

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, AUGUST 3, 2009**

I. CALL TO ORDER

Supervisor Ken Fletcher called the meeting to order at 7:00 p.m.

II. OPENING CEREMONIES – Pledge of Allegiance

III. ROLL CALL

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

Members Absent: None

Others Present: Manager Richard Watkins, Planning Director Mark Graham, Parks & Recreation Director Dick Benkert, and Finance Director Jeff Anderson.

IV. PRESENTATIONS AND PROCLAMATIONS – None.

V. SET/ADJUST AGENDA

TREASURER PIZZO MOVED THE AGENDA BE APPROVED AS PRESENTED.

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

VI. PUBLIC HEARINGS – None

VII. COMMUNICATIONS – None.

VIII. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA –

Mike Kessler, 1003 Turner Road, DeWitt, thanked the Township Board for listening to the presentation given by Mt. Hope Church on their PILOT project and noted that the church was reviewing the Township Assessor's report and would be responding to the study soon.

IX. INTRODUCTION OF ORDINANCES

1. **Repeal Articles II & III of Chapter Three (Amusements & Entertainments) -**
The Planning Department recommends the Township Board introduce an amendment to repeal Article II – Bowling Alleys & Pool Tables and Article III – Coin Operated Amusement Devices from Chapter Three of the Delta Township Ordinances.

CLERK VEDDER MOVED THAT THE DELTA TOWNSHIP BOARD INTRODUCE A RESOLUTION TO REPEAL ARTICLE II (BOWLING ALLEYS & POOL TABLES) AND ARTICLE III (COIN OPERATED AMUSEMENT DEVICES) FROM CHAPTER THREE (AMUSEMENTS & ENTERTAINMENTS) OF THE DELTA TOWNSHIP CODE OF ORDINANCES. SAID RESOLUTION READS AS FOLLOWS:

DELTA CHARTER TOWNSHIP
7710 W. Saginaw Highway, Lansing, MI 48917
(517) 323-8520

ORDINANCE REPEAL
CHAPTER 3 ARTICLE II (Bowling Alleys & Pool Tables)
CHAPTER 3 ARTICLE III (Coin-Operated Amusement Devices)

THE DELTA TOWNSHIP BOARD INTRODUCED THE FOLLOWING ORDINANCE REPEAL AT ITS REGULAR MEETING HELD ON AUGUST 3, 2009.

THE DELTA TOWNSHIP BOARD WILL CONSIDER ADOPTION OF THE FOLLOWING ORDINANCE REPEAL AT ITS REGULAR MEETING SCHEDULED FOR 7:00 P.M. ON AUGUST 17, 2009.

THE CHARTER TOWNSHIP OF DELTA ORDAINS TO AMEND THE CODE OF ORDINANCE OF DELTA TOWNSHIP AS FOLLOWS:

WHEREAS, THE BOARD ADOPTED REGULATIONS IN 1974 MANDATING THE ANNUAL LICENSING OF BOWLING ALLEYS, POOL TABLES, AND COIN-OPERATED AMUSEMENT DEVICES WHICH HAVE BEEN CODIFIED IN CHAPTER 3, ARTICLES II AND III OF THE DELTA TOWNSHIP CODE OF ORDINANCES; AND

WHEREAS, IT HAS BEEN DETERMINED THAT BOWLING ALLEYS, POOL TABLES, AND COIN-OPERATED AMUSEMENT DEVICES DO NOT INHERENTLY CREATE PUBLIC SAFETY PROBLEMS, AND

WHEREAS, PERSONNEL FROM THE TOWNSHIP'S FIRE DEPARTMENT, PLANNING DEPARTMENT, AND DELTA PATROL DIVISION OF THE EATON

COUNTY SHERIFF'S DEPARTMENT HAVE RECOMMENDED THAT THE LICENSING PROGRAM BE ELIMINATED, AND

WHEREAS, THE COST OF ADMINISTERING THE LICENSING PROGRAM NEARLY EQUALED THE REVENUES RECEIVED.

