

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 7, 2010**

I. CALL TO ORDER

Supervisor Fletcher called the meeting to order at 6:04 p.m.

II. OPENING CEREMONIES – Pledge of Allegiance

III. ROLL CALL

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

Members Absent: Trustee Jan Cunningham

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

CLERK VEDDER MOVED THAT TRUSTEE CUNNINGHAM BE EXCUSED FROM THIS EVENING'S MEETING.

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

IV. PRESENTATIONS AND PROCLAMATIONS

1. William Hester Retirement

- a. Full-time Firefighter; served 26 years as an employee

Supervisor Fletcher recognized William Hester for his 26 years of service with the Township's Fire Department and congratulated William on his retirement.

Firefighter Hester thanked the Township and his co-workers for his years of employment and a great career.

Manager Watkins also mentioned that he had worked with Mr. Hester for many years, as the President of the local union, and that a lot of accomplishments in

the Delta Township Fire Department are due to Mr. Hester's leadership in the union.

2. Government Youth Council

- a. Trustee Poma recognized Colleen Hoch, Eric Everts, Kristen Patterson (who was absent) and Zachary Zingsheim for their service on the Government Youth Council. Trustee Poma presented certificates to all present and acknowledged all of their service throughout the year.

Supervisor Fletcher also thanked all of them for the help they provided at all of the community events, and asked that they keep the township updated on their careers.

V. SET/ADJUST AGENDA

TREASURER PIZZO MOVED THAT THE AGENDA BE APPROVED AS SUBMITTED.

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

VI. PUBLIC HEARINGS AND ACTION – None

VII. COMMUNICATIONS – None

VIII. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA -

Tom Byerley, Probate Judge for Eaton County, indicated that he lives in Windsor Township, but has a lot of Delta Township roots. He indicated that a couple years ago he tried to obtain a sidewalk variance at Trinity United Methodist Church and indicated that it was probably the best loss he ever had. Mr. Byerley reported that Delta Township denied his request for a variance and has since received countless compliments that sidewalks were installed. He thanked the Board for denying his request, and stated that he looked forward to working with Delta Township in the future.

Supervisor Fletcher congratulated Mr. Byerley on his appointment, and shared his appreciation for his testimony in regard to his support in having a walkable community as well.

IX. INTRODUCTION OF ORDINANCES - None

X. PASSAGE OF ORDINANCES - None

XI. CONSENT AGENDA

CLERK VEDDER REQUESTED THE MAY 17, 2010 REGULAR MEETING MINUTES BE PULLED, AND THE MAY 10, 2010 CONSENT AGENDA AND COMMITTEE OF THE WHOLE MINUTES BE APPROVED AS SUBMITTED.

TRUSTEE HICKS SUPPORTED THE MOTION.

ROLL CALL:

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

NAYS: NONE

ABSENT: TRUSTEE CUNNINGHAM

MOTION PASSED 6 TO 0.

3. Bills & Financial Transactions

CLERK VEDDER MOVED THAT THE BILLS & FINANCIAL TRANSACTIONS IN THE AMOUNT OF \$1,144,897.07 BE APPROVED.

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

4. Fireworks Display Permit for Delta Township

CLERK VEDDER MOVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA APPROVE THE REQUEST BY THE PARKS, RECREATION AND CEMETERIES COMMISSION FOR A FIREWORKS DISPLAY PERMIT ON JULY 3, 2010 (JULY 5 RAIN DATE).

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

XII. ITEMS REMOVED FROM CONSENT AGENDA FOR DISCUSSION – May 17, 2010 regular meeting minutes.

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

6.

7.

XIV. ITEMS OF BUSINESS

8. **Introduction of Ken Stockwell (for Frank Fata & Sons, LLC) Rezoning Request, Case No. 4-10-5** – Stockwell request to rezone the property as described in case 4-10-5 from RC moderate density residential to B1 local service commercial.

TRUSTEE POMA MOVED THAT THE DELTA TOWNSHIP BOARD INTRODUCE THE KEN STOCKWELL REQUEST TO REZONE THE PROPERTIES DESCRIBED IN THE CASE 4-10-5 FROM RC MODERATE DENSITY RESIDENTIAL TO B1 LOCAL SERVICE COMMERCIAL. FURTHER THE REZONING REQUEST SHALL BE CONSIDERED FOR FINAL ACTION BY THE TOWNSHIP BOARD AT THE JUNE 21, 2010 REGULAR MEETING. THE CLERK IS HEREBY DIRECTED TO PUBLISH NOTICE OF SAID MEETING IN LOCAL NEWSPAPERS AS IS REQUIRED.

CLERK VEDDER SUPPORTED THE MOTION. MOTION PASSED 6-0.

9. **Final Action for Special Land Use Permit for Irrigation Systems, Inc., Case No. 5-10-7** – The Planning Department recommends the Board approve the request for a special land use permit to allow the establishment of a business that includes bulk storage of landscape materials, i.e., bark, mulches, wood chips, stones, top soil and similar materials.

Trustee Hicks questioned Mr. Graham regarding a rezoning request that occurred approximately two years ago on Creyts Rd.

Mr. Graham indicated that there were two special land use requests for Kemps Pallets landscaping business on Creyts Rd.

Trustee Hicks asked what happened in the past, and what the difference is now.

Mr. Graham indicated that the main concern with the previous request was the display of the materials along Creyts Rd. There also would have been increased commercial and customer traffic generated. Mr. Graham indicated that he felt the case before Delta Township with Irrigation Systems, Inc. is fundamentally different, due to the fact that there will be no customer traffic to the site, and materials are delivered to customers as needed. Further the materials will be displayed on-site behind a fence and back off the road.

TRUSTEE HICKS MOVED THAT THE DELTA TOWNSHIP BOARD APPROVE THE SPECIAL LAND USE PERMIT FOR IRRIGATION SYSTEMS, INC., PERMIT THE ESTABLISHMENT OF THE BUSINESS THAT INCLUDES THE BULK STORAGE OF LANDSCAPE MATERIALS, I.E., BARK,

MULCHES, WOOD CHIPS, STONES, TOP SOIL AND OTHER SIMILAR MATERIALS ON THE SUBJECT PARCEL DESCRIBED IN CASE NO. 5-10-7 FOR THE FOLLOWING REASONS:

THE REQUEST MEETS THE GENERAL STANDARDS SPECIFIED FOR SPECIAL LAND USE PERMITS IN SECTION 18.4.0 OF THE DELTA TOWNSHIP ZONING ORDINANCE. THE REQUEST ALSO MEETS OR IS ABLE TO MEET THE SPECIFIC STANDARDS FOR THE PROPOSED USE AS SPECIFIED IN SECTION 18.18.0 X. OF THE ZONING ORDINANCE.

THE SPECIAL LAND USE PERMIT IS RECOMMENDED FOR APPROVAL SUBJECT TO THE FOLLOWING STIPULATIONS:

1. CONTINUED COMPLIANCE WITH THE FOLLOWING STANDARDS SET FORTH IN SECTION 18.8.0 X. OF THE DELTA TOWNSHIP ZONING ORDINANCE:
 - A. PUBLIC STREETS WITHIN 1,500 FEET OF THE ENTRY OR EXIT TO THE SITE SHALL BE KEPT REASONABLY CLEAR OF MUD, DIRT AND DEBRIS AND TRASH DEPOSITED FROM VEHICLES ENTERING OR EXITING THE SITE.
 - B. ANY OUTDOOR STORAGE AREA SHALL BE COMPLETELY ENCLOSED BY A FENCE OR WALL.
 - C. STORED MATERIALS SHALL NOT BE PILED HIGHER THAN TWENTY (20) FEET.
 - D. CONDITIONS WITHIN THE STORAGE AREA SHALL BE CONTROLLED AND MONITORED TO MINIMIZE THE HAZARDS OF FIRE AND OTHER THREATS TO HEALTH AND SAFETY.
 - E. ALL PORTIONS OF THE STORAGE AREA SHALL BE ACCESSIBLE TO EMERGENCY VEHICLES.
2. THE OVERNIGHT PARKING OR STORAGE OF THE BUSINESS'S TRUCKS, TRAILERS, AND EQUIPMENT IN THE FRONT YARD AREA ON THE SITE SHALL BE PROHIBITED.

3. THE RETAIL SALE OF TREES, SHRUBS, AND OTHER NURSERY STOCK FROM THE SITE SHALL BE PROHIBITED.
4. 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 6-0.

10. **Final Action for Special Land Use Permit for Kroger Gas Station, Case No. 4-10-6** – The Planning Department recommends the Township Board approve the request for a special land use permit to construct a gas station in front of the Kroger store on 6430 West Saginaw Highway.

Mr. Graham indicated that the applicant in this case is Kroger. He reported that Kroger owns the 10 acre site on the northwest corner of Creyts Road and West Saginaw Highway. Under the Township Zoning Ordinance Kroger is required to obtain a special land use permit. The zoning of the property will not change. The property is zoned commercial. The proposed gas station is in the front of the site. The canopy is 35' x 130' and there is an 8' x 12' kiosk building that will be underneath it. There would not be a convenience store similar to Meijer. Mr. Graham also reported that there would be a little kiosk with an employee who would sell a few items. There will be a 20,000 and 18,000 gallon storage tank to the west of the canopy structure. The Kroger store has been in its current location since 1992 and was added onto in 2006, and now consists of approximately 75,000 square feet, with all of the utilities on-site. There is a storm drain that would have to be relocated which Kroger has acknowledged. As far as the traffic situation is concerned, there are five lanes on Creyts Road and West Saginaw Highway. The two existing curb cuts to these roads will remain as is. Kroger was required to hire a traffic consultant, Traffic Engineering Associates, Inc., out of Grand Ledge. There were three recommendations that came from the study. 1) Stops signs will be placed on either side of the internal service drive on the site. There are no signs there right now. 2) A yellow center line and a white edge line should be installed to demarcate the service drive that serves PNC Bank to the east, as well as Red Robin to the west. 3) No changes to the driveways on either Saginaw or Creyts, because those driveways will continue to operate well. The exception being left turns out onto West Saginaw at peak hours, which are already an issue and will continue to be an issue. Kroger representatives and an Engineer have calculated the parking, and staff has concurred with Kroger's calculations. There would be about 45 spaces removed for the gas

station, which are not prime spaces in front of the store, and through a combination of things Kroger has proposed, i.e., restriping some spaces from 10' widths to 9' widths, and putting some spaces on the periphery, Kroger will still meet the zoning ordinance requirements, so there would be no need for variances from the ordinance. Landscaping has also been addressed. There would be several islands removed, and Kroger has proposed beefing up the islands currently in the parking lot. Kroger also may be adding some landscaping along West Saginaw Highway. There will be lighting underneath the canopy. Further, Mr. Graham reported that staff has expressed concerns about the lighting, but Kroger has provided a photometric study indicating that the light won't spray onto adjacent parcels. Additionally, Mr. Graham indicated that back in 2003 the Township Board denied a similar request for a gas station at this location. However, in Mr. Graham's opinion, there were specific differences back in 2003. Kroger wanted more pumps, and there was an unknown variance because there was a vacant parcel. Red Robin is there now. There is a cross access that wasn't there before, and there was also a question of more expansion to the Kroger building back in 2003, that has now been settled with the addition in 2006. There will not be any more expansions to the Kroger store, as they have maxed out for parking and other reasons. Mr. Graham indicated that Alan Boyer is here tonight on behalf of Kroger as well as Tom Frank.

Trustee Hicks questioned Mr. Graham relative to the Township's attorney on the application for the special land use permit. Mr. Graham indicated that right now Delta Township has a consent judgment in place that prohibits the erection of a free standing structure. Trustee Hicks stated that taking action on the consent judgment now didn't make a whole lot of sense. He also indicated that Delta Township is approving something that the Township has already legally prohibited.

The Township Attorney recommended that Kroger be treated like anyone else, and that Kroger be permitted to go through the special land use permit procedure. If the Board did grant the permit then the two parties would need to sit down and negotiate to amend the consent judgment, as is provided for in the consent judgment.

Trustee Hicks asked what there is to negotiate. His opinion was if the Board approved the special land use permit, then it would be approved.

Mr. Graham indicated that the Township still has the prohibition in the consent judgment as indicated on free standing buildings, and that would still have to be addressed. The attorney recommended that we go ahead with the special land use permit procedure. Mr. Graham also indicated that he was merely following the Township attorney's direction.

Allen Boyer, LSC Engineer's and Surveyors, 3135 Pine Tree Road, Lansing, Michigan, indicated that they prepared the site plan for the special use permit request and were present to answer any questions from the Board.

TRUSTEE POMA MOVED THAT THE DELTA TOWNSHIP BOARD APPROVE A SPECIAL LAND USE PERMIT REQUESTED BY THE KROGER COMPANY FOR AN AUTOMOBILE SERVICE STATION ON PROPERTY LEGALLY DESCRIBED IN CASE 4-10-6 FOR THE FOLLOWING REASONS:

THE PROPOSED USE COMPLIES WITH THE SPECIFIC REQUIREMENTS FOR AUTOMOBILE SERVICE STATIONS STIPULATED IN SECTION 18.15.0 B OF THE TOWNSHIP'S ZONING ORDINANCE.

THE PROPOSED USE COMPLIES WITH THE GENERAL REQUIREMENTS FOR SPECIAL LAND USES AS REQUIRED BY SECTION 18.4.0 OF THE TOWNSHIP'S ZONING ORDINANCE.

A TRAFFIC IMPACT STUDY HAS DETERMINED THAT THERE WILL BE NO SIGNIFICANT NEGATIVE IMPACTS ON ADJACENT ROADWAYS FROM THE PROPOSED AUTOMOBILE SERVICE STATION. ADEQUATE FIRE PROTECTION AND STORM DRAINAGE FACILITIES EXIST IN THE AREA TO ACCOMMODATE THE PROPOSED AUTOMOBILE SERVICE STATION.

THE SPECIAL LAND USE PERMIT IS RECOMMENDED FOR APPROVAL SUBJECT TO THE FOLLOWING STIPULATION:

IF THE APPLICANT FAILS TO COMPLY WITH ANY OF THE PROVISIONS REQUIRED BY THE DELTA TOWNSHIP ZONING ORDINANCE, OR ANY STIPULATIONS REQUIRED BY THE DELTA TOWNSHIP BOARD, SUCH ACTION(S) SHALL CONSTITUTE GROUNDS FOR TERMINATION OF THIS SPECIAL LAND USE PERMIT BY THE BOARD.

TRUSTEE SPAGNUOLO SUPPORTED THE MOTION.

ROLL CALL:

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

NAYS: TRUSTEE HICKS

ABSENT: TRUSTEE CUNNINGHAM

MOTION PASSED 5 TO 0.

XV. COMMITTEE OF THE WHOLE

11. Finance Update –

Finance Director Jeff Anderson began his report by indicating that the numbers have not been audited by external auditors, so they are intended for internal use only, and the information reported on is as of April 30th. Mr. Anderson gave an overview the monthly investment summary to the Board and an update on the first four months of the year, where the Township currently stands and the differences between 2009 and 2010. The total dollars on vestibule cashing and investments is \$44,161,000. Compared to 2009 there is a difference of about \$600,000. Mr. Anderson indicated that the rate of return was up 1.65%, compared to just less than 1% last year. In his opinion, the reason for the increase was the Townships fixed income portfolio had seen some appreciation. Yields on the treasuries have continued to go down, which raises the value of the current investments. There is a fixed income line on the investment summary of \$22,000,000, which is the port from the portfolio that has appreciated this year greater than it did last year.

Mr. Anderson then asked the Board to look at the commercial paper and certificates of deposit line items and discussed where we were in the past two years compared to the present. Commercial paper is virtually dried up, and CD rates are running for short term, which is 90 days and under, at about .25%, for liquid money it is sitting in a savings account at JP Morgan earning about 50 bases points. Mr. Anderson further stated that the Township has a fixed income portfolio, with longer term bonds that are still earning 4 & 5%, some all the way out to 2014.

Mr. Anderson then discussed the general fund and gave a summary of the first four months of the year. He stated that Delta Township has been extremely consistent both with prior years and the budget. He indicated that there have been no major financial surprises. Currently property taxes are down 1.6% from the prior year, which was expected. Ambulance fees are down 8%. The Township's runs are within 1. Mr. Anderson indicated that he will keep a close eye on this throughout the rest of the year. Community center rentals are up 20%. Parks & Recreation user fees are up slightly. Permit fees are up 39%. State revenue sharing is down 18%; unfortunately Mr. Anderson looks for this trend to continue. Expenditures by department are real consistent. The Manager's office is up 5%. Building and grounds are up 16%. The Sheriff's Department is up 6%, which is negotiated through the contract. The Fire Department is down almost 14%. Street lighting is up 36%.

Overall Mr. Anderson reported expenditures and general fund are down 2.9% year to date. Delta Township does have a hit coming on the revenue side, involving some of the dollars Delta Township receives from the City of Lansing through the 425 agreement with General Motors.

Lastly, the sewer fund sales are up 16%, which is due to 48 capital charges for 48 new starts. There have been 51 new water lines run in the first four months. Sales are up 16% sewer, and 10% water. Mr. Anderson also reported that revenue in the sewer fund is up 23% year to date and the water fund expenditures are up 5%.

Treasure Pizzo congratulated Mr. Anderson, his staff, Manager Watkins and all those who contributed to the budget document because they received the “Distinguished Budget Presentation Award” for 2010. Whereas, the Township has been consistently earning these distinguished awards, they are meaningful in the sense they are being maintained, and that we set a high standard in Delta Township.

2. Manager’s Report

- a) **2011 Budget Discussion** – Manager Watkins reported that he and the Finance Director started meeting with the department Directors to discuss the 2011 budget. The Directors have been provided with target budgets for their respective departments, and have been asked to offer options on how to meet the specific targets.
- b) **New Economy Class** – Manager Watkins reported that he attended the second class of the New Economy series on May 19, which focused on regional economic development and place making strategies. Discussion centered on six pillars of prosperity and the ten tenets of smart growth. Mr. Watkins reported that there have been excellent and eye opening discussions with different people, from a variety of communities looking at regional ways to deal with the current economic problems.
- c) **Oneida Township Sanitary Sewer Discussion Update** – Manager Watkins reported that Staff has met a couple of times in the last few weeks to discuss the sanitary sewer issue in Oneida Township. He also indicated that Staff will be researching ways to put an agreement together to serve the entire area along Willow Highway which will be a long term effort.
- d) **EATRAN and the Proposed Millage** – Manager Watkins reported that at the last EATRAN board meeting, the Board members agreed to allocate some funds toward the education of the EATRAN millage proposal. In response to that decision, he contacted and met with Kelly

Rossmann, and asked her to provide a couple different proposals to assist EATRAN board with informational material. Manager Watkins thinks the EATRAN millage request is important for us to take a look at, and to inform the public to make sure everyone knows what it is that they are voting on. The EATRAN Board will be discussing this more. He also indicated that the EATRAN board is fully behind this, and is hoping to get the public fully behind it. Manager Watkins stated that Treasurer Pizzo and Trustee Poma have been working hard to get information out to the public regarding. \$1 a week is the total cost for public transit, and Manager Watkins feels \$1a week is well worth while for improved public transit in Delta Township.

Supervisor Fletcher asked Clerk Vedder when the absentee ballots would start going out.

Clerk Vedder indicated they would go out when they are received from the printer. They should go out 45 days from the date of the election, but she said it really does depend on when they are received from the printer.

Trustee Hicks asked Manager Watkins if he was speaking specifically about the renewal of the millage for EATRAN, when meeting with Kelly, or about the proposed new millage that has been talked about too?

Manager Watkins indicated the discussions were about the proposed new millage, which is the renewal plus a half a mil increase.

Trustee Hicks asked if the Township is spending money already, if the Board hasn't taken action on it yet.

Manager Watkins replied no, but explained that the Manager's office did put some informational flyers together for Greener Delta. However, nothing has been spent on this project. Manager Watkins indicated that the proposals he has talked with Kelly about are for the EATRAN Board.

- e) **Grange Hall Discussion Update** – Manager Watkins reported that he met with Staff last week to discuss the Grange Hall. He indicated that Staff will be putting together a report to present to the Board later this month, which will discuss pros and cons of the proposed location.

Clerk Vedder asked Manager Watkins if he had met with members of the historical society, and if he was planning to do that prior to the Board meeting.

Manager Watkins indicated that they have not. He explained that Staff was taking the presentation as it was given to the Board and trying to do an analysis of staff with regard to it.

Clerk Vedder asked if Manager Watkins was going to be letting them know when it was going to be on the agenda. Clerk Vedder asked if the historical society shouldn't be more involved from the start.

Manager Watkins indicated that he could get them more involved, but he understood that Staff was suppose to react to the proposal they previously did on it.

Supervisor Fletcher stated that he believed it was the direction from the Board to go back, take what was presented, and have a staff level discussion, then come back before any further action was taken.

- f) **Regional Collaboration** – Manager Watkins reported that he has talked with Eaton County, Grand Ledge, Lansing, Charlotte and Waverly Schools to look for ways to cooperate and try to do things cheaper and better. He reported that he feels they are having some successes, but they are small at this point.
- g) **MDOT Meeting with Businesses** – Manager Watkins reported that MDOT held a meeting with business owners along Saginaw Highway to discuss the reconstruction project slated for 2011. He indicated that he has been receiving questions from business owners with regard to signage and noise ordinance issues. Manager Watkins believes, based upon all the chaos that will be happening, that the Township will need to take a look at some accommodations for its' business owners.
- h) **Proposed Trail from Creyts Road to Eastbury Update** – Manager Watkins reported that after staff walked the route they discovered an area which has a 35 foot elevation change, which was more than anticipated. Staff is looking at ways that can help solve this issue, which will probably entail a boardwalk in this area that will add to the expense of the project. Manager Watkins has not yet heard whether the Township actually will receive the grant. He also reported that Delta Township's non-motorized plan mandates that the Township will hold a public hearing before the Township enters into a project with a trail. Once the Township knows what the costs are, and what is out there, a public hearing will be scheduled and it will be brought back to the Board.

Supervisor Fletcher invited Doug Pearl to come up and speak on this topic.

Doug Pearl, 6919 Springtree Lane, came to address some real concerns on the proposed pathway from Creyts to Canal, and stated that “We want to assure that we maintain the wonderful quality of life in Brookside Village and the surrounding neighborhoods. We want to preserve the sense of personal security, peacefulness, quietness and serenity in our area.” Mr. Pearl summarized concerns of past Board meetings by reading the following excerpts: “I am speaking this evening as the elected President of the Homeowners Association of Brookside consisting of over 400 members who live in Brookside Village. Please do not start spending funds for designating the pathway in our neighborhood. Please do not apply or accept state or federal funds until we all have studied this proposal in depth and contemplate about possible present and future ramifications. Let us all pull together to enhance the use and safety of our public parks and provide paths where they are needed and wanted and where they can be located without loss of privacy. Delta Township Trustees have always been strongly supportive and protective of the single family development, families and neighborhoods. We really appreciate your time and concern. Thank you.” Those are excerpts from 2004 and 2005. Based on our presentation, and the concerns of others, special language was entered into the Delta Trail Non-Motorized Transportation Study. Some of the language we have been relying on is on page 71, 72 and 73. We have not heard from any of these things in our area where this new pathway is going through. We have not been in to address the Board as we assumed the pathway from Creyts to Sharp Park was the prototype project, then we could all evaluate the safety, maintenance and overall function of the trail as promised. In conclusion, since there are several newer trustees, we would like an opportunity to address the Board with our concerns at the very earliest opportunity. Thank you.

Supervisor Fletcher thanked Mr. Pearl for sharing his concerns. Some of the things Mr. Pearl mentioned will be discussed at a town hall meeting that Manager Watkins mentioned earlier, which will take place in the future.

Mr. Pearl indicated that they were promised to be involved in the original process, and not brought into the process after the money was granted and everything was given. The homeowner’s association was to be involved initially, and there was to be a prototype project from Creyts to the Lansing Mall. The homeowners were going to observe the prototype project, see if there were any problems before it was opened up to a point of no return. That was promised; the association backed off and accepted it. The homeowners have been working in good faith.

Supervisor Fletcher indicated that the design work has not been done on the pathway. If there is a decision to go forward and the funding comes through, the Board will be sitting down with the individuals to work on the issues that were raised this evening, and Mr. Pearl will definitely be part of the process.

Manager Watkins stated that due to the current economic times, the federal government has provided communities with economic recovery funds which the Township tries to obtain whenever possible. There are times when the Township has only a few days to respond in order to apply for these funds.

- i) **Building Department** – Manager Watkins reported that the Delta Township Building Department employees will be working with the Utility Department to do electrical work necessary to install equipment for the radio read project.

13. **Closed Session**

CLERK VEDDER MOVED THAT THE TOWNSHIP BOARD ADJOURN TO EXECUTIVE SESSION TO CONSIDER MATERIAL EXEMPT FROM DISCUSSION OR DISCLOSURE BY STATE AND FEDERAL STATUTE AS ALLOWED UNDER THE OPEN MEETINGS ACT, SECTION 15.2689(h), P.A. 267 OF 1976, AS AMENDED.

TRUSTEE SPAGNUOLO SUPPORTED THE MOTION.

ROLL CALL:

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

NAYS: NONE

ABSENT: TRUSTEE CUNNINGHAM

MOTION CARRIED 6 TO 0.

The Board adjourned to closed session at 7:10 p.m.

The Board adjourned the closed session at 8:03 p.m.

XVI. PUBLIC COMMENTS

Trustee Hicks clarified his vote on the issue regarding the Kroger gas station, by stating that he didn't want to prohibit any business in the Township. Trustee Hicks just thought the Board was working backward, stating that the proper procedure should have been to modify the consent judgment first. Trustee Hicks felt the Board was going into a special land use permit application where the use is otherwise prohibited under the terms of the judgment.

Treasurer Pizzo asked where Trustee Hicks stood on this subject now.

Trustee Hicks indicated that was the sole reason and he is not against the Kroger gas station.

Manager Watkins commented that Trustee Hicks is assuming that everything is going to be approved if the Board amends the consent judgment first, and don't allow the Planning Commission to take a look at, and indicated that the Board was letting the Planning Commission make their recommendation and approving that recommendation, then going back and fixing it.

Trustee Hicks stated he wouldn't have sent it to the Planning Commission first. The procedural stand point was my concern.

Clerk Vedder had a question regarding a procedure where an employee works 40+ hours, and takes sick time off during those 40 hours, which makes them ineligible for overtime. An employee had an appointment that needed to be met, and was required to work late one evening and Clerk Vedder felt the employee should have been compensated for this time.

Manager Watkins indicated that the employee took three hours off to go to a personal appointment, the same day that the employee worked over at the end of the day. The employee had worked eight hours, taking three hours off in the middle of the day. Manager Watkins also stated that if an employee charges three hours to sick time, then the Township ends up paying time and a half for only working eight hours in a day.

Supervisor Fletcher stated that the employee wanted to use their personal time, which would bump her into over time, so she could get the extra pay. An employee is not allowed to do this under our current policy. The other employees received overtime because they worked an eight hour day then worked the additional hours.

XVII. ADJOURNMENT

Supervisor Fletcher adjourned the meeting at 8:19 p.m.

CHARTER TOWNSHIP OF DELTA

JANICE VEDDER, TOWNSHIP CLERK

KENNETH FLETCHER, TOWNSHIP SUPERVISOR

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Minutes Approved: