

DeWitt Charter Township

1401 W. Herbison Road

DeWitt, MI 48820

June 25, 2012 Regular Meeting of the Board of Trustees

The meeting was called to order at 7:00 p.m. by Clerk Mosier with the Pledge of Allegiance.

Mosier moved, Daggy seconded, that in the absence of the Supervisor, Trustee Musselman chair the meeting. Motion voted and carried.

Members Present: Clerk Diane Mosier, Treasurer Phyllis Daggy, Trustees: Max Calder, Steve Musselman, and David Seeger

Members Absent: Supervisor Rick Galardi and Trustee Brian Ross

Also Present: Manager Rodney Taylor, Planning Consultant James Foulds, County Commissioners Bob Showers and Jack Enderle, and several citizens.

Consent Agenda

Seeger moved, Daggy seconded, to approve the Consent Agenda as follows: 1)approve Board Minutes of June 11, 2012 2)approve General Fund Vouchers 60144 – 60190 3)file Planning Commission minutes of June 4, 2012. Motion voted and carried.

Agenda

Calder moved, Mosier seconded, to approve the Agenda, as presented. Motion voted and carried.

Brief Public Comment on Agenda Items

None.

County Commissioner Report

Commissioner Showers reported that County Commissioner Jamie Clover Adams has been appointed Secretary of Agriculture for the State of Michigan, and will be resigning from her County Commissioner position. He noted that two candidates are currently running for the position, and although Commissioner Clover-Adams' name also appears on the ballot, she will be ineligible for election based on her recent state appointment. He also reported on happenings with the Next Michigan Corporation.

Commissioner Enderle introduced himself, noting that he is now a candidate for the District that includes portions of Watertown Township, a large portion of DeWitt Township, and one precinct in Bath Township, that was created with redistricting.

Public Hearing – Tin Can DeWitt Liquor License Consideration
Resolution 2012-6-11

Chair Musselman called to order the Public Hearing at 7:08 p.m. to hear comments relative to an application for a Liquor License from Doug Johns, Nick and Jim Vlahakis, for a Tin Can DeWitt to be located in the DeWitt Shopping Center on Schavey Road.

Clerk Mosier noted no public comments were received in response to the published Notice of Public Hearing. She also explained the investigation process which has taken place relating to this application.

Doug Johns, 710 E. Geneva, applicant, introduced his wife, Christie, explaining that he and his family have lived in the City of DeWitt for 13 years, and they look forward to expanding locally with their third Tin Can operation. He answered questions from the Board regarding the proposed operation.

Scott Despina, 1348 Lacosta, and Mike Schott, 1338 Lacosta, both commented in support of the proposed Tin Can DeWitt.

Seeger moved, Daggy seconded, to adjourn the Public Hearing at 7:16 p.m. Motion voted and carried.

Calder moved, Daggy seconded, to adopt Resolution 2012-6-11, for Local Government Approval, for the Tin Can DeWitt LLC, for a Class C and SDM Liquor License with Dance and Entertainment Permit, to be located at 13175 Schavey Road, DeWitt, recommended for Tentative Approval, subject to Final Approval when the site meets building and zoning requirements.

AYES: Calder, Daggy, Mosier, Musselman, Seeger

NAYS: None Motion carried.

Correspondence

Correspondence included the following: meeting notice and Rural Recycling information from Waste Management; Activity Report; Employee Appreciation save the date reminder.

UNFINISHED BUSINESS

None.

NEW BUSINESS

SUP 12-990001 Brian Steward/Brian's Automotive

Planning Consultant Foulds reviewed his memo dated June 20, 2012, relating to the application for SUP 12-990001, for Brian's Automotive, to operate a vehicle maintenance and repair shop, along

with the sale of used cars, located on a .34 acre parcel on the northeast corner of Turner and Sheridan Roads, and the Planning Commission's consideration and recommendation for the same.

Clerk Mosier requested that Foulds review the process for how the original application hours resulted in the hours recommended for approval by the Planning Commission. Foulds explained the process of working with the applicant which resulted in the hours of operations recommended by the Planning Commission for approval. He noted that the Planning Commission deliberated the hours at length.

Clerk Mosier noted that she lives on Turner and drives by this location often. She noted that she does not believe the proposed hours and Sunday operational hours are a compromise that considers the residential development in the area. She stated that if the Township wants and needs to consider mixed uses, especially in the southern tier, then a true compromise between uses is necessary, and these proposed hours appear to be beyond those of other automotive repair operations within the Township.

Treasurer Daggy commented that the number of vehicles on the site and the late hours being operated create an undesirable situation. She stated that the vehicles parked here create a situation where motorists cannot enter the intersection safely because clear vision is not possible.

Trustee Calder stated that he believes the recommended hours may a problem, especially the Sunday hours.

The Steward brothers, owners and operators of Brian's Automotive, spoke. They explained their need to operate longer hours, hoping that their business will grow and soon require a second shift for automotive repair. It is their desire to have this SUP accommodate hours for their future growth. He explained that the long hours they currently operate are necessary for their success and they are just trying to get this new business into a situation where they can earn a living.

Alan Tabor, 16960 Turner, stated that he lives across from the automotive operation. He explained that he has lived at that location for almost 40 years, and he understands that business is important to our Township. He stated that since June 5th at 10:00 p.m when he called to police to complain about noise at the business, he has kept a log of the following: 1)late hours when there was excessive noise, sometimes so loud that he cannot hear his television when his windows are closed 2)watching those in the establishment drinking, and the more they drink the louder they get, and then disagreements ensue becoming even louder 3)profanity so loud that his grandchildren can hear 4)evenings when the drinking and loud noise continue so late that he knows someone spends the night in the building 4)he noted that the worst of these situations occurs after 5:00 p.m. and it occurs often, as his date log documents. He requested that the business be allowed to operate during regular business hours only, such at 8:00 untill 5 or 6 o'clock. He stated that he is not the only one in the neighborhood to complain, and sometimes people hesitate to come forward. He also noted that he has complained to the police several times, and he or his wife have visited the Township Hall on several occasions to complain.

Lengthy discussion included the need to reduce the hours on the Special Use Permit, and whether the Board can change those hours. Planning Consultant Foulds stated that he believes the hours can be changed by the Board, without the need to return the SUP to the Planning Commission. Other options regarding whether an automatic review of the SUP would be beneficial, or if the hours could be changed in the future without the need for further public input or Board action, were discussed.

Mosier moved, Calder seconded, to approve, based on a unanimous recommendation from the Planning Commission, Special Use Permit 12-990001 from Brian's Automotive to operate a vehicle maintenance and repair shop along with the sale of used cars on the property located at 16987 Turner Street, Lansing, MI, changing the hours of operation for the vehicle maintenance and repair to 7 am to 7 pm, Monday through Saturday, with no Sunday vehicle maintenance or repair, recommended on the following basis: A)that the applicant mark the required parking spaces appropriately B)that the west property line along Turner Road shall be curbed with one drive opening at the appropriate location as deemed by the Clinton County Road Commission C)that the applicant does not park vehicles within the clear vision area per the requirements of Section 42-1280-Clear Site Triangle of the Zoning Ordinance D)that the applicant shall provide a screening fence on the east property line from the south end of the building to the right of way line E)that the following requirements of Section 42-1242 (6) and signage requirements of Article III of the Zoning Ordinance be complied with F)the hours of operation for vehicle maintenance and repair shall be between 7 a.m. to 7 p.m. Monday through Saturday, with no Sunday vehicle maintenance or repair G)that the applicant complies with the MDEQ requirements and approvals for the removal of the underground storage tanks H)that the applicant conforms to the recommended hours of operation immediately after adoption I)that the applicant implements conditions A and C within thirty days after adoption J)that the DeWitt Charter Township Fire Department be notified prior to the removal of the underground storage tanks. Motion voted and carried.

RO12-880001 Eastbrook Companies(Ridge Rock Subdivision Phase II)

Planning Consultant Foulds reviewed his memo dated June 20, 2012, regarding Rezoning Request 12-880001 from Michael McGraw representing Eastbrook Companies (Ridge Rock Subdivision Phase II). He noted that during the process when the Planning Commission was considering this request, the applicant voluntarily filed an amendment to the request under Section 42-106 of the DeWitt Charter Township Codified Zoning ordinance, to conditionally rezone the property to the R4 Residential District, and restrict permitted land uses to single family development only. Considering this change, the Planning Commission unanimously recommended approval subject to the conditions recommended.

Chair Musselman thanked the applicant for being willing to work with the residents in the area. Mike McGraw, representing the applicant, explained their plan for the project.

Kathleen Kelly, 3950 Norway Pine Drive, stated that she would like to see this rezoning delayed, and further discussion make the zoning more like that of their neighborhood. (A letter from Kathleen Kelly was included in the Board's packet further explaining her position on the issue.)

Kirk Waddell, 13401 Norway Pine Drive, questioned the process, where this matter goes from here, and whether there will be further opportunity for public comment.

Planning Consultant Foulds explained the platting process which will follow the rezoning.

Daggy moved, Calder seconded, to approve on First Reading, and based on a unanimous recommendation from the Planning Commission, Rezoning Ordinance 12-880001, as

conditionally amended by Eastbrook Companies, and legally described on the application materials, to rezone approximately 22 acres from R3 Residential Zoning District, to R4 Residential Zoning District, based on the fact that the request is in conformance with the future land use recommendation of the Comprehensive Development Plan and is consistent with the existing land use pattern in the immediate area, and that finally, in response to the request for the conditional rezoning to the R4 District, the applicant shall be required to submit to DeWitt Charter Township a statement of conditions to be prepared in recordable form as required by Section 42-112 of the DeWitt Charter Township Codified Zoning Ordinance.

AYES: Seeger, Musselman, Mosier, Daggy, Calder

NAYS: None Motion carried.

Employment Recommendation-Police Dept Admin Secretary

Manager Taylor and Chief Russell reviewed the proposed hire and the process to fill the position. They also addressed the rationale to reduce this full time position to a 30 hour part time position.

Mosier moved, Musselman seconded, to approve the hiring of Lisa Hicks-Betz as an at-will, part time employee, contingent upon the completion of the pre-employment physical. Motion voted and carried.

REPORTS AND COMMENTS

Ken Kain and Johanna Balzer were introduced as Trustee Candidates for the Township Board.

ADJOURNMENT

Seeger moved, Calder seconded, to adjourn at 8:56 p.m.

Respectfully submitted,

Diane Mosier, Clerk

Rick Galardi, Supervisor

