

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, JULY 6, 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: Planning Director Mark Graham, Township Engineer Dennis Williams, and Lt. Jeff Campbell.

IV. PRESENTATIONS AND PROCLAMATIONS – None

V. SET/ADJUST AGENDA

TRUSTEE CUNNINGHAM MOVED THAT THE AGENDA BE APPROVED WITH THE ADDITION OF THE “CONTRACT FOR THE EAST-WEST COLLECTOR PATHWAY” UNDER COMMITTEE OF THE WHOLE.

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

VI. PUBLIC HEARINGS – None

VII. COMMUNICATIONS – None

VIII. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

IX. INTRODUCTION OF ORDINANCES

1. Introduction of a Proposed Amendment to the Code of Ordinances regarding the Prohibition on Bike Riding After Dark in Parks – The Planning

Department recommends the Township Board introduce an amendment to the Delta Township Code of Ordinances deleting Section 13-16 C of the Parks & Recreation Regulations.

TRUSTEE CUNNINGHAM MOVED THAT THE DELTA TOWNSHIP BOARD INTRODUCE AN AMENDMENT TO THE DELTA TOWNSHIP CODE OF ORDINANCES DELETING SECTION 13-16 C OF THE PARKS & RECREATION REGULATIONS. THIS SECTION PRESENTLY PROHIBITS RIDING BIKES ON TOWNSHIP TRAILS BETWEEN SUNSET AND SUNRISE. 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 AMENDMENT AT THEIR JULY 19, 2010 MEETING.

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

X. PASSAGE OF ORDINANCES

- 2. Adoption of Proposed Amendments to the Delta Township Zoning Ordinance, Case No. 5-10-8** – The Planning Department recommends the Township Board adopt the proposed amendments to the Delta Township Zoning Ordinance which would revise regulations pertaining to child care homes.

TREASURER PIZZO MOVED THAT THE DELTA TOWNSHIP BOARD AMEND THE TEXT OF THE DELTA TOWNSHIP ZONING ORDINANCE, AS IDENTIFIED IN CASE NO. 5-10-8, PERTAINING TO CHILD CARE HOMES WITH NO CHANGES TO REGULATIONS PERTAINING TO ADULT FOSTER CARE HOMES AS FOLLOWS:

Definitions

Delete existing definitions of Family Day Care Home & Group Day Care Home

Proposed Text

Section 2.2.0 General Definitions

Family Child Care Home: A private home in which one (1) but not fewer than seven (7) minor children are received for care and supervision for periods of less than twenty four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family child care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

Group Child Care Home: A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group child care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

Zoning Districts Pertaining to Family Child Care Homes & Group Child Care Homes

Delete existing zoning district references to Family Day Care Homes & Group Day Care Homes

Proposed Text

Section 5.2.0 H, NR District, Uses Permitted By Right, Family Child Care Homes.

Section 6.2.0 H, A-1 District, Uses Permitted By Right, Family Child Care Homes.

Section 6.3.0 N, A-1 District, Special Land Uses, Group Child Care Homes.

Section 7.2.0 H, A-2 District, Uses Permitted By Right, Family Child Care Homes.

Section 7.3.0 M, A-2 District, Special Land Uses, Group Child Care Homes.

Section 8.2.0 C, RA District, Uses Permitted By Right, Family Child Care Homes.

Section 8.3.0 H, RA District, Special Land Uses, Group Child Care Homes.

Section 9.2.0 C, RB District, Uses Permitted By Right, Family Child Care Homes.

Section 9.3.0 H, RB District, Special Land Uses, Group Child Care Homes.

Section 10.2.0 C, RC District, Uses Permitted By Right, Family Child Care Homes.

Section 10.3.0 G, RC District, Special Land Uses, Group Child Care Homes.

Section 11.2.0 D, RD District, Uses Permitted By Right, Family Child Care Homes.

Section 11.3.0 E, RD District, Special Land Uses, Group Child Care Homes.

Section 12.2.0 D, RE District, Uses Permitted By Right, Family Child Care Homes.

Section 12.3.0 F, RE District, Special Land Uses, Group Child Care Homes.

Child Care Regulations

Delete existing text in Section 18.7.0 N, Group Day Care Homes

Proposed Text

Section 18.7.0 AGRICULTURAL (A-1) DISTRICT SPECIAL LAND USES

N. Group Child Care Homes.

- (1) The lot or parcel on which such use is located shall not be located closer than 1,500 feet, as measured along a street or road open to the public for vehicular traffic, to any of the following:
 - (a) Another licensed group child care home.
 - (b) An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, as amended.
 - (c) A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under article six (6) of the public health code, 1978 PA 368, as amended.
 - (d) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
- (2) The property shall be maintained consistent with the visible characteristics of the neighborhood.
- (3) The hours of operation shall be limited to sixteen (16) hours per twenty four (24) hour day. The Township may limit, but not prohibit, the operation of Group Child Care Home, between the hours of 10 p.m. and 6 a.m.
- (4) The use shall be licensed as required by the State of Michigan.

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

TRUSTEE POMA 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.

