

Chair
Adam Bertram
Vice-Chair
Bruce Keilen
Secretary
Tim Fair
Commissioners
Steve Musselman, Trustee
Dale Dailey
Marsha Zimmerman
Steve Gobbo
Abby Lorenzen
Kristen Krol



1401 W. Herbison Road
DeWitt, Michigan 48820
Phone 517.669.6576
Fax 517.669.6496
www.dewitttownship.org

Township Planner
Tory Niewiadomski

Township Planner
Brett Wittenberg

Recording Secretary
Linda K. Parkinson

**PLANNING COMMISSION
MINUTES
MONDAY, JULY 7, 2014**

The regularly scheduled meeting of the DeWitt Charter Township Planning Commission was called to order at 7:00 p.m. by Chairman Bertram.

The Pledge of Allegiance to the Flag was said by those present.

ROLL CALL by Secretary Fair.

MEMBERS PRESENT: Adam Bertram, Dale Dailey, Kristen Krol, Steve Gobbo, Abby Lorenzen, Tim Fair, Trustee Musselman.

MEMBERS ABSENT: Marsha Zimmerman and Bruce Keilen.

STAFF PRESENT: Township Planner Brett Wittenberg and Recording Secretary Linda Parkinson.

APPROVAL OF AGENDA: **Fair moved to approve the Agenda as presented. Supported. MOTION CARRIED.**

APPROVAL OF MINUTES **Fair moved to approve the minutes of the June 2, 2014 meeting as printed. Supported. MOTION CARRIED.**

CORRESPONDENCE: 2014 Appreciation Picnic Information was received and noted by the Planning Commission.

2014 Meadows Celebration flyers were received and noted by the Planning Commission.

PUBLIC COMMENTS: None.

UNFINISHED BUSINESS:

I. Proposed Ordinance Amendment 42.5 – Sidewalk/Complete the Streets – Discussion

Township Planner Brett Wittenberg briefly reviewed staff's memorandum dated July 7, 2014. Wittenberg noted staff has taken the Township's current Sidewalk Ordinance and made changes to encompass everything that has been discussed to date.

Lengthy discussion and comment followed regarding the following topics:

Intent & Purpose

Wittenberg advised the entire Intent & Purpose section is newly added language. It did not previously exist.

Definitions

Wittenberg reviewed the Definitions Section.

Construction Requirements

Dailey stated he would question using firmly packed aggregate for shared use pathways.

Bertram stated there are certain crushed aggregates that provide a surface comparable to asphalt when it is compacted in a certain way.

There was brief discussion relating to perhaps specifying where crushed aggregate pathways could be placed as opposed to concrete.

Discussion followed regarding placement of sidewalks. Wittenberg advised that the Township currently refers to the Michigan Department of Transportation (MDOT) construction standards for sidewalks along public streets. This ordinance would have to address private streets as well.

Lorenzen questioned if a property owner was required to construct a shared use pathway rather than a sidewalk, would the property owner be entirely responsible for constructing the wider path.

Dailey stated the cost to upgrade to a pathway is a “community oriented thing”. An individual should not be responsible to pay for the added cost of a 10 foot wide pathway.

Lorenzen questioned if the Township has the funds to help with the construction costs of pathways. Someone may argue that the Township should also help pay for the cost of sidewalks because the public uses them as well.

Wittenberg stated funding of the projects was still being discussed.

Musselman questioned how it has been determined that a pathway or sidewalk is required.

Wittenberg advised that areas designated for pathways or sidewalks are identified in the Township’s Non-Motorized Transportation Plan.

Dailey stated he was part of the group that worked on the Non-Motorized Transportation Plan. The locations for shared use pathways were chosen for main corridors. He noted that he is supportive of the deferment process because the Township does not yet have a policy in place.

Lorenzen questioned why the Township would consider exemptions when the future growth of the community is uncertain. It would seem an extension of a deferment would make more sense.

Wittenberg concurred with Lorenzen. He noted there may be some site specific issues with a property that would make sense to consider an exemption.

With respect to Section 34-21 – Variances and Deferments, Wittenberg stated staff was looking to tighten up the exemption standards. The reason being, the Township has adopted a Non-Motorized Transportation Plan and has received grants for the shared use pathways. The Township is moving in the direction of providing non-motorized transportation rather than granting variances. There is some flexibility in the deferment process.

Gobbo stated he was surprised to see some of the language in the existing Sidewalk Ordinance. He suggested adding language related to a deferment so that it can be evaluated on an individual basis by the property. He also suggested further defining “Variances” and “Deferments”.

Gobbo noted that Section 34-21(a) refers to Section 34-20. It should actually refer to Section 34-3.1.

Staff concurred with Gobbo and will make the necessary change.

