

**CHARTER TOWNSHIP OF DELTA**  
Public Meeting Room A  
Delta Township Administration Building  
7710 West Saginaw Highway  
Lansing MI 48917

**TOWNSHIP BOARD REGULAR MEETING MINUTES FOR  
MONDAY, APRIL 19, 2010**

**I. CALL TO ORDER**

Supervisor Fletcher called the meeting to order at 6:00 p.m.

**II. OPENING CEREMONIES – Pledge of Allegiance**

**III. ROLL CALL**

Members Present: Supervisor Ken Fletcher, Clerk Janice Vedder, Treasurer Howard Pizzo, and Trustees Jan Cunningham, Jeff Hicks, Barb Poma, and Cara Spagnuolo

Members Absent:

Others Present: Manager Richard Watkins, Senior Planner Gary Bozek, Lt. Jeff Campbell, Finance Director Jeff Anderson, Fire Chief Vic Hilbert, and Deputy Manager Jenny Wohlfert.

**IV. PRESENTATIONS AND PROCLAMATIONS**

**1. Grand Ledge Girls Gymnastics Team**

- a. 2010 Division 1 State Gymnastics Championship March 12, 2010

Supervisor Fletcher recognized the Grand Ledge Girls Gymnastics Team who won the Division 1 State Gymnastics Championship on March 12, 2010 which was the third consecutive Division 1 State Championship title for the team. The team had won 44 consecutive gymnastics meets. Mr. Fletcher recognized the fact that the coach of the team was Duane Haring of the Delta Township Fire Department.

**2. Lamonte Lator**

- a. 2009 Audit Report Presentation

Jeff Anderson, Township Finance Director, introduced Lamonte Lator, partner with the accounting firm of Maner Costerisan, who had prepared the Township's audit report for numerous years.

Mr. Lator referred to the opinion page of the audit report which stated that his firm had audited the financial statements of Delta Township in accordance with general accepted auditing standards. He noted that actual expenses were lower than what the Township had anticipated due to tight budgetary control. He reviewed the budgetary comparison schedule of the general fund which was the primary operating fund of the Township. Mr. Lator noted that the audit report provided a comparison of assets between 2008 and 2009 and the fact that the deferred revenue was down approximately 2% to 3% which was the Township's deferred tax revenue for 2010. He noted that taxes were fairly flat between 2008 and 2009 and that investment income had decreased, as well as State shared revenue. He noted that the total general government expenditures had decreased approximately \$45,000, but the public safety's fund expenditures had increased significantly due to the purchase of a new fire truck. The public works expenditures had increased due to the installation of sidewalks, as well as the paramedic fund expenditures due to the increase in ambulance runs and the purchase of a new vehicle.

Mr. Lator referred to one of the Township's larger expenditures being debt service. He noted that with a low return on investments, it was determined that it would be beneficial for the Township to pay off some of the Township's drain assessments rather than pay the higher interest rates. He noted that the water and sewer funds were major funds of the Township. It was noted that user fees had decreased approximately \$350,000 with an operating loss of approximately \$1.7 million. A portion of that was depreciation of approximately \$1.9 million which was a non-cash expense. Mr. Lator indicated that non-operating revenues and expenditures showed that investment income decreased from \$507,000 to \$132,000. He referred to the Township's water fund by noting that water usage had decreased which resulted in a decrease of revenues with an operating income of \$341,000. However, he noted that the water fund made approximately \$198,000.

Mr. Lator referred to the Management's Discussion and Analysis contained in the audit report which provided a high level view of the Township's finances. He said the audit report also provided a full accrual of financial statements showing how the Township's net assets changed during the most recent fiscal year. A summary of last year's assets compared to this year's assets indicated that the Township had net assets of \$105 million, with \$68 million being the net liability related to fixed assets. Mr. Lator indicated that capital grants and contributions decreased significantly due to the lack of new construction. Property tax revenues had decreased approximately 7% during the year, most of which was due to the fire station bond expiration. Mr. Lator indicated that the Township's expenses had increased 6/10ths of 1% which he felt was very good. He noted that the Township had lost \$776,000 on an accrual basis for the total Township last year, but that was due to the slow-

down of the economy, a drop in charges for services, and a drop in investment earnings due to low interest rates and deteriorating market conditions.

**V. SET/ADJUST AGENDA**

TRUSTEE CUNNINGHAM MOVED THAT THE AGENDA BE APPROVED AS PRESENTED.

TRUSTEE POMA SUPPORTED THE MOTION. MOTION PASSED 7 TO 0.

**VI. PUBLIC HEARINGS AND ACTION**

**3. Delta Township Post Office Closing**

Mike Loughnane, was present to represent the US Post Office. He introduced local station manager Gordon Wood and operations manager Jean Healey. Mr. Loughnane said the reason why they were present this evening was to discuss the relocation of their existing retail store behind the Lansing Mall to their existing facility on Michigan Avenue. Mr. Loughnane noted that the postal service was having the same kind of financial difficulties as everyone else and that the financial losses the postal service had experienced in recent years were dramatic. He noted that the postal service had eliminated over 150,000 positions since 2000 due to declining revenue associated with declining mail volume. He indicated that today's technology and instantaneous communication methods were putting a lot of stress on the mail system. He noted that the post master was reviewing the postal service's entire operational system throughout the United States and consolidating where possible. He noted that the Delta Branch location behind the Lansing Mall was a leased facility which resulted in a substantial amount of rent being paid on an annual basis. Mr. Loughnane indicated that when the lease agreement expired at the end of August, their retail operation would be moved to the Michigan Avenue facility.

Supervisor Fletcher noted that in the past, the Michigan Avenue facility had experienced traffic congestion and insufficient parking issues.

Mr. Loughnane said due to the decline in mail and customer volumes, he didn't feel there would be a problem. However, he said if a problem arose at the Michigan Avenue facility, there was property available on either side of the post office they could lease for the expansion of parking.

