.

COMMITTEE &
COMMISSIONS

Manager Kulhanek provided and briefly reviewed information regarding the "Prima Civitas" initiative, which involves issues relative to economic development. He noted that he does not believe the Board should make a financial commitment at this time, however, he will stay involved in the initiative and discussions relative to the same.

Planning Commission

Trustee Seeger reviewed the Planning Commission minutes of January 3, 2006.

Seeger moved, Musselman seconded, to receive and place on file the Planning Commission minutes of January 3, 2006. Motion voted and carried.

VOUCHERS

Seeger moved, Daggy seconded, to approve General Fund Vouchers 48241 – 48307, Drug Forfeiture Fund Voucher 1255, Tax Fund Vouchers 6003 – 6015, Police Training Fund Voucher 1162, Trust & Agency Fund Vouchers 4362 – 4634, and Sewer Fund Voucher 2955. Motion voted and carried.

UNFINISHED
BUSINESS
RO 05-880003 Pung
Second Reading

Calder moved, Baumann seconded, to approve, on Second Reading, Rezoning Request 05-880003 from Ken Pung, to rezone approximately 2.0 acres located at 14782 Boichot Road from A (Agricultural) to R4 (Residential Single and Two Family, on the basis that the subject property is unique in nature and does not indicate a policy change to the requirement that public water be available to the site.

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

RO 05-880004
Buckingham
Second Reading

Seeger moved, Musselman seconded, to approve on Second Reading, Rezoning Request 05-880005 from Eric Helzer representing Buckingham Landtec Holdings, LLC, to rezone approximately 31.14 acres located on the west side of Norris Road, east of Springbrook Hills Subdivision #6, from A (Agricultural) to R4 (Residential Single and Two Family), on the following basis: 1) the requested rezoning district is consistent with the Future Land Use designation and residential land use goals of the Comprehensive Development Plan 2)the requested zoning district is consistent with the Growth Management Strategy component of the Comprehensive Development Plan 3)the request is consistent with the planned character of this area of the Township; 4)the site can be adequately served with the necessary public facilities, including public water and sanitary sewer.

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

NEW BUSINESS
SUP 05-990008 Motz

Planning Director Gray reviewed his staff report dated January 18, 2006, relative to Special Use Permit 05-990008, Motz Development, for a proposed community building within the Crowner Farms Development.

Seeger moved, Musselman seconded, to approve Special Use Permit 05-990008 from Motz Development, based on the plans dated December 1, 2005, on the following basis: 1)the proposed community building and outdoor pool have been designed in accordance with the requirements of Section 7.13.2 of the Zoning Ordinance 2)upon compliance with the conditions of the Special Use Permit, the plan will comply with the site plan review standards listed in the Zoning Ordinance 3)the standards of the Basis for Determination listed in Section 7.6 (1)of the Zoning Ordinance have been met.

Clerk Mosier stated that she has some concerns with the number of parking spaces provided for the community building, and that she has relayed those concerns to a representative of Motz Development, the Planning Director, and Planning Commission representative Trustee Seeger. She explained that she believes that the 14 parking spaces is sufficient for day to day operations, but that the number would be inadequate if the community room is used by residents for gatherings. She stated that her concern is that when the parking is inadequate, parking then will spill over into the entrance drive or even onto the public street, which could then create a safety concern.

Trustee Baumann stated that he will oppose the motion because he does not believe that the proposed facility meets with a. and b. under ANALYSIS within the staff report to the Planning Commission dated December 22, 2005. He stated that he believes that the center would be a great facility for the proposed development, but would far better in the northwest section of the development, rather than on Howe Road across from existing residential development. He stated that this is a private facility, which is being placed on the main road as far away from the actual residents of the development as possible. He also stated that he believes the estimates for parking are too low for the uses and occupancy proposed. He stated that it has been the mission of this Board and the Planning Commission to continue to grow as a community, but to do whatever is possible to maintain our rural character, and he believes the location of this community building is contrary to the "rural character" concept.

Supervisor Galardi stated that he has some experience with community buildings in his profession, and most do not have as much parking as this proposal. He explained that the "community amenities" are often used for promotion of the development itself than they are for actual practical use.

