

DeWitt Charter Township  
1401 W. Herbison Road  
DeWitt, MI 48820

January 11, 2016 Regular Meeting of the DeWitt Township Board

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

Members Present: Supervisor Rick Galardi, Clerk Diane Mosier, Trustees: Johanna Balzer, Brian Ross, and David Seeger

Members Absent: Treasurer Phyllis Daggy and Trustee Steve Musselman

Also Present: Police Chief Brian Russell and Police Lt. Mark Nelson, Planner Tory Niewiadomski, Planning Commission Chair Bruce Keilen, Road Commissioner Gail Watkins and several citizens.

Agenda

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

Consent Agenda

**Balzer moved, Seeger seconded, to approve the Consent Agenda as follows: 1)approve Township Board Minutes of December 14, 2015 2)approve General Fund Vouchers 65539 – 65616 and Tax Fund Vouchers 8275 - 8287 3)receive & file Planning Commission draft minutes of December 12, 2015. Motion voted and carried.**

Brief Public Comment on Agenda Items

None.

Presentation – Gail Watkins/Clinton County Commissioner

Supervisor Galardi introduced Road Commissioner Gail Watkins. Watkins provided an update on Road Commission business. He noted the following: funding has been approved for DeWitt Road from Stoll Road north to the I-69 Overpass in 2018; in approximately 2020 we should begin to get funding from the new road fund legislation which is much needed throughout our state.

Supervisor Galardi thanked Watkins for his communication, and expressed his appreciation for the relationship the Township and Road Commission staff have developed in the most recent years.

County Commissioner Report

None present.

### Correspondence

Correspondence included the following: Activity Report; Clinton County Residential Recycling Options and Costs; DeWitt District Library minutes of September 10, 2015, October 8, 2015, and November 12, 2015; Legislative update from Representative Tom Leonard; Clinton County Drain Commissioner notice of Crouner Farms Drain Maintenance and Tree Removal on the Big Horn Drain.

### UNFINISHED BUSINESS

None.

### NEW BUSINESS

#### SUP 15-990004 – Kesler Properties LLC

Planner Niewiadomski reviewed his memo, dated January 4, 2016, which provided an overview of staff's work with the developer and the Planning Commission action, after revisiting the Township Ordinance requirements for the financial guarantee required of the developer. This issue, which was returned to the Planning Commission by the Township Board, relates to the Kesler Howe Road mining operation.

**Ross moved, Balzer seconded, to approve, based on a unanimous recommendation from the Planning Commission, Special Use permit 15-990004 from Kesler Properties, LLC, to be allowed to continue to operate an existing soil and mineral excavation operation at 2273 (Parcel #050-002-200-020-00) and 2285 (Parcel #050-002-200-025-00) East Howe Road previously approved as SUP 06-990003, with approval recommended on the following basis:**

**1)The use has been designed in accordance with the requirements of Section 42-1143 of the Zoning Ordinance.**

**2)The applicant shall comply with all conditions included in the proposed Special Use Permit 15-990004.**

**3)The standards of the Basis for Determination listed in Section 42-1067 of the Zoning Ordinance have been met.**

**Motion voted and carried.**

### Snow Removal Map

Planner Tory Niewiadomski reviewed his memo, dated January 6, 2016, relating to the proposed 2016 Snow Removal Map, pointing out that the Resolution/Map will need to be revisited in the fall of 2016. It was discussed that this is the first year of the program, and will be evolving as we see how the plan works for both the Township and the residents.

Craig King, 13132 Wood Road, asked questions regarding the residents requirements for snow removal.

**Mosier moved, Balzer seconded, to adopt Resolution 2016-01-01, based on the finding that it satisfies the criteria under Section 34-7 of the Codified ordinance for the Township's annual sidewalk and pathway snow removal map.**

**AYES: Balzer, Ross, Mosier, Galardi, Seeger**  
**NAYS: None Motion carried.**

Outside Employment – Charles Rau

Supervisor Galardi explained that Board approval is required per the Employment Contract for Charles Rau, the Township's Chief Building Inspector.

It was determined that this outside employment will not interfere with the full-time employment of Charles Rau.

**Ross moved, Balzer seconded, to approve Charles Rau's request to be able to work part-time at the City of Flushing per the specifications in his employment agreement and that the Township Manager can revoke this authorization at any time. Motion voted and carried.**

SUP 15-990003 LD Clark Building Company – Shadybrook

Planner Tory Niewiadomski reviewed his memo, dated January 5, 2016, which explained that the applicant, LD Clark Building Company, is requesting a major amendment to the planned unit Development for Shadybrook (SUP 04-990004 approving 115 single family residential unites on 38.53 acres) to change the intent from a residential Planned Unit Development to allow non-residential uses permitted in the R6 Zoning District to be mixed with the single family residential development for the remainder of the undeveloped land. The request would include four professional or health service office buildings consisting of approximately 14,000 sq. ft. on 4.75 acres and reduce the total number of single family residential units to 96 on 31.01 acres of land. He explained that the developer has opted to utilize the site condominium process to develop the remainder of the site and will require a separate review process from the Special Use permit. He noted that if the Special Use Permit is approved, the applicant will be permitted to amend the planned unit Development's intent from single family residential to allow non-residential uses permitted in the R6 Zoning District.

Niewiadomski stated that the property is located on the north side of Clark Road, east of Schavey Road, northwest of I-69 and south of DeWitt High School in the Shadybrook development. He explained that since the initial Public Hearing at the Planning Commission, the developer has worked with the Road Commission and the residents to address issues raised. The process also resulted in a change to the proposed access way into the office area.

Randy Kleinman and Ellen Kleinman, representing the developer, were present to answer questions from the Board.

The process to date was discussed, and Supervisor Galardi thanked all involved for the compromises made.

**Ross moved, Balzer seconded, to approve, as recommended by the Planning Commission, Special Use Permit 15-990003 from Lawrence D. Clark, representing the L.D. Clark Building Company, based on the plans last revised on November 19, 2015, on the following basis:**

- 1)The proposed Planned Unit Development has been designed in accordance with the requirements of Section 42-1142 if the Zoning Ordinance.**
- 2)Upon compliance with the conditions of the Special Use Permit, the plans will comply with the site plan review standards listed in the Zoning Ordinance.**
- 3)The standards of the Basis for Determination listed in Section 42-1067 of the Zoning Ordinance have been met.**
- 4)That the applicant shall comply with all conditions and requirements of all reviewing agencies.**

**Motion voted and carried.**

#### Rifle Purchase Program

Police Chief Russell and Police Lt. Mark Nelson explained the proposed program, and the program's benefits to both the Township and the police officers.

Clerk Mosier asked that Manager Taylor assure that the Township Attorney and liability carrier have reviewed the program.

**Ross moved, Seeger seconded, to authorize the Implementation of a Rifle Purchase Program, as presented by Police Chief Russell. Motion voted and carried.**

#### REPORTS AND COMMENTS

Trustee Seeger reported that the Clinton County Township Officer's Association meeting is scheduled for this Thursday, January 14<sup>th</sup>.

Trustee Balzer reported on Board of Appeals Business.

Clerk Mosier reported on recent Election legislation.

#### EXTENDED PUBLIC COMMENT

None.

ADJOURNMENT

**Seeger moved, Mosier seconded, to adjourn at 8:00 p.m. Motion voted and carried.**

Respectfully submitted,

Diane Mosier, Clerk

Rick Galardi, Supervisor