Trustee Poma inquired as to whether the Michigan Avenue facility would be set up similar to what it was in the past.

Mr. Loughnane indicated that due to the decline in customer volume, the retail area within the building would be substantially smaller.

Clerk Vedder said in the past, the Township had been interested in either having their own zip code or differentiating between Delta Township and Lansing as a mailing address. She said Township residents had expressed concerns with inadvertently paying City of Lansing taxes, higher insurance premiums due to the zip code they resided in, or problems understanding which municipality provided their services.

Gordon Wood indicated that it would not be possible to change the Township's zip code. He noted that zip codes were created for use by the post office service and were not created for the type of uses various agencies used them for. However, Mr. Wood indicated that he could look into the possibility of inserting a second line that would identify the Township as Delta.

There was no public comment.

**VII. COMMUNICATIONS – None**

**VIII. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA - None**

**IX. INTRODUCTION OF ORDINANCES - None**

**X. PASSAGE OF ORDINANCES**

- 4. Adoption of Proposed Amendments to the Delta Township Code of Ordinances, Sidewalk Variances** – The Planning Department recommends that the Township Board adopt the amended text to Section 15-5-29 b of the Township's Code of Ordinances authorizing the establishment of a fee for the filing of a sidewalk variance application.

TREASURER PIZZO MOVED THAT THE DELTA TOWNSHIP BOARD AMEND SECTION 15-5-29 B OF THE TOWNSHIP'S CODE OF ORDINANCES AUTHORIZING THE ESTABLISHMENT OF A FEE FOR THE FILING OF A SIDEWALK VARIANCE APPLICATION AS FOLLOWS:

(B) A VARIANCE REQUEST SHALL BE FILED BY THE PROPERTY OWNER OR THEIR DESIGNATED AGENT. AN APPLICATION FOR A VARIANCE SHALL BE SUBMITTED TO THE TOWNSHIP CLERK ON A SPECIAL FORM FOR THAT PURPOSE. APPLICATIONS SHALL BE SUBMITTED AT LEAST TWO WEEKS IN ADVANCE OF A REGULAR MEETING OF THE TOWNSHIP BOARD. A FEE, AS ESTABLISHED BY THE TOWNSHIP BOARD, SHALL BE SUBMITTED WITH THE VARIANCE APPLICATION.

THE TOWNSHIP CLERK IS HEREBY DIRECTED TO PUBLISH A NOTICE OF ADOPTION OF THE AMENDMENT IN LOCAL NEWSPAPERS AND THE AMENDMENTS SHALL BECOME EFFECTIVE UPON PUBLICATION.

TRUSTEE SPAGNUOLO SUPPORTED THE MOTION.

ROLL CALL:

AYES: TRUSTEE CUNNINGHAM, SUPERVISOR FLETCHER,  
TRUSTEE HICKS, TREASURER PIZZO, TRUSTEE POMA,  
TRUSTEE SPAGNUOLO, AND CLERK VEDDER

NAYS: NONE

ABSENT: NONE

MOTION PASSED 7 TO 0.

- 5. Adoption of Proposed Amendments to the Delta Township Code of Ordinances, Parking** - The Planning Department recommends that the Township Board adopt the proposed amendments to Section 17-49 of the Township Code of Ordinances.

TRUSTEE HICKS MOVED THAT THE DELTA TOWNSHIP BOARD DELETE THE EXISTING TEXT IN SECTION 17-49 OF THE DELTA TOWNSHIP CODE OF ORDINANCES AND INSERT THE PROPOSED TEXT AS FOLLOWS:

DELETE EXISTING TEXT IN SECTION 17-49. PARKING

PROPOSED TEXT FOR SECTION 17-49. PARKING

NO PERSON, INDIVIDUAL, FIRM, PARTNERSHIP, OR CORPORATION SHALL PARK THE FOLLOWING UPON PUBLIC STREETS WITHIN THE CORPORATE LIMITS OF THE CHARTER TOWNSHIP OF DELTA:

- (1) A VEHICLE WITH THREE OR MORE AXLES.
- (2) A VEHICLE WITH A GROSS VEHICLE WEIGHT RATING (GVWR) EXCEEDING 10,000 POUNDS.
- (3) A VEHICLE WHICH EXCEEDS 12 FEET IN HEIGHT OR 35 FEET IN LENGTH.

THE PROPOSED TEXT FOR SECTION 17-49 WOULD PROHIBIT THE PARKING OF VEHICLES ON PUBLIC STREETS WHICH HAVE THREE OR

MORE AXLES, A GROSS VEHICLE WEIGHT RATING EXCEEDING 10,000 LBS., OR EXCEED A HEIGHT OF 12 FT. OR A LENGTH OF 35 FT. THE TOWNSHIP CLERK IS HEREBY DIRECTED TO PUBLISH A NOTICE OF ADOPTION OF THE AMENDMENTS IN LOCAL NEWSPAPERS AND THE AMENDMENTS SHALL BECOME EFFECTIVE UPON FINAL PUBLICATION.

TRUSTEE POMA SUPPORTED THE MOTION.

ROLL CALL:

AYES: SUPERVISOR FLETCHER, TRUSTEE HICKS, TREASURER PIZZO, TRUSTEE POMA, TRUSTEE SPAGNUOLO, CLERK VEDDER, AND TRUSTEE CUNNINGHAM

NAYS: NONE

ABSENT: NONE

MOTION PASSED 7 TO 0.

- 6. Adoption of Proposed Amendments to the Delta Township Zoning Ordinance, Case No. 1-10-2** - The Planning Department recommends that the Delta Township Board adopt the amended text of the Delta Township Zoning Ordinance identified as Case No. 1-10-2.

