

DeWITT CHARTER TOWNSHIP
1401 W. Herbison Road, DeWitt, MI 48820
July 14, 2014 Board Minutes

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 Johanna Balzer, Steve Musselman, Brian Ross, and David Seeger

MEMBERS ABSENT: None

Also Present: Manager Rodney Taylor, Planners Tory Niewiadomski and Brett Wittenburg, Attorney Michael Gresens with Thrun Law Firm, and several citizens.

AGENDA **Mosier moved, Daggy seconded, to approve the Agenda adding Heritage Glen information from Jack Miller under Correspondence, and adding a Presentation by Rob Long, with the United Methodist Ministry Center. Motion voted and carried.**

CONSENT AGENDA **Balzer moved, Daggy seconded, to approve the Consent Agenda, which included approval of General Operating Fund Vouchers 63226– 633314; approval of Township Board Minutes of June 23, 2014 Regular Meeting. Motion voted and carried.**

BRIEF PUBLIC COMMENT None.

COUNTY COMM. REPORT None present.

CORRESPONDENCE Correspondence included the following: a memo from Clerk Mosier and Heritage Glen Petition Information from the petition circulators; Activity Report; Fire Department Burning Issues Newsletter; CCDC re: letter to property owners #627 Loesch Drain repair; notice and request from CC Administrator re: Road Commission vacancy; two Notices of Hearing/Consumers Power Company from the State of Michigan; information from Comcast re: Channel changes; invitation from Granger for the ribbon cutting at the new Disposal Center; information provided by Jack Miller regarding the Heritage Glen Petitions and the proposed pond project.

Clerk Mosier explained that she has received, and provided to the Board, petitions from residents of Heritage Glen Subdivision, relating to a proposed pond project and assessment for costs associated with the same. She noted that Attorney Mike Gresens, Thrun Law, is present and is prepared to explain the process which follows receipt of said petitions.

Supervisor Galardi introduced Attorney Gresens and requested that he outline the process and the Board's role in this matter.

Attorney Gresens stated that in addition to evaluating petitions for legal sufficiency's and the 50% threshold, there are many other steps in the process outlined and dictated by PA 188. He noted that defining a district, validating signatures, determining benefit, etc. are the steps that take significant time, and are followed by a process basically the same as establishing any other assessment district. He stated that he is involved with a similar process that has been ongoing for three years, and most take many months to determine whether a project will move forward.

Supervisor Galardi explained that the Board will be working with Attorney Gresens on this issue and staff will play a large part in the preliminary work. He noted that the Township will do whatever is possible to keep the lines of communication open to the Heritage Glen neighborhood.

PRESENTATION
United Methodist
Ministry Center

Rob Long with the United Methodist Ministry Center presented video tour of their new DeWitt Township facility on Northcrest, just east of BR 27. Supervisor Galardi and Trustee Balzer welcomed them to the community.

UNFINISHED
BUSINESS
Ord Amd for High
Blood Alcohol
2nd Reading

Mosier moved, Balzer seconded, to adopt, on Second Reading, the new High Blood Alcohol Content-Super Drunk Amendment – to DeWitt Charter Township Motor Vehicle Ordinance 10.10, and to amend Article II of Chapter 38 of the Township Code, to add Section 38.23 of the Township Code, to adopt by reference the Michigan Motor Vehicle Code, being 1949 PA 300, as amended, codified at section 2.57.65 (1) of the Michigan Compiled Laws (a.k.a. “Super Drunk”).

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

Ord Amd 42.4
Second Reading

Mosier moved, Musselman seconded, to adopt, on Second Reading, Zoning Ordinance Amendment 42.4 which includes various amendments to the DeWitt Charter Township Zoning Ordinance.

AYES: Musselman, Galardi, Mosier, Daggy, Ross, Balzer
NAYS: Seeger Motion carried.

Ord. Amd 42.3
Overlay District
Second Reading

Second Reading delayed for publication.

NEW BUSINESS
Stormwater Mfg Policy

Planner Brett Wittenberg reviewed his memo, dated July 9, 2014, relating to the proposed Policy for post-construction stormwater control for new Township owned development and redevelopment projects within the community.

Balzer moved, Ross seconded, to adopt the Stormwater Management Policy to comply with the Township's National Pollution Discharge Elimination System (NPDES) permit. Motion voted and carried.

Special Assessment/
Old US-27 Sidewalk/
Pathway Resolution
2014-07-15

Manager Taylor explained that this is Resolution number four in the process of establishing a special assessment for the Old US-27 Sidewalk/Pathway project, and that this Resolution receives the special assessment roll and sets the last Public Hearing for August 11, 2014.

