

**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  
TUESDAY, JANUARY 19, 2010**

**I. CALL TO ORDER**

Clerk Vedder called the meeting to order at 6:00 p.m.

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

**III. ROLL CALL**

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

Members Absent: Supervisor Ken Fletcher

Others Present: Manager Richard Watkins, Planning Director Mark Graham, Township Engineer Dennis Williams, Code Enforcement Officer Kelly Figueiredo, Building Department Director Jerry Harkness, Lt. Jeff Warder, Utility Director Tom Morrissey, and Manager's Assistant Jenny Wohlfert.

TRUSTEE HICKS MOVED THAT SUPERVISOR FLETCHER BE EXCUSED FROM THE JANUARY 19, 2010 MEETING.

TRUSTEE POMA SUPPORTED THE MOTION. MOTION PASSED 6-0.

**IV. PRESENTATIONS AND PROCLAMATIONS – None**

**V. SET/ADJUST AGENDA**

TREASURER PIZZO MOVED THAT THE AGENDA BE APPROVED AS SUBMITTED.

TRUSTEE POMA SUPPORTED THE MOTION. MOTION PASSED 6 TO 0.

**VI. PUBLIC HEARINGS AND ACTION - None**

**VII. COMMUNICATIONS - None**

**VIII. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**

Ray Michaels, 5205 South Pennsylvania, Lansing, representing International Brotherhood of Electrical Workers Local 665, encouraged the Board to adopt a prevailing wage policy. Mr. Michaels noted that currently the counties of Eaton and Ingham, the City of Lansing, the State of Michigan, and the Federal Government all used some form of a prevailing wage policy. He noted that the policy encouraged the use of contractors, business people, and workers from the local economic region. This would also support the local economy and provide good jobs and discouraged the undermining of the local economy and wages and purchasing power of the consumers who supported the local businesses and entrepreneurs. He felt prevailing wage was an investment in high quality training and high quality infrastructure.

Chris Fisher, Associated Builders and Contractors of Michigan, indicated that they were in opposition to the Township adopting a prevailing wage policy. Mr. Fisher indicated that the Michigan Township Association supported the fact that most townships in Michigan did not have a prevailing wage requirement in place due to the fact that prevailing wages increased the cost of construction and with increased construction costs, less work was performed which resulted in fewer people being hired. Mr. Fisher provided the Board with a packet of information that he hoped they would share with the Township's Attorney. He noted that a couple of years ago, the City of Lansing was considering a prevailing wage policy and decided not to expand their policy due to a court case that was before the Michigan Court of Appeals. He said the case had since been heard by the Court of Appeals who upheld a lower court ruling stating that local units of government could not enact local wage ordinances. Mr. Fisher said it wouldn't make sense for the Township to spend the time, energy, and resources on this issue only to be overturned by the Supreme Court.

**IX. INTRODUCTION OF ORDINANCES**

- 1. Introduction of the 2009 International Fire Code** – The Fire Department recommends the Township Board introduce an ordinance to designate Delta Township as an enforcing agency for the International Fire Code, 2009 Edition.

TREASURER PIZZO MOVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA INTRODUCE AN ORDINANCE TO DESIGNATE DELTA TOWNSHIP AS AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITIES OF THE *INTERNATIONAL FIRE CODE, 2009 EDITION*, IN ITS ENTIRETY, AS WELL AS *APPENDIXES A, B, C, D, E, F, G, H, I, AND J*; AND FURTHER;

WITH THE EXCEPTION OF *903.3.1.3 NFPA 13D SPRINKLER SYSTEMS* WHICH READS: *WHERE ALLOWED, AUTOMATIC SPRINKLER SYSTEMS INSTALLED IN ONE- AND TWO-FAMILY DWELLINGS AND TOWNHOUSES SHALL BE INSTALLED THROUGHOUT IN ACCORDANCE WITH NFPA 13D;* AND FURTHER;

TO REPEAL ALL ORDINANCES INCONSISTENT WITH THE PROVISIONS OF THIS ORDINANCE, AND FURTHER;

SAID ORDINANCE SHALL BE CONSIDERED FOR FINAL ACTION BY THE TOWNSHIP BOARD AT THE FEBRUARY 1, 2010 REGULAR BOARD MEETING, AND FURTHER;

THE TOWNSHIP CLERK IS HEREBY DIRECTED TO PUBLISH SAID ORDINANCE AND THE RULES, REGULATIONS, PROVISIONS, REQUIREMENTS, ORDERS, AND MATTERS ESTABLISHED AND ADOPTED HEREBY SHALL TAKE EFFECT AND BE IN FULL FORCE UPON FINAL PUBLICATION OF ADOPTION.

TRUSTEE HICKS SUPPORTED THE MOTION. MOTION PASSED 6-0.

- 2. Introduction of Proposed Zoning Ordinances – Mixed Use Buildings** – The Planning Commission recommends the Township Board introduce an amendment to the Delta Township Zoning Ordinance which would permit Mixed Use Buildings in the Township’s commercial zoning districts.