TRUSTEE HICKS MOVED THAT THE DELTA TOWNSHIP BOARD AMEND THE TEXT OF THE DELTA TOWNSHIP ZONING ORDINANCE IDENTIFIED AS CASE NO. 1-10-2. THE PROPOSED AMENDMENTS WOULD PROHIBIT THE PARKING OF VEHICLES WITH THREE OR MORE AXLES, VEHICLES THAT EXCEED A HEIGHT OF 12 FT. OR A LENGTH OF 35 FT. AND A LIST OF OTHER SELECTED VEHICLES FROM PARKING ON A RESIDENTIALLY ZONED PROPERTY AS FOLLOWS:

SECTION 22.9.0 PARKING RESTRICTIONS

A. VEHICLE PARKING IN RESIDENTIAL ZONING DISTRICTS:

- (1) THE PARKING OR STORAGE OF THE FOLLOWING UPON PRIVATE PROPERTY SHALL BE PROHIBITED IN THE RA, RB, RC, RD AND RE ZONING DISTRICTS:
  - (A) A VEHICLE WITH THREE OR MORE AXLES.
  - (B) A VEHICLE WHICH EXCEEDS 12 FEET IN HEIGHT OR 35 FEET IN LENGTH.

- (C) VEHICLES INCLUDING, BUT NOT LIMITED TO A CONSTRUCTION VEHICLE, TRUCK TRACTOR, SEMI-TRAILER, GARBAGE TRUCK, CRANE, TOW TRUCK, FLATBED CAR HAULER, DUMP TRUCK, BACKHOE, LOADER/EXCAVATOR, TREE TRIMMING EQUIPMENT, VEHICLES DESIGNED TO TRANSPORT SIXTEEN (16) OR MORE PEOPLE (INCLUDING THE DRIVER) AND VEHICLES FOR HIRE DESIGNED TO CARRY EIGHT (8) OR MORE PEOPLE (INCLUDING THE DRIVER).
- (D) VEHICLES THAT ARE BEING USED IN THE NORMAL COURSE OF MAKING ROUTINE SERVICE CALLS ARE EXEMPT FROM THE PARKING PROHIBITION AS WELL AS EQUIPMENT TEMPORARILY PERFORMING CONSTRUCTION WORK.

TRUSTEE SPAGNUOLO SUPPORTED THE MOTION.

ROLL CALL:

AYES: TRUSTEE HICKS, TREASURER PIZZO, TRUSTEE POMA, TRUSTEE SPAGNUOLO, CLERK VEDDER, TRUSTEE CUNNINGHAM, AND SUPERVISOR FLETCHER.

NAYS: NONE

ABSENT: NONE

MOTION PASSED 7 TO 0.

#### **XI. CONSENT AGENDA**

TRUSTEE POMA MOVED THAT THE CONSENT AGENDA BE APPROVED AS SUBMITTED.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION.

ROLL CALL:

AYES: TREASURER PIZZO, TRUSTEE POMA, TRUSTEE SPAGNUOLO, CLERK VEDDER, TRUSTEE CUNNINGHAM, SUPERVISOR FLETCHER, AND TRUSTEE HICKS.

NAYS: NONE

ABSENT: NONE

MOTION PASSED 7 TO 0.

- 7. Minutes** – March 8, 2010 Committee of the Whole Meeting and March 15, 2010 Regular Board Meeting.

TRUSTEE POMA MOVED THAT THE MARCH 8, 2010 COMMITTEE OF THE WHOLE MEETING AND THE MARCH 15, 2010 REGULAR BOARD MEETING MINUTES BE APPROVED AS SUBMITTED.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION. MOTION PASSED 7-0.

**8. Bills & Financial Transactions**

TRUSTEE POMA MOVED THAT THE BILLS & FINANCIAL TRANSACTIONS IN THE AMOUNT OF \$3,142,764.85 BE APPROVED.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION. MOTION PASSED 7-0.

- 9. St. Gerard's Amusement/Entertainment Permit & Noise Ordinance Waiver** – The Clerk's Office and Manager's Office recommends that the Township Board grant an amusement and entertainment license to St. Gerard Church for their annual festival that is scheduled to take place on Saturday, May 1, 2010, and further grant a waiver to the Delta Township Noise Ordinance as requested.

TRUSTEE POMA MOVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA APPROVE THE REQUEST BY ST. GERARD CHURCH FOR A WAIVER OF THE NOISE ORDINANCE BETWEEN THE HOURS OF 8:30 P.M. AND 11:30 P.M. ON MAY 1, 2010.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION. MOTION PASSED 7-0.

TRUSTEE POMA MOVED THAT THE DELTA TOWNSHIP BOARD GRANT AN AMUSEMENT AND ENTERTAINMENT LICENSE TO ST. GERARD'S CHURCH TO HOLD THEIR ANNUAL FESTIVAL BETWEEN THE HOURS OF 8:00 A.M., SATURDAY, MAY 1, 2010, AND CONCLUDING AT 1:00 A.M., SUNDAY, MAY 2, 2010, AND FURTHER

THE AMUSEMENT AND ENTERTAINMENT PERMIT IS GRANTED SUBJECT TO THE FOLLOWING STIPULATIONS:

- 1) THAT ALL OTHER TOWNSHIP ORDINANCES AND REGULATIONS BE ADHERED TO;

- 2) THAT THE FIRE MARSHALL AND ELECTRICAL INSPECTOR WILL PERFORM INSPECTIONS IF REQUIRED AFTER FESTIVAL SET UP;
- 3) FURTHER, THAT THE FEE FOR THE AMUSEMENT & ENTERTAINMENT LICENSE HAS BEEN WAIVED.
- 4) THE APPLICANT OF THE FESTIVAL SHALL BE RESPONSIBLE FOR ALL OPERATIONAL REQUIREMENTS STATED IN SECTION 3-108 OF THE AMUSEMENT & ENTERTAINMENT ORDINANCE.
- 5) THE APPLICANT OF THE FESTIVAL SHALL BE RESPONSIBLE FOR CONTAINING ALL PARKING FOR THE FESTIVAL WITHIN THE CHURCH PROPERTY; AND
- 6) THE HOURS OF OPERATION FOR THE FESTIVAL SHALL BE SATURDAY, MAY 1, 2010, FROM 8 A.M. THRU SUNDAY, MAY 2, 2010 AT 1:00 A.M.