Gobbo noted Section 34-3.3(a) requires that all owners of lots and parcels abutting any dedicated street shall reserve enough access for bicycle lanes within the dedicated non-pavement right-of-way at the time of construction of any new principal building, or at the time of alteration of principal buildings on such lots or parcels that are specified as a bicycle lane route within the adopted township non-motorized transportation plan. He questioned how the property owner could reserve space when altering an existing principal building. Also, how can the Township avoid a “taking” situation in this type of scenario?

Wittenberg advised that further discussions with the Township Attorney will be necessary to assure this is not the case.

Bertram questioned who would absorb the cost of installing a sidewalk if a property owner is granted a deferment and the site becomes bighted and vacant.

Gobbo questioned if there should be an appeal process to being denied a deferment. Especially if a property within 300 ft., 500 ft., or 1,000 ft. of the site was granted a deferment first. He noted the first deferment could ask for an extension and then the denied person is totally precluded from obtaining a deferment.

Gobbo noted 34-3.3(b) states in the last sentence that the Township will construct the required bicycle lanes. He asked for clarification if the property owner or the Township will construct and pay for the bicycle lanes. There seems to be a disconnect between the beginning of subsection (b) and the last sentence in subsection (b).

Dailey stated he can envision having sidewalks and pathways in front of properties but cannot envision it with bicycle lanes.

Lorenzen questioned if a property owner refuses to provide what is required, would the Township install the required walkway/path and charge the property owner for the amount to install plus litigation fees.

Wittenberg advised the current language states that the sidewalk cost will be charged to the property owner.

Dailey suggested this section be simplified to state that the construction specifications can be obtained through the Building Department. This level of detail in an ordinance document seems extreme.

Wittenberg suggested perhaps a better spot for construction specifications might be in the subdivision regulations.

Gobbo referenced 34-25(10) stating that it would be difficult for the Township to hold the contractor responsible for damage to the concrete due to cold weather, especially if it is the property owner that would be hiring the contractor.

Maintenance Responsibilities

There was lengthy discussion related to who would be required to maintain the proposed sidewalks and pathways.

Wittenberg noted this ordinance language is in the very early stages. It will be quite some time before a final document will be ready for consideration of adoption.

Lorenzen questioned if she should get a notice saying she must repair her sidewalk within 90 days and after 90 days she does not, so the Township must come in and repair it, who would be liable for injuries that occur?

Wittenberg stated that staff will research that question. One option may be to follow the IPMC Civil Infraction process.

Snow Removal/Obstruction

Gobbo suggested that “business hours” and “significant snow event” be defined. Also maybe change “snow event” to “snow/ice event”.

Lorenzen stated perhaps all property owners should have their sidewalks cleared within 24 hours rather than try to figure out what category they fall under. Also, she questioned if the Township would clear snow for individuals that are physically unable to clear sidewalks in front of their homes.

Wittenberg stated some other jurisdictions clear the snow and the bill for the removal will show up on the property owner’s tax bill. There may be specific groups or organizations that would volunteer to clear their snow.

Gobbo stated it should be defined as to how people “certify” that they are physically unable to clear their walkways.

Lorenzen stated when you become a property owner it is a known expectation that you would be responsible for snow removal.

Wittenberg stated most of these violations will be complaint driven.

Discussion followed regarding whether the entire 10 ft width of a shared pathway would be required to be cleared.

Dailey questioned if the Township was ready to step up financially, and support more than they are doing today to regulate and administer this type of ordinance that would require more staff and funding.

Lengthy discussion followed regarding whether the Township would have the manpower and the funds to clear these proposed sidewalks/pathways/bike trails and the possibility of obtaining grant money.

In closing, Wittenberg advised the next step would be to obtain public input. The Planning Commission could review survey questions prior to the questionnaire going out.

Dailey stated it would be nice if staff could come up with a way to encourage the public to provide input that is more community focused rather than simply comment on what is proposed only in areas where they own specific property.

Bertram concurred with Dailey's comment.

Musselman also concurred with Dailey's comment. He suggested staff first provide a powerpoint presentation prior to the maps being shown. This might encourage community minded responses.

NEW BUSINESS: None

EXTENDED PUBLIC COMMENTS ON NON-AGENDA ITEMS: None.

REPORTS:

I. Trustee:

Trustee Musselman gave a brief report on business conducted and action taken at the regularly scheduled meetings of the Board of Trustees held on June 9, 2014 and June 23, 2014.

II. Zoning Board of Appeals:

Commissioner Gobbo advised there was no Zoning Board of Appeals meeting held on June 18, 2014 as no applications were filed.

III. Committees: None.

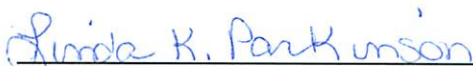
IV. Staff:

Township Planner Brett Wittenberg advised that an Emergency Alert Button has been installed under the desk of the Chairman's seat in case of any emergency arising.

DISCUSSION: None.

ADJOURNMENT:

Fair moved to adjourn the meeting at 8:52 p.m. Supported. MOTION CARRIED.


Linda K. Parkinson, Recording Secretary


Tim Fair, Secretary