TRUSTEE POMA MOVED THAT THE DELTA TOWNSHIP BOARD INTRODUCE AMENDMENTS, IDENTIFIED AS CASE NO. 10-09-07, TO THE DELTA TOWNSHIP ZONING ORDINANCE WHICH WOULD PERMIT MIXED USE BUILDINGS IN THE TOWNSHIP’S COMMERCIAL ZONING DISTRICTS. FURTHER, THE TOWNSHIP CLERK IS HEREBY DIRECTED TO ADVERTISE THIS INTRODUCTION IN LOCAL NEWSPAPERS AND INDICATE THAT THE BOARD WILL CONSIDER FINAL ACTION ON THE AMENDMENTS AT THEIR FEBRUARY 1, 2010 MEETING.

TRUSTEE SPAGNUOLO SUPPORTED THE MOTION. MOTION PASSED 6-0.

- 3. Introduction of Ordinance Amendments – Private Well License** – The Planning Department recommends the Township Board introduce an amendment to the Delta Township Ordinances as it pertains to licensing private wells.

TRUSTEE HICKS MOVED THAT THE DELTA TOWNSHIP BOARD INTRODUCE AMENDMENTS TO SECTIONS 18-26.2, 18-26.2-1, 18-26.3, AND 18-33 OF THE DELTA TOWNSHIP UTILITIES ORDINANCE. THE PROPOSED AMENDMENTS WOULD PERMIT THE DRILLING OF PRIVATE WELLS UPON THE ISSUANCE

OF A LICENSE BY THE TOWNSHIP ENGINEER. THE TOWNSHIP CLERK IS HEREBY DIRECTED TO ADVERTISE THIS INTRODUCTION IN LOCAL NEWSPAPERS.

TRUSTEE SPAGNUOLO SUPPORTED THE MOTION. MOTION PASSED 6-0.

**X. PASSAGE OF ORDINANCES – None**

**XI. CONSENT AGENDA**

TRUSTEE HICKS MOVED THE CONSENT AGENDA BE APPROVED WITH THE REMOVAL OF ITEM #5, BILLS & FINANCIAL TRANSACTIONS.

TRUSTEE POMA SUPPORTED THE MOTION. MOTION PASSED 6-0.

ROLL CALL:

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

NAYS:                   NONE

ABSENT:               SUPERVISOR FLETCHER

MOTION PASSED 6 TO 0.

**4. Minutes – December 21, 2009 Minutes and the January 4, 2010 Minutes**

TRUSTEE HICKS MOVED THAT THE DECEMBER 21, 2009 MINUTES AND THE JANUARY 4, 2010 MINUTES BE APPROVED AS SUBMITTED.

TRUSTEE POMA SUPPORTED THE MOTION. MOTION PASSED 6-0.

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

**5. Bills & Financial Transactions**

Trustee Hicks said in light of the fact that the Township had eliminated all Committees, including the Budget and Finance Committee, he suggested that the name of the Finance Committee Report be changed.

TRUSTEE HICKS MOVED THAT THE BILLS & FINANCIAL TRANSACTIONS IN THE AMOUNT OF \$1,107,214.58 BE APPROVED AND THAT THE NAME OF THE FINANCE COMMITTEE REPORT BE CHANGED.

TRUSTEE POMA SUPPORTED THE MOTION.

ROLL CALL:

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

NAYS: NONE

ABSENT: SUPERVISOR FLETCHER

MOTION PASSED 6 TO 0.

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

- 6.
- 7.

**XIV. ITEMS OF BUSINESS**

- 8. **Appointment Processes Policies for Boards and Commissions** – The Township Manager, upon discussion by the Committee of the Whole, recommends the Township Board amend the appointment processes policies for Township boards and commissions to reflect a revision to the selection committee(s).

TREASURER PIZZO MOVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA ADOPT THE REVISED APPOINTMENT PROCESSES FOR THE BUILDING, MECHANICAL, ELECTRICAL, AND PLUMBING BOARD OF APPEAL, THE DELTA TOWNSHIP BOARD OF REVIEW, THE PARKS, RECREATION, AND CEMETERIES COMMISSION, THE FIRE BOARD OF APPEALS, THE DISTRICT LIBRARY BOARD, THE PLANNING COMMISSION, THE ZONING & SIGN BOARDS OF APPEAL, THE ECONOMIC DEVELOPMENT CORPORATION PROCESS, AND THE PROPERTY MAINTENANCE BOARD OF APPEALS PROCESS.

TRUSTEE SPAGNUOLO SUPPORTED THE MOTION. MOTION PASSED 6-0.

- 9. **Final Action for Special Land Use Permit for Gene Eding, Case No. 11-09-10** – The Planning Department recommends the Township Board approve the request for a Special Land Use Permit to allow the creation of a residential condominium subdivision.

TREASURER PIZZO MOVED THAT THE DELTA TOWNSHIP BOARD DENY THE REQUEST FOR A SPECIAL LAND USE PERMIT FOR A HOME OCCUPATION TO ALLOW THE ESTABLISHMENT AND OPERATION OF A HAIR SALON ON THE PREMISES LOCATED AT 868 THOMAS L. PARKWAY EAST, AS DESCRIBED IN CASE NO. 11-09-9, FOR THE FOLLOWING REASONS:

THE REQUEST DOES NOT CURRENTLY MEET THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE STANDARDS SPECIFIED FOR SPECIAL LAND USES IN SECTION 18.4.0 DELTA TOWNSHIP ZONING ORDINANCE IN THAT:

1. THE PREMISES DOES NOT CURRENTLY COMPLY WITH APPLICABLE TOWNSHIP BUILDING REGULATIONS THAT REQUIRE SAFE AND PROPER EGRESS FROM THE BASEMENT AREA WHERE THE PROPOSED HOME OCCUPATION WOULD BE OPERATED.
2. PRESENTLY, THE FAILURE OF A STORM DRAIN UNDER THOMAS L. PARKWAY EAST HAS CAUSED THE ROADWAY TO BE DAMAGED, AND IS THEREFORE RESTRICTED TO THE TRAFFIC OF LOCAL RESIDENTS ONLY. ALLOWING ADDITIONAL TRAFFIC ASSOCIATED WITH A HOME OCCUPATION ON THE STREET MAY RESULT IN AN INCREASED NUMBER OF UNFAMILIAR MOTORISTS BEING EXPOSED TO THIS HAZARD.
3. THE PROPOSED HOME OCCUPATION MAY EXACERBATE EXISTING TRAFFIC SAFETY ISSUES IN THE NEIGHBORHOOD ASSOCIATED WITH CUT-THROUGH TRAFFIC, HIGH VOLUMES, AND EXCESSIVE SPEED.

TRUSTEE SPAGNUOLO SUPPORTED THE MOTION. MOTION PASSED 6-0.

- 10. Final Action for Special Land Use Permit for Maguire Development, Case No. 12-09-10** – The Planning Department recommends the Township Board approve the request for a Special Land Use Permit to allow the creation of a residential condominium subdivision.

*TRUSTEE HICKS MOVED THAT HE BE EXCUSED FROM ACTING ON THIS REQUEST DUE TO THE FACT THAT THE APPLICANT WAS A CLIENT OF HIS LAW FIRM. HE DIDN'T FEEL HE COULD ADVOCATE FOR THE APPLICANT'S BEST INTEREST AND SEPARATE HIMSELF FROM THE VOTE ITSELF.*

TRUSTEE POMA SUPPORTED THE MOTION. MOTION PASSED 6-0.

TRUSTEE POMA MOVED THAT THE TOWNSHIP BOARD APPROVE THE REQUEST FOR A SPECIAL LAND USE PERMIT TO ALLOW THE CREATION OF A RESIDENTIAL CONDOMINIUM SUBDIVISION, AS DESCRIBED IN CASE NO. 12-09-10, 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. THE SUBJECT PARCEL IS ADEQUATELY SERVED BY THE REQUIRED PUBLIC UTILITIES.
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.

AND SUBJECT TO THE FOLLOWING STIPULATIONS:

1. A REVISED OPEN SPACE AGREEMENT FOR THE EXISTING PUD, RECOGNIZING THE ESTABLISHMENT OF THE VILLAGE AT SHADOW GLEN, SHALL BE RECORDED WITH THE EATON COUNTY REGISTER OF DEEDS.
2. A TOTAL OF NO MORE THAN 49 CONDOMINIUM SITES SHALL BE CREATED AS PART OF THE PROPOSED CONDOMINIUM SUBDIVISION.

TRUSTEE SPAGNUOLO SUPPORTED THE MOTION. MOTION PASSED 5-0 (Hicks abstained).

- 11. Approve Preliminary Site Plan – Village at Shadow Glen Condominiums –**  
The Planning Department recommends the Township Board approve the preliminary site plan for the 49 unit village at Shadow Glen Condominiums project.

TRUSTEE HICKS MOVED THAT HE BE EXCUSED FROM ACTING ON THIS REQUEST DUE TO THE FACT THAT THE APPLICANT WAS A CLIENT OF HIS LAW FIRM. HE DIDN'T FEEL HE COULD ADVOCATE FOR THE

APPLICANT'S BEST INTEREST AND SEPARATE HIMSELF FROM THE VOTE ITSELF.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION. MOTION PASSED 6-0.

TREASURER PIZZO MOVED THAT THE TOWNSHIP BOARD APPROVE THE PRELIMINARY SITE PLAN FOR THE 49 UNIT VILLAGE AT SHADOW GLEN CONDOMINIUM PROJECT AS ILLUSTRATED ON THE DRAWINGS PREPARED BY KEBS, INC., DATED DECEMBER 16, 2009, SUBJECT TO THE FOLLOWING STIPULATIONS:

1. FINAL APPROVAL OF THE PROPOSED WATER AND SANITARY SEWER SYSTEMS SHALL BE OBTAINED FROM THE TOWNSHIP ENGINEERING AND UTILITY DEPARTMENTS.
2. A NOTE SHALL BE INCLUDED ON THE PLAN INDICATING THAT ALL UTILITIES, INCLUDING ELECTRIC, SHALL BE LOCATED UNDERGROUND AS PER THE REQUIREMENTS OF SECTION 18.10.0(A)(3)(A) OF THE ZONING ORDINANCE.
3. A FIVE FOOT WIDE CONCRETE SIDEWALK SHALL BE INSTALLED (AS INDICATED ON THE SITE PLAN) ON BOTH SIDES OF ALL STREETS WITHIN THE DEVELOPMENT, AS WELL AS ALONG THE DEVELOPMENT'S FRONTAGE ON THE EAST SIDE OF BROADBENT ROAD.
4. A SURETY SHALL BE PROVIDED FOR THE BROADBENT ROAD SIDEWALK, AS REQUIRED BY SECTION 3.23.0 OF THE TOWNSHIP ZONING ORDINANCE, PRIOR TO THE ISSUANCE OF FINAL SITE PLAN APPROVAL BY THE TOWNSHIP ZONING ADMINISTRATOR.
5. A SURETY SHALL BE PROVIDED FOR EACH SEGMENT OF INTERIOR SIDEWALK, AS REQUIRED BY SECTION 3.23.0 OF THE TOWNSHIP ZONING ORDINANCE, PRIOR TO THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE FOR EACH UNIT BY THE TOWNSHIP ZONING ADMINISTRATOR.
6. LOT IRONS AND MONUMENTS SHALL BE INSTALLED IN EACH PHASE OF THE CONDOMINIUM SUBDIVISION AS REQUIRED BY SECTION 18.9.0(I)(6) OF THE ZONING ORDINANCE.

TRUSTEE SPAGNUOLO SUPPORTED THE MOTION. MOTION PASSED 5-0 (Hicks abstained).

- 12. Referral of Amendments to the Planning Commission regarding Concrete/Asphalt Crushing, Case No. 12-09-11** – The Planning Department recommends the Township Board refer proposed amendments to the Delta Township Zoning Ordinance, to the Planning Commission for the purpose of holding a public hearing and providing a recommendation to the Township Board.

Trustee Poma questioned whether this was an activity that was already taking place that had been brought to the Township's attention.

Mr. Graham noted that staff had recently received several inquiries regarding the possibility of concrete crushing in the Township due to pending road construction projects. He noted that a private property owner, Land One, who owned the property located southwest of the Creyts/Saginaw Highway intersection, filed an application with the Planning Department to amend the Zoning Ordinance to allow this type of activity. Mr. Graham noted that most amendments the Board received were generated by staff, Planning Commission, or the Board and that amendments were rarely generated by a private party.

Trustee Poma inquired about the chemical makeup of the materials that would be processed.

Mr. Graham said he had spoken to representatives of Mid-Michigan Crushing who did a lot of work in the area and they guesstimated that 75% of the material would be concrete, 20% would be asphalt, and 5% would be native material which was rock and stone. Mr. Graham noted that the proposed regulations would establish a frame work and if someone applied for a crushing operation on a specific site, they would have to file a special land use permit and go through the usual procedure which would include a public hearing before the Planning Commission.

TREASURER PIZZO MOVED THAT THE TOWNSHIP BOARD REFER PROPOSED AMENDMENTS TO THE DELTA TOWNSHIP ZONING ORDINANCE, BEING CASE NO. 12-09-11, TO THE PLANNING COMMISSION FOR THE PURPOSE OF HOLDING A PUBLIC HEARING AND PROVIDING RECOMMENDATIONS TO THE TOWNSHIP BOARD. SAID AMENDMENTS WOULD PERMIT CONCRETE AND ASPHALT CRUSHING ON COMMERCIAL AND INDUSTRIALLY ZONED PROPERTIES SUBJECT TO THE GRANTING OF A SPECIAL LAND USE PERMIT BY THE TOWNSHIP BOARD.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION. MOTION PASSED 6-0.

- 13. Resolution No. 24, Emergency Management Policy and Organization Plan**  
– The Fire Department recommends the Township Board approve the Emergency Management Policy and Organization Plan as presented.

Trustee Cunningham noted that the Emergency Management Policy and Organization Plan were required to be updated every four years in order to reflect changes in the Township's Emergency Operations Plan. She noted that the plan before the Board this evening was actually an updated plan the Public Safety Committee had approved last year.

TRUSTEE CUNNINGHAM MOVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA APPROVE, FOR ADOPTION, THE EMERGENCY MANAGEMENT POLICY AND ORGANIZATION PLAN AS PRESENTED, EFFECTIVE THIS DATE. THIS REPLACES PREVIOUS RESOLUTION NUMBER 24.

TRUSTEE SPAGNUOLO SUPPORTED THE MOTION. MOTION PASSED 6-0.

- 14. Set Public Hearing for Commercial Rehabilitation Exemption Certificate Application** – The Manager's Office recommends the Township Board set a public hearing to consider an application for a Commercial Rehabilitation Exemption Certificate for Auto-Owners Insurance Company.

TRUSTEE CUNNINGHAM 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, P.A. 210 REQUIRES THAT THE TOWNSHIP GIVE WRITTEN NOTICE TO THE ASSESSOR OF DELTA TOWNSHIP AND EACH TAXING JURISDICTION THAT LEVIES AD VALOREM PROPERTY TAXES AND THAT THE TOWNSHIP AFFORD AN OPPORTUNITY FOR A HEARING ON THE APPLICATION FOR A COMMERCIAL REHABILITATION EXEMPTION CERTIFICATE; AND

NOW, THEREFORE BE IT RESOLVED THAT:

1. THE TOWNSHIP BOARD SHALL MEET AT THE TOWNSHIP ADMINISTRATION BUILDING, 7710 W. SAGINAW HIGHWAY, ON FEBRUARY 15, 2010, AT 6:00 P.M., AT WHICH TIME AND PLACE THE TOWNSHIP BOARD SHALL HEAR COMMENTS ON THE APPLICATION FOR A COMMERCIAL REHABILITATION EXEMPTION CERTIFICATE.

2. THE TOWNSHIP CLERK IS HEREBY AUTHORIZED AND DIRECTED TO CAUSE NOTICE OF SUCH HEARING TO BE PUBLISHED PRIOR TO SAID HEARING IN NEWSPAPERS OF GENERAL CIRCULATION IN THE TOWNSHIP, THE PUBLICATION TO BE NOT LESS THAN TEN (10) DAYS OR MORE THAN THIRTY (30) DAYS BEFORE THE DATE OF THE HEARING, AND SHALL CAUSE NOTICE OF SAID HEARING TO BE MAILED BY CERTIFIED MAIL.

TRUSTEE HICKS SUPPORTED THE MOTION. MOTION PASSED 6-0.

15. **Policy for Fees for the Rental Registration/Inspection Ordinance** – The Building Department recommends the Township Board adopt a policy regarding fees for the Rental Registration/Inspection Ordinance.

Ms. Figueiredo noted that the Board had been provided with a proposed policy that was discussed at the Committee of the Whole meeting at which time, the Board considered adjusting the Rental Registration and Inspection Fee Schedule to provide an incentive for compliance. She noted that a 10% rebate would be provided to properties that were in 100% compliance upon the first inspection and that the fees would be spread over a three year registration/inspection cycle for apartment complexes with a minimum of 24 units.

Trustee Hicks questioned whether the proposed 10% rebate was a one time incentive, or would it be applied to every cycle of inspections.

Ms. Figueiredo said the 10% rebate would be applied to the first inspection of each cycle.

Clerk Vedder inquired as to whether the 10% rebate would be applied to the first inspection of every 24 units.

Ms. Figueiredo noted that each apartment complex containing 24 units or more would be divided into thirds for inspection purposes. She noted that the rebate would be applied to the first inspection of each one-third of the units per year.

Clerk Vedder questioned whether the landlord would receive a refund from the Township for 100% compliance, or would a reduction in inspection fees be given.

Ms. Figueiredo noted that the landlord would be provided a refund. Clerk Vedder inquired as to whether single family and duplex rental units would receive rebates.

Ms. Figueiredo noted that single family and duplex rental units would receive a 10% rebate as well, but they wouldn't be billed in thirds.

Trustee Hicks felt the revised fee schedule represented a fair compromise to the Township's business owners who owned income property.

TRUSTEE HICKS MOVED THAT THE TOWNSHIP BOARD REPEAL THE 2007 RENTAL REGISTRATION/ INSPECTION FEE POLICY. FURTHER, THAT THE TOWNSHIP BOARD REVISE THE RENTAL REGISTRATION/ INSPECTION FEE SCHEDULE AS FOLLOWS:

FEE SCHEDULE:

BASE LIVING COMPLEX BUILDING FEE = \$205

PER UNIT FEE = \$20

RE-INSPECTION (AFTER 1<sup>ST</sup> RE-INSPECTION) NO SHOW FEE = \$45

LATE FEE = \$45 PLUS CIVIL INFRACTION FINES

TRADES INSPECTION (ONLY WHEN DEEMED NECESSARY) = \$45 PER INSPECTOR

PROPERTIES THAT ACHIEVE 100% COMPLIANCE AS A RESULT OF ONE INSPECTION WILL RECEIVE A 10% REBATE ON THEIR REGISTRATION/ INSPECTION FEE.

FURTHER, THAT THE TOWNSHIP BOARD ADOPT THE REVISED 2010 RENTAL INSPECTION FEE POLICY WHICH SPECIFIES THAT THAT ALL MULTI-FAMILY PROPERTIES WITH A MINIMUM OF TWENTY-FOUR (24) UNITS SHALL AUTOMATICALLY BE INSPECTED ONE-THIRD (1/3) PER YEAR AND SUBMIT PAYMENT IN THREE (3) ANNUAL INSTALLMENTS.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION. MOTION PASSED 6-0.

**XV. COMMITTEE OF THE WHOLE**

**16. Canal Road Sanitary Sewer**

Mr. Watkins stated that a number of years ago, sanitary sewer was extended along Canal Road and at that time, five property owners on the west side of Canal Road were not interested in connecting to the sewer. He indicated that a home located at 1709 N. Canal Road had since sold, but the new owner was unable to obtain approval from the Health Department for an on-site septic system and had approached the Township to inquire about their options regarding the extension of sanitary sewer. He noted that the Township sent a letter to property owners along Canal Road outlining options for their consideration, as well as a cost estimate to extend sanitary sewer to their

properties. Mr. Watkins indicated that it was the Township Engineer's recommendation that the Township proceed to build the sewer and require those property owners to connect.