TRUSTEE CUNINGHAM SUPPORTED THE MOTION. MOTION PASSED 7-0.

- 10. Approve Township Manager's Contract** – The Township Supervisor recommends the Township Board approve a three year employment contract for the Township Manager with the Charter Township of Delta.

TRUSTEE POMA MOVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA AGREE TO A (3) THREE YEAR EMPLOYMENT CONTRACT BETWEEN THE CHARTER TOWNSHIP OF DELTA AND RICHARD A. WATKINS. THIS CONTRACT WILL BE EFFECTIVE MAY 1, 2010 THROUGH MAY 1, 2013.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION. MOTION PASSED 7-0.

- 11. Waiver of Lien, Deed of Grant, and Easement Grant – Delta Center Elementary School** – The Engineering Department recommends the Township Board accept the Waiver of Lien, Deed of Grant, and Easement Grant for the water facilities installed to serve the Delta Center Elementary School site at 305 South Canal Road.

TRUSTEE POMA MOVED THAT THE DELTA TOWNSHIP BOARD ACCEPT THE WAIVER OF LIEN, DEED OF GRANT, AND EASEMENT GRANT FOR THE WATER FACILITIES INSTALLED TO SERVE THE DELTA CENTER ELEMENTARY SCHOOL SITE IN THE SOUTHWEST QUARTER OF SECTION 15 OF DELTA TOWNSHIP AT 305 SOUTH CANAL ROAD, AND FURTHER, THAT SAID WATER FACILITIES BE ACCEPTED INTO THE DELTA TOWNSHIP

WATER SYSTEM, AND THAT APRIL 19, 2010 BE ESTABLISHED AS THE DATE OF ACCEPTANCE.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTIN. MOTION PASSED 7-0.

TRUSTEE POMA MOVED THAT THE DELTA TOWNSHIP BOARD APPROVE THE RELEASE OF WATER EASEMENT PERTAINING TO THE DELTA CENTER ELEMENTARY SCHOOL SITE IN THE SOUTHWEST QUARTER OF SECTION 15 OF DELTA TOWNSHIP AT 305 SOUTH CANAL ROAD, AND FURTHER, THAT THE TOWNSHIP SUPERVISOR AND CLERK BE AUTHORIZED AND DIRECTED TO EXECUTE SAID DOCUMENT.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION. MOTION PASSED 7-0.

**XII. ITEMS REMOVED FROM CONSENT AGENDA FOR DISCUSSION**

**XIII. ITEMS ADDED TO AGENDA UNDER SECTION V. SET/ADJUST AGENDA**

12.

13.

**XIV. ITEMS OF BUSINESS**

14. **Approve Michigan Mutual Aid Box Alarm System (MABAS) Agreement -**  
The Fire Department recommends the Township Board approve the MABAS Agreement between the communities of Lansing, East Lansing, Meridian Township, Delhi Township, and Delta Township.

Trustee Cunningham indicated that when this item was first brought before the Board in March, she questioned the fact that the agreement didn't address mutual aid in excess of eight hours. She noted that the explanation the Board had been provided with from the Fire Chief via e-mail made sense, but she felt it was important to point out that the agreement was silent on this matter.

Chief Hilbert said MABAS was an alarm activation process. He noted that the first eight hours would be the responsibility of the group that responded from a division. He said Lansing would become a division of five entities and only 20% of the Township's assets would ever go out of the community. Mr. Hilbert noted that all of the communities would keep their assets except for 20% which would be divided among a particular division. Mr. Hilbert used the example that if Lansing was called to Detroit for a major incident and there weren't federal or State funds available, the division would bill the City of Detroit for all expenses. He noted that the third party would be the jurisdiction that was requesting services where the incident was of such a magnitude out of the control of the local community, that they would have to bear the

expenses of those services as a division. He noted that a division was made up of Lansing, East Lansing, Delta Township, Delhi Township, and Meridian Township. He noted that Meridian Township was currently the billing agent since Township's had the authorization to bill for their services versus cities that couldn't always bill for these services. Mr. Hilbert noted that in the last 25 years, the Township had never been called outside of their normal mutual aid response area and that the MABAS agreement was something to be used for more of a catastrophic nature.

Trustee Hicks questioned why this wasn't addressed in the contract.

Mr. Hilbert said the MABAS agreement was a smaller portion of a larger agreement that would go State wide and that it fell under the Michigan Emergency Management Compact (MEMC) agreement which the Township was already a member of.

Trustee Hicks said he was still concerned with the fact that the agreement was completely silent on this matter. He felt this was an opportunity for the agreement to be corrected.

Trustee Cunningham said the agreement didn't state that the Township could bill an outside jurisdiction or that the jurisdiction would have to reimburse the Township.

Mr. Hilbert felt the reason why the agreement was set up this way was due to the fact that the MABAS agreement was a mobilization concept that had been placed on the entire State for all of the jurisdictions that had become part of the divisions around the State. He said the actual immobilization of resources went through the State Police and Emergency Management, as well as the MEMC which was an agreement the Township had with the State. He noted that the Township didn't have to respond, but if we chose to respond, it was a limited response of 20% of the Township's assets that would leave the area.

Supervisor Fletcher questioned how many other units of government had approved the contract.

Mr. Hilbert noted that when he had spoken to Trent Adkins, Director of Emergency Management for the City of Lansing and member of the Board of Directors for MABAS, he had indicated that this system had been developing throughout the State over the past year. Mr. Hilbert indicated that the area of Troy and Detroit, Michigan already had several divisions in place and that he believed there were at least 10 divisions in place at the present time. He noted that this was an on-going process of developing some kind of a structure so that the State Police or the State's Emergency Management could mobilize

these assets. He noted that the MABAS agreement didn't address financial issues.