NOW THEREFORE, BE IT RESOLVED THAT:

1. THE BOARD HEREBY PROPOSES TO REPEAL THE ANNUAL LICENSING REQUIREMENTS FOR BOWLING ALLEYS, POOL TABLES, AND COIN-OPERATED AMUSEMENT DEVICES.
2. THE LICENSES GRANTED BY THE TOWNSHIP BOARD ON MARCH 26, 2009 SHALL CONTINUE IN FULL FORCE AND EFFECT UNTIL REPEAL OF THE LICENSING REQUIREMENTS AND THERE SHALL BE NO REFUND OF ANY PORTION OF THE CORRESPONDING LICENSING FEES.
3. THE BOARD HEREBY AUTHORIZES AND DIRECTS THE TOWNSHIP CLERK TO PUBLISH A NOTICE OF THE PROPOSED REPEAL OF THE ANNUAL LICENSING REQUIREMENTS IN NEWSPAPERS OF LOCAL CIRCULATION IN ORDER TO PROVIDE THE PUBLIC WITH AN OPPORTUNITY TO COMMENT ON THE PROPOSED REPEAL AT THE AUGUST 17, 2009 BOARD MEETING.

SEVERABILITY. IF ANY CLAUSE, SENTENCE, PARAGRAPH, OR PART OF THIS ORDINANCE SHALL FOR ANY REASON BE FINALLY ADJUDGED BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID, SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER OF THIS ORDINANCE BUT SHALL BE CONFINED IN ITS OPERATION TO THE CLAUSE, SENTENCE, PARAGRAPH OR PART THEREOF DIRECTLY INVOLVED IN THE CONTROVERSY IN WHICH SUCH JUDGMENT IS RENDERED.

REPEAL. ALL ORDINANCES OR PARTS OF ORDINANCES OF THE CHARTER TOWNSHIP OF DELTA INCONSISTENT HEREIN ARE HEREBY REPEALED SO FAR AS THEY MAY BE INCONSISTENT WITH THE PROVISIONS OF THIS ORDINANCE.

EFFECTIVE DATE. THIS ORDINANCE SHALL BE REPEALED UPON FINAL PUBLICATION AS REQUIRED BY LAW.

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

X. PASSAGE OF ORDINANCES – None.

XI. CONSENT AGENDA

TRUSTEE CUNNINGHAM MOVED THE CONSENT AGENDA BE APPROVED AS PRESENTED.

TRUSTEE POMA SUPPORTED THE MOTION.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

MOTION PASSED 7 TO 0.

2. Minutes – July 20, 2009 Special Meeting & July 20, 2009 Regular Meeting

TRUSTEE CUNNINGHAM MOVED THE TOWNSHIP BOARD APPROVE THE JULY 20, 2009 SPECIAL BOARD MEETING MINUTES AND THE JULY 20, 2009 REGULAR BOARD MEETING MINUTES AS PRESENTED.

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

3. Bills and Financial Transactions

TRUSTEE CUNNINGHAM MOVED TO APPROVE BILLS AND FINANCIAL TRANSACTIONS IN THE AMOUNT OF \$2,019,698.38.

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

XII. ITEMS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION – None

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

4.

5.

XIV. ITEMS OF BUSINESS

6. Set Public Hearing of Necessity for Street Lights – Harriet Street

Clerk Vedder explained the street lighting district process and stated a public hearing was required before the Township Board. She indicated that the residents had been working for 2 to 3 years to gather the necessary signatures to obtain street lights in their neighborhood.

TRUSTEE CUNNINGHAM MOVED THAT THE DELTA TOWNSHIP BOARD OF TRUSTEES SET THE PUBLIC HEARING OF NECESSITY FOR TUESDAY, SEPTEMBER 8, 2009 AT 7 P.M. UPON THE BOARD'S APPROVAL OF THE HEARING OF NECESSITY, THE HEARING OF ASSESSMENT SHALL BE SCHEDULED FOR MONDAY, OCTOBER 5, 2009 AT 7 P.M.

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

7. Zoning Board & Sign Board of Appeals recommendations for Appointments – The Zoning Board of Appeals Selection Committee recommends the Township Board appoint David Arking and Matt Dugener to three year terms as regular members of the ZBA, Sue Parr to be appointed to fill Jeff Hick's vacated position through 2011, and Ron Ratajczak and Bryan Babb to be appointed to three year terms as Alternate Members of the ZBA.

Mr. Hicks indicated that Ron Ratajczak had served on the ZBA for several years, but due to health issues, it was felt that he could serve the Board as an alternative. Mr. Hicks felt Arnold Witte was well qualified to serve on the Board of Review and he would like him to be considered in the future.

TRUSTEE HICKS MOVED THAT THE DELTA TOWNSHIP BOARD APPOINT DAVID ARKING AND MATT DUGENER TO THREE YEAR TERMS AS REGULAR MEMBERS TO THE DELTA TOWNSHIP ZONING AND SIGN BOARD OF APPEALS, WHICH WILL EXPIRE MARCH OF 2012. FURTHER, THAT SUE PARR BE APPOINTED TO FILL THE ZBA/SBA SEAT VACATED BY MYSELF, THE TERM FOR WHICH WILL EXPIRE IN MARCH OF 2011. AND FURTHER, THAT RON RATAJCZAK AND BRYAN BABB BE APPOINTED TO THREE YEAR TERMS AS ALTERNATE MEMBERS TO THE ZONING AND SIGN BOARD OF APPEALS, WHICH WILL EXPIRE MARCH OF 2012. THE TOWNSHIP CLERK IS HEREBY INSTRUCTED TO GIVE THE OATHS OF OFFICE TO EACH APPOINTED ZBA/SBA MEMBER. FURTHER, THE CLERK IS ASKED TO SEND LETTERS TO ALL OF THE CANDIDATES ADVISING THEM OF THE ACTIONS OF THE TOWNSHIP BOARD AND THANKING THEM FOR THEIR INTEREST IN SERVING THEIR COMMUNITY.

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

Government Youth Council

Matt Transeth, President of the Delta Township Government Youth Council, noted that the GYC By-Laws mandate an annual report to the Township Board which was his purpose for attending the meeting this evening. Mr. Transeth informed the Board that Colleen Hoch of the GYC was also in attendance this evening. Mr. Transeth reviewed the accomplishments of the GYC during 2008-2009 and he thanked the Township staff, Trustee Poma, former Trustee Phil Chisholm, and all of the Board members for their support during the past year.

8. **Public Hearing for Liquor License Transfer** – The Manager's Office recommends the Township Board set a public hearing to consider a request to transfer ownership of a 2008 Class C licensed business from Tai Pyung, LLC to Alexander & Family Associates, LLC.

TRUSTEE HICKS MOVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA SET A PUBLIC HEARING FOR AUGUST 17, 2009, TO CONSIDER THE REQUEST BY ALEXANDER & FAMILY ASSOCIATES, LLC TO TRANSFER A 2008 CLASS C LICENSED BUSINESS LOCATED AT 436 ELMWOOD, LANSING, MICHIGAN 48917, DELTA TOWNSHIP IN EATON COUNTY, FROM TAI PYUNG, LLC. TO ALEXANDER AND FAMILY ASSOCIATES, LLC; AND FURTHER THAT THE TOWNSHIP CLERK SHALL ADVERTISE SAID PUBLIC HEARING.

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

9. **Noise Waiver Request from Trinity Methodist Church** – The Manager's Office recommends the Township Board approve a temporary waiver of the Noise Ordinance for Trinity Methodist Church between the hours of 8:30 p.m. and 12 midnight on September 12, 2009.

Clerk Vedder asked the Manager's Office to provide a listing of past noise waivers for future noise waiver requests.

TREASURER PIZZO MOVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA APPROVE THE REQUEST BY THE TRINITY UNITED METHODIST CHURCH FOR A TEMPORARY WAIVER OF THE NOISE ORDINANCE BETWEEN THE HOURS OF 8:30 P.M. AND 12:00 A.M. ON SEPTEMBER 12, 2008

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

- 10. Accept the Terms of the Agreement received from the Michigan Department of Natural Resources** – The Parks, Recreation, and Cemeteries Department recommends the Township Board accept the terms of the agreement as received from the Michigan Department of Natural Resources for the Sharp Park East-West Collector Path project.

TRUSTEE CUNNINGHAM MOVED THAT THE TOWNSHIP BOARD, CHARTER TOWNSHIP OF DELTA, MICHIGAN, DOES HEREBY ACCEPT THE TERMS OF THE AGREEMENT AS RECEIVED FROM THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES AND THAT THE TOWNSHIP BOARD DOES HEREBY SPECIFICALLY AGREE, BUT NOT BY WAY OF LIMITATION, AS FOLLOWS:

1. TO APPROPRIATE ALL FUNDS NECESSARY TO COMPLETE THE PROJECT DURING THE PROJECT PERIOD AND TO PROVIDE TWO HUNDRED FORTY FOUR THOUSAND SEVEN HUNDRED (\$244,700 IN-KIND AND CASH) DOLLARS TO MATCH THE GRANT AUTHORIZED BY THE DEPARTMENT.
2. TO CONSTRUCT THE PROJECT AND PROVIDE SUCH FUNDS, SERVICES, AND MATERIALS AS MAY BE NECESSARY TO SATISFY THE TERMS OF SAID AGREEMENT.
3. TO REGULATE THE USE OF THE FACILITY CONSTRUCTED AND RESERVED UNDER THIS AGREEMENT TO ASSURE THE USE THEREOF BY THE PUBLIC ON EQUAL AND REASONABLE TERMS.
4. TO COMPLY WITH ANY AND ALL TERMS OF SAID AGREEMENT INCLUDING ALL TERMS NOT SPECIFICALLY SET FORTH IN THE FOREGOING PORTIONS OF THE RESOLUTION.

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

- 11. 2009 2nd Quarter Budget Adjustment** – The Accounting and Treasurer's Office recommends the Township Board approve the 2009 2nd quarter budget adjustment to include adjustments for State revenue sharing amount, wages in the Planning Department, health insurance costs, and drain repair maintenance.

TREASURER PIZZO MOVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA APPROVE THE 2009 2ND QUARTER BUDGET ADJUSTMENT TO INCLUDE ADJUSTMENTS IN THE STATE REVENUE SHARING AMOUNT, WAGES IN THE PLANNING DEPARTMENT, HEALTH INSURANCE COSTS, AND DRAIN REPAIR MAINTENANCE.

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

XV. ITEMS FOR DISCUSSION ONLY

13. 2009 Delta Township Road Plan Recommendations

Mr. Graham provided an overview of the projects that appeared in the 2009 edition of the proposed Road Improvement Plan. He indicated that the plan provided a long range guide for the Township to follow for transportation improvements.

XVI. BOARD MEMBER, MANAGER AND DEPARTMENT REPORTS AND COMMITTEE MINUTES

14. Draft of Transportation Committee Minutes for 07-26-2009

Manager Watkins provided information on the Township's Insurance Service Office (ISO) rating and the fact that the Township was rated #4 out of a possible 10. He noted that 70% of the State House of Representatives and 30 of the 38 State Senators were term limited in the year 2010. Mr. Watkins reviewed the Michigan Green Communities challenge and the MML resolution.

12. Closed Session – The Manager's Office recommends the Township Board adjourn to an Executive Session to consider material exempt from discussion or disclosure by State or Federal statute as allowed under the Open Meetings Act, Section 15.268(h), P.A. 267, as amended.

TRUSTEE POMA MOVED THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO CONSIDER MATERIAL EXEMPT FROM DISCUSSION OR DISCLOSURE BY STATE OR FEDERAL STATUTE. THIS IS ALLOWED UNDER THE OPEN MEETINGS ACT, SECTION 15.268(H), P.A. 267 OF 1976, AS AMENDED.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

MOTION PASSED 7 TO 0.

Meeting was recessed to closed session at 8:08 p.m.

The regular meeting was reconvened at 8:42 p.m.

XVII. PUBLIC COMMENTS (*maximum five minutes*) – None.

XVII. ADJOURNMENT

Supervisor Fletcher adjourned the meeting at 8:45 p.m.

CHARTER TOWNSHIP OF DELTA

JANICE VEDDER, TOWNSHIP CLERK

KENNETH FLETCHER, TOWNSHIP SUPERVISOR

/hlp
M:\Board Meetings\BD\MIN\2009\August 3 2009 Reg Mtg Minutes
Minutes Approved: