

CALL TO ORDER:

Mayor Leeming called the Regular City Council Meeting to order at 7:18 pm. She led the pledge of allegiance.

ROLL CALL:

Council Members Present: Matt Cooper, Dave Hunsaker, Trevor VanDyke, Frank Waters, and Jennifer Whitman

Excused: Denise Donohue

STAFF:

Daniel Coss, Lisa Grysen, Bruce Ferguson, and Brian Goodenough, City Attorney

AUDIENCE:

Andy Joslyn, Spencer Lippert, Nicole Osgood-Badgero, James Styka, Paul Hartlieb, Loretta Spinrad, Karen Burns, and Stella Gallagher

AGENDA:

Motion by VanDyke, seconded by Waters and carried by unanimous vote of the Council that **the agenda be approved as presented.**

APPROVAL OF MINUTES:

Motion by VanDyke, seconded by Waters and carried by unanimous vote of the Council **to approve the minutes from the August 8, 2022, Regular City Council Meeting as presented.**

Motion by VanDyke, seconded by Waters and carried by unanimous vote of the Council **to approve the minutes from the August 8, 2022, Closed Session as presented.**

Motion by VanDyke, seconded by Whitman and carried by unanimous vote of the Council **to approve the minutes from the August 16, 2022, Special City Council Meeting as presented.**

PUBLIC COMMENT:

Loretta Spinrad, Memorial Association, thanked everyone for their help with the ox roast. This Festival is put on/organized by seven people. She received some complaints regarding no fireworks and no car show. City Council thanked her for her hard work.

Loretta also commented that she hopes that the City Council take a good look at the downtown parking issue.

Paul Hartlieb, 103 S. Bridge Street, commented on a great ox roast and has parking concerns also

Ted Mitchell, 117 S. Scott Street, commented on his concern that a child is going to get hit on Washington Street, near Furstenau School.

Cathy Mitchell, 117 S. Scott Street, commented on the 2-hour parking being enforced downtown. Customers frequenting the salons may not be done with their appointments in two hours.

Bill Sermak, Family Barber Shop, commented on the parking issue once the new building starts. The lot is currently being used as a parking lot and for special events. When this lot is no longer available, employees will be forced to park on the side streets.

CITY ADMINISTRATORS REPORT:

DEWITT DISTRICT LIBRARY UPDATE

Representatives from the Library Board will be attending a meeting in October to give Council an update on the Strategic Plan and Focus Group meetings on the future of the library.

FIRST DAY OF SCHOOL

DeWitt Public Schools' first day back in session is Monday, August 29. The school zone signs and traffic signals at East Geneva and Herbison will be activated back to the "school" schedule.

MARIHUANA CHARTER PROPOSAL

Clinton County Circuit Court Judge Barkman ruled in favor of the City of DeWitt on the Charter Petition submittal by Clinton County Cares. The Judge ruled in favor of the city on all components of the City Clerk's reasons for denying the petition. As of August 18, 2022, the group has not appealed Judge Barkman's decision. They have until August 22, 2022, to file an appeal.

LOCAL STREET RESURFACING

The local streets are expected to be substantially completed by Friday, August 19. The contractor has completed Larkwood and is planning to put the final layer of asphalt on in the Oaks on August 19. The contractor will have some minor restoration to complete but should have everything completed by the time school starts.

General Information Packet

- Huntington Econ Report
- Invoice Cloud Activity Report
- Accounts Payable Report 7/29-8/19

OLD BUSINESS:

None

NEW BUSINESS:

1. **Certificate of Proclamation - Constitution Week:**

The Daughters of the American Revolution has requested that the City of DeWitt proclaim the week of Saturday, September 17th through Friday, September 23rd as Constitution Week which marks 234 years since the adoption of the United States Constitution. In the past few years, the City has adopted this Proclamation.

Motion by VanDyke, seconded by Waters and carried by unanimous vote of the Council to **proclaim September 17th through September 23rd as Constitution Week in the City of DeWitt.**

2. Appointment to Board/Commission:

The following citizen(s) are being appointed to the respective committee assignment for the specified term:

Public Art Committee

Emily Frushour 108 Windy Rush Ln 12/31/2026

DeWitt Area Recreation Authority

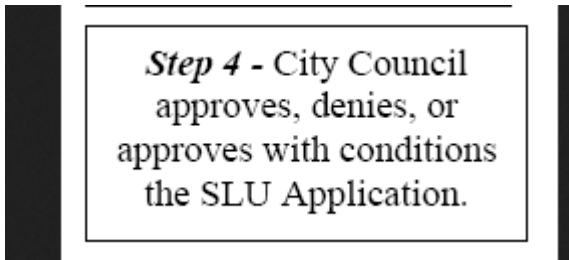
Stella Gallagher 110 N Logan St 12/31/2024

Motion by Cooper, seconded by Hunsaker and carried by unanimous vote of the Council **to Confirm Mayor Leeming’s appointment of Emily Frushour to the Public Art Committee and Stella Gallagher to DARA with terms expiring as outlined in the staff report.**

3. Special Land Use Request for 110 South Bridge Street:

City Council was provided for their review of the Special Land Use (SLU) request and accompanying reports for the 110 Lofts project at 110 South Bridge Street. The SLU request before City Council is a proposed mixed-use, combined office/residential, building to be constructed at 110 South Bridge Street.

The process for a Special Land Use request in the zoning ordinance requires the Planning Commission to hold a Public Hearing, make a recommendation to City Council, provide reasoning for the recommendation in the minutes, and forward the recommendation to City Council. City Council is the final step in the process. Step Four in the SLU process is highlighted below.



The Planning Commission approved a favorable recommendation for the Special Land Use request by AWJ Holding, Inc. to be forwarded to City Council. Attached are the minutes from the July 28, 2022, Planning Commission meeting for your review.

The Zoning Ordinance outlines the City Council review procedures as follows:

Sec. 78-236. - “a. Upon receipt of a report and summary of hearing comments from the planning commission, the City Council may hold an additional public hearing, if it considers a further hearing necessary, using the same hearing requirements as the hearing held before the planning commission. The City Council upon approval of an application for a special land use permit, shall authorize the development official to issue the permit subject to any conditions specified by the City Council.”

The Special Land Use ordinance does allow City Council to consider “conditions and safeguards”. Section 78-237 provides for the following:

- a. Before granting a special land use permit as required by this article, the City Council may impose reasonable conditions or limitations upon the establishment, location, construction, maintenance, or operation of the use authorized by the special land use permit as may be necessary for the protection of the public interest.
 - b. Such conditions may include those necessary to ensure that public services and facilities affected will be capable of accommodating increased demand and facility loads; to protect the natural environment and conserve natural resources and energy; to ensure compatibility with adjacent uses of land; to promote the use of land in a socially and economically desirable manner and be consistent with the general standards as established in this article and are necessary to meet the intent and purpose of the regulations contained in this article.
 - c. The conditions imposed shall be recorded in the minutes of the City Council and shall remain unchanged except upon mutual consent of the City Council and the owner of the property affected. The City Council shall record in its minutes any changes in conditions of approval of special land use permits.
 - d. Conditions and requirements stated as part of special land use permit authorization, including all plans, specifications, and statements submitted with the application for a special land use permit, shall be a continuing obligation of its holder. The development official shall make periodic investigations of uses authorized by special land use permits to determine compliance with all requirements.
 - e. Certification of compliance. At final inspection or at other appropriate times the development official shall certify whether all conditions and other requirements of the City Council in its approval of the special land use have been fulfilled.
 - f. An application for a special land use permit which had been denied wholly or in part by the City Council shall not be resubmitted until the expiration of one (1) year or more from the date of denial, except in the case of newly discovered evidence or changed conditions found to be sufficient to justify reconsideration by the City Council.
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The reports issued by the City Planner, Elizabeth Gunden, Beckett and Raeder, contain a detailed analysis of each of the General Requirements for a Special Land Use and Specific Requirements for a mixed-use building (combined office and residential) in the Central Business District. The Beckett and Raeder report is attached for City Council’s review. This report was presented to the Planning Commission as well.

The project does meet all the criteria of the General and Special provisions for Special Land Use requests as outlined in the Zoning Ordinance.

Representatives of the developer were in attendance to go over the Special Land Use request and answer any questions City Council may have.

Motion by Hunsaker, seconded by VanDyke and carried by unanimous vote of the Council **to approve the Special Land Use request by AWJ Holding, Inc for a mixed-use building, commercial-residential, at 110 South Bridge Street.**

4. Consumption of Alcohol in Right-of-Way for the US 27 Motor Tour Car Show:

City Ordinance Chapter 58, Article I, Section 58-1 Consumption of alcoholic liquor in public areas states: "The city may permit the consumption of beer, wine and alcoholic liquor in its designated municipally owned or controlled areas, other than public parks, for a limited time, by the issuance of a written license by the State of Michigan filed with the city clerk, upon written application to the city and approval by the city council and the chief of police or the designee of either of them."

The Downtown Development Authority (DDA) is requesting the approval of a street closure and approval to allow for the consumption of alcohol in accordance with the City ordinance for the US 27 Motor Tour Car Show on August 24, 2022. Each of the licensed establishments in the downtown district would be responsible for complying with the provisions of their license to determine if carry-out, off-premise consumption is permitted.

The limits of the consumption in the downtown would be Bridge Street from Washington to Madison, and Main Street from Scott Street to Market Street (see attached map) from 5:00-8:00 pm. Signage will be in place delineating the areas where the consumption of alcohol is permitted.

Chief Ferguson has reviewed the request and is satisfied with the proposed measures to keep the area safe and secure.

Motion by Hunsaker, seconded by VanDyke and carried by unanimous vote of the Council **to approve the DDA request to allow for the consumption of alcohol in the City right-of-way from 5:00-8:00 pm, August 24, 2022, on Bridge Street from Washington to Madison, and Main Street from Scott to Market, as outlined in the attached map dated August 22, 2022, in accordance with City Ordinance, Chapter 58, Article I, Section 58-1.**

COUNCIL STAFF REPORTS:

City Attorney:

- Nothing to report

City Clerk-Treasurer:

- Auditors were here last week

DARA:

- No Meeting

DAESA:

- Normal Business at the meeting

DDA:

- No Meeting

Planning:

- Meeting canceled

Parks:

- Meeting in October
- Playground equipment still scheduled for October

Police Chief:

- Spirit Race went well
- One lost child on Saturday
- One assault complaint on Friday
- Transformer blew on Saturday

Councilmember Hunsaker reminded everyone of the DALMAC coming thru DeWitt next weekend and that DeWitt will be playing Haslett at the Big House on Thursday

ADJOURNMENT:

Motion by VanDyke, seconded by Cooper and carried by unanimous vote of the Council that **the meeting is adjourned at 8:41 p.m.**

Respectfully submitted,

Lisa M. Grysen
City Clerk-Treasurer

Susan J. Leeming
Mayor