Mr. Watkins suggested that the Board postpone this matter so that additional information could be obtained.

TRUSTEE HICKS MOVED THAT THE BOARD POSTPONE THE APPROVAL OF THE MICHIGAN MUTUAL AID BOX ALARM SYSTEM (MABAS) AGREEMENT.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION. MOTION PASSED 7-0.

- 15. Resolution to Set a Fee of \$265 for a Sidewalk Variance Application** - The Planning Department recommends the Township Board adopt a resolution to set a fee of \$265 for a sidewalk variance application.

TRUSTEE SPAGNUOLO MOVED THAT THE DELTA TOWNSHIP BOARD ADOPT A FEE OF \$265 FOR FILING A SIDEWALK VARIANCE APPLICATION. THE TOWNSHIP CLERK IS INSTRUCTED TO PUBLISH THIS FEE IN A LOCAL NEWSPAPER.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION. MOTION PASSED 7-0.

- 16. Resolution to Establish Two Receiving Boards for the Primary and General 2010 Elections** - The Clerk's Office recommends the Township Board adopt a resolution to establish two receiving boards for the August 3, 2010 election and the November 2, 2010 election, in accordance with the Michigan Election Law.

CLERK VEDDER MOVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA ESTABLISH TWO RECEIVING BOARDS FOR THE AUGUST 3 & NOVEMBER 2ND ELECTIONS. THE RECEIVING TEAMS SHALL CONSIST OF 2 ELECTION INSPECTORS OF OPPOSITE PARTIES AND SHALL BE APPROVED BY THE ELECTION COMMITTEE. THE RECEIVING TEAMS WILL OPEN THE SEALED ENVELOPES TO REVIEW THE POLL BOOK AND STATEMENT OF VOTES TO DETERMINE THE FOLLOWING:

- (1) BALLOT CONTAINER PROPERLY SEALED AND SEAL NUMBER IS PROPERLY RECORDED IN POLL BOOK AND ON STATEMENT OF VOTES. IF BALLOT CONTAINER IS NOT PROPERLY SEALED OR THERE IS A DISCREPANCY WITH SEAL NUMBER RECORDED IN POLL BOOK OR ON STATEMENT OF VOTES,

THE PRECINCT ELECTION INSPECTORS WHO DELIVERED THE BALLOT CONTAINER AND THE RECEIVING TEAM BOARD MEMBERS WILL TOGETHER TAKE NECESSARY STEPS TO CORRECT THE DISCREPANCY. THE DISCREPANCY IF ANY SHALL BE NOTED IN THE REMARKS SECTION OF POLL BOOK AND ALL INSPECTORS MUST SIGN NOTATION.

- (2) THE NUMBER OF INDIVIDUALS VOTING RECORDED IN POLL BOOK EQUALS NUMBER OF BALLOTS ISSUED TO VOTERS AS SHOWN IN STATEMENT OF VOTES.
- (3) IF THE POLL BOOK OR STATEMENT OF VOTES HAS BEEN MISTAKENLY SEALED IN BALLOT CONTAINER, THE ELECTION INSPECTORS MAY OPEN THE BALLOT CONTAINER AND REMOVE THE POLL BOOK AND/OR STATEMENT OF VOTES. THE PRECINCT INSPECTORS RECEIVING BOARD INSPECTORS SHALL NOTE THE CORRECTIVE ACTION IN REMARKS SECTION OF POLL BOOK AND ALL SIGN NOTATION BEFORE PLACING POLL BOOK AND STATEMENT OF VOTES IN SEPARATE SEALED ENVELOPE.
- (4) AFTER RECEIVING BOARD HAS COMPLETED REVIEW THE RECEIVING BOARD SHALL PLACE THE POLL BOOK AND STATEMENT OF VOTES IN THE APPROPRIATE ENVELOPE, SEALED WITH RED PAPER SEAL FOR DELIVERY TO COUNTY CLERK.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION. MOTION PASSED 7-0.

17. **Proposed Rate Increase for Water and Sanitary Sewer Service** - The Manager's Office recommends the Township Board approve a 5% rate increase for water and a 2% rate increase for sanitary sewer to be effective May 1, 2010.

TRUSTEE POMA MOVED THAT THE TOWNSHIP BOARD APPROVE A RATE INCREASE OF 5% FOR WATER AND 2% FOR SANITARY SEWER TO BE EFFECTIVE MAY 1, 2010.

TRUSTEE SPAGNUOLO SUPPORTED THE MOTION. MOTION PASSED 7-0.

Trustee Hicks wanted the record to reflect that the Township was attempting to lessen the effects on its customers from proposed rate increases for water from the Board of Water & Light.

- 18. Right of Way Deed to Michigan Department of Transportation (MDOT) –** The Engineering Department recommends that the Township Board grant the right of way deed to MDOT for the reconstruction of Saginaw Highway (M-43) and Canal Road.

TREASURER PIZZO MOVED THAT THE CHARTER TOWNSHIP OF DELTA GRANT THE DEED TO MDOT FOR THE RECONSTRUCTION OF SAGINAW HIGHWAY (M-43) AND CANAL ROAD AND FURTHER, THAT THE TOWNSHIP SUPERVISOR AND CLERK BE AUTHORIZED AND DIRECTED TO EXECUTE SAID DEED.

TRUSTEE SPAGNUOLO SUPPORTED THE MOTION. MOTION PASSED 7-0.

- 19. Land Purchase from Howard E. Hunter Trust No. 1 -** The Manager's Office recommends the Township Board approve the purchase agreement between the Township and Thomas A. Hunter, Successor Trustee of the Howard E. Hunter Trust No. 1. The land will be used as park land.

Mr. Watkins said the property consisted of 30.7 acres. He noted that the Township was purchasing the property with sanitary sewer funds because a land swap would be made with park land for the expansion of the Township's treatment facility.