Brian Thomas, 1725 North Canal, said he would be affected by the proposal to extend sanitary sewer to his property. Mr. Thomas said he was opposed to the extension of sanitary sewers at this time and that he had a septic system that had been working sufficiently every since he moved into his home nine years ago. He noted that he had spoken to all of his neighbors and that all of their septic systems were in working condition and that the home located at 1709 N. Canal was the only one who had experienced any problems. Mr. Thomas indicated that extending sewer and forcing residents to connect at this time would be a financial hardship, especially during these tough economic times.

Mark Stucky, 2663 Delridge Drive, Holt, Michigan, noted that he owned the house at 1709 N. Canal Road where the septic system had failed. Mr. Stucky said he had looked at his options of providing sanitary sewer to his property, but since receiving the cost estimates from the Township to extend sanitary sewer, it didn't make sense for him to proceed with this option. Mr. Stucky noted that he had reviewed all of the information he had received from the Health Department in regards to the age and functionality of adjacent property owner's septic systems and had found that he was the only one that had a failed system. Mr. Stucky noted that it would be a lot cheaper for him to install a private engineered septic system than to extend sanitary sewer to his property. He respectfully requested that the Township not pursue this matter any further.

Tom Harrington, 1701 N. Canal Road, said he agreed with Mr. Thomas and that since he had moved into his home eight years ago, he had not experienced any problems with his septic system. Mr. Harrington indicated that there were future plans to widen Canal to four lanes to the roundabout and he assumed that at that time, sanitary sewers and storm drains would be installed. He didn't feel it made any sense to extend sanitary sewers at this time in order to serve five or six properties in the area when sewers could be installed at the time the road was widened.

Gary Dachtler, 1731 N. Canal, said his septic system was in working order and he was in opposition to the extension of sanitary sewers at this time.

Paul Salmon, 1739 N. Canal, said he had lived in his home for approximately four years and had never had a problem with this septic system. He was not in favor of extending sanitary sewer.

Mr. Williams said there were a number of areas throughout the Township that were similar to the area being discussed this evening where properties were adjacent to sanitary sewers and where private on-site septic systems failed at different times. Mr. Williams indicated that had private septic systems not failed, there wouldn't be any need for a sewer system in the Township. He said history showed that private septic systems would fail and if each property owner was able to respond to the failure and make the repairs, it was a good thing, but if they weren't able to fix the problem, then it became a problem for everyone.

Trustee Hicks inquired about the timing of the Canal Road widening project.

Mr. Williams noted that the widening of Canal Road was at least 10 years away.

Trustee Hicks said he agreed with Mr. Williams that at some point in time, the on-site septic systems would fail, but they would not all fail at the exact same time. However, he felt the fact that Canal Road was recommended to be widened in the future helped the Township distinguish this particular instance from others. He felt it was admirable of the property owner who had experienced problems to come forward and state that he didn't want to burden his neighbors for his benefit.

Mr. Williams said the Board could consider this matter at such time when Canal Road was widened should the Board elect not to pursue it at this time. He noted that the Township had installed sewers prior to the widening of Willow Highway near the Great Lakes Bible College due to the fact that the installation of sewers would have been significantly more after the road was rebuilt.

Trustee Cunningham inquired about the age of the on-site septic systems in the area and the possibility of those systems failing before Canal Road was widened. She noted that the property owners would be forced into having to fix their on-site septic system, but at the same time, connect to public sewer at the time Canal Road was widened. Ms. Cunningham said at this point in time, she was not in favor of moving forward with this matter due to the cost to the residents and the fact that the residents did not want the sewers.

This item would not be pursued any further at this time.

#### **17. Proposed License Fees and Application for Private Wells**

Mr. Graham said earlier this evening, the Board introduced the private well amendments. He noted that at a prior Board meeting, he was asked to draft a license application, as well as come up with a suggested fee. Mr. Graham indicated

that the Board was in receipt of a memo dated December 28<sup>th</sup> in which he had recommended a fee of \$280.00 based on a guesstimate of what Township staff would incur in processing the application. He noted that the Board had also been provided with an appeals form in that the private well regulations were revised by the Township's Attorney to include an appeal procedure. He noted that the Township Engineer would be charged with making the decision regarding a private well license and the appeal would go to the Township Board. Mr. Graham noted that he was not asking the Board to adopt the \$280.00 fee this evening, but rather it would be presented to the Board at their February meeting when the Board took final action on the ordinance.

Trustee Hicks felt the application should acknowledge the fact that this was a personal property right and that it did not run with the land.

Clerk Vedder expressed concerns with the Township setting a precedent that would open the door for others.

Mr. Graham said the proposed regulations would allow private wells for industrial uses only and would not allow residences within 200 feet of the public water system to install a private well. He said the proposed regulations were being created due to the situation with Briewer Lumber Company where the pH in the Township's water was too high for their wood processing operation. He noted that other industrial uses could approach the Township under the proposed regulations and request a private well.

Clerk Vedder inquired as to whether the schedule of fees should state the hourly rate of staff so that the fees would stay current without having to amend the ordinance.

Mr. Graham suggested that the Board adopt the estimated fees that he had suggested and if necessary, revisit the fees in the future. He noted that the filing fee was separate from the ordinance and that the ordinance would not have to be amended if the filing fees were changed.

## **18. Medical Marijuana Zoning Issues**

Mr. Graham said in November 2008, Michigan voters passed a medical marijuana law, but the law was silent as to how patients obtained marijuana for health reasons. Mr. Graham noted that he had concerns from a zoning standpoint and had provided the Board with an overview of nine communities in Michigan who were dealing with requests to establish Medical Marijuana Dispensaries. He noted that the law was clear that medical marijuana would be classified as a Schedule One controlled substance which meant that someone would not be able to obtain marijuana from a pharmacist. He said a large number of issues had surfaced in that people had started approaching communities for the purpose of opening up store front marijuana businesses, or grow marijuana for themselves or for others. Mr. Graham said since

he authored his memo to the Board, he became aware of pending State Legislation that would drastically change the Michigan law that was adopted in November 2008 by changing medical marijuana from Schedule One controlled substance to a Schedule Two controlled substance which would allow marijuana to be dispensed by pharmacists. Mr. Graham noted that this would address most of the zoning issues that he had regarding the distribution. He said the new law would also limit medical marijuana growers to no more than 10 licenses per year so there would be ten designated facilities in the State that the Department of Health would license. Mr. Graham said he would keep the Board informed on this issue.

Discussion ensued regarding the Township passing a moratorium on this issue and in the interim, further research be done in order for the Township to be proactive.

#### **19. Building Department Report**

Mr. Harkness complemented his staff for their expertise and professionalism and performing their jobs well. He noted that the Building Department would be conducting inspections of the 11 hotels located within the Township which had never been inspected before. He noted that the Electrical Board of Appeals had recently met and had moved in favor of a interpretation of the Township's Electrical Inspector. He noted that the applicant would be appealing the Board's decision at the State level. Mr. Harkness noted that a house located on Stoll Road was deemed a dangerous building as per the Township's Dangerous Building Ordinance and had since been torn down. He noted that inspections were completed on two hotels as per a request by the Fire Department. He indicated that the Building Department had completed a total of 114 hours of training over a three year period as required by the State of Michigan. Mr. Harkness noted that the Building Department had been assisting in keeping the Administration Building's heating and cooling systems in working condition and had also been involved with converting the buildings lighting into a more energy efficient system.

Mr. Harkness noted that staff continued to assist the Assessing Department with the City of Grand Ledge and that over 1,000 homes had been completed at this point in time. He noted that staff had worked with the Eaton County Drain Commissioner and most recently, staff had been contacted by the Sheriff's Department to conduct an inspection of a house on Jolly Road where it was found that unsanitary conditions existed as well as no heat. Mr. Harkness indicated that staff continued to work with the Health Department on inspecting new restaurants. He said new owners of the former Mr. Taco restaurant and the former DOC building would be taking occupancy in the near future which would fill two vacant buildings along Saginaw Highway.

Mr. Harkness indicated that two new homes were under construction in Village Place and that two new model homes were under construction in the Westcharme Estates subdivision. He noted that a company out of Portage, Michigan had since purchased the remaining lots in Westcharme Estates and would be commencing construction of

homes in the near future. Mr. Harkness noted that there wasn't any new construction in the commercial and industrially zoned areas of the Township and that most of the requests had been for remodels or additions. He noted that the Board had been provided with a year end report showing the department's activities from last year.

## **20. Delta Patrol Report**

Lt. Warder provided the Board with the Sheriff Department's year end report which provided a monthly report, as well as a year to date report. Lt. Warder indicated that accident reports were down approximately 17% and personal injury accidents were down 29% which he correlated to his deputies making traffic enforcement a priority, as well as the funding support provided by the Township. He noted that the Township experienced two fatalities last year which were the first two fatal accidents the Township had had in three years. Lt. Warder noted that his department made outstanding warrants a priority and put forth a concentrated effort to close out several complaints the department had been working on. He noted that traffic encounters were down 5% which was very minimal. However, he felt the reason why they were down was due to the fact that he had organized some of the jobs and actually designated a deputy to take care of subpoena services and the like in order to allow other deputies more time to investigate crimes which resulted in a higher closure rate on their criminal complaints. Lt. Warder indicated that he had a group of very hard working men and women who he was very proud of.

Lt. Warder noted that the weigh master had an extremely busy year in that he had made 594 traffic stops, wrote 417 tickets, investigated 53 accidents, and made 144 community contacts. He noted that the weigh master also weighted 74 trucks and made 140 safety inspections on trucks. He noted that out of the 140 safety inspections, 70 trucks were taken out of service. Lt. Warder noted that the Sheriff's Department didn't like to take truckers out of service, but if there were several safety violations that could cause serious injury, they didn't hesitate to shut the truck down. Lt. Warder acknowledged the fact that the Township's weigh master was given an Award for Excellence by the Michigan Sheriff's Association and Chief of Police for the job he has done as weigh master.

Lt. Warder noted that the Township added an additional canine unit to its patrol last year. He felt this had been very beneficial in that virtually every day there was a canine unit on duty. He indicated that the canine units made 150 calls, 136 of those calls were duty calls, and 14 calls were on overtime. Lt. Warder noted that the year end report indicated that the canine units were used 192 times, explained how they were used, and whether the tract was successful. He noted that there had been times when the Sheriff's Department had used canines from other agencies which worked out very well and enforced the mutual aid agreement.

Lt. Warder noted that on December 27<sup>th</sup> at approximately 2:45 a.m., deputies responded to an alarm at the Delta Center Elementary school to find that there had

been a break in at the school. Deputies started tracking the suspects and recovered approximately 90% of the laptops that had been stolen. He said the deputies continued the track and were able to apprehend one of the suspects and after further investigation and interrogation, the other suspect was also identified. Lt. Warder said it was an excellent job of police work. He illustrated a poster that was signed by every student at Delta Center in appreciation. Lt. Warder felt this was another fine example of the deputies the Township had due to the Township's willingness to allow the Sheriff's Department to do their job.

Treasurer Pizzo inquired about the repeated break-ins that had occurred at the Sony Shoppe and whether this type of situation was common.

Lt. Warder said the Sony Shoppe was unique in that it was an electronics store set back off of Saginaw Highway with glass windows and showcases. He said the Sheriff's Department was aware that this business was a prime target and had made it their priority. Lt. Warder noted that the Sheriff's Department had experienced repeat break-ins, but it was not often, but rather the Sony Shoppe was a prime target for criminal activity.

Lt. Warder reported that Administrative Services Caption, Bob Wessel, was retiring and that the Sheriff's Department had offered him the position. Lt. Warder said after a lot of deliberation on his part, he had decided to accept the position as of March 1<sup>st</sup>. He noted that it was a very difficult decision for him to make, but he felt very fortunate that the Sheriff's Department had given him this opportunity. He noted that Lt. Jeff Campbell would be his replacement.

The Board congratulated Lt. Warder and Jeff Campbell on their promotions.

## **XVI. PUBLIC COMMENTS**

Michael Kessler, 1003 Turner Road, DeWitt, Michigan, noted that he wanted to bring to the Board's attention Mt. Hope Church's desire to build senior housing. Mr. Kessler provided the Board with two handouts that pertained to the church's proposal to build affordable senior housing. He wanted to continue to have dialogue with the Township on this matter and provide additional information on financing. Mr. Kessler said when the Board considered the pilot for the church's proposed 65 unit senior housing project, they had to think about what the pilot would cost the Township. Mr. Kessler said it was the church's strong belief that it would cost the Township very little. He noted that one of the handouts he had passed out this evening illustrated the benefit to the State of Michigan's budget if the senior housing project was built. He said if approximately 100 people lived in the housing and only five residents did not have to go into nursing homes, it would save the State of Michigan approximately \$251,000.00. He noted that if the housing project was able to keep 15 residents from going into a nursing home, it would save the State of Michigan \$754,000.00. He said preventing 20 residents from going into nursing homes would save the State of Michigan approximately \$1.5 million.

Mr. Kessler felt that this information would help the Township help the State of Michigan save money. He said there had been a question about whether the housing project would really help the non-profit organization or would it help the residents. Mr. Kessler felt that if the annual rent discount provided to the residents was \$323,000, it would result in approximately \$5,000.00 per resident that the residents would not have to pay in rent. He said there was other information that was provided in the handouts that the Board could read through and that he would also be sending information to the Board electronically.

Mr. Michaels said he wanted to address a few of Mr. Fisher's comments made this evening about increasing the cost of construction on prevailing wage. He noted that there had been several studies done on prevailing wage and its effect on cost on public works projects. He noted that there had been independent studies done by researchers at Michigan State University that showed prevailing wage policies for public construction projects were cost neutral. Mr. Michaels noted that the International Brotherhood of Electrical Workers, as well as the National Electrical Contractors Association, had a long history and a great deal of experience in assisting local units of government in dealing with frivolous litigation and providing them with amicus briefs. Mr. Michaels encouraged the Township to move forward with this quality public policy.

Mr. Fisher noted that earlier this evening, he had referred to a case that was currently before the Michigan Supreme Court. Mr. Fisher said the point he wanted to make was that as a municipality that was considering a prevailing wage policy, the Township may want to delay any decisions until the case had gone through the system. Mr. Fisher noted that he had also provided the Board with a list of studies on prevailing wage for their review.

Mr. Watkins said the Township had been notified that the Creyts Road pathway project was on MDOT's bid list for February 2<sup>nd</sup>. He noted that Tri-County's application for a grant would reduce the Township's cost for aials from a budgeted amount of \$20,000 to approximately \$4,000 which was a sufficient savings. Mr. Watkins noted that Greener Delta work was moving forward. The Manager's Office conducted a retention visit last week to a GM supplier which resulted in a very good discussion.

**XVII. ADJOURNMENT**

Clerk Vedder adjourned the meeting at 7:53 p.m.

**CHARTER TOWNSHIP OF DELTA**

JANICE VEDDER, TOWNSHIP CLERK AND ACTING  
SUPEVISOR

/as  
M:\Board Meetings\BD\MIN\2010\January 19 2009 Reg Mtg Minutes  
Minutes Approved: