

**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 1, 2009**

**I. CALL TO ORDER**

Supervisor Fletcher called the meeting to order at 7:00 p.m.

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

**III. ROLL CALL**

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

Members Absent: None.

Others Present: Planning Director Mark Graham, Utility Director Tom Morrissey, Lt. Jeff Warder, Manager Richard Watkins, and Executive Secretary Kathy Ernst.

**Recognition of Kathleen Couzzins, Retiring Grand Ledge School Teacher**

Supervisor Fletcher said he would be presenting Ms. Couzzins with the following tribute at an open house being held in her honor at Delta Center School on June 2nd.

Whereas, Kathleen Couzzins is retiring from the Grand Ledge School District after 45 years of teaching, and

Whereas, Kathleen Couzzins earned her Bachelor's of Science Degree from Central Michigan University and her Master's of Arts Degree and her Education specialist in curriculum and instruction from Michigan State University, and

Whereas, Kathleen Couzzins has dedicated her working life to providing excellence in education for our children,

Now, the Township Board of Delta Township recognizes Kathleen Couzzins for her outstanding service and proclaims Tuesday, June 2, 2009, as Kathleen Couzzins day in Delta Township.

#### **IV. PRESENTATIONS AND PROCLAMATIONS**

- 1. Delta Township Government Youth Council Recognition & Proclamation**
  - a. Colleen Hoch**
  - b. Eric Everts**
  - c. Zachary Zingsheim**
  - d. Paul Cleveland**
  - e. Matthew Transeth**

Trustee Poma said these students were moving towards a future leadership role of which they had shown by their interactions in meetings, as well as in their participation in projects throughout the community.

Ms. Poma recognized the students with the following proclamation:

Whereas, young people in Delta Township are volunteering more; and

Whereas, young people benefit greatly from expanded opportunities to engage in meaningful government service and volunteerism; and

Whereas, the goals of the Delta Township Board are to mobilize youth as leaders in identifying and addressing the needs of the Township through community service, to support youth on a lifelong path of civic engagement, and to educate the public about the year-round contributions of young people as community leaders; and

Whereas, young people should be viewed as the hope not only of the future, but also of today, and should be valued for the idealism, energy, creativity, and commitment they bring to the challenges found in Delta Township; and

Whereas, through community service, young people build character and learn valuable skills, including communication, leadership, teamwork, planning, and organizing, that are sought by employers;

Now, therefore, the Delta Township Board of the Charter Township of Delta does hereby proclaim June 9, 2009 to be Delta Township Government Youth Council Day in the Charter Township of Delta.

#### **V. SET/ADJUST AGENDA**

MOTION BY CUNNINGHAM, SECONDED BY HICKS, THAT THE AGENDA BE APPROVED WITH THE ADDITION OF ITEM 5A, THE CHILDRENS' RESPITE HOME, 4233 APPLE TREE LANE, UNDER "ITEMS OF BUSINESS". MOTION PASSED 7 TO 0.

**VI. PUBLIC HEARINGS - None**

**VII. COMMUNICATIONS – None**

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

Doug Kosinski, 7305 Glen Terra Drive, said he represented Citizens Against Extending Michigan Avenue. He stated he would be presenting petitions with approximately 350 signatures in opposition to the extension of Michigan Avenue. Mr. Kosinski didn't feel that funds for the extension would be lost because funds wouldn't be spent. He felt the compromise Treasurer Pizzo had suggested was best for the residents and the Township.

**IX. INTRODUCTION OF ORDINANCES – None**

**X. PASSAGE OF ORDINANCES - None**

**XI. CONSENT AGENDA**

MOTION BY CUNNINGHAM, SECONDED BY POMA, THAT THE CONSENT AGENDA BE APPROVED. MOTION PASSED 7-0.

**2. Minutes – May 18, 2009 Regular Meeting**

MOTION BY CUNNINGHAM, SECONDED BY POMA, THAT THE MINUTES OF THE MAY 18, 2009 REGULAR BOARD MEETING BE APPROVED. MOTION PASSED 7 TO 0.

**3. Bills and Financial Transactions**

MOTION BY CUNNINGHAM, SECONDED BY POMA, THAT THE BILLS AND FINANCIAL TRANSACTIONS IN THE AMOUNT OF \$1,126,469.63 BE APPROVED. MOTION PASSED 7 TO 0.

**XII. ITEMS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION – None**

**XIII. ITEMS ADDED TO AGENDA UNDER SECTION V. SET/ADJUST AGENDA - None**

**XIV. ITEMS OF BUSINESS**

**5a. The Childrens' Respite Home – 4233 Appletree Lane**

Supervisor Fletcher said the Department of Community Mental Health purchased a home on Appletree Lane within the Mar Moor subdivision to

establish a children's therapeutic group home. He said the question before the Board this evening was whether a special land use permit was needed.

Bob Sheehan, Executive Director of Community Mental Health for Clinton, Eaton, and Ingham Counties, said they were the public mental health authority for the Tri-County Area.

Al Way, Director of Children Services, said the Board had been provided with a description of the group home on Appletree Lane, as well as a description of the Family Guidance Service Program. He said the intent of the program was to support and maintain families in their own home utilizing a range of services. Mr. Way said when families came to them with children who had severe mental health issues; Family Guidance had a range of options available to the families that were not the traditional out-patient services. He noted that Family Guidance had master's level therapists who met with children and families in their homes and communities, board certified psychiatrists to monitor and prescribe medication, as well as emergency services. Mr. Way said their social recreational services helped children and families engage in activities so that they could be successful in the community. He said they also utilized mentors who worked one on one with children, as well as with their parents.

Mr. Way said the facility on Appletree Lane would be used for Family Guidance overnight respite services. He said when they worked with families and children; they determined whether a family needed a break from the stress of caring for a child with serious emotional disturbance. Mr. Way said the program also provided parent training and parent support in order to enhance their parenting skills. He said the Board had also been provided with a fact sheet about their respite facility on Appletree Lane. He noted that the home was licensed to serve up to six children or adolescents daily, but he felt there would only be one to four children at the home at one time due to the fact that they wanted to have a place for kids to go for unplanned interventions. He said the children would go to their regular public schools that they currently attended in order to maintain their community ties. He said the home would be staffed 24 hours a day, seven days a week with three to four staff on duty during waking hours and two staff would be on duty overnight. Mr. Way said shifts would be from 7:00 a.m. to 3:00 p.m. to 11:30 p.m. and 11:00 p.m. to 7:30 a.m. He said the property would be well maintained.

Supervisor Fletcher asked if children would receive additional treatment at the home. He questioned why a home was chosen in the middle of a quiet neighborhood.

Mr. Way said children would receive guidance on how to interact with others, as well as positive reinforcement. He said there would not be a trained

therapist in the home, but rather the treatment would happen primarily by a family guidance therapist at the home of a child.

Mr. Sheehan said Community Mental Health had several dozen group homes throughout the region which were located in rural, suburban, and urban areas, but most of the homes were located in neighborhoods. Mr. Sheehan said their main goal was to keep the children in their community as much as possible.

Trustee Poma stated her concerns regarding the amount of traffic coming and going from the home at shift change in the afternoon when neighborhood school children were getting home from school.

Mr. Sheehan said shifts could be adjusted so that they didn't conflict with school traffic.

Trustee Hicks said representatives of Mental Health had informed the Planning Department that they would be going door to door at the end of January to inform the residents of what they were proposing.

Mr. Sheehan said they were hoping to inform the residents in January or February, but the licensing process took a lot longer than expected. He said they were not able to contact the residents until May.

Trustee Poma asked if the licensing process had been completed.

Mr. Sheehan said the group home license was being processed at this time.

Trustee Poma inquired about Family Guidance's past experience with the interactions of the neighborhood.

Mr. Sheehan said the children were only in the home for two to three days. He said the respite home was to give the parents and the children a break. He noted that staff was highly trained to provide a structured day and that their past experiences had been very good.

Trustee Poma said she had worked with St. Vincent's and she felt St. Vincent's was somewhat different in that they were located on their own campus type setting. Ms. Poma questioned how often the same children used the respite home.

Joyce Tunnard said she was a supervisor who helped determine when a child needed this level of respite versus the kind of respite that most children had available to them through their immediate family. She said their main goal was for all children to eventually get to the point where their immediate families provided the natural support rather than Family Guidance. Ms. Tunnard said

the children who used this type of respite home resulted from their families being very tired and needing help. She said respite homes provided a chance for children to practice being with other kids and following rules. Ms. Tunnard said there were children who used the respite once or twice and didn't need to come back, but there were certainly children who used the respite home on a regular basis.

Trustee Poma questioned whether children would be brought to the home in the middle of the night due to emergency respite which would be disruptive to the neighboring properties.

Mr. Way said this type of scenario could happen, but he felt it would be the exception.

Trustee Hicks inquired about CBI Rehabilitation Services that would be operating the respite home.

Bob Pilon, representing CBI Rehabilitation Services, said they had been in operation since 1995 and had a wide range of services available to children and adults with disabilities. Mr. Pilon said CBI worked in family homes, operated group homes, including respite services, operated vocational programs, and provided support to people with disabilities in their living situations.

Trustee Hicks asked if CBI had worked under a different name in the past.

Mr. Pilon said CBI actually had two different corporations. He said Community Based Interventions was a non-profit corporation they had operated for several years and CBI Rehabilitation Services provided similar services, but was structured somewhat different.

Trustee Cunningham asked what type of restrictions were placed on children in a respite home.

Mr. Pilon said staff would be working directly with the mental health therapists in order to provide a consistent treatment plan for the children. He said the respite home engaged the children in activities both in the home environment, as well as in the community. He said the children would be subject to all of the normal activities seen in a home setting such as meal time, homework, and bedtime, but in a more controlled manner.

Trustee Cunningham asked how the children would be transported to school and she expressed her concerns with the added traffic congestion to the neighborhood.

Mr. Pilon said staff would transport the children to school. He noted there were times when staff shifts overlapped in the morning, but they attempted to coordinate the shifts in order to avoid overlapping.

Mr. Pilon said on the average, there would only be two or three kids that were being transported to school which could be done in one car. He said the home was capable of housing six children, but the average number of kids in the home was two to three kids at one time.

Supervisor Fletcher asked if facilities such as St. Vincent's were no longer available to Community Mental Health in providing this type of short-term respite service.

Mr. Sheehan said St. Vincent's had a different type of foster care that was long-term and that they no longer provided short-term respite care. He noted that St. Vincent's had been their partner for several years.

Supervisor Fletcher questioned why the home on Appletree Lane was selected.

Mr. Sheehan said it was difficult to find a home that could accommodate six beds and that was in good shape, as well as a good price.

Trustee Cunningham questioned if there was any criteria of characteristics or behavior that would preclude putting a youth in this type of environment.

Mr. Pilon said they would have to have confidence the child would be manageable in this type of setting. He said it was unlikely that they would house an adolescent that constantly ran away or who was unpredictable and put others at risk.

Supervisor Fletcher asked what type of security would be in place.

Mr. Pilon said all of the windows and doors would have alarms, as well as motion detectors.

Ron Harke, 4235 Shady Hill, said there were zero respite homes of this type in the Tri-County area and that the proposed home would be experimental. He said theoretically this was a great idea, but he didn't want to be part of an experiment when it had been stated this evening that the children utilizing the home had severe emotional disturbed children in a negative family situation. Mr. Harke said the Mar Moor subdivision had restrictions which was the reason why most of the residents purchased their homes in this area and that those restrictions protected the residents from situations like this. Mr. Harke said he was a real estate and mortgage banker and it had been stated this

evening that a number of studies had been done across the country, as well as in Lansing, showing that property values and sale-ability were not impacted by the existence of group homes in a neighborhood. Mr. Harke didn't feel this was a normal definition of a group home and that the proposed home was more of a transient situation that would substantially reduce the marketability of the surrounding properties.

Mr. Sheehan said he could provide the residents with a list of the State's group home addresses either by mail, or the residents could contact the Township's offices. Mr. Sheehan said the Mar Moor subdivision was a nice neighborhood and that the proposed group home would not change the character of the neighborhood. Mr. Sheehan said it was their job to serve every child of the community in a neighborhood that was safe, to keep the children safe, and to keep the neighborhood safe.

Supervisor Fletcher asked if Mr. Sheehan felt they were bound by deed restrictions.

Mr. Sheehan said he understood there were deed restrictions in the Mar Moor subdivision that could place limits on them unless the deed restrictions violated fair housing laws. Mr. Sheehan said they were researching this issue and were reviewing the current subdivision deed restrictions.

Trustee Hicks said deed restrictions ran with the land and were individually enforced by members of the subdivision that were bound by those restrictions, as well as the ability to enforce those restrictions and that the Township was not in a position to enforce the deed restrictions. Mr. Hicks noted that the deed restrictions were private in nature and that they were not governmental restrictions for which the Township monitored.

David Averill, 1324 Pepper Hill, said he was currently an elementary principal, and had been an educator for approximately 20 years and had worked with severely emotional impaired children for a great deal of the time. Mr. Averill said he had heard several words spoken this evening by Community Mental Health representatives about the children who would utilize the group home were in crisis, severely emotional impaired, and at times, children who may or may not need hospitalization. Mr. Averill said he wasn't anti-child and he never has been, but he was aware of what CBI children could bring and what they were capable of. Mr. Averill said he also was aware of residents who were considering selling their homes if the proposed group home was approved.

Stephanie Huffaker, 4225 Appletree Lane, said she was a home school mother of six children and noted that her house was located directly east of the proposed group home. Ms. Huffaker thanked the Township for the time staff

had put in researching this matter for the residents. Ms. Huffaker said it was her understanding that Community Mental Health purchased the home in hopes of showing the special needs children a normal neighborhood setting. However, she didn't feel Community Mental Health had presented themselves as being good and honest neighbors. She did not feel Community Mental Health attempted to inform the neighbors of the proposed home until the Township became involved. Ms. Huffaker said the Mar Moor subdivision was zoned for single family homes and that the subdivision's deed restrictions reflected such. She said any other type of use was required to obtain a special land use permit from the Township. She said the group home was a child care business that would generate traffic to and from the home on a daily basis. She noted that when Mr. Sheehan was asked the question as to why this particular home was chosen, he replied that it was in good shape. However, Ms. Huffaker noted that there had been contractors at the home since April and that she had been informed that the mold in the house was awful.

Supervisor Fletcher said Community Mental Health was not here this evening seeking approval from the Township. He said the purpose of tonight's meeting was for the Township to collect facts and to consult with their attorney on this matter.

Jim Kavalaris, 4131 Barton, said he didn't feel this was a proper location for a number of reasons. He said there were a few items on the fact sheets that were passed out this evening that indicated that the property in question would not be able to meet the requirements of the Township's zoning requirements such as trips generated to the home, and that the merits of the program were irrelevant. He said the residents wanted the Township to require a special land use permit for the proposed group home and for the Township to deny such permit.

Supervisor Fletcher reiterated the fact that the legal question was whether or not State law exempted these types of facilities from the Township's special land use permit requirements.

Steven Hayward, 4304 Appletree Lane, said he was a certified planner and professional community planner licensed by the State of Michigan. Mr. Hayward said he was the Planning Director for Lansing Township. Mr. Hayward said most importantly, he felt the issue of residing on a property versus staying on a property should be addressed. He said the State of Michigan had clearly defined the word "residence" and children residing on the premises on a temporary basis should not be classified as a residential use. Mr. Hayward said when the group home was compared to replacing the St. Vincent's facility; he felt it was important to note that St. Vincent's was an institutional use in a commercial zoning district. Mr. Hayward expressed his

concern with the fact that there hadn't been any due diligence on the part of Community Mental Health when they purchased the property in December of 2008. He said the State statute clearly defined the separation of institutional uses from residences and foster care facilities and until a few weeks ago, the Township had assumed that the proposed use was a foster care facility. He noted the proposed use had been described as a children's therapeutic group home. He reviewed a 1978 lawsuit the Township had been involved in and the fact that the Attorney General had ruled the Township could not preclude this type of use in a private home. However, he said the State defined "private home", but they probably didn't feel it was politically correct to state that this was not an appropriate use for, or near a single family subdivision and that it was more of an institutional use.

Mr. Hayward said it had been stated that the Michigan Zoning Enabling Act defined this use as a State licensed residential facility and therefore exempt. However, he said the enabling act did not specifically state that a children's therapeutic group home was exempt from local zoning. Mr. Hayward said this situation was a matter of interpretation of the law and was something the Township's attorney would have to make a decision on. Mr. Hayward said the State statute defined a children's therapeutic group home as providing care, maintenance, and supervision on a 24-hour basis for individuals. However, Mr. Hayward reiterated the fact that the proposed group home was not a residence that was exempt from residency requirements. Mr. Hayward addressed a recent case between the Bloomfield Estates Improvement Association versus the City of Birmingham and the fact that Mar Moor's deed restrictions stated that it was lawful for any person or persons owning any property in the subdivision to enforce the deed restrictions. He said although a township or municipality typically doesn't have standing to enforce deed restrictions, he asked the Township to consider enforcement of the deed restrictions and representing their neighborhood so that residents didn't have to retain legal counsel and so that this issue could be resolved peacefully.

Kathy Starr, 1527 Pepperhill, questioned whether there would be medications dispensed, whether the children would be allowed to have visits from their friends, and whether the children would be transported by police and whether there would be signage on the home depicting a foster care facility.

Mr. Sheehan said there would not be any signage on or near the home. He said the children were not transported by the police department and that the facility was not a place where arrested kids were taken, but rather those children were taken to juvenile facilities.

Mr. Pilon said some of the children would be on medication which was very typical for these types of programs. He stated the children would not have friends visiting while they were in the home.

Jennifer Bettes, 4242 W. Willow Highway, said his main concern was how Community Mental Health could ensure the safety of her six year old daughter.

Mr. Sheehan said staff was trained to supervise the children and the children would be closely supervised and monitored at all times.

Gus Kavalaris, 4131 Barton, said he built his home 50 years ago, and at that time, he was required to comply with all of the conditions contained within the subdivision's deed restrictions. He said Community Mental Health stated their intent to dispense medication to the individuals occupying the proposed facility. He said the area was zoned residential and not zoned for a medical facility. Mr. Kavalaris said the residents were here this evening to preserve the land use of property they had all enjoyed.

The next speaker indicated that she did not want to provide her address. She noted that her name was Tiffany and she had lived in the Township for nine years and that her daughter attended the Grand Ledge School District. She noted that in 2000 when her husband was transferring jobs, she had researched the services that were available in the Tri-