TRUSTEE POMA MOVED THAT THE CHARTER TOWNSHIP OF DELTA APPROVE THE LAND TRANSACTION AGREEMENTS BETWEEN THE TOWNSHIP AND HOWARD E. HUNTER TRUST NO. 1 AND FURTHER, THAT THE TOWNSHIP MANAGER BE AUTHORIZED AND DIRECTED TO EXECUTE THE AGREEMENTS, AND FURTHER THAT THE TOWNSHIP MANAGER IS AUTHORIZED AND DIRECTED TO EXECUTE THE DEEDS AT THE CLOSING.

CLERK VEDDER SUPPORTED THE MOTION. MOTION PASSED 7-0.

- 20. Approve Land Donation Agreement from Howard & Judith Hedlund –** The Manager's Office recommends the Township Board approve the land donation agreement from Howard and Judith Hedlund and further authorize the Township Manager to execute the agreement.

CLERK VEDDER MOVED THAT THE CHARTER TOWNSHIP OF DELTA APPROVE THE LAND DONATION AGREEMENTS BETWEEN THE TOWNSHIP AND HOWARD S. AND JUDITH H. HEDLUND AND FURTHER, THAT THE TOWNSHIP MANAGER BE AUTHORIZED AND DIRECTED TO EXECUTE THE AGREEMENTS, AND FURTHER THAT THE TOWNSHIP

MANAGER IS AUTHORIZED AND DIRECTED TO EXECUTE THE DEEDS AT THE CLOSING.

TRUSTEE POMA SUPPORTED THE MOTION. MOTION PASSED 7-0.

Mr. Watkins noted that this property was located adjacent to the Hunter Park property and the property the Township had just purchased from the Hunter Trust.

- 21. Additional Credited Service for Michael Ruster, Fire Department** – The Manager’s Office recommends the Township Board approve the request to grant an additional 26 months credited service as provided in the MERS Plan Document.

Mr. Watkins noted that the Township’s agreement with MERS permitted the firefighters to purchase five additional years service with approval from the Township Board. He noted that Mr. Ruster had requested to purchase 26 additional credited services.

TRUSTEE HICKS MOVED THAT AS PROVIDED BY THE MERS PLAN DOCUMENT, THE TWENTY-SIX (26) MONTHS ADDITIONAL CREDITED SERVICE IS GRANTED THIS MEMBER BY RESOLUTION ADOPTED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA AT ITS MEETING ON APRIL 19, 2010. IT IS UNDERSTOOD THAT CALCULATION OF THE ACTUARIAL COST IS BASED ON THE ASSUMPTIONS APPROVED BY THE MERS RETIREMENT BOARD ON THE DATE THE CALCULATION WAS PREPARED. ACTUAL, FUTURE EVENTS AND EXPERIENCE MAY RESULT IN CHANGES DIFFERENT FROM THOSE ASSUMED, AND LIABILITY DIFFERENT FROM THAT ESTIMATED, AND FURTHERMORE, THE EMPLOYEE (MICHAEL RUSTER) WILL BE RESPONSIBLE AND IS REQUIRED TO PAY THE FULL COST OF THE PURCHASE FOR THE CREDITED SERVICE.

TRUSTEE POMA SUPPORTED THE MOTION. MOTION PASSED 7-0.

- 22. Road Improvement Agreement** – The Manager’s Office recommends the Township Board approve the agreement for road improvement for the project to reconstruct, widen, and resurface Nixon Road and the intersection of St. Joseph Highway and Nixon Road.

TRUSTEE POMA MOVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA APPROVE THE TOWNSHIP REQUEST AND AGREEMENT FOR ROAD IMPROVEMENT TO RECONSTRUCT, WIDEN, AND RESURFACE NIXON ROAD AND THE INTERSECTION OF ST. JOSEPH HIGHWAY AND NIXON ROAD AS PRESENTED IN WHICH

THE TOWNSHIP'S SHARE OF THE COST IS ESTIMATED TO BE \$224,131.00, AND FURTHER, THAT THE TOWNSHIP MANAGER BE INSTRUCTED TO SIGN SAID AGREEMENT.

TRUSTEE SPAGNUOLO SUPPORTED THE MOTION. MOTION PASSED 7-0.

Mr. Watkins indicated that due to the Township's anticipation of this project, monies had been set aside for the Township's portion.

- 23. Special Land Use Permit for a 15 unit Condominium Subdivision - Case No. 1-10-3** – The Planning Department recommends the Township Board approve the Special Land Use Permit for Pointe West Condominium subdivision.

Trustee Poma inquired about the distinction between a single family subdivision and a condominium subdivision.

Gary Bozek, Senior Planner, indicated that site condominiums was a form of ownership and that the proposed development would look like a single family subdivision. He noted that the review and approval process for site condominiums was much shorter than for a single family subdivision. He noted that approximately 20 years ago, the Township was involved in litigation that involved a property owner who had proposed site condominiums when the Township didn't regulate them. He said subsequent to that, regulations were drafted that would allow the Township to regulate these types of developments.

Trustee Hicks asked staff to explain what the developer would be permitted without approval from the Township. Mr. Hicks pointed out that what had been proposed was not any different than what would otherwise be allowed.

Mr. Bozek said the original development plan proposed duplex condominium units. However, he noted that the developer could build individual single family detached units within the area that was described for the condominium units without the Township's approval. Mr. Bozek noted that a special land use permit was required to include land area surrounding the dwelling units. He said the developer could build single family detached condominiums within the expandable area but if land area was included, approval was needed for a condominium subdivision.

Gloria Kovnot, 10803 Canterbury Lane, said she was President of the Pointe West Condominium Association. Ms. Kovnot noted that she and other residents had met with Mr. Hubbell and the builder to address the resident's

questions and concerns. She noted that there were on-going discussions with both parties regarding the aesthetics of the development.

