

DeWITT CHARTER TOWNSHIP
1401 W. Herbison Rd. DeWitt, MI
REGULAR BOARD MEETING
July 27, 2009

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, Brian Ross, and David Seeger.

MEMBERS ABSENT: None

Also Present: Community Development Director (CDD) Richard Trent, Planning Consultant James Foulds, Police Chief Brian Russell, Fire Chief Frederick Koos, County Commissioners Eileen Heideman and Robert Showers, Police Officer William Darnell and his family, and several citizens.

AGENDA **Seeger moved, Musselman seconded, to approve the Agendas adding Police/Byrne Justice Assistance Grant Agreement under New Business 4.b. Motion voted and carried.**

MINUTES **Seeger moved, Musselman seconded, to approve the meeting minutes of July 13, 2009 minutes, as corrected by Trustee Calder to change who made the motion to approve the Agenda. Motion voted and carried.**

BRIEF PUBLIC COMMENT None.

COUNTY COMMISSIONER REPORT Commissioners Heideman and Showers reported on issues involving Clinton County. They thanked the Board for their support of the Clinton Transit millage renewal.

PRESENTATIONS
Resolution 090713 to Officer William Darnell **Galardi moved, Seeger seconded, to adopt Resolution 090713 honoring Officer William Darnell.**

Clerk Mosier read aloud Resolution 090713. Vote on motion:

AYES: Galardi, Seeger, Musselman, Ross, Calder, Daggy, Mosier
NAYS: None. Motion voted and carried.

Supervisor Galardi expressed the Board's appreciation to Officer Darnell.

Call 911 DVD Fire Chief Koos explained that the DVD the Board will view is relative to an incident that happened in the Township last year, which resulted in a fire related fatality. He also noted that several other departments were involved in the incident and DVD, although the incident took place in DeWitt Township. The Board viewed the DVD and commented positively on the representation of our

Fire Department.

CORRESPONDENCE Correspondence included the following: letter from MTA District 20 Representative Linda Towsley regarding the upcoming NATAT; notice of improved bond rating for DeWitt Township from Standard and Poors; MTA membership letter for 2009/2010; June statistics from the Clinton County Sheriff.

COMMITTEES & COMMISSIONS Trustee Ross reviewed the minutes of the Planning Commission meeting of July 6, 2009.

Ross moved, Calder seconded, to receive and place on file the Planning Commission minutes of July 6, 2009. Motion voted and carried.

UNFINISHED BUSINESS

None.

NEW BUSINESS
SUP 06-990002
MacKenzie (Renewal)

Planning Consultant James Foulds reviewed the information relative to the renewal of SUP 06-990002, E.T. MacKenzie for the 15620 South US 127 fill operation. Ron Clark, representing E.T. MacKenzie, was present to answer questions regarding the operations.

There was no public comment.

Discussion determined that no public notices were sent or required to be sent for this renewal. Trustee Calder requested clarification on the number of cubic yards the pit will hold and Clark clarified that the fill is approximately 40% complete.

Ross moved, Seeger seconded, to approve the renewal of Special Use Permit 06-990002, for the existing fill operation conducted by E.T. MacKenzie Company for property located at 15620 South US 127 for an additional one (1) year. Motion voted and carried.

SUP 09-990005
Stacy Wey/Group

Planning Consultant James Foulds reviewed his staff report dated July 24, 2009, for SUP 09-990005, as requested by Stacy Wey for a group day care home at her existing residence at 14212 Turner Road. He stated that staff reviewed the conditions required in the zoning ordinance under 7.13.3, no public comments or concerns were received by the Planning Commission, and therefore the Planning Commission recommends approval of the SUP.

Clerk Mosier questioned whether additional information is available about the group home to the south of the Wey property. Foulds stated that if his facts are correct, the adult foster care group home less than 1500 feet to the south does not require a local zoning approval, and does prohibit local zoning approval for a facility licensed for seven or less residents. He stated that the way our ordinance is set up (in conformance with the state act) for these types of facilities with less than seven residents, we would not require local notice.

Clerk Mosier stated that she does not believe the SUP is stated in the way Foulds explained. She stated that because she previously lived next door to the adult foster care home in question, she remembers the controversy the issue raised with her neighbors. She stated that she does not believe that the Planning Commission received accurate information in this case, and she would like to see the issue returned to planning for further investigation as to whether the day care can be located within 1500 feet of the adult foster care home.

Foulds stated that if the issue needs to be tabled, he will be glad to further investigate the issue. CDD Trent stated that staff did speak with the State today and viewed the permit for the adult foster care group home online late today, and that the State license for the home is for up to six residents. He confirmed that group homes for under six residents are not locally regulated, and if there were, it would simply be a home occupation, not the SUP required for a group home of 7 residents or more.

Clerk Mosier asked if Stacy Wey had a home occupation permit. CDD Foulds stated that to his knowledge, she did not.

Trustee Musselman stated that the permit indicates the number of employees for up to 12 children will be 1.5. He asked if that number was adequate. Wey stated that including her, the number will be 2.5.

Stacy Wey, the applicant, stated that she has operated a family day care for the past 25 years and she would like to employ her daughters which prompts the need for the additional children and the SUP.

Clerk Mosier asked Wey if she has procedures in place to protect these children as they come and go from her residence. She stated that parents escort their children to and from her home. She explained a recent incident that took place at her day care when a non-custodial parent attempted to pick up a child.

There was no public comment.

Musselman moved, Seeger seconded, to approve, as recommended by the Planning Commission, Special Use Permit 09-990005 from Stacey Wey to operate a group day care home licensed for up to twelve (12) children on the property located at 14212 Turner Road, on the following basis: 1) upon compliance with the conditions of the Special Use Permit, the plans will comply with the site plan review standards and special conditions of Section 7.13.3 listed in the Zoning Ordinance. 2)the standards of the Basis for Determination listed in Section 7.4.3 of the zoning Ordinance have been met. Motion voted and carried.

drive-through operation on a vacant parcel on the business corridor. He noted that the use is allowed by right in the BC zoning district, and the drive-through is subject to a Special Use Permit requirement. He explained that provisions relating to the Township's Access Management Plan have been discussed with this property owner, as well as the property owners to the south.

There was no public comment.

Mosier moved, Ross seconded, to approve, as recommended by the Planning Commission, Special Use permit 09-990006 From Firstbank of St. Johns to allow the construction and operation of a vehicular drive through in conjunction with the development of a new financial institution on property located on a 1.74 acre parcel located on the eastside of S. US-127BR directly south of the Speedway gas/convenience service center, on the following basis: 1) upon compliance with the conditions of the Special Use Permit, the plans will comply with the site plan review standards and special conditions listed in the Zoning Ordinance, specifically compliance with vehicular drive through requirements, signage requirements, landscape requirements, traffic access management requirements, and sidewalk requirements of the Sidewalk Ordinance 2) the standards of the Basis for Determination listed in Section 7.4.3 of the Zoning Ordinance have been met. Motion voted and carried.

Police Grants
Police Technology

Police Chief Russell explained rational determining that the Township needs to find new police computer software. He and Manager Taylor have worked with the software company used by the County, OSSI Software, and Lt. Traub wrote and submitted a grant request for approximately \$50,000 to purchase the software. He reviewed his memo dated July 24, 2009, explaining the grant approval for \$35,980 under the American Recovery and Reinvestment Act of 2009, Byrne Justice Assistance Grant. He pointed out that acceptance of the grant will then cost the Township anywhere from \$10,000 to \$15,000, which will require a budget adjustment, but meet the Police Department's current software needs for much less than initially anticipated. He also noted that this will require an agreement with Clinton County. The annual costs for the new software were also discussed. Trustee Seeger requested that staff make sure no hidden costs are tied to this grant money, other than discussed.

Mosier moved, Calder seconded, to authorize the Manager, Treasurer and the Chief of Police to initiate a contract with the State of Michigan, Department of Community Health, for Federal Funds in the amount of \$35,980 for the purchase of police patrol technology through OSSI. Motion voted and carried.

Byrne Justice
Assistance Grant/
Community Policing

Chief Russell explained that a previous report to the Board was made regarding a grant approval in the amount of \$12,754. The grant money was to be used for a community policing project or other worthwhile program. He reviewed a plan which was outlined in his memo dated July 24, 2009.

Ross moved, Calder seconded, to enter into an agreement with Clinton County as a requirement of the grant so we can receive the Byrne Justice Grant , which will be administered by the Township so Clinton County will be out no money or time, approval contingent upon review and signature of the Township attorney. Motion voted and carried.

VOUCHERS

Seeger moved, Musselman seconded, to approve General Operating Fund Vouchers 55826 – 55903 and Tax Fund Vouchers 7061 – 7067. Motion voted and carried.

REPORTS &
COMMENTS

Chief Koos reported that he will be away for the next two weeks in Maryland at the Fire Academy with this year's topic being finance.

Chief Russell updated the Board on today's TV news story involving the Highway Motel. CDD Trent provided some information on progress for a Township property maintenance code.

Trustee Calder reported receiving a call regarding the "dogs in the park" issue which initiated discussion concerning Township park rules.

Treasurer Daggy reported that she has initiated tax liens against individuals with delinquent personal property taxes.

ADJOURNMENT

Ross moved, Seeger seconded, to adjourn at approximately 9:00 p.m. Motion voted and carried.

Respectfully submitted,

Diane K. Mosier, Clerk

Rick Galardi, Supervisor