Ross moved, Balzer seconded, to adopt Resolution 2014-07-15 that receives the prepared special assessment roll for the 2014 Pathway and Sidewalk Improvement Special Assessment District and sets the Public Hearing for August 11, 2014 on the proposed assessment roll, and directs the Clerk to provide notice of the Public Hearing.

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

Remy Chandler Drain
Budget Adjustment

Manager Taylor explained the situation regarding this payment being budgeted in 2013, but not invoiced by the County until 2014.

Ross moved, Seeger seconded, to approve the following budget adjustment to the 2014 Budget: \$16,000 to 213-254-972-001 (Remy-Debt) from 213-000-390-000 (Fund Balance). Motion voted and carried.

MML/Workers' Comp
Board Election

Mosier moved, Balzer seconded, to cast a ballot for Cristine Burns, Frank Campbell, and Elva Mills, for the MML Workers' Compensation Fund Board of Trustees. Motion voted and carried.

Ord Amd. Intl Fire
Code 2nd Reading

Clerk Mosier explained that the Township occasionally updates the International Fire Code and that we are currently operating under the 2009 IFC and this action will update to the 2012 IFC. Fire Marshall DeKorte, who has been working on this issue, was present to answer questions from the Board.

Musselman moved, Mosier seconded, to approve, on First Reading, 2012 International Fire Code, by reference, into the Township's Codified Ordinance.

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

REPORTS &
COMMENTS

Manager Taylor reported the following: DTN, developer of The Quarry on Clark Road, has their Occupancy Permit, with much hard work by staff and C2AE to move this process weeks ahead of the normal acceptance timeline; the old Chips building in the southern tier has been demoed and seeded; the Meadows Celebration is this Friday; staff has been working towards a goal to identify senior citizen service options and staff will be working with the Eyde Company,

who is also engaged in identifying senior service needs in the Township; a negotiated agreement has been reached on the Stoll Road pit restoration with said agreement addressing the four primary objectives identified.

Treasurer Daggy reported that DARA Director Clay Summers has resigned as he has accepted other employment. She explained that Amy has recently been replaced also, so DARA staff and the DARA Board will continue the hiring process to replace the Director position.

Trustee Ross stated that he will be absent for tomorrow's SCCMUA meeting and Next Michigan Development Corporation meeting for Wednesday has been cancelled.

Trustee Balzer reported that she will be absent for the July 28th meeting.

EXTENDED PUBLIC
COMMENT

Supervisor Galardi called for Public Comment, noting that the Board will not be engaging with those commenting, specifically on the Heritage Glen issue, but those present are certainly offered the opportunity to comment on any item of Township interest.

Meredith Miller, 1349 Poppy Lane, stated that she and her husband have contacted the Clerk about the process and some of their questions have been answered this evening with information from the attorney. She stated that she is opposed to proceeding with this project.

Rick Domeyer, 1480 Sanborn Drive, stated that like his cable bill, he fears that the original amount discussed will turn into something much larger. He stated that his question is how much will this really cost? He asked about the permit, questioning whether a new permit or permit extension will be needed, and when the pond will be refilled. He noted that this area was a wetland when he bought his property, not a pond.

Jack Miller, 1349 Poppy Lane, stated that he has learned this evening that the Township Board is not the proper venue for this issue, and the petitioners should be told to go elsewhere.

Brian Droste, 1473 Wellman Road, made the following points: 1)he owns two lots in Heritage Glen, and he is a member of the Homeowners Association Board; 2)his major reason for supporting the petitioner's request is that properties in the subdivision and on the pond have lost value since their purchase, and his objective is to protect property values within the subdivision 3)he will continue to support and pursue this solution.

Ken Pung, 14780 Boichot, spoke to the negotiated settlement for the Stoll Road Pit reported by Manager Taylor this evening. He stated that he was contacted by, and met with, Manager Taylor and Clerk Mosier regarding this negotiated settlement agreement. He made the following points: 1)he does not understand why the Township does not go to the judge and defend the original site restoration plan 2)each time MacKenzie amended or renewed the SUP, the elevations changed, and now they are changing again with this proposed settlement 3)he does not think this negotiated settlement is responsive to his or the Township's needs, and he is at a loss for what to do about it.

ADJOURNMENT **Seeger moved, Daggy seconded, to adjourn at 8:40 pm. Motion voted and carried.**

Respectfully submitted,

Diane Mosier, Clerk

Rick Galardi, Supervisor