- 3. Adoption of Proposed Zoning Ordinance Amendments Pertaining to Non-Motorized Transportation Improvements, Case No. 5-10-9** - The Planning Department recommends the Township Board adopt the proposed amendments to the Delta Township Zoning Ordinance.

TRUSTEE POMA MOVED THAT THE DELTA TOWNSHIP BOARD AMEND THE TEXT OF THE DELTA TOWNSHIP ZONING ORDINANCE, AS IDENTIFIED IN CASE NO. 5-10-9. THE PROPOSED AMENDMENTS WOULD PROVIDE TOWNSHIP OFFICIALS WITH A SET OF CRITERIA TO DETERMINE IF NON-MOTORIZED IMPROVEMENTS SUCH AS TRAILS AND PATHWAYS SHOULD BE REQUIRED FOR NEW DEVELOPMENTS ON A CASE BY CASE BASIS AS FOLLOWS:

Section 19.10.0 Standards for Site Plan Approval

A.

(7) Non-motorized transportation improvements, beyond the traditional sidewalk system which provides walks in front of homes and non-residential uses adjacent to roadways, may be required. The improvements could include trails, shared use paths, and traditional sidewalks.

(a) Many items, including but not limited to the following, shall be considered when siting non-motorized transportation improvements in new developments:

- 1) The Delta Township Non-Motorized Transportation Study, the Delta Township Parks & Recreation Plan, the Delta Township Road Improvement Program and the Delta Township Comprehensive Plan, as amended. However, non-motorized transportation improvements may be required even if such improvements are not specifically recommended in the aforementioned documents.
- 2) Providing safe routes to schools, creating recreational trails, and developing connections to retail/office areas, residential neighborhoods, community buildings, recreational areas and similar land uses.

- 3) Proximity to natural features such as woodlots, water bodies, open space areas, etc.
 - 4) Potential connection to other existing non-motorized transportation facilities, including those in adjacent communities.
 - 5) The demand created for non-motorized transportation facilities by residents/customers of the proposed development.
 - 6) Taking advantage of existing easements and publicly owned lands.
 - 7) By providing a sidewalk/path, residents may be able to substitute a pedestrian movement for a vehicular movement.
- (b) The Planning Commission or Township Board, whichever shall have approval of the preliminary site plan, shall determine whether the need for the non-motorized transportation improvement(s) is necessitated by the development itself, or if the improvements would primarily serve the public at large. The Planning Commission or Township Board shall make this determination in accordance with existing law.
- (c) Easements shall be provided for non-motorized transportation facilities as required by the Planning Commission or Township Board, whichever shall have approval of the preliminary site plan. Easements may be required in anticipation of future construction of a trail, shared use path and/or sidewalk.

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

TRUSTEE SPAGNUOLO 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.

- 4. Adoption of Proposed Subdivision Regulation Amendments Pertaining to Non-Motorized Transportation Improvements** – The Planning Department recommends the Township Board adopt the proposed amendments to the Delta Township Subdivision Regulations within the Code of Ordinances.

TRUSTEE SPAGNUOLO MOVED THAT THE DELTA TOWNSHIP BOARD AMEND THE DELTA TOWNSHIP SUBDIVISION REGULATIONS WITHIN THE CODE OF ORDINANCES. SAID AMENDMENTS WOULD PROVIDE TOWNSHIP OFFICIALS WITH A SET OF CRITERIA TO DETERMINE IF NON-MOTORIZED IMPROVEMENTS, SUCH AS TRAILS AND PATHWAYS, SHOULD BE REQUIRED FOR NEW SUBDIVISIONS ON A CASE BY CASE BASIS AS FOLLOWS:

Section 16-39. Required Public Improvements.

- (i) Non-motorized transportation improvements beyond the traditional sidewalk system, which provides walks in front of homes and non-residential uses adjacent to roadways, may be required. The improvements could include trails, shared use paths, and traditional sidewalks:
 - (1) Many items, including but not limited to the following, shall be considered when siting non-motorized improvements in new subdivisions:
 - (a) The Delta Township Non-Motorized Transportation Study, the Delta Township Parks & Recreation Plan, the Delta Township Road Improvement Program and the Delta Township Comprehensive Plan, as amended. However, non-motorized transportation improvements may be required even if such improvements are not specifically recommended in the aforementioned documents.
 - (b) Providing safe routes to schools, creating recreational trails, and developing connections to retail/office areas, residential neighborhoods, community buildings, recreational areas and similar land uses.
 - (c) Proximity to natural features such as woodlots, water bodies, open space areas, etc.
 - (d) Potential connection to other existing non-motorized transportation facilities, including those in adjacent communities.

- (e) The demand created for non-motorized transportation facilities by residents/customers of the proposed development.
 - (f) Taking advantage of existing easements & publicly owned lands.
 - (g) By providing a sidewalk/path residents may be able to substitute a pedestrian movement for a vehicular movement.
- (2) Easements and/or outlots shall be provided for non-motorized transportation facilities as required by the Township Board. The Township Board shall determine whether the need for the non-motorized transportation improvement(s) is necessitated by the development itself, or if the improvement(s) would primarily serve the public at large. The Township Board shall make this determination in accordance with existing law.
- (3) Easements may be required in anticipation of future construction of a trail, shared use path and/or sidewalk.

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

Doug Pearl, 6919 Springtree Lane, said he was present this evening to raise a number of concerns regarding the proposed pathway ordinance. Mr. Pearl said as he had mentioned before, the biggest challenge facing the Township was maintaining the quality of life in the Township by preserving the sense of personal security, peacefulness, quietness, and serenity in the area. He said the concept of pathways through new development was contrary to the current development going on across the country. He said long gone were the days of big front porches facing the street and alley ways in backyards and that the most desired concept today was gated communities which was once thought of as a symbol of prestige and exclusion, but was now encompassing all social and economic groups. Mr. Pearl noted that one particular group where there was a high demand for gated communities was senior citizens which provided an added sense of security and serenity. He said giving strangers easy access to communities and backyards was out and that the greatest challenge for Township officials was to preserve the quality of life in certain neighborhoods within the Township that extended from Waverly Road to I-96 and from the Grand River to I-496.

Mr. Pearl said development that occurred outside of these areas was more rural in nature and would not be a major concern of the Townships. However, he said the areas of the Township that he was referring to had extremely high densities and a high concentration of apartment complexes and rental properties. He noted that

neighborhoods consisting of homeowners were generally stable whereas, the occupants of apartment complexes and rental units could change extremely rapidly. Mr. Pearl said homeowners needed to obtain mortgages and were carefully screened for stability, but as the rental market softened, renters were often anyone who could come up with the first month's rent. Mr. Pearl noted that as the housing stock aged, the Township must be diligent in its efforts to protect the peacefulness, safety, and security of these neighborhoods.

Mr. Pearl said he had obtained excerpts from the Criminal Justice Division of the United States Government regarding security in neighborhoods that he forgot to bring with him this evening, but those excerpts pointed out that in order to limit crime, it was felt that access for criminals needed to be limited and that a delineation needed to be made between public property and private property. Mr. Pearl said the information also pointed out that the Township should be extremely careful of any pathways that were constructed and how to prevent problems. Mr. Pearl felt the implementation of this ordinance should be done with much scrutiny and that the use of pathways needed to be carefully studied on a case by case basis.

Supervisor Fletcher noted that the proposed amendments pertained to new development and would provide staff with a set of criteria to determine if trails and pathways should be incorporated into development plans. He said this would be done on a case by case basis and that the proposed amendments didn't pertain to existing developments.

Mr. Pearl said the placement of pathways was critical for the future of neighborhoods, as well as the future expenses associated with maintenance, noise control, lighting, and safety. He said as noted in the Township's Transportation Plan, prototype projects should be done so that the overall function of trails could be evaluated. He said if the proposed amendments were adopted, he felt the Township should do their due diligence when pathways were contemplated in order to avoid future problems.

Trustee Hicks said absent the amendments, the Township didn't have a set of criteria by which to do their due diligence.

Richard McKenzie, 7135 Rockbridge, questioned the difference between Item #3 and Item #4 on the Board's agenda this evening.

Mr. Graham said the first set of regulations pertained to site plan review in the Township's Zoning Ordinance and that the second set of regulations pertained to subdivision plats. He said the seven criteria contained in the regulations were identical, but they pertained to two different ordinances.

TRUSTEE HICKS 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.

- 5. Adoption of Proposed Zoning Ordinance Amendments Pertaining to the % Personal Service Establishments in the O, Office Zoning District** – The Planning Department recommends the Township Board adopt the proposed amendments to Section 13.2.0 (F) of the Delta Township Zoning Ordinance.

TREASURER PIZZO MOVED THAT THE TOWNSHIP BOARD APPROVE THE REQUESTED AMENDMENT TO SECTION 13.2.0(F) OF THE DELTA TOWNSHIP ZONING ORDINANCE AS DESCRIBED IN CASE NO. 5-10-11. SAID AMENDMENT WOULD PERMIT AN INCREASE IN THE PERMITTED FLOOR AREA RATIO FOR PERSONAL SERVICE ESTABLISHMENTS LOCATED IN THE O, OFFICE ZONING DISTRICT FROM 25% TO 30%. THE PROPOSED AMENDMENT IS RECOMMENDED FOR APPROVAL FOR THE FOLLOWING REASONS:

1. THE AMENDMENT WILL ALLOW OFFICE PROPERTY OWNERS SOME ADDITIONAL FLEXIBILITY IN RECRUITING AND SECURING TENANTS FOR THEIR BUILDINGS.
2. THE INCREASE IN FLOOR AREA RATIO FROM 25% TO 30% IS NOMINAL AND SHOULD NOT CHANGE THE CHARACTER OR GENERAL APPEARANCE OF OFFICE BUILDINGS.
3. THERE ARE USES THAT ARE PERMITTED BY RIGHT IN THE OFFICE ZONING DISTRICT (MEDICAL AND DENTAL CLINICS, BANKS AND CREDIT UNIONS, AND FUNERAL HOMES) THAT ARE AS INTENSE, OR EVEN MORE INTENSE, AS FAR AS THEIR LAND USE IMPACTS THAN PERSONAL SERVICE ESTABLISHMENTS.

TRUSTEE SPAGNUOLO 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.

XI. CONSENT AGENDA

TREASURER PIZZO MOVED THAT THE CONSENT AGENDA BE APPROVED AS
SUBMITTED.

CLERK VEDDER SUPPORTED THE MOTION.

ROLL CALL:

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

NAYS: NONE

ABSENT: NONE

MOTION PASSED 7 TO 0.

6. Minutes – None

7. Bills and Financial Transactions

TREASURER PIZZO MOVED THAT THE BILLS & FINANCIAL TRANSACTIONS
IN THE AMOUNT OF \$1,463,059.31 BE APPROVED.

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

XII. ITEMS REMOVED FROM CONSENT AGENDA FOR DISCUSSION – None

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

8.

9.

XIV. ITEMS OF BUSINESS

- 10. Set Public Hearing to Consider Request to Transfer a 2009 Class C Liquor License** – The Manager's Office recommends the Township Board set a public hearing for July 19, 2010, to consider a request from OS Tropical, LLC to transfer a 2009 Class C liquor license from Cheeseburger-Michigan, Limited Partnership to OS Tropical, LLC.

TRUSTEE HICKS MOVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA SET A PUBLIC HEARING FOR JULY 19, 2010, TO CONSIDER A RESOLUTION APPROVING THE REQUEST BY OS TROPICAL, LLC TO TRANSFER OWNERSHIP OF A 2009 CLASS C LICENSED BUSINESS LOCATED AT 5924 WEST SAGINAW HIGHWAY, LANSING, MICHIGAN 48917, DELTA TOWNSHIP IN EATON COUNTY; AND FURTHER, THAT THE TOWNSHIP CLERK SHALL ADVERTISE SAID PUBLIC HEARING.

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

- 11. Noise Waiver Request from Venus Painting Company** – The Manager's Office recommends the Township Board deny a waiver of the Noise Control Ordinance from Venus Painting Company.

Supervisor Fletcher noted that he had received a phone call from Tom Randall of 1634 Pepperhill, who had indicated that he and his wife did not object to the painting operation being allowed to function and that it was the other construction activities that generated noise.

Mark Swanson, Inspector with the Ingham County Road Commission, noted that CA Hall was the controlling contractor performing the bridge work on Waverly Road and that Venus Painting Company was the subcontractor responsible for removing rust and painting the bridge. He noted that much of the work performed by the painting contractor was contingent upon when the contractor was able to complete their work and that there were times when work needed to be done in the same area at the same time which resulted in conflicts between the two contractors. He noted that since the painting contractor was the subcontractor, he would like to work later into the evening, but would be in conflict with the Township's Noise Ordinance. Mr. Swanson said due to the fact that the painting contractor worked with lead paint, employees were required to wear specialized protective gear, as well as work within a construction enclosure; conflicts could occur that would influence the 30 day construction time frame on the bridge. Mr. Swanson indicated that the painting contractor was at a disadvantage time wise. He noted that sound checks were conducted at a resident's house, as well as locations around the construction site.

Supervisor Fletcher asked if the noise complaints were due to the painting operation during the evening hours.

Mr. Swanson said the complainants had claimed that the noise echoed down river. He said there were two procedures that the painting contractor performed, one being a procedure where rust was chipped away on the bridge and a procedure whereby the bridge was sand blasted which resulted in a constant rushing air noise. Mr. Swanson said a majority of the noise generated during the day was by the controlling contractor who used equipment to break up the concrete on the road. He noted that the Road Commission's official position on this issue was neutral and that the contractors had been advised of the working hours permitted by the Township's Noise Ordinance. Mr. Swanson noted that even if a variance was granted, there were no guarantees that the duration of the bridge closure would be reduced, but rather it would reduce the risk of the bridge closure surpassing the 30 day time period. He noted that the painting contractor could conduct work during the day, but the bridge would be limited to two lanes of traffic. He said the contractors were working as efficiently as possible to perform the work as quickly as possible.

John Straus, Venus Painting Company, indicated that Mr. Swanson had done a good job explaining the reason why he was requesting a variance from the Township's Noise Ordinance. Mr. Straus noted that the construction site consisted of two contractors who were trying to work in the same area and due to the fact that he was a sub-contractor, he was forced to work around the controlling contractor's time frame. Mr. Straus noted that being able to work in the evening provided him more time to get his work done in a more efficient manner.

Treasurer Pizzo asked if the contractor was already working on weekends.

Mr. Straus said he started work on the project last week at which time work extended into the evenings which resulted in noise complaints from the residents. Mr. Straus said they have since stayed within the time frame permitted in the Township's Noise Ordinance. However, he reiterated the fact that it was difficult for his crew to work around the contractor during the day and that his crew continued into the evening in order to finish their work.

Trustee Cunningham asked if the painting contractor had utilized the weekends during the day as opposed to working into the evening.

Mr. Straus said they had been working on weekends in hopes of getting the work completed as soon as possible. He said as a painting contractor, they worked whenever they could during good weather.

Trustee Cunningham said the backup the Board had received on the waiver request indicated that the decibel limit was 60dB, but yet when a deputy performed a sound check, the noise levels were significantly above the 60db level in the general vicinity of the construction site. Ms. Cunningham expressed concerns with expanding the hours of operation after 10:00 p.m. unless the contractor could guarantee that the job would be completed in a two week time frame.

Supervisor Fletcher questioned if the noise levels were taken during the evening when the painters were working, or were the levels taken during the day when the construction company was working.

Lt. Campbell said the noise levels were taken during the day.

Mr. Straus felt both contractors would have been working during the day.

Clerk Vedder said the Township had received several complaints from residents about the noise associated with carnivals in the spring when windows were still closed. However, she noted that this project was going on in the summer when people had their windows open while they were trying to sleep. Ms. Vedder felt it would be different if the project was being done during the winter months.

Treasurer Pizzo inquired as to whether the waiver would be from the decibel level.

Trustee Cunningham felt the applicant was requesting a waiver from the hours in which they wanted to operate being 10:00 p.m. to 7:00 a.m. He felt the sound checks that were conducted to determine the decibel levels were for informational purposes only.

Mr. Graham said Trustee Cunningham correctly referred to the normal decibel limits of 60dB during the day and 50dB after 10:00 p.m. He noted that there was a special exception provided for in the Noise Ordinance that allowed noise generated by construction between the hours of 7:00 a.m. and 10:00 p.m., provided it didn't exceed 90dB at a distance of 50 feet from the source of the noise. Mr. Graham said the applicant was within those guidelines. He said there were no exceptions provided for after 10:00 p.m.

Trustee Hicks said the applicant had been very forthright in that there were no guarantees that the noise waiver would shorten the duration of the project. He said based on the information this evening, he didn't feel the applicant had satisfied the criteria set forth in the Noise Ordinance.

TRUSTEE HICKS MOVED THAT THE DELTA TOWNSHIP BOARD DENY THE REQUEST MADE BY VENUS PAINTING COMPANY FOR A NOISE WAIVER PERMIT AS IT WOULD BE AN UNREASONABLE IMPOSITION ON THE RESIDENTS IN THAT AREA.

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

XV. COMMITTEE OF THE WHOLE

12. Lt. Jeff Campbell, Delta Patrol

Supervisor Fletcher asked Lt. Campbell to provide the Board with an update on several break-ins that had recently occurred in the Township.

Lt. Jeff Campbell said he would be receiving video from a couple of locations where stolen credit cards were used, but there had not been any suspect developments at this time. He noted that police had recovered a stolen vehicle and were able to obtain several finger prints that were currently being processed. Lt. Campbell noted that the police department had not experienced any more vehicle break-ins since several break-ins had occurred during one evening. He noted that all of the vehicles that were broken into were unlocked, with the exception of one vehicle that was locked, but the window was partially down.

Supervisor Fletcher said a lot of residents lived in Delta Township because they had a sense of security and didn't feel they had to keep everything locked up. He felt the Township needed to do everything it could in an attempt to keep that sense of security by sending the message that this type of behavior wasn't going to be tolerated in the Township.

Lt. Campbell said in this particular instance, most of the break-ins were not discovered or reported until people were leaving for work in the morning and had discovered that their vehicle had been broken into. He said as soon as his department receives one report, they respond immediately and start patrolling the neighborhood because typically the area would be hit more than once. Lt. Campbell noted that they had solved a lot of crimes through their traffic stops when deputies found stolen property in the car. He said his department also had a detective that was assigned to property crimes. Lt. Campbell noted that a lot of break-ins were solved by the detective checking pawn records every day looking for names and the type of property that had been stolen. Lt. Campbell indicated that he had not seen a particular pattern develop similar to the recent rash of events, but he felt this could be due to the fact that his deputies were patrolling the neighborhoods and were visible to the

criminals. However, he felt it was only a matter of time before they would solve these crimes.

Clerk Vedder felt it may be beneficial for the Sheriff's Department to post a notification on the Township's website reminding people that this was the time of year when burglaries occurred and that they should take extra precautions.

Lt. Campbell noted that the Township's Fireworks event went very well. He thanked the volunteers who assisted the Sheriff's Department patrol during the event, especially the mounted division who made an incredible difference in the way things were handled.

Treasurer Pizzo inquired about the Sheriff Department's monthly activity report in terms of year to date comparisons.

Lt. Campbell noted that he had comparisons through the end of May and that felony crimes were actually down approximately 12½ percent. He said misdemeanors were down approximately 15 percent for the year whereas, the non-criminal reports were actually up approximately 15 percent. Lt. Campbell noted that vehicle accidents were approximately the same. He said property damage and injury accidents had increased slightly which he attributed to the recent rear end collisions that had occurred on Saginaw Highway due to the I-96 interchange reconstruction project. Lt. Campbell said the department's arrests continued to be well above last year's stats which he contributed to the hard work of his deputies. He noted that the department's felonies had decreased due to the fact that every arrest that was made for a felony added to his department's felony crimes reported in the Township. Lt. Campbell said he was somewhat surprised by those stats given the economy and that he would have expected those types of calls to be somewhat higher.

Treasurer Pizzo inquired about the Sheriff Department's 2010 objectives and performance indicators. He said as the Township started the budget process, he felt it would be important to hear Lt. Campbell's summary of what was happening in this area and whether or not he had any ideas for improvement.

Lt. Campbell noted that Item #1 of the department's goals and objectives was to reduce the number of traffic accidents on Saginaw Highway by 10% through increased patrols. Lt. Campbell noted that he had prepared statistics along Saginaw Highway from January thru July of 2009 and compared them to the same period for this year. He said there were 248 property damage accidents in January of 2009 as compared to 243 accidents in 2010. However, he noted that there were 84 personal injury accidents in 2009 which had decreased to 28 so far in 2010 which he felt was due to lower speed limits on Saginaw Highway and extra traffic enforcement. Lt. Campbell indicated that Item #2 pertained to increasing commercial motor vehicle inspections by 10%. He

said it looked as though his department's projected target for 2010 was 140 violations and that they actually had 140 in 2009, with 70 vehicles being removed from service for unsafe conditions which was an increase from 2008 when 54 vehicles were removed from service. Lt. Campbell pointed out that he didn't have any statistics for 2010, but he felt the number of citations had been steadily increasing.

Lt. Campbell said Item #3 pertained to the reorganization of shift assignments to better serve the community. He noted that he was running continuous reports in order to determine when his department experienced a majority of their calls. However, he noted that he had to take into consideration union contracts and notification to unions before he started adjusting shifts, but he hoped to implement this next year. Lt. Campbell said Item #4 pertained to the increase in the number of joint training hours with the Township's Fire Department. He noted that there were occasions when his department trained with the Fire Department, but he didn't keep records on those training times. Lt. Campbell noted that Item #5 pertained to the increase of patrol hours spent in the Delta Township neighborhoods. He noted that in 2008, his department had approximately 14,600 hours of general patrol time and during the same year, they had 22,800 hours of service calls, response, and investigation calls. He noted that his department had approximately 2,200 of accident patrol time. Lt. Campbell said in 2009, his department had approximately 11,000 hours of general patrol time, 24,000 hours of service call time, and 996 hours of accident time.

Lt. Campbell said it was his understanding that the Board had expressed a concern about being notified of major incidents and that he would like some direction from the Board.

Supervisor Fletcher said the Board would like to be notified in advance of incidences that would end up in the media so that they would be prepared to answer questions from constituents. He said it wasn't so much that the recent break-ins were a major crime, but if an incident occurred in a neighborhood where a Board member lived, it was very likely that the neighbors would turn to that Board member for answers. He noted that Mr. Watkins was reviewing the issue of communication and working on a proposal that would establish a set of guidelines for the Board's review at a future meeting.

17. Mark Graham, Planning Department Director

a. Proposed Construction Standards for Shared Use Paths Discussion

Mr. Graham said during staff's review of a number of non-motorized issues, staff recognized the need to establish construction standards for shared use paths. He said the proposed standards were modeled after the

sidewalk construction standards the Township adopted in 1993. He noted that the proposed standards would ensure consistency between projects, provide direction to contractors, and fulfill grant application requirements. Mr. Graham noted that the Township's Engineering Department had provided input and that a copy of the standards had been sent to the Eaton County Road Commission for their review and comment. He indicated that the Board had been provided with a copy of the Planning Commission minutes of June 14, 2010 at which time discussion occurred regarding the standards. He said the proposed standards established basic standards that were referred to in the non-motorized transportation plan in 2005 which noted many of the standards relating to grade and cross slopes, as well as criteria for intersections. He said there were a number of items mentioned such as fencing, lighting, traffic controls, and bridges, which were all included under "other improvements" and noted that those items may be required on a case by case basis at the discretion of the Township Engineer. However, he noted that Planning Commissioner MacLaren expressed concerns with granting the Township Engineer the authority to grant waivers. Mr. Graham said that reference to the Township Engineer was deleted noting that most of the time, these projects would come before the Township Board for public hearing.

Trustee Cunningham said as she understood the standards to read, the Township Engineer had the authority to waive the standards.

Mr. Graham said the Township Engineer does have the authority to waive the standards, but the first version of the standards had indicated that a waiver could be granted as determined by the Township Engineer. However, he noted that the Planning Commission objected to this provision and preferred that the term "other improvements may be required" be inserted. He said all the other standards provided discretion to the Township Engineer.

Treasurer Pizzo inquired as to whether the reference to the Township Assessor would be deleted from the amendments pertaining to easements due to the concerns expressed by the Planning Commission.

Mr. Graham said the former Utility Committee had discussed the need for the Township to establish a policy for obtaining easements, as well as providing easements. He noted that the way the policy was originally drafted, the appraisal would be done by the Township's Assessor. However, he noted that the Township's Attorney had expressed a number of concerns with the Township's Assessor performing the appraisal to determine what the value of the property was and that it could be a conflict of interest. He noted that the reference to the Township Assessor was

taken out of the regulations and a reference was made to a certified appraiser.

Treasurer Pizzo noted that there may be times when the Township would have to compensate a property owner for an easement and that he felt a reasonable approach would be for the Township's Assessor to provide some range of value without going to the expense of having an independent certified appraiser.

Mr. Graham said this was something the Board could discuss further. He noted that another concern expressed by the Planning Commission was the time frame by obtaining an independent appraiser, as well as the concern that there could be multiple appraisers which could result in several different opinions of values.

Trustee Cunningham asked if it was unusual for the Township not to get a response back from the Road Commission.

Mr. Graham said the Road Commission was usually very good about responding to the Township's inquiries, but they didn't always respond to matters pertaining to non-motorized transportation issues.

Trustee Cunningham said she didn't want the Township to be put in the position where the Road Commission became involved after standards were adopted. She inquired as to whether the Road Commission should be informed of when the Township would be taking action on this matter and that the Road Commission's silence was being taken as affirmation that the standards were acceptable.

Mr. Graham said he would follow-up with another letter to the Road Commission.

It was the consensus of the Board that staff move forward with proposed construction standards for shared use paths and that staff follow-up with the Road Commission.

b. Contract for the East-West Collector Pathway

Supervisor Fletcher informed the Board that the Township had been awarded the grant for the East-West Collector pathway. He noted that the State required that the Township provide a signature by Friday, however, the Township was still investigating the cost of the project and were not sure the amount of the grant would be sufficient to cover the cost of the project. Mr. Fletcher noted that the State had provided the Township with

the option of declining the grant if the Township decided not to go forward with the project.

The consensus of the Board was to move forward with the grant for the East-West Collector pathway.

Supervisor Fletcher said he was notified by the US Postal Service that they would not be closing their retail store that was located off of Elmwood Road and that they had just signed a new five year lease with the owner of the building.

XVI. PUBLIC COMMENTS

Michael Kessler, 1003 Turner Road, DeWitt, Michigan, said as a follow-up to Lt. Campbell's presentation this evening on the recent break-ins that had been occurring in the Township, he noted that Mt. Hope Church was looking into a grant for after school programming to help mentor youth. Mr. Kessler said it was his belief, as a social worker and grant writer, that the more we involved and mentored our youth within the community, the less crime we would experience.

Mr. Kessler informed the Board that the Church had received a grant for \$500,000 from the Federal Home Loan Bank and that part of his responsibility was to continue to keep the Township Board informed of what the Church was doing. He noted that the grant was very competitive and that it was the highest reward possible. Mr. Kessler said there were many people who supported the senior housing project and that the Board would be hearing from those people in the very near future. Mr. Kessler said that since the Church had received the grant, they could now offer a 10% PILOT rather than a 4% PILOT. He noted that the Church had also hired a consultant to assist them with the economic impact of the proposed senior housing development which was more substantial than originally thought. He noted that the Church had looked at the Auto-Owners Tax Abatement that the Township had granted in order to get a better understanding of what the Township Board's concerns were. He noted that a comment made by Trustee Cunningham was that she was concerned about a large developer fee. However, Mr. Kessler noted that the Church had scaled down the fee paid to the developer and that the money would go back into the project in order to benefit the seniors.

Mr. Kessler said with the 10% PILOT, the Township will need to invest approximately \$29,000 a year in order to obtain an annual return of approximately \$2,300,000.00 over a 10 year period which would in turn would bring in approximately \$35 million to the Township. He mentioned the fact that the Church included intergenerational programming in the grant which was a mentor project that had proven to be very successful. Mr. Kessler indicated that another new development was that they had been working with C2AE and Mr. Graham on zoning issues and the fact that they would be allowed to construct a three-story building directly behind the Gettysburg Estates

subdivision. However, he noted that the property was zoned such that a four-story building could be constructed. He noted that if the property sat vacant for 10 or 15 years that there could be the same issues that the Township had experienced from the resident's objections to the extension of Michigan Avenue.

Mr. Kessler noted that he had spent the 4th of July weekend caring for an elderly relative who become ill and the fact that he felt the situation could have been avoided if she had lived in a senior housing project that the Church had proposed where she could have received the proper care and nutrients. Mr. Kessler asked the Board to open up their hearts and listen to those people who would be coming before the Board to speak in favor of the proposed senior housing project. He felt the Township had the ability to save the State and Federal governments millions of dollars per year for every 20 seniors kept out of nursing homes.

Richard McKenzie, 7135 Rockbridge, said it had been stated this evening that the passage of ordinances this evening would be published in the local newspapers. Mr. McKenzie asked what those newspapers were.

Clerk Vedder said the local newspapers that had the largest circulation in the Township were the Delta/Waverly News Herald and the Grand Ledge Independent.

Mr. McKenzie questioned when the Township would be conducting a review of their Non-Motorized Transportation plan.

Supervisor Fletcher said a review would either be done yet this year, or next year. He noted that a review of the Non-Motorized Transportation Plan would be part of the overall review of the Township's master plan.

Mr. McKenzie said he agreed with a lot of the issues Mr. Pearl had brought up this evening regarding shared use paths except for the statement that most of the property located west of I-96 was rural because that was where he lived and that it was not rural. Mr. McKenzie said one of the items that would be placed on the Board's July 19th agenda was the subject of the definition of easements. Mr. McKenzie questioned if there was a legal definition of an easement.

Trustee Hicks said yes.

Mr. McKenzie asked if the Board could legitimately redefine a legal definition of what an easement was.

Trustee Hicks said the definition of an easement had existed for several years and that it was not the Township's goal to redefine what an easement was. He said the Township was attempting to identify the process whereby determining the value of a piece of property.

Mr. McKenzie said if he was looking at a piece of property to purchase and it was encumbered by a number of easements, he questioned how he could be subject to additional easements.

Trustee Hicks noted that an easement could be used for different types of uses. He said there was a dominant estate which held the easement which had the benefit of using the easement and then there was a servient estate which was the estate over which the easement ran. He said from those two different types of easements, there was an easement by appurtenant or there was an easement in gross which were the most common easements used by utility companies. Mr. Hicks reiterated the fact that it was not the Township's intent to redefine what an easement was.

Mr. McKenzie said in this particular case, the Township would use a county easement to go across his property with a pathway.

Trustee Hicks said there was a distinction between right-of-way and an easement.

Chris Vickers, 7119 Rockbridge, said along with what Mr. McKenzie and Mr. Pearl had been discussing this evening, he was led to believe by a member of his community that a non-motorized pathway had been proposed to be installed adjacent to his back yard that would traverse from Nixon Road to Marketplace Boulevard which would provide pedestrians access during all times of the day past his backyard. Mr. Vickers expressed his desire to be in attendance at the meeting when this pathway was discussed. Mr. Vickers said he wasn't against pathways and sidewalks and that he and his family used the pathways in the Township's Parks, but he felt it was somewhat different when the Township was considering a pathway adjacent to his backyard.

Supervisor Fletcher indicated that plans for a pathway from Nixon Road to Marketplace Boulevard may be included in the Township's Non-Motorized Transportation Plan, but it would not be built this year.

Trustee Cunningham noted that the Township's Non-Motorized Transportation Plan was on the Township's website for viewing. She noted that the plan was a 30 year plan for pathways in the Township and that even though the pathway Mr. Vickers had referred to was included in the plan, it could be 30 years before the pathway was constructed. Ms. Cunningham noted that the Township's Non-Motorized Transportation Plan would be done in phases and that each phase would be done on a case by case basis at which time public hearings would be held and public input would be heard.

Doug Pearl felt Mr. Vickers was being given the same information that he had been given when he was told that he didn't have to worry about a pathway being constructed behind his home because it was a future project that would not be built in the immediate future. However, Mr. Pearl noted that the Township was now in the process of accepting grant money for a pathway that would traverse across the Brookside development without receiving any input from the residents. Mr. Pearl expressed

concerns with the fact that all of the condominiums within the Brookside development had walkouts or lookout basements and that a pathway would provide access to the rear of the units. He pointed out that several of the residents in the Brookside development were single, elderly women. Mr. Pearl also expressed concerns with the fact the pathway would provide access for those other than homeowners in the area.

Clerk Vedder said she was very offended by Mr. Pearl's comments and the code words he had used when addressing "those people". She said Mr. Pearl was aware of the road easement when he developed Brookside because he provided land in exchange for a higher density for his units. Ms. Vedder noted that Mr. Pearl is the one who developed units with walkout basements and that she was very offended by the fact that Mr. Pearl was attempting to terrorize some of the senior citizens into believing things that weren't true.

Mr. Pearl said he did not receive a higher density in exchange for additional right-of-way and that he made a value judgment with the idea that there wouldn't be a collector road in the area. Mr. Pearl said he had previously explained why he believed that assumption and why he still believed it. Mr. Pearl noted that he developed Brookside based on that assumption which is why people purchased the units, but now the Township was going from a collector road to a pathway. He said if he had known that a pathway would be constructed, he would have developed the property differently. Mr. Pearl felt the Township needed to consider the future and the security problems that would result from a pathway.

Trustee Hicks said the fact that the Township had accepted grant monies for the pathway didn't mean that the Township would automatically build the pathway without any more public comment or that the project would be railroaded through. Mr. Hicks indicated that he thought the State's request for the Township to only have three days to review the grant was unreasonable, but not accepting the funds was not an option. Mr. Hicks indicated that the Board had heard the same comments when the pathway from the Township Library on Davenport Drive to Creyts Road was constructed and that reference had been made to "those people" who consisted of subsidized housing, low income residential, and apartments. Mr. Hicks said the Township Board had the fiduciary duty to all social economic backgrounds. Mr. Hicks felt the Board had been very receptive to public comment.

Mr. Pearl said he wasn't necessarily talking about this year or next year, but rather he was concerned about the future when housing started to deteriorate.

XVII. ADJOURNMENT

Supervisor Fletcher adjourned the meeting at 7:50 p.m.

CHARTER TOWNSHIP OF DELTA

JANICE VEDDER, TOWNSHIP CLERK

KENNETH FLETCHER, TOWNSHIP SUPERVISOR