

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

**TOWNSHIP BOARD REGULAR MEETING MINUTES FOR
MONDAY, June 21, 2010**

I. CALL TO ORDER

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

II. OPENING CEREMONIES – Pledge of Allegiance

III. ROLL CALL

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

Members Absent:

Others Present: Manager Richard Watkins, Planning Director Mark Graham, Accounting Director Jeff Anderson, Lt. Jeff Campbell, Utilities Director Thomas Morrissey, and Deputy Manager Jen Wohlfert.

IV. PRESENTATIONS AND PROCLAMATIONS

1. Doug Pearl, Delta Township Resident

a. Proposed Pathway from Creyts Road to Eastbury

Doug Pearl, 6919 Springtree Lane, said he was present this evening to raise a number of concerns regarding the proposed pathway from Creyts to Canal Road. He noted that the Brookside Village Homeowners Association wanted to insure that the wonderful quality of life in Brookside and the surrounding neighborhoods was maintained. Mr. Pearl said he had lived in the Township since 1959 and he felt the biggest challenge facing the Township was maintaining the Township's residential neighborhoods as they aged and deteriorated. Mr. Pearl noted that it had been said several times in the past that the residents of Brookside had no right to complain about the proposed pathway because they were aware of the Township's intentions to construct the pathway before they purchased their property. However, he wanted to debunk that myth.

Mr. Pearl proceeded to give a power point presentation about the history of the East-West Collector and pathway. He noted that the Township's 1973 Land Use Plan was in place when he purchased the Hanes Farm for the development of Brookside. Mr. Pearl noted that in 1973, the Comprehensive Plan had recommended the construction of new roads and the extension of others. He indicated that Michigan Avenue was extended from Lansing into the Township as development occurred and it would eventually be extended to Canal Road in the near future. Mr. Pearl noted that there were also half mile roads proposed in the general vicinity of the Lansing Mall and along the Carrier Creek. He illustrated the extension of Willow Highway to Canal Road near St. Gerard's church west towards Arden and he pointed out the roads that had been abandoned. He noted that Elmwood Road was relocated because it originally traversed through Dornet Village and residents couldn't get out of their driveways which necessitated the Township closing off a couple of the streets. Mr. Pearl noted that there was a half mile road proposed to traverse from Saginaw to Willow Highway along the Carrier Creek, but eventually the road was abandoned. He noted that the only road project that had been extended was Michigan Avenue. Mr. Pearl indicated that the 1973 Comprehensive Plan had recommended the extension of Willow Highway which would have traversed past St. Gerard's church, but the project was eventually abandoned. Mr. Pearl said the East-West Collector Road no longer made any sense because it wouldn't serve properties to the east.

Mr. Pearl said when he purchased the Hanes Farm; the Township had agreed to convey its full right and interest subject to public utilities to the Eaton County Road Commission. He noted that the Township also had agreed to convey title to the right-of-way to the homeowners association by the 15th anniversary date of the signing of the agreement if the road wasn't built. However, he noted that the homeowners association had not received a request for a conveyance from the Road Commission which was what the agreement was when he purchased the property. He said nothing was ever mentioned about a pathway. Mr. Pearl noted 15 years later, the homeowners association requested an abandonment of the East-West Collector road for the following reasons:

1. There was no need for the collector road. It was an alternative access to Downtown Lansing by the Arden Road extension which was no longer possible and that Saginaw and Willow Highway had been expanded. Saginaw Highway was under the jurisdiction of the Michigan Department of Transportation and the Township didn't need to divert traffic through their local streets.
2. The extension of Woodstream Drive would have an adverse impact on all of the adjacent neighborhoods and the pristine area along the Carrier Creek.

Mr. Pearl said there were three major problems with the proposed pathway west of Creyts Road. He said there would be problems with construction in Sharp Park which had been funded by Federal monies. He noted that whenever Federal or State monies were accepted, it was very difficult to amend the agreement which had provided the funds. He noted that there would have to be a traffic signal installed at the intersection of Woodstream and Creyts Road due to the traffic that would be generated from the Brookside and Shenandoah subdivisions, as well as surrounding neighborhoods. Mr. Pearl pointed out the problems that the Township would incur crossing the Carrier Creek in that there was a 40 foot drop off that would necessitate a bridge having to be constructed. Mr. Pearl said when he had purchased the Hanes Farm and was going through the rezoning process, he had discovered that he would be required to deed property over for the East-West Collector and if the road wasn't built within 15 years of him deeding the property, the property would return to him. Mr. Pearl indicated that he already had a lot of expense tied up in developing the property at the time and he decided to move forward with the development. Mr. Pearl indicated that he had spoken to Township staff regarding the road and was told that he didn't have to worry because the road wouldn't be built in his lifetime or his children's lifetime unless the population of the Township increased significantly which it hasn't. Mr. Pearl noted that he had first requested that the entire property be rezoned to an office zoning classification in conjunction with the collector road, but that request was denied. Mr. Pearl noted that he had moved ahead with his development with the assumption that he would never have to worry about the East-West Collector ever being constructed which he felt was a safe assumption today.

Mr. Pearl said he had informed the residents of Brookside that the Township's master plan recommended a half mile road between Saginaw and St. Joe Highway. He said this concept was placed in the master plan in the 1960's as a solution to a possible problem that had been experienced in Detroit, but Detroit didn't utilize any half mile roads. He said the Michigan Avenue extension had become a reality primarily as a result of development that occurred adjacent to the road and that the road was within old inter-urban right-of-way. Mr. Pearl noted that the half mile extension of Woodstream Drive didn't materialize because traffic counts didn't warrant the extension. He said there were severe complications with the extension of this road being high construction costs and opposition from the residents. He said due to the fact that there wasn't a tremendous population growth in the City of Lansing or the Township, the extension of Woodstream Drive was questionable. Mr. Pearl indicated that on October 8, 2000, he requested that the road be abandoned and that the property be given back to the adjacent property owners. He noted that when a petition containing 246 signatures was presented to the Township, he was told the Township was reviewing its master plan and that the East-West Collector would be reviewed at that time. Mr. Pearl said at that time, it

was felt that this would be an opportune time to abandon the right-of-way similar to what had been done for the Willow Highway extension near St. Gerard's church to Elmwood Road which was why they didn't pursue the matter further. However, they were never made aware of any plans for a pathway. Mr. Pearl indicated that the right-of-way the Township had acquired for the East-West Collector suddenly become favorable for a pathway.

Mr. Pearl said the issue of easements being used for a different reason other than what they were acquired for had been argued in the courts many times in the past. He said the residents had purchased their homes with the assumption that the East-West Collector road would never be built, but now they were being told that a pathway would be constructed instead. He felt the residents had every right to express their concerns and objections with the proposed pathway. He noted that the right-of-way was deeded for a collector road which the residents were told was a very remote possibility and that the road would not be constructed unless there was a sudden increase in the population in the Lansing area. Mr. Pearl noted that for several years, people have been hearing about all the wonderful things associated with trails and pathways and that it was one of the biggest up and coming businesses in the United States. However, he noted that no one ever heard about the other side of the issue and the problems that other communities had encountered with pathways. Mr. Pearl felt the Township needed to look at some real facts and use common sense when reviewing pathways. He didn't feel the Township should accept Federal funds before it heard both sides of the story because once the funds were accepted; it was difficult to reverse the situation. Mr. Pearl reiterated the fact that the Township's biggest challenge was how to maintain the existing residential neighborhoods in the community as they matured.

V. SET/ADJUST AGENDA

TRUSTEE CUNNINGHAM MOVED THAT THE AGENDA BE APPROVED AS SUBMITTED.

TRUSTEE SPAGNUOLO 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 - None

X. PASSAGE OF ORDINANCES – None

XI. CONSENT AGENDA

CLERK VEDDER MOVED THAT THE CONSENT AGENDA BE APPROVED AS SUBMITTED.

TRUSTEE CUNNINGHAM 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.

2. Minutes

CLERK VEDDER MOVED THAT THE MAY 17, 2010 REGULAR BOARD MEETING, THE JUNE 7, 2010 REGULAR BOARD MEETING, THE FEBRUARY 15, 2010 CLOSED SESSION MEETING, THE MARCH 8, 2010 CLOSED SESSION MEETING, THE MARCH 15, 2010 CLOSED SESSION MEETING, AND THE APRIL 19, 2010 CLOSED SESSION MEETING MINUTES BE APPROVED AS SUBMITTED.

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

3. Bills & Financial Transactions

CLERK VEDDER MOVED THAT THE BILLS & FINANCIAL TRANSACTIONS IN THE AMOUNT OF \$884,297.68 BE APPROVED.

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

4. Contract Award – Nixon Road and St. Joe Highway Water Main – The Engineering Department recommends the Delta Township Board award the contract for construction of Nixon Road and St. Joe Highway Water Main to Cadwell Brothers Construction of 4837 W. Grand River Avenue, Lansing, Michigan, in the amount of \$56,555.60.

CLERK VEDDER MOVED THAT DELTA CHARTER TOWNSHIP AWARD THE CONTRACT FOR THE CONSTRUCTION OF THE NIXON ROAD AND ST. JOE

HIGHWAY WATER MAIN TO CADWELL BROTHERS CONSTRUCTION OF 4837 W. GRAND RIVER AVENUE, LANSING, MICHIGAN 48906 IN THE AMOUNT OF \$56,555.60, AND FURTHER, THAT THE TOWNSHIP SUPERVISOR AND CLERK BE AUTHORIZED AND DIRECTED TO EXECUTE SAID CONTRACT.

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

- 5. Resolution to Support July 2010 Safe Storage and Disposal of Medications Month in Delta Township** – The Manager's Office recommends the Township Board adopt a resolution proclaiming July 2010 as Safe Storage and Disposal of Medications in Delta Township Month.

CLERK VEDDER MOVED THAT:

WHEREAS, pharmaceutical medications, including antibiotics, mood stabilizers, and hormones can be found in the drinking water of 41 million Americans because they have been placed in landfills, poured in the sink, or flushed down the toilet; and,

WHEREAS, drugs in our homes that aren't safely stored and secured could be taken by our children and teens to get high; and

WHEREAS, the 2008 Michigan Profile for Health Youth (MiPHY) results show that 7.8% of Eaton County 7th grade students and 9.5% of 11th grade students reported using a prescription drug to get high in the past 30 days, and 14% of the 11th graders took painkillers for non-medical purposes in the past 30 days; and,

WHEREAS, unnecessary and accidental deaths and poisonings have occurred in Eaton County by adults and youth; and

WHEREAS, properly disposing of waste medicines through Eaton County Department of Resource Recovery's medicine take-back program is an action that can be taken now to reduce the amount of medicines entering the environment and keep them out of the hands of our children and teens; and

WHEREAS, medicine take-back programs are more economical than trying to capture these waste medicines through wastewater treatment or environmental clean-up; and,

WHEREAS, Eaton County Resource Recovery Department collected 399 pounds of medications in 2009, and has four scheduled medicine take-back opportunities in Delta County and Charlotte in 2010; and,

WHEREAS, the Eaton County Substance Abuse Advisory Group (ECSAAG), and the local General Federation of Women’s Clubs, and Eaton County Department of Resource Recovery have partnered to encourage safe storage and disposal of medications in Eaton County;

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. Delta Township Commission hereby proclaims July 2010 as Safe Storage and Disposal of Medications in Delta Township Month
2. The Delta Township Commission calls upon all citizens, parents, youth, governmental agencies, public and private institutions, businesses and workplaces, local hospitals, and schools in Delta Township to support ECSAAG initiatives and other local efforts to safely store and dispose of medications to reduce deaths and poisoning and protect our environment from unused medications.

BE IT FURTHER RESOLVED, that the Delta Township Supervisor is requested to forward copies of this adopted resolution to ECSAAG in support of their effort to safely store and dispose of medications in Delta Township.

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

6. **Resolution to Support Grand River Day** – The Engineering Department recommends the Township Board adopt a resolution to declare July 18, 2010 as the official GRAND RIVER DAY.

CLERK VEDDER MOVED THAT:

WHEREAS, *the* Grand River and its watershed has been and continues today to be essential to the ecological well being of our community, presenting unparalleled economic, cultural, recreational, and aesthetic opportunities to all of our residents and visitors; and

WHEREAS, over the years, the Charter Township of Delta and its citizens have undertaken numerous actions to use, protect and properly manage the Grand River and its watershed, which emphasized a strong partnership between government, industry and commerce, riverfront landowners and recreational users; and

WHEREAS, the Charter Township of Delta citizens, companies, and public officials are to be applauded for their efforts in helping to make us good stewards of the Grand River and its watershed; and

WHEREAS, it is imperative that we continue such cooperative efforts to even better manage the Grand River as it flows through our community so that we may enjoy its many values for many years to come;

WHEREAS; a broad base of organizations, businesses and local communities from throughout Michigan have joined together to conduct Grand River Expedition 2010, in an effort to promote awareness and appreciation for the broad range of values inherent in our River that play a vital role in our overall quality of life, and to enhance personal and collective stewardship of these resources; and

WHEREAS, in April of 2010, Governor Granholm and Lt. Governor Cherry issued a Certificate of Tribute to Grand River Expedition 2010, its organizers and partners; and

WHEREAS, Grand River Expedition 2010 will be visiting our community on Saturday July 17 and Sunday July 18,

NOW, THEREFORE, BE IT RESOLVED THAT the Charter Township of Delta does hereby declare July 18, 2010 as OFFICIAL GRAND RIVER DAY; and

BE IT FURTHER RESOLVED, that the Charter Township of Delta encourages the citizens of this community to take advantage of the opportunities provided the Grand River and its watershed, and to become better informed and involved in local actions to assure the continued quality of the Grand River and its watershed for today and for future generations.

TRUSTEE CUNNINGHAM 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

7.

8.

XIV. ITEMS OF BUSINESS

- 9. Final Action for Ken Stockwell (Frank Fata & Sons, LLC) Rezoning Request, Case No. 4-10-5** – The Planning Department recommends the Township Board deny the request to rezone the property described in Case No. 4-10-5 from RC, Moderate Density Residential, to B1, Local Service Commercial.

Mr. Graham said the rezoning request consisted of three residential properties located on the east side of Clark Road from RC, Moderate Density Residential, to B1, Local Service Commercial. He said Mr. Fata had indicated that he was interested in redeveloping the property, but that he wanted the rezoning in place first.

Supervisor Fletcher noted that as the Township looked at ways to spur development along the Saginaw Highway corridor between Waverly and Elmwood Road, the Board had had discussions regarding the size of parcels in this area of Saginaw and whether the depth of the parcels were adequate to accommodate redevelopment.

Mr. Graham said the proposed rezoning could possibly spur the redevelopment of the subject parcel which had aged considerably. He noted that the existing building on the property was old and was located very close to Saginaw Highway. He noted that when the Planning Commission held a public hearing on the rezoning request, the citizens were concerned about cut-thru traffic in the neighborhood and a precedence being set for future rezoning requests that would encroach further into the neighborhood. However, Mr. Graham indicated that the commercial depth off of Saginaw Highway to the east was greater than it was on Clark Road to the west. He noted that the Township had recently adopted regulations that could help spur the redevelopment along the Saginaw Highway corridor, one of which was the increase in commercial depth. Mr. Graham noted that there were particular uses that necessitated an increase in depth such as drive-thru window establishments or to accommodate parking in front of the building. He said at the present time, the existing building on the subject parcel was located very close to Saginaw Highway which didn't provide much flexibility.

Trustee Hicks asked Mr. Graham to review the redevelopment of the Arby's restaurant site located on the south side of Saginaw Highway, east of the subject parcel.

Mr. Graham said representatives of Arby's had initially requested a number of variances in order to redevelop their site. He said as a result of those variance requests, staff had looked at alternatives and had drafted regulations termed "Commercial Redevelopment Standards" which were eventually adopted by the Township Board. Mr. Graham said the regulations provided property owners along the Saginaw Highway corridor more flexibility in order to encourage redevelopment. He noted that one of the conditions of the regulations was that the property had to be zoned commercial. Mr. Graham noted that in the instant case, the three lots along Clark Road were zoned residential, but even if the lots were rezoned to a commercial classification, the developer would still have to apply for a special land use permit in order to utilize the commercial redevelopment standards.

Trustee Hicks inquired as to whether the developer in this case could utilize the redevelopment standards given the parcels current zoning classification and the location of the existing building.

Mr. Graham felt the redevelopment standards could be utilized due to the fact that the property was platted several years ago. He also pointed out that the subject parcel had several existing non-conformities.

Trustee Hicks noted that the redevelopment standards would increase the size of buildable area on the subject parcel that would otherwise be too small. He said this was the same problem Arby's had experienced when they attempted to redevelopment their site, but was unable to do so under the existing Zoning Ordinance.

Mr. Graham said the parcel along Saginaw Highway would be much smaller than the parcels to the north along Clark Road.

Trustee Hicks said he was looking at alternatives based on the current zoning of the property where there was an existing building as opposed to rezoning three parcels along Clark Road.

Mr. Graham noted that the commercial redevelopment standards were drafted only a few years ago and that the Arby's site was the only one that had taken advantage of the regulations.

Treasurer Pizzo felt the Arby's site was larger and deeper than the subject parcel.

Trustee Hicks said the problem the Arby's site had experienced was once the existing building was removed, even with the depth of their site, they still couldn't accommodate a new building. He noted that the redevelopment standards provided relief from the setback requirements so that the property owner could locate the building closer to Saginaw Highway and still accommodate a drive-thru window and parking.

Mr. Graham said one of the main issues that was shared by both the Arby's and the Fata sites was the fact that they were both corner lots. He noted that the Arby's parcel was blocked by Dexter Hardware that was located closer to the road so that eastbound traffic couldn't see Arby's. He noted that the same problem existed with the Fata property in that the former Taco Bell restaurant blocked the Fata property for westbound traffic. He noted that both parcels were also bordered by residential. Mr. Graham said another problem that Arby's had experienced when they attempted to redevelop their site was the fact that their building was set back quite a distance off of Saginaw Highway

and that they had proposed to move the building closer than the 75 foot setback requirement under the commercial redevelopment standards.

Ken Stockwell, Stockwell Real Estate Group, 4277 Okemos Rd., Okemos, said he was representing the property owner Nick Fata. Mr. Stockwell said they were faced with a dysfunctional building that could only be used by one tenant due to the lack of parking. He noted that Martinizing Dry Cleaning had occupied the building for 40 years and that the building was in great need of repair. He indicated that the Fata's were also requesting a rezoning of the residential properties they owned north of their commercially zoned property on Saginaw Highway. Mr. Stockwell noted that a 50 foot buffer was required adjacent to residentially zoned properties and by rezoning the lots to the north, a larger setback could be established in order to provide additional parking. Mr. Stockwell noted that they didn't have any development plans at this time, but rezoning the parcels along Clark Road would provide them with more flexibility in the types of uses that occupied the site.

Mr. Stockwell noted that they had spoken to the owner of the former Taco Bell site to inquire about purchasing their property, but due to the fact that they had made a substantial investment in renovating the building, the owner was asking a substantial amount of money for the property. Mr. Stockwell said it was their goal to improve the neighborhood by redeveloping the site which was old and dilapidated. Mr. Stockwell noted that in today's market, it was hard to market property without the zoning in place due to the time periods involved, as well as engineering and site plan expenses. He noted that if the property wasn't rezoned, it would take time to find a tenant that didn't need a lot of parking in front of the building and that a great amount of expense would have to be made renovating a building that didn't have the features that were needed to improve the site. Mr. Stockwell said it was unfortunate that the owner of the former Taco Bell site had put a lot of money into renovating the property, but he felt a lot could be done with the area if all of the older buildings were removed and a newer and nicer establishment was constructed with parking and a 50 foot buffer strip installed adjacent to the residential neighborhood to the north.

Mr. Stockwell noted that he didn't feel the proposed rezoning would negatively affect the neighborhood, but rather the rezoning would provide them an opportunity to improve the site. He reiterated the fact that it was difficult for them to market property without the zoning in place and that people were reluctant to spend the money on engineering plans because there were no guarantees that a rezoning would be granted. Whereas, if the zoning was in place, the Township would still have an opportunity to review a site plan.

Trustee Hicks inquired about the properties to the east of the subject parcel.

Mr. Graham said the area to the east of the subject parcel was commercially zoned.

Trustee Hicks inquired about the different commercial depths along Saginaw Highway.

Mr. Graham felt the commercial zoning on either side of the subject parcel was established on a case by case basis several years ago. He felt the characteristics to the east of the subject parcel were somewhat different in that there was a mix of office and commercial uses, as well as duplex and apartment units, versus Clark Road where there were single family homes behind the commercial development along Saginaw Highway.

Trustee Hicks inquired as to whether the commercial depth to the east and west of the subject parcel was equal to what the applicant had requested.

Mr. Graham said the depth of commercial on the east side of Clark Road wasn't equal to what the applicant had requested in that Mr. Fata owned the southernmost house on the west side of Clark Road which was still used as single family residential.

Clerk Vedder said over the years, the Township had attempted to keep the commercial depth the same along this area of the Saginaw Highway corridor as much as possible to avoid encroaching any further into the single family neighborhood to the north.

Trustee Hicks felt the commercial depth on the west side of Clark Road was equal to the boundary of the first two lots the applicant was requesting be rezoned to a commercial zoning classification. Mr. Hicks noted that one of the issues that was considered when reviewing variance requests was whether or not property owners in the area enjoyed rights not possessed by the present property.

Treasurer Pizzo noted that after reading the minutes of the Planning Commission meeting, the Commission was also concerned with further commercial encroachment into the residential neighborhood to the north, particularly when no one knew what would be developed on the site. Mr. Pizzo indicated that the rezoning would simply make more property available for development. Mr. Pizzo said when you take into consideration the vacant commercial property on the south side of Saginaw Highway where there was greater depth, he wasn't sure the Township would be accomplishing anything by the rezoning the three lots along Clark Road.

Trustee Hicks said if the Board made a decision on the rezoning request one way or the other, he didn't feel the record should hinge on whether or not the

developer had a specific plan. He didn't feel a development plan was a condition precedent to rezoning and that the Township shouldn't deny a rezoning request simply because a development plan wasn't submitted. Mr. Hicks noted that the Planning Commission was concerned with the fact that the rezoning was speculative at this time, but he didn't feel that was a proper reason for denial.

Trustee Poma felt a development plan was a consideration.

Trustee Hicks asked what the buildable area on the property would be if the redevelopment standards were applied and the applicant was able to obtain relief from the setback requirements.

Mr. Graham said a layout of the site would have to be done in order to determine the buildable area on the site. However, he noted that utilizing the commercial redevelopment standards would increase the buildable area on the site.

Trustee Poma inquired as to the commercial depths in the vicinity of the subject parcels.

Mr. Graham responded by referring to the aerial photo which had been provided to the Board.

Trustee Hicks felt a layout of the site utilizing the commercial rehabilitation standards would be beneficial in determining the building envelope on the site.

Mr. Graham said staff could prepare a comparison chart absent any type of relief versus utilizing the commercial rehabilitation standards. However, he noted that the front setback would decrease from 75 feet to 50 feet from Saginaw Highway under the commercial rehabilitation standards.

Supervisor Fletcher said the Board could consider postponing this matter in order to consider other alternatives. Mr. Fletcher asked Mr. Fata if he would be receptive to the Board postponing this matter.

Mr. Fata indicated that he would not object to the Board postponing his rezoning request.

CLERK VEDDER MOVED THAT THE TOWNSHIP BOARD POSTPONE CASE NO. 4-10-5, FRANK FATA & SONS REZONING REQUEST FOR FURTHER REVIEW.

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

- 10. Final Action for Special Land Use Permit for Eaton County Central Dispatch Communications Tower Case No. 5-10-10** – The Planning Department recommends the Township Board approve the request for a special land use permit for the establishment of a Radio Communications Tower, on the property described in Case No. 5-10-10.

TRUSTEE POMA MOVED THAT THE DELTA TOWNSHIP BOARD APPROVE A SPECIAL LAND USE PERMIT REQUEST FOR THE ESTABLISHMENT OF A RADIO COMMUNICATION TOWER, ON THE PROPERTY DESCRIBED IN CASE NO. 5-10-10 FOR THE FOLLOWING REASONS:

1. THE REQUEST MEETS THE GENERAL STANDARDS SPECIFIED FOR SPECIAL LAND USES IN SECTION 18.4.0 OF THE DELTA TOWNSHIP ZONING ORDINANCE.
2. THE REQUEST MEETS THE SPECIFIC STANDARDS SPECIFIED FOR TOWERS IN SECTION 18.6.0 I. OF THE DELTA TOWNSHIP ZONING ORDINANCE.
3. THE PROPOSED TOWER WILL ADDRESS A SERIOUS EMERGENCY COMMUNICATION DEFICIENCY.

BEING CONDITIONAL UPON:

1. ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE BY THE TOWNSHIP ZONING ADMINISTRATOR FOR THE CONSTRUCTION OF THE PROPOSED TOWER.
2. CONTINUED COMPLIANCE WITH THE SPECIFIC STANDARDS FOR TOWERS IDENTIFIED IN SECTION 18.6.0 I. OF THE ZONING ORDINANCE AND AS EXPLAINED ABOVE.
3. FAILURE OF THE APPLICANT TO COMPLY WITH ANY OF THE PROVISIONS REQUIRED BY THE DELTA TOWNSHIP ZONING ORDINANCE, OR ANY STIPULATIONS REQUIRED BY THE SPECIAL LAND USE PERMIT, SHALL CONSTITUTE GROUNDS FOR TERMINATION OF THE SPECIAL LAND USE PERMIT BY THE DELTA TOWNSHIP BOARD.

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

- 11. Introduction of Proposed Zoning Ordinance Amendments, Child Care Homes, Case No. 5-10-8** – The Planning Department recommends the Township Board introduce amendments to the Delta Township Zoning Ordinance which pertain to Child Care Homes.

Mr. Graham noted that the proposed amendments consisted of proposed amendments to the Zoning Ordinance that had been created by the adoption of a new Michigan Zoning Enabling Act which necessitated deletion of the old terms of “Family Day Care Home” and “Group Day Care Home” which were replaced with the terms “Family Child Care Home” and “Group Child Care Home”. Mr. Graham noted that staff also discovered that the Township could no longer regulate Adult Foster Care Group Homes.

TRUSTEE HICKS MOVED THAT THE DELTA TOWNSHIP BOARD INTRODUCE AMENDMENTS, IDENTIFIED AS CASE NO. 5-10-8 TO THE DELTA TOWNSHIP ZONING ORDINANCE WHICH PERTAIN TO CHILD CARE HOMES. 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 JULY 6, 2010 MEETING.

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

- 12. Introduction of Proposed Zoning Ordinance Amendments, Non-Motorized Transportation Improvements, Case No. 5-10-9** – The Planning Department recommends the Township Board introduce amendments to the Delta Township Zoning Ordinance which pertain to Non-Motorized Transportation Improvements.

CLERK VEDDER MOVED THAT THE DELTA TOWNSHIP BOARD INTRODUCE AMENDMENTS, IDENTIFIED AS CASE NO. 5-10-9, TO THE DELTA TOWNSHIP ZONING ORDINANCE WHICH PERTAIN TO NON-MOTORIZED IMPROVEMENTS. 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 JULY 6, 2010 MEETING.

Mr. Graham said the Board had agreed to sponsor the amendments to the Zoning Ordinance in May as part of an amendment package.

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

- 13. Introduction of Proposed Subdivision regulation Amendments, Non-Motorized Transportation Improvements** – The Planning Department recommends the Township Board introduce amendments to the Delta Township Subdivision regulations within the Code of Ordinances which pertain to Non-Motorized Improvements.

TREASURER PIZZO MOVED THAT THE DELTA TOWNSHIP BOARD INTRODUCE AMENDMENTS TO THE DELTA TOWNSHIP SUBDIVISION REGULATIONS WITHIN THE CODE OF ORDINANCES WHICH PERTAIN TO NON-MOTORIZED IMPROVEMENTS. 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 JULY 6, 2010 MEETING.

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

- 14. Introduction of Proposed Zoning Ordinance Amendments, Personal Service Establishments % Floor Area Ratio in the O, Office Zoning District, Case No. 5-10-11** – The Planning Department recommends the Township Board introduce amendments to the Delta Township Zoning Ordinance which would increase the permitted floor area ratio permitted for personal service establishments in the O, Office zoning district from 25% to 30%.

TRUSTEE POMA MOVED THAT THE DELTA TOWNSHIP BOARD OF TRUSTEES INTRODUCE AN AMENDMENT TO SECTION 5-10-11 OF THE DELTA TOWNSHIP ZONING ORDINANCE WHICH WOULD INCREASE THE PERMITTED FLOOR AREA RATIO PERMITTED FOR PERSONAL SERVICE ESTABLISHMENTS IN THE O, OFFICE ZONING DISTRICT FROM 25% TO 30%. I FURTHER MOVE THAT THIS AMENDMENT SHALL BE CONSIDERED FOR FINAL ACTION BY THE BOARD OF TRUSTEES AT THE TUESDAY, JULY 6, 2010 REGULAR MEETING. THE CLERK IS HEREBY DIRECTED TO PUBLISH NOTICE OF SAID MEETING IN THE LOCAL NEWSPAPERS AS REQUIRED PRIOR TO JULY 6, 2010.

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

- 15. Resolution to Support EATRAN Millage Authorization Question** - The Manager's Office recommends the Township Board adopt a resolution supporting the Eaton County Board of Commissioners in its proposed Millage Authorization Question of .75 mills for improved public transportation in Eaton County.

TREASURER PIZZO MOVED THAT:

Whereas, the Eaton County Transportation Authority (EATRAN) is a regional program that provides open-door, curb-to-curb public transportation in Eaton County for all persons desiring that service; and

Whereas, The Eaton County Transportation Authority (EATRAN) has asked for approval of a millage that will be used to support the transportation needs within Eaton County; and

Whereas, The Eaton County Board of Commissioners approved the request at the April 21, 2010 meeting; and

Whereas, The Eaton County Board of Commissioners has proposed this Millage Authorization Question to be supported by a publicly voted mill scheduled to appear on the August 3, 2010 ballot;

Now, therefore, be it resolved that the Township Board of the Charter Township of Delta does, with this resolution, support the Eaton County Board of Commissioners in its proposed Millage Authorization Question of 0.75 mills for improved public transportation in Eaton County.

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

XV. COMMITTEE OF THE WHOLE

16. Suzanne Eman-Jaehnig, Capital Area United Way

Supervisor Fletcher noted that Capital Area United Way has asked the Township to consider funding for the Central Michigan 2-1-1 program.

Suzanne Eman-Jaehnig, representing the Capital Area United Way as the Assistant Vice-President of Community Investment, noted that the Board had been provided with a summary detailing the Central Michigan 2-1-1. Ms. Eman-Jaehnig stated that the program was a community wide program that United Way currently supported by contributing \$75,000 a year to. She said due to the large increase in calls the program had experienced in the past two years, costs had greatly increased. She noted that the program employed trained information and referral specialists that answered calls on a 24-7 basis 365 days a year. Ms. Eman-Jaehnig noted that it was felt the high volume of calls could be contributed to the poor economy and the fact that more people were aware of the program's existence. She noted that when the program started in March of 2007, they received approximately 500 calls a month and

at the present time, they were receiving approximately 4,000 calls a month for Ingham, Eaton, and Clinton counties.

Ms. Eman-Jaehnig said a majority of the calls were generated from Ingham County, but she noted that calls from Eaton County residents had increased. She noted that callers were not required to provide their name, but their zip code was captured on a caller ID system which was how they were able to keep statistics on the jurisdiction the calls were from. Ms. Eman-Jaehnig said a majority of the calls the program received were requests for basic needs such as assistance with rent, utility bills, food, and shelter. She noted that the program received funding from the Eaton County Collaborative Council, as well as a small grant from the Eaton County United Way, but due to the increase in costs for services, the program was seeking additional support. Ms. Eman-Jaehnig said they wanted to continue to provide the program for the residents and felt it was a critical program for the community.

Trustee Cunningham inquired about the annual budget for the program.

Ms. Eman-Jaehnig said their budget was approximately \$177,000 a year, most of which covered staffing due to the need for full-time employees with benefits. She said other costs associated with the program were phone expenses and office space. She noted that the program received \$75,000 from United Way and additional support was provided through the community. However, Ms. Eman-Jaehnig said due to the increase in calls, they were looking for additional support from various groups. She noted that they had received a grant from the Capital Region Community Foundation for \$20,000, but she pointed out that United Way's fund raising was down this year and that they couldn't commit any more than \$75,000 a year to the program.

Trustee Poma agreed that this program was critical for the community and utilized by many. She asked if the program had looked into Federal grants.

Ms. Eman-Jaehnig said they had not received any Federal funding, but they had received State funding from the Department of Human Services, as well as funding from the Department of Community Health. Ms. Eman-Jaehnig said they were continually seeking State and Federal monies to fund the program. Ms. Eman-Jaehnig said they were asking for financial assistance in the amount of \$2,000. Ms. Eman-Jaehnig said the program did an excellent job of keeping track of programs that were available for residents, not only locally, but on a State and National level as well.

Trustee Hicks asked if the funds would go to United Way.

Ms. Eman-Jaehnig said the funds would go to United Way due to the fact that they were the fiduciary for Ingham and Clinton Counties. She said Central Michigan 2-1-1 billed United Way for the services for the community.

Trustee Poma asked if the funds could be earmarked for the 2-1-1 program.

Ms. Eman-Jaehnig said the funds would be earmarked for the 2-1-1 program.

Treasurer Pizzo questioned who else supported the program from Eaton County.

Jeanne Pearl-Wright, Eaton County Commissioner, noted that she served as the chairperson for the Eaton County Collaborative Council. Ms. Pearl-Wright noted that Eaton County's share to the program was approximately \$1,600 a year.

Ms. Pearl-Wright and Ms. Eman-Jaehnig proceeded to further describe the services the 2-1-1 program provided to the surrounding communities and the fact that their employees were trained specialist that brought a high level of service to the program.

It was the consensus of the Board to have Mr. Watkins further research this matter and return to the Board with a recommendation.

17. Mark Graham, Planning Department Director

a. Comprehensive Plan Status Update

Mr. Graham introduced members of the Planning Commission who were in attendance this evening for a joint Board/Planning Commission meeting on the Comprehensive Plan. Mr. Graham proceeded to provide a power point presentation on the Township's Comprehensive Plan and the need to update the data contained in the Plan and to reflect minor changes that had been made to the Enabling Legislation Act. Mr. Graham also pointed out the differences between the Comprehensive Plan and the Township's Zoning Ordinance.

Treasurer Pizzo asked about the timeline in which the Plan would be reviewed and updated.

Mr. Graham assumed that the Township would receive some census information by the first of the year, but a more thorough breakdown of the census data would not be forthcoming until later. He noted that there were six census tracts in the Township and that it would be a year or more before the Township started receiving information for each individual tract.

Treasurer Pizzo felt a timeline may be beneficial in order for the Township to obtain information on new ideas and trends that were becoming more influential in terms of attracting people to communities. He felt by having a timeline, the Township could start planning ahead for public discussions and encourage public input.

Mr. Graham said there were a lot of things involved with timelines and that typically public input came very early in the review process. Mr. Graham said the availability of staff during the review process would also be a major consideration, as well as other demands placed on staff.

- b. Prohibition on Riding a Bike on Township Trails between Sunset and Sunrise.

Mr. Graham said at the present time, the Township's Code of Ordinances contained a Parks & Recreation Ordinance provision that prohibited riding bikes on paths, trails or roadways in the Township between sunset and dawn. He said this item was placed on the Township's Parks & Recreation Commission agenda who had recommended that this item be deleted from the Code of Ordinances. He felt as the Township developed more trails and pathways, this would be very difficult to enforce. He said the trails that the Township had in the Hawk Meadows and Hunters Park were recreational trails, but the new trails that were being developed were intended to encourage non-motorized transportation.

Trustee Hicks said since the Township's parks closed at dusk, he questioned if there would be a problem with bikes utilizing the trails after dark.

Mr. Graham felt the parks were closed to motor vehicles, but bikes could access the parks, much like pedestrians who walked the trails after dusk.

Supervisor Fletcher felt this issue brought forward concerns residents had expressed about pathways being constructed near their homes and people using the paths in the evenings. Mr. Fletcher felt the Board wanted to be conscious of these concerns before they did anything that could encourage or promote people using the paths after dark.

Lt. Jeff Campbell acknowledged that enforcing the prohibition would be troublesome and not a high priority.

Trustee Hicks didn't feel that deletion of the prohibition would either promote or discourage bike riding after dark.

Mr. Watkins said the fact that the Township had a pathway along Creyts Road would cause the Township some difficulty with the ordinance the way it read.

It was the consensus of the Board to move forward with proposed amendments to the Code of Ordinances.

18. Manager's Report

a. Regional Collaboration

Mr. Watkins said the Township continued to meet regularly with neighboring communities regarding regional collaboration. He noted that last week, he had met with the City of Grand Ledge, Oneida Township, and Eaton County to discuss ways of cooperation in the areas of parks and parks maintenance, as well as joint cooperation in the operation of utility departments.

Trustee Cunningham felt the collaboration efforts were needed in the future and very positive. However, she wanted to make sure the Township was looking at liability issues as it expanded the collaborative process. Ms. Cunningham said by having Township employees performing work in other municipalities, she wanted to make sure the Township wasn't inadvertently exposing itself to unforeseen liability.

XVI. PUBLIC COMMENTS

Alan Campbell, 7651 East Mt. Hope Highway, said his farm was located at the northwest corner of the Guinea/Mt. Hope Highway intersection. Mr. Campbell said he had had many discussions with Mr. Graham about the Township's Non-Motorized Transportation Plan and the fact that pathways and trails had been proposed around the entire perimeter of his farm. Mr. Campbell expressed concerns with the verbiage of the proposed non-motorized regulations and the lack of specific language concerning the maintenance of the paths and the liability issues. He expressed concerns with the lack of revenue to pay for the proposed pathways throughout the Township. He felt the Township needed to consider both sides of the issue before committing to a master plan.

Jeanne Pearl-Wright, County Commissioner, thanked the Board for passing a resolution supporting EATRAN's millage and she noted that it indicated that the Board supported public transportation.

Trustee Hicks felt Supervisor Fletcher's comments regarding the article on LEAP were very poignant and well placed.

Clerk Vedder announced that absentee ballots have been sent out for the August primary. She noted that the Clerk's Office had issued three passports and that passports were being issued by appointment only at this time until the election cycle was completed.

Treasurer Pizzo announced that Tri-County Regional Planning would be approving the amended TIP Transportation Plan for 2011–2014 which included the Michigan Avenue Extension project. He said the Michigan Avenue project was now proposed for construction in 2011.

XVII. ADJOURNMENT

Supervisor Fletcher adjourned the meeting at 8:02 p.m.

CHARTER TOWNSHIP OF DELTA

JANICE VEDDER, TOWNSHIP CLERK

KENNETH FLETCHER, TOWNSHIP SUPERVISOR