

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, FEBRUARY 15, 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, and Barb Poma.

Members Absent: Trustees Jeff Hicks and Cara Spagnuolo.

Others Present: Manager Richard Watkins, Planning Director Mark Graham, Lt. Jeff Warder, and Manager's Assistant Jenny Wohlfert.

CLERK VEDDER MOVED THAT TRUSTEE HICKS AND SPAGNUOLO BE EXCUSED.

CUNNINGHAM SUPPORTED THE MOTION. MOTION PASSED 5-0.

IV. PRESENTATIONS AND PROCLAMATIONS - None

V. SET/ADJUST AGENDA

TREASURER PIZZO MOVED THAT THE AGENDA BE APPROVED AS PRESENTED.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION. MOTION PASSED 5 TO 0.

VI. PUBLIC HEARINGS

1. Request to Approve a Commercial Rehabilitation Exemption Certificate Application

a. Public Hearing

There was no public comment.

TRUSTEE CUNNINGHAM MOVED THAT THE PUBLIC HEARING BE CLOSED.

TRUSTEE POMA SUPPORTED THE MOTION. MOTION PASSED 5 TO 0.

b. Board Resolution

TREASURER PIZZO MOVED THAT:

PURSUANT TO ACT 210, PUBLIC ACTS OF MICHIGAN, 2005, AS AMENDED, AUTO-OWNERS INSURANCE COMPANY HAS SUBMITTED AN APPLICATION FOR A COMMERCIAL REHABILITATION EXEMPTION CERTIFICATE, AND;

WHEREAS, WRITTEN NOTICE HAS BEEN GIVEN BY CERTIFIED MAIL AS REQUIRED BY OF PA 210 OF 2005, AS AMENDED TO THE TOWNSHIP ASSESSOR AND ALL AFFECTED TAXING JURISDICTIONS; AND

WHEREAS, ON FEBRUARY 15, 2010, A PUBLIC HEARING WAS HELD AND ALL RESIDENTS AND TAXPAYERS OF THE CHARTER TOWNSHIP OF DELTA WERE AFFORDED AN OPPORTUNITY TO BE HEARD THEREON; AND

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA;

BE AND HEREBY AUTO-OWNERS INSURANCE COMPANY IS GRANTED A COMMERCIAL REHABILITATION EXEMPTION CERTIFICATE FOR A PERIOD OF 10 YEARS, BEGINNING JUNE 1, 2013, PURSUANT TO THE PROVISIONS OF PA 210 OF 2005, AS AMENDED.

CLERK VEDDER SUPPORTED THE MOTION.

Treasurer Pizzo said the application stated that the taxable value of the structures on the subject parcel was \$3,599,000.00 and when construction commenced in 2014 and was completed, the value of the property would increase significantly, but the tax on the property would be limited to a taxable value of \$3.5 million. Mr. Pizzo said the Township was providing an exemption for the new construction due to the fact that the project would generate 800 new jobs. Mr. Pizzo felt it was necessary to explain this to the audience this evening in that the Township was partnering with Auto-

Owners plans to expand their facility and employ over 800 new people over the next 10 years.

Trustee Cunningham felt Mr. Pizzo made a good point in that Auto-Owners would be investing over \$105,000,000 into this project which was very positive for the region and the Township.

Supervisor Fletcher said not only would there be 800 jobs created by the expansion of Auto-Owners, all of which would pay over \$40,000 a year, but there would also be approximately 400 temporary construction jobs created which would be very beneficial for the area.

Mr. Watkins said he wanted to mention that the Township was maintaining the current employment levels that Auto-Owners currently had. He said not only was the employment base being increased, but the current employment base was being maintained as well.

ROLL CALL:

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

NAYS: NONE

ABSENT: TRUSTEES HICKS AND SPAGNUOLO.

MOTION PASSED 5 TO 0.

VII. COMMUNICATIONS – None

VIII. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

Ray Whitaker, 3595 Pierce Road, Vermontville, Michigan, Political Director for the Painters Union, said he would like to encourage the Board to adopt a prevailing wage policy in Delta Township. He said it was a widely used policy that promoted good jobs, a substantial tax base, and a level playing field for businesses and employers in the local construction market. Mr. Whitaker said a prevailing wage policy would ensure contractors who wanted to do business in the Township to compete on their own merit, innovation, and productivity rather than their ability to depress the wages, the purchasing power of their employees, the taxpayers, and the consumers.

Mr. Whitaker indicated that there appeared to be a conflict of interest in this matter concerning Trustee Jeff Hicks. He noted that Mr. Hicks was a Board member of

the Chamber of Commerce, legal counsel to the Chamber of Commerce, and he served as Chairman of the Lansing Regional Chamber of Commerce Delta Township Government Relations Committee. Mr. Whitaker said the Board's ethics policy was clear on avoiding even the appearance of conflicts of interests and he asked that Trustee Hicks, as a matter of ethics, be refused from voting on the adoption of a proposed prevailing wage policy.

Bob Linteau, 1635 Pepperhill Drive, said he was present this evening to support the enactment of a prevailing wage policy for Delta Township and to oppose a race to the bottom. Mr. Linteau said he was sorry to hear that there was opposition to this type of policy in the Township and that the Township was fast losing the American dream of owning a home, paying a mortgage, purchasing a vehicle, and providing for your family. He noted that prevailing wage provided quality jobs, quality construction, and construction that we can be proud of in Delta Township. Mr. Linteau said he would hope that the Board would see the common sense of adopting such a policy in the Township.

Jim Bitzer, President of the Lansing Building Trades, 10645 Old River Trail, said he was a brick layer by trade, but that he was before the Board this evening as a 50 year resident of the Township. He said prevailing wage was a community standard which supported the community and not a race to the bottom. Mr. Bitzer said he had been lucky enough to send two daughters to college to prepare them for the next stage in life. Mr. Bitzer noted that he could remember when I-96 and the Lansing Mall didn't exist and the snow storm of 1967 like it was yesterday because he had lived here much of his life. He noted that in the mid 1990's, his union hall received a phone call from the Township's Parks and Recreation Department asking for donated labor to assist them in the construction of the Erickson Park restrooms. He noted that the brick layers came forward and spent a weekend constructing the restrooms. Mr. Bitzer said when the firefighter's memorial was not included in the new construction of the Township's fire station; the Township's Fire Chief had contacted Kennedy Masonry, who is a resident contractor in the Township, to inquire as to whether they would donate any services towards the construction of the memorial. He said Kennedy Masonry donated materials and labor and was an integral part of the firefighter's memorial in front of the Township's fire station.

Mr. Bitzer said the Township's Library was a nice facility, but he had talked to workers who had worked on the construction of the library and was informed that they were not paid prevailing wage, even though prevailing wage was provided for in the bid specifications, because they were not enforced. Mr. Bitzer noted that the workers were reluctant to pursue this matter because they needed their jobs. Mr. Bitzer said those were the types of things that people faced in the labor movement with non-representative workers and that prevailing wage allowed workers an even playing field. Mr. Bitzer noted that prevailing wage was originally drafted by bi-partisanship and that a republican and a democrat reached across the aisle and

provided that standard for working people and contractors in the construction industry. He said prevailing wage had allowed workers to provide training, a more productive work force, and provide for a safer working force. He said training led to a higher quality of construction and lower downstream maintenance costs, provided wage regulation, and created an environment where cheating was discouraged in all aspects of construction.

Mr. Bitzer said prevailing wage was not a job killer like the Board had heard at the last meeting, but rather it was a job creator. He said at a recent labor management meeting with Michigan State University, we talked about the \$4 million savings on two projects on the Michigan State campus. He said the projects consisted of the Brody Hall renovation project where the university experienced a \$2 million savings and the Simon Power plant which also experienced a \$2 million savings. Mr. Bitzer said he had asked the University what they would be doing with the \$4 million savings and he was informed that they would create more jobs and expand services to the University. Mr. Bitzer felt this was a win/win situation and that prevailing wage had been in place at the University and had been enforced. He said prevailing wage set standards for contractors which was good for the owner of a project. Mr. Bitzer provided the Board with a handout that had been written by Peter Phillips who was a economist who was world renowned on the subject of prevailing wage. Mr. Bitzer said he respected the Board and the issues that they had to deal with on a regular basis and the fact that they attempted to make good decisions for the community. He felt a prevailing wage policy and enforcement kept a standard in the community that was positive for all.

Andy Mosser, 5205 South Pennsylvania, Lansing, said he was present this evening to represent the Greater Lansing Labor Council and on behalf of Glen Freeman who couldn't be present this evening. Mr. Mosser said the Labor Council represented approximately 24,000 working families in the Lansing area and they urged the Board to support a prevailing wage policy.

Pete Dunlap, 4332 Barton Road, said a prevailing wage policy made about as much sense as the laws that required railroads to have fireman when there was no coal. Mr. Dunlap said prevailing wage was not market and that this was something outside of market. He felt the Trustees had an obligation to ensure that Township work was done at the lowest possible rate and that prevailing wage created an artificial market. Mr. Dunlap provided the Board with a case from the Court of Appeals that would seem to say that any action on the Board's part would be contrary to Michigan Law.

Zane Hubbard, 821 East North Street, Ithaca, Michigan, said he would like to recognize the people in the audience and ask them to hold up an orange sign they had been provided with.

Justin Hathen, 652 North Washington Street, Owosso, Michigan said he was a former resident of the Township. Mr. Hathen said he had worked on the construction of the Eaton County Road Commission's maintenance facility a few years ago and safety, as well as cost, should be considered. He noted that a man lost his life on that job site and felt there was more involved than just the dollar amount. Mr. Hathen said it was unfortunate that accidents happened, but he was present when the accident happened and he felt the worker lost his life out of pure folly which could have been avoided.

Supervisor Fletcher said the issue of prevailing wage would be placed on the Board's next agenda for further discussion.

IX. INTRODUCTION OF ORDINANCES

2. Introduction of Proposed Zoning Ordinance Amendment pertaining to Crushing Operations, Case No. 12-09-11 - The Planning Department recommends the Township Board introduce amendments to the Delta Township Zoning Ordinance identified as Case No. 12-09-11 which would permit Crushing Operations in commercial and industrial zoning districts.

Mr. Graham said the Township received a request from representatives of Land One to amend the Township's Zoning Ordinance to permit concrete and asphalt crushing in the commercial and industrial zoning districts with a special land use permit. He noted that the Planning Commission had discussed this matter at two of their previous meetings and that staff was asking that this case be introduced by the Board this evening with final action at their first meeting in March.

TREASURER PIZZO MOVED THAT THE DELTA TOWNSHIP BOARD INTRODUCE AMENDMENTS TO THE DELTA TOWNSHIP ZONING ORDINANCE IDENTIFIED AS CASE NO. 12-09-11. THE PROPOSED AMENDMENTS WOULD PERMIT CRUSHING OPERATIONS IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS UPON THE ISSUANCE OF A SPECIAL LAND USE PERMIT BY THE TOWNSHIP BOARD. THE TOWNSHIP CLERK IS HEREBY DIRECTED TO ADVERTISE THIS INTRODUCTION IN LOCAL NEWSPAPERS. FINAL ACTION ON THE PROPOSED AMENDMENTS IS SCHEDULED FOR MARCH 1, 2010 BY THE TOWNSHIP BOARD.

TRUSTEE POMA SUPPORTED THE MOTION. MOTION PASSED 5-0.

Treasurer Pizzo said Land One's property was located southwest of the Saginaw/Creyts Road intersection which consisted of a large undeveloped tract of land.

X. PASSAGE OF ORDINANCES - None

XI. CONSENT AGENDA

TRUSTEE POMA MOVED THAT THE CONSENT AGENDA BE APPROVED WITH THE REMOVAL OF THE FEBRUARY 1, 2010 REGULAR BOARD MEETING MINUTES.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION.

ROLL CALL:

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

NAYS: NONE

ABSENT: TRUSTEES HICKS AND SPAGNUOLO.

MOTION PASSED 5 TO 0.

3. Minutes – January 11, 2010 Committee of the Whole Meeting.

TRUSTEE POMA MOVED THAT THE JANUARY 11, 2010 COMMITTEE OF THE WHOLE MEETING BE APPROVED AS SUBMITTED.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION. MOTION PASSED 5-0.

4. Bills & Financial Transactions

TRUSTEE POMA MOVED THAT THE BILLS & FINANCIAL TRANSACTIONS IN THE AMOUNT OF \$1,142,072.98 BE APPROVED.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION. MOTION PASSED 5-0.

XII. ITEMS REMOVED FROM CONSENT AGENDA FOR DISCUSSION

February 1, 2010 Regular Board Meeting Minutes.

Treasurer Pizzo commended the Clerk's Office for a job well done with the minutes. He felt it was a very challenging responsibility to have to go through and document all of the discussions that occurred at the Board meetings. Mr. Pizzo said page 15 of the February 1st minutes should be corrected to read "Hiesrod" rather than "Heiser". He also wanted to clarify that on page 46, the minutes should be amended to read "Mr. Pizzo felt this held true when the Township negotiated the firefighters wages and benefits and gave them a 2% wage increase because it was given to all Township

employees” and that the minutes should also reflect that “the Board actually approved the contract for the firefighters and emergency staff first and with that in mind, the Township set the wages in the 2010 budget and by doing this, the Board had established a prevailing wage within their own operation”.

Supervisor Fletcher said page 47 of the February 1st minutes should be amended to read “February 15, 2010” rather than “March 15, 2010”.

Trustee Poma said she would like page 45 of the February 1st minutes amended to reflect that she had invited the public to e-mail her “real” statistics and not “peer group” statistics.

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

- 5.
- 6.

XIV. ITEMS OF BUSINESS

7. **Sidewalk Variance Application** – The Planning Department recommends the Township Board deny Tim Lea’s request for a sidewalk variance on lots in the Crawford Cove Subdivision.

Mr. Graham said Tim Lea was the developer of the Crawford Cove Subdivision located on the north side of Old Lansing Road. He noted that the subdivision consisted of 25 lots and that Mr. Lea had built six homes in the subdivision. Mr. Graham said the Township’s ordinance mandated that sidewalks be installed within one year of the issuance of a building permit. He said staff had notified Mr. Lea several times that sidewalks needed to be installed as required by the Ordinance. He noted that Mr. Lea had filed a variance application and had provided additional information for the Board’s review. Mr. Graham said he had prepared a memo dated February 11th that provided the Board with a general overview on this matter and that he had also drafted a recommendation for denial of Mr. Lea’s variance request.

Trustee Cunningham noted that Mr. Graham had indicated that Mr. Lea had signed a “Notification of Sidewalk Requirements” and she questioned whether that was prior to building the subdivision.

Mr. Graham said the signing of the Notification of Sidewalk Requirements was a condition of the granting of a building permit.

Tim Lea, 10398 Apple Blossom Lane, said he had provided the Board with documentation that provided several reasons why he was opposed to the Sidewalk Ordinance, as well as a petition that contained signatures of

Crawford Cove residents who were also opposed to the installation of sidewalks. Mr. Lea said he started this project in 2006 and if he would have known what he knew today, he wouldn't have constructed the project. Mr. Lea said he had put a lot of capital investment into this development and every time he turned around, he was paying capital charges on things he had already paid for. Mr. Lea said he was now required to install a sidewalk which was another capital investment. Mr. Lea acknowledged the fact that he had signed the Notification of Sidewalk Requirements at the time he was issued building permits, but he signed every document under duress. Mr. Lea said the Township applied regulations, but he felt the Township needed to consider how it affected people's budgets. Mr. Lea said the Crawford Cove development had become a hardship for him and that he had lost money every year and now the Township was asking him to put another \$18,000 into the project that he didn't have. Mr. Lea noted that if it wasn't for the rest of his business supporting the Crawford Cove project, the project would have gone under.

Trustee Cunningham asked if sidewalks were installed at the time the first home was built.

Mr. Lea said Crawford Cove did not have any sidewalks at this time.

Trustee Cunningham asked when Mr. Lea had constructed the first house in the subdivision.

Mr. Lea said the first house was constructed in 2007.

Trustee Cunningham questioned whether Mr. Lea had installed the sidewalk at that time.

Mr. Lea said no.

Trustee Cunningham said sidewalks were required to be installed at the time a house was constructed. She said Mr. Lea had noted that he signed the intent to install sidewalks under duress, but she felt it was because Mr. Lea didn't agree with the Township's sidewalk policy.

Supervisor Fletcher felt it would have been more cost effective to install the sidewalk during construction when everything was torn up rather than installing sidewalks after the fact.

CLERK VEDDER MOVED THAT THE DELTA TOWNSHIP BOARD DENY
TIM LEA'S REQUEST FOR A SIDEWALK VARIANCE ON LOTS IN THE
CRAWFORD COVE SUBDIVISION BASED ON THE FOLLOWING
FINDINGS OF FACT:

1. GRANTING THE VARIANCE WOULD IMPAIR THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE OF THE INHABITANTS OF THE TOWNSHIP AS FOLLOWS:
 - a. ABSENT SIDEWALKS, STUDENTS MUST WALK IN THE STREET TO THE BUS STOP AT THE CRAWFORD ST./OLD LANSING ROAD INTERSECTION. A WAVERLY SCHOOLS REPRESENTATIVE HAS CONFIRMED THAT SCHOOL BUSES DO NOT DIRECTLY ACCESS THE CRAWFORD COVE SUBDIVISION.
 - b. ABSENT SIDEWALKS, RESIDENTS OF THE SUBDIVISION CAN NOT SAFELY ACCESS THE PRIVATE PARK ADJACENT TO LOTS 15 & 16 AS WELL AS SITES ALONG OLD LANSING ROAD SUCH AS WOLDUMAR NATURE CENTER.
2. THERE HAS BEEN NO FINDING OF PRACTICAL DIFFICULTY OR UNDUE HARDSHIP. THERE IS ADEQUATE RIGHT OF WAY ALONG MARYLOUISE STREET TO ACCOMMODATE THE REQUIRED SIDEWALKS AND THERE ARE NO PHYSICAL BARRIERS PREVENTING THE SIDEWALK INSTALLATION.
3. THE PREPONDERANCE OF LOTS WITHIN THE SUBDIVISION HAVE NOT BEEN DEVELOPED. THERE ARE 24 LOTS AND ONE UNPLATTED PARCEL IN THE SUBDIVISION AND ONLY SIX HOUSES HAVE BEEN BUILT.
4. MR. LEA SIGNED “NOTIFICATION OF SIDEWALK REQUIREMENTS” FOR THE FIVE SUBJECT PARCELS IN THE CRAWFORD COVE SUBDIVISION. THE NOTIFICATIONS CONSTITUTED AGREEMENTS TO INSTALL THE SIDEWALKS AS PER THE REQUIREMENTS OF THE DELTA TOWNSHIP SIDEWALK ORDINANCE.
5. THE SIDEWALK ORDINANCE STIPULATES THAT MR. LEA INSTALL THE SIDEWALKS WITHIN ONE YEAR OF THE ISSUANCE OF A BUILDING PERMIT. ONE TO THREE YEARS HAVE ELAPSED SINCE THE FIVE BUILDING PERMITS WERE ISSUED AND THE SIDEWALKS HAVE YET TO BE INSTALLED.
6. THE DELTA TOWNSHIP NON-MOTORIZED TRANSPORTATION STUDY, ADOPTED IN 2005, RECOMMENDS THE INSTALLATION OF A SHARED USE PATH PARALLEL TO OLD LANSING ROAD WITH A FUTURE CONNECTION TO THE OLD LANSING ROAD RIVER TRAIL.

TRUSTEE POMA SUPPORTED THE MOTION. MOTION PASSED 5-0.

XV. COMMITTEE OF THE WHOLE

7. Proposed Zoning Ordinance Amendments for Non-Motorized Transportation Improvements

Mr. Graham said non-motorized transportation was a big issue in the Township and he would like to propose to the Board four topics for their consideration. He noted that the Township had adopted a Non-Motorized Transportation Plan in 2005 which the Township referred to when reviewing new development. He said the Township also had a Township Sidewalk Plan that was originally adopted 25 years ago, revised in 2002, and updated last month to acknowledge projects that had been completed and projects that needed to be added. Mr. Graham said the Board had also adopted the 2010 Sidewalk Program which contained approximately nine projects at a cost of approximately \$125,000. He said an update had also been made to the Township's five year Sidewalk Program which consisted of approximately 25 projects.

Mr. Graham said the first component that he would like to talk about this evening was Zoning Ordinance amendments. He noted that page 19 of the Township's Non-Motorized study that was conducted in 2005 acknowledged the need for the Township to amend Township ordinances to provide more rules and regulations to create a walkable community. Mr. Graham felt a method that the Township could use was the site plan review process in which staff would routinely refer to the Non-Motorized Plan and identify whether or not a sidewalk or a non-motorized pathway had been recommended.

Mr. Graham said the main reason why this policy needed to be replaced was due to a 1994 U.S. Supreme Court decision where a city had attempted to acquire an easement for a bike path from a business owner who had proposed to expand his business. He said the business owner objected to granting an easement and the case ultimately went to the U.S. Supreme Court who found two important issues. The first being that there had to be an essential nexus between the States interest in the requirement and the second being that there had to be a relationship between the regulation and the impact and the extent of the proposed development. He noted that the City's argument was that the bike path could provide for some bike trips that would decrease traffic on the street, but the Court ruled that the City's generalized findings of fact were insufficient and ruled against the City. Mr. Graham said the Township's Attorney had advised the Township to review developments on a case by case basis and had suggested seven standards in the ordinance for the Township to use when reviewing developments.

Mr. Graham said the proposed amendments and the Non-Motorized Transportation Plan recognized the fact that the Township was now going beyond providing sidewalks in front of homes and that improvements could include trails, shared use paths, and connecting sidewalks. He said there would also be instances where the sidewalk may be ahead of the development in which case, the Township would want to require an easement so that transportation improvements could be made at a later date.

Mr. Graham said at the present time, the Township's Subdivision Ordinance mandated a sidewalk in front of a home, but he noted that the proposed amendments would also permit the Township to require a developer to install transportation improvements beyond the traditional sidewalk system. He said the proposed criteria contained in the Subdivision Ordinance would be almost identical to the seven criteria that had been proposed for the Zoning Ordinance.

Mr. Graham noted that approximately four years ago, the Township's Assistant Manager, Ken Lane, was working with the Utility Committee on creating a policy for easement acquisitions. He noted that this originally came out of a need to acquire easements for sewer and water mains, but the Township was now acquiring several easements for sidewalks. Mr. Graham said after some review, staff had determined that there was a need for the standardized method of acquiring easements, but it was felt that non-motorized sidewalks should be added. He said the ordinance was amended to create an Easement Ordinance for the Board's consideration. Mr. Graham said the Easement Ordinance, as drafted, would apply to situations where the Township was attempting to acquire an easement from a property owner, as well as when someone was trying to acquire an easement from the Township such as another utility company. Mr. Graham said the ordinance required that appraisals of the property be done when the Township was purchasing an easement, or when the Township was providing an easement to another party. He said the proposed ordinance had been reviewed by both the Township's Attorney and the Township's Engineer. Mr. Graham indicated that the Township's Engineer, Dennis Williams, was opposed to the adoption of this ordinance. He noted that in the past, Mr. Williams had done an excellent job of acquiring easements, but there was a concern that the existing easement acquisition process was inequitable in that some property owners provided an easement for \$1.00 while other parties demanded fair market value for a similar sized easement. The proposed amendments would provide for fair and equitable regulations.

Mr. Graham said the last item he would like to present this evening was the Shared Use Construction Standards. He said this document

recommended many instances of shared use pathways which were wider than a sidewalk and were constructed to accommodate different types of non-motorized uses. He said recognizing shared use pathways and the recommendations contained in this plan, the Board had been provided with general criteria for the Township to consider when installing shared use pathways. Mr. Graham noted that he had reviewed the proposed standards with the Engineering Department who were in agreement with the proposed standards, but one concern that staff had was with the setback of the pathway from the roadway. He said staff would like to revisit the Road Commission's standard that there be a 10 foot setback from the roadway. He noted that a lot of the documents that staff had viewed required as little as a five foot separation which would make a lot of difference when installing sidewalks and pathways throughout the Township if the standard could be lowered.

Mr. Graham said he would like to move forward and request that the Board sponsor the proposed amendments and forward them to the Planning Commission for public hearing. He noted that out the four amendments, the Zoning Ordinance amendments were the only one that were required to go before the Planning Commission for a public hearing, however, he would like to get the Planning Commission's input on all of the amendments.

Treasurer Pizzo inquired as to whether the proposed ordinances would provide the Township an opportunity to design a trail system on a large vacant tract of land so that when a developer submitted development plans, they would be aware of the Township's intention to provide a non-motorized trail system and be cognizant of the fact that easements would be needed.

Mr. Graham said the first thing staff would do when development plans were received would be to refer to the Non-Motorized Transportation Plan which did a good job of identifying improvements such as trails along rivers and major thoroughfares and would refer to the seven criteria that he had reviewed this evening. However, Mr. Graham noted that the Township could not mandate a developer provide the Township with an easement before they were ready to develop their property, otherwise he felt the Township would be faced with a taking claim.

The proposed amendments would be placed on a future Board agenda for sponsorship.

9. Economic Development Position

Mr. Watkins said the Board had been provided with a memo this evening indicating that during the 2010 Budget process, the Board had discussed the hiring of an Economic Development Director. He said the Board had decided to include the position in the Township's Budget with the requirement that this matter be brought back before the Board prior to moving forward on this matter. Mr. Watkins noted that his memo provided the Board with a brief history of the Economic Development Director's position by noting that the position was initially a part-time position and eventually became a full-time Assistant Manager/Economic Development Director position. He noted that the position became vacant two years ago and had not been filled. Mr. Watkins said the reason why the Township had not filled the vacant position was due to the economic climate in the area and an attempt to utilize existing Township personnel. Mr. Watkins felt it was necessary to move ahead and fill this position and had provided the Board with pros and cons of hiring within versus hiring from the outside. Mr. Watkins said he preferred that the Township proceed with filling this position by posting it internally and externally and review all applications that were received. Mr. Watkins said he was ready to move forward as soon as he was given direction by the Board.

It was the general consensus of the Board to move forward with filling the vacant Economic Development Director's position.

XVI. PUBLIC COMMENTS

Howard Hedlund said he had operated a business within the Township several years ago and he did not feel the Township needed a prevailing wage policy. He said the wages in the community were very fair and for the government to get involved with potentially raising the price of a job was out of line. Mr. Hedlund said if the Township's Library had not been a prevailing wage project, the project would have probably cost between \$100,000 to \$300,000 less. Mr. Hedlund felt the Board's job was to run the Township and not dictate how much someone made. He said today's newspaper contained an article by Philip Kale about the problems that Michigan was experiencing and that people had to stop making the government an escape goat. He noted that people criticized the government for not doing their job, but it was hard for any leader to lead a flock of the greedy and the unwilling. Mr. Hedlund stated a quote by President Kennedy by stating that "Ask not what Delta can do for you, but what you can do for Delta".

10. Executive Session

TRUSTEE POMA MOVED THAT THE TOWNSHIP BOARD ADJOURN TO EXECUTIVE SESSION AT THE REQUEST OF THE TOWNSHIP MANAGER UNDER THE OPEN MEETINGS ACT, (ACT 267 OF 1976), SECTION

15.268(A), TO CONSIDER A PERIODIC PERSONNEL EVALUATION OF THE TOWNSHIP MANAGER.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION.

ROLL CALL:

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

NAYS: NONE

ABSENT: TRUSTEES HICKS AND SPAGNUOLO.

MOTION PASSED 5 TO 0.

The Board adjourned to Executive Session at 7:05 p.m.

CLERK VEDDER MOVED THAT THE BOARD RECONVENE FROM EXECUTIVE SESSION AT 8:16 P.M. AND ADJOURN THE REGULAR SESSION.

XVII. ADJOURNMENT

Supervisor Fletcher adjourned the meeting at 8:16 p.m.

CHARTER TOWNSHIP OF DELTA

JANICE VEDDER, TOWNSHIP CLERK

KENNETH FLETCHER, TOWNSHIP SUPERVISOR