Tom Magsig spoke representing Motz Development. He stated that he believes that the parking design meets both the Township's requirements and the practical needs of the facility. He stated that the Crowner Farms residential development itself is designed to accommodate walking, and that much of the traffic to the community building will be foot traffic. He stated that the community building is not right up against Howe Road, and is extensively bermed and landscaped to make it a visual asset as well as a practical asset. He provided a rendering of the building to illustrate the appearance of the community building.

Trustee Musselman questioned the developer about their decision to locate the community building on Howe Road, rather than central within their development, which would be more conducive to the “walkable community” the developers have referred to.

Magsig stated that the building was placed in what was determined to be the best location for “common space” which also separates the neighborhood from Howe Road. He also noted that the community building placement at the entrance to the development is also used to facilitate their marketing strategy.

It was determined that modification to the plan would require the Board to return the issue to the Planning Commission.

There was discussion as to whether the circle drive entrance could be used for overflow parking, since the grade to the north of the structure does not easily lend itself to additional parking. Discussion determined that a minimum of six additional spaces is available within the circle drive. Planning Director Gray stated that he could work with the developer to design and mark the circle drive to handle additional parking, since the width of the drive could handle parking, and possible “one way” designation on the drive could address both parking and safety concerns.

Trustee Baumann stated that he feels “snookered” as to the location of the community building, since he was unaware that the facility would be on Howe Road.

Planning Director Gray explained that the Tentative Preliminary Plat contained the location of the community building, and said plat was previously before the Planning Commission and the Board.

Clerk Mosier stated that she is satisfied that the circle drive can be designed to handle additional parking.

Vote on motion:

AYES: Calder, Daggy, Mosier, Galardi, Seeger, Musselman

NAYS: Baumann Motion carried.

Ratification-Police
Supervisory Contract

Manager Kulhanek explained the proposed contract for the Supervisory Unit of the Police Department.

Seeger moved, Calder seconded, to approve the tentative agreement between the Township and the Supervisory Unit of the Police Department and authorize the Township Supervisor and Clerk to execute the new contract. Motion voted and carried.

Personnel Policy
Revisions

Manager Kulhanek explained that with the change for additional vacation time at 15 years of service and changes to the optical benefit in the union contract, he is proposing that the same changes be made to the policy manual which would affect non-union employees.

Baumann moved, Daggy seconded, to approve revising the Township Personnel Policy to include the amendments to the vacation schedule and optical benefit, as proposed. Motion voted and carried.

Employment Agmt-
Manager

Trustee Baumann asked if the Township Manager chooses to have his evaluation and contract discussed in closed session. Manager Kulhanek stated that he was comfortable with discussing the issue in open session.

Trustee Baumann initiated discussion regarding changes he would like to see included in the new contract. He stated that he would like to see additional compensation for warranted circumstances and performance.

Supervisor Galardi stated that the Personnel Committee attempted, in this recommendation, to be consistent in their proposal for the Manager's Contract, that being consistent with contracts for other Department Heads. He stated that the committee worked hard to comprehensively find a fair salary and benefit package. He pointed out that the contract can, upon mutual agreement, be opened and renegotiated.

Seeger moved, Calder seconded, to approve the proposed three year contract and satisfactory performance evaluation for Manager Kulhanek, and authorize the Supervisor and Clerk to execute the same. Motion voted and carried.

COMMENTS

Clerk Mosier stated that she hopes her vote on the motion sends a message to the Manager that she believes he is doing an excellent job, and that she appreciates his professional representation of the Township. She thanked the Personnel Committee for their work.

Police Chief Russell reported that he has been appointed to the 911 board. He also noted that he has applied to the MACP to fill a vacancy representing Townships.

Planning Director Gray reported that the DEQ has denied the MacKenzie application for dewatering at the Stoll Road site, however, there is an appeal provision.

Planning Director Gray introduced Harmony Gmazel, recently hired Assistant Planner. She was welcomed.

Manager Kulhanek thanked the Board for consideration of his new contract. He stated that he has enjoyed his 6 plus years with the Township and looks forward to three more.

ADJOURNMENT

Seeger moved, Musselman seconded, to adjourn at 9:17 p.m. Motion voted and carried.

Respectfully submitted,

Diane K. Mosier, Clerk

Rick Galardi, Supervisor