Bob Hubbell, developer of Pointe West subdivision, noted that he represented his partner Mr. Johns from ESJH Development. Mr. Hubbell noted that they had worked with the neighbors and felt very confident that they would be able to provide a very acceptable development that was compatible with the existing neighborhood.

Trustee Cunningham moved that the Delta Township Board approve the request for a Special Land Use Permit for a 15 unit Condominium Subdivision for the property described in Case No. 1-10-3, for the following reasons:

1. THE PROPOSED USE IS COMPATIBLE WITH THE GOALS AND FUTURE LAND USE RECOMMENDATIONS OF THE DELTA TOWNSHIP COMPREHENSIVE PLAN.
2. THE PROPOSED USE IS COMPATIBLE WITH THE SURROUNDING LAND USES ALREADY ESTABLISHED IN THE VICINITY OF THE SUBJECT PARCEL.
3. ALL PUBLIC UTILITIES AND SERVICES ARE IN PLACE AND ADEQUATE TO SERVE THE PROPOSED DEVELOPMENT.
4. THE USE WILL NOT INVOLVE USES, ACTIVITIES, PROCESSES, MATERIALS, AND EQUIPMENT OR CONDITIONS OF OPERATION THAT WILL BE DETRIMENTAL TO THE NATURAL ENVIRONMENT, PUBLIC HEALTH, SAFETY, OR WELFARE BY REASON OF EXCESSIVE PRODUCTION OF TRAFFIC, NOISE, SMOKE, ODORS, OR OTHER SUCH NUISANCE.

SUBJECT TO THE FOLLOWING STIPULATIONS:

1. THE FOLLOWING MINIMUM BUILDING SETBACKS FOR THE CONDOMINIUM SUBDIVISION UNITS SHALL BE:

FRONT SETBACK (FROM PUBLIC OR PRIVATE ROAD R.O.W.S):	24 FEET
REAR SETBACK:	25 FEET
SIDE SETBACKS:	5 FEET
DISTANCE FROM OPEN SPACE BOUNDARIES:	20 FEET

SAID SETBACKS SHALL APPLY TO THE PRINCIPAL BUILDING AND ALL ADDITIONS/ATTACHMENTS TO THE

PRINCIPAL BUILDING, INCLUDING BUT NOT LIMITED TO, PORCHES, OPEN DECKS, GARAGES, 3-SEASON ROOMS, ETC.

2. THE DRIVEWAYS FOR THE CONDOMINIUM UNITS SHALL NOT OUTLET DIRECTLY ONTO THE PRIMARY ACCESS ROAD, BEING POINTE WEST BOULEVARD, INTO THE DEVELOPMENT.
3. AN AMENDED OPEN SPACE AGREEMENT SHALL BE EXECUTED WITH THE TOWNSHIP BOARD, AND RECORDED BY THE TOWNSHIP CLERK WITH THE EATON COUNTY REGISTER OF DEEDS OFFICE AS REQUIRED BY SECTION 18.10.0(A)(9) (A) OF THE ZONING ORDINANCE PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR ANY PORTION OF THE PROJECT.
4. FAILURE OF THE APPLICANT TO COMPLY WITH ANY OF THE PROVISIONS REQUIRED BY THE DELTA TOWNSHIP ZONING ORDINANCE, OR ANY STIPULATIONS REQUIRED BY THE DELTA TOWNSHIP BOARD, SHALL CONSTITUTE GROUNDS FOR TERMINATION OF THIS SPECIAL LAND USE PERMIT BY THE BOARD.

TRUSTEE POMA SUPPORTED THE MOTION.

ROLL CALL:

AYES: TRUSTEE POMA, TRUSTEE SPAGNUOLO, SUPERVISOR FLETCHER, CLERK VEDDER, TREASURER PIZZO, TRUSTEE CUNNINGHAM, AND TRUSTEE HICKS.

NAYS: NONE

ABSENT: NONE

MOTION PASSED 7 TO 0.

24. **Approve Revisions to Pointe West Planned Unit Development Open Space Plan** - The Planning Department recommends the Township Board approve the preliminary site plan for the Pointe West Condominium Subdivision.

TRUSTEE CUNNINGHAM MOVED THAT THE DELTA TOWNSHIP BOARD APPROVE THE PRELIMINARY SITE PLAN FOR THE POINTE WEST CONDOMINIUM SUBDIVISION (SITE CONDOMINIUMS), AS ILLUSTRATED

ON SITE PLANS DATED JANUARY 22, 2010, PREPARED BY KEBS, INC.,  
SUBJECT TO THE FOLLOWING STIPULATIONS:

1. SUCCESSFULLY OBTAINING THE CONDOMINIUM SUBDIVISION SPECIAL LAND USE PERMIT FROM THE TOWNSHIP BOARD IN CASE NO. 1-10-3 AND NOTING SAID APPROVAL ON THE SITE PLAN.
2. INDIVIDUAL PLOT PLANS SHALL BE SUBMITTED BY THE DEVELOPER PRIOR TO CONSTRUCTION OF EACH UNIT WITHIN THE CONDOMINIUM SUBDIVISION.
3. AN AMENDED OPEN SPACE AGREEMENT SHALL BE EXECUTED WITH THE TOWNSHIP BOARD, AND RECORDED BY THE TOWNSHIP CLERK WITH THE EATON COUNTY REGISTER OF DEEDS OFFICE AS REQUIRED BY SECTION 18.10.0(A)(9) (A) OF THE ZONING ORDINANCE PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR ANY PORTION OF THE PROJECT.
4. THE WATER SYSTEM DETAILS SHALL BE REVISED, AND ANY UNUSED WATER LEADS PROPERLY ABANDONED, AS PER THE REQUIREMENTS OF THE TOWNSHIP ENGINEERING AND UTILITY DEPARTMENTS.
5. THE SANITARY SEWER SYSTEM DETAILS SHALL BE REVISED, AND ANY UNUSED SANITARY SEWER LEADS PROPERLY ABANDONED, AS PER THE REQUIREMENTS OF THE TOWNSHIP ENGINEERING AND UTILITY DEPARTMENTS.
6. FIRE PROTECTION REVISIONS SHALL BE MADE AS PER THE REQUIREMENTS OF THE DELTA TOWNSHIP FIRE DEPARTMENT, WHICH MAY INCLUDE THE POSSIBLE RELOCATION AND ADDITION OF A FIRE HYDRANT ON ROXBOROUGH LANE.
7. THE STORM DRAIN EASEMENT TRAVERSING PROPOSED UNITS 6 AND 7 SHALL BE ILLUSTRATED ON THE SITE PLAN.
8. THE DEVELOPER SHALL EXECUTE ANY NECESSARY UTILITY AGREEMENT AMENDMENTS WITH THE TOWNSHIP PRIOR TO THE ZONING ADMINISTRATOR APPROVING THE FINAL SITE PLAN.
9. THE DRIVEWAYS FOR THE CONDOMINIUM UNITS SHALL NOT OUTLET DIRECTLY ONTO POINTE WEST BOULEVARD.

10. A NOTE SHALL BE ADDED TO THE SITE PLAN INDICATING THAT ALL UTILITIES SERVING THE CONDOMINIUM SUBDIVISION SHALL BE LOCATED UNDERGROUND.

11. THE FOLLOWING MINIMUM BUILDING SETBACKS FOR THE CONDOMINIUM SUBDIVISION UNITS SHALL BE:

FRONT SETBACK (FROM PUBLIC OR PRIVATE ROAD R.O.W.S):	24 FEET
REAR SETBACK:	25 FEET
SIDE SETBACKS:	5 FEET
DISTANCE FROM OPEN SPACE BOUNDARIES:	20 FEET

SAID SETBACKS SHALL APPLY TO THE PRINCIPAL BUILDING AND ALL ADDITIONS/ATTACHMENTS TO THE PRINCIPAL BUILDING, INCLUDING BUT NOT LIMITED TO, PORCHES, OPEN DECKS, GARAGES, 3-SEASON ROOMS, ETC.

12. LOT IRONS AND MONUMENTS SHALL BE INSTALLED FOR EACH UNIT WITHIN THE CONDOMINIUM SUBDIVISION AS REQUIRED BY SECTION 18.9.0(1)(6) OF THE ZONING ORDINANCE.

13. ALL OF THE AFOREMENTIONED ITEMS SHALL BE ADDRESSED PRIOR TO THE ZONING ADMINISTRATOR APPROVING THE FINAL SITE PLAN.

TRUSTEE HICKS SUPPORTED THE MOTION. MOTION PASSED 7-0.

- 25. Approve Revisions to Pointe West Planned Unit Development Open Space Plan** - The Planning Department recommends the Township Board approve the revised Open Space Plan and legal descriptions for Pointe West Condominium Subdivision.

TRUSTEE CUNNINGHAM MOVED THAT THE DELTA TOWNSHIP BOARD APPROVE THE REVISED OPEN SPACE PLAN AND LEGAL DESCRIPTIONS, DATED JANUARY 22, 2010, WHICH CONSISTS OF THE REMOVAL OF OPEN SPACE AREA G AND THE EXPANSION OF THE DENMARK COMMONS OPEN SPACE AREA IN THE POINTE WEST PLANNED UNIT DEVELOPMENT AND AUTHORIZE THE ATTACHMENT OF SAME TO THE ORIGINAL POINTE WEST OPEN SPACE AGREEMENT AS A REVISION TO EXHIBITS B AND C. I FURTHER MOVE THAT THE DELTA TOWNSHIP SUPERVISOR AND CLERK BE DIRECTED TO SIGN THE REVISED OPEN SPACE AGREEMENT ON BEHALF OF THE TOWNSHIP.

TRUSTEE SPAGNUOLO SUPPORTED THE MOTION. MOTION PASSED 7-0.

**XV. COMMITTEE OF THE WHOLE**

Mr. Watkins said at the last Board meeting, Supervisor Fletcher had indicated that he had received concerns from residents regarding the east-west pathway being constructed in close proximity to the residences. Mr. Watkins noted that the East-West Collector road had an 80 foot right-of-way and that the pathway would be installed down the middle of the road right-of-way. However, he noted that the pathway would be in close proximity to a residence at the north end of Garfield that backed up to Sharp Park where the pathway would share the driveway to the Township's pump station. Mr. Watkins indicated that the pathway would also go around a few trees that had not been removed, but beyond that point, the pathway would be located down the middle of the right-of-way. Mr. Watkins indicated that there were a few drastic changes in the elevation in areas that would have made it very difficult to install the pathway and still comply with ADA standards. He noted that the selected route for the pathway was much more level.

Mr. Watkins noted that the Township had been applying for Recovery Act Funds and that one of the Township's applications requested a pathway from Creyts Road to Eastbury Road in conjunction with the East-West Collector. Mr. Watkins noted that he had received a call today notifying him that the State had had people turn down grants and that additional funds were available and that the Township was still being considered for funding. The County Board of Commissioners would be meeting this week to consider the public transportation study and EATRAN's millage request. He noted that last Wednesday, he had attended the MML Legislative Conference where they were urging the Department of Transportation to make transportation funds available for non-motorized transportation projects such as pathways, sidewalks, bike lanes, and so forth. He felt the Township could take advantage of this in order to promote a "walkable community".

**XVI. PUBLIC COMMENTS**

**XVII. ADJOURNMENT**

Supervisor Fletcher adjourned the meeting at 7:10 p.m.

**CHARTER TOWNSHIP OF DELTA**

JANICE VEDDER, TOWNSHIP CLERK

KENNETH FLETCHER, TOWNSHIP SUPERVISOR

/as  
M:\Board Meetings\BD\MIN\2010\April 19 2010 Reg Mtg Minutes  
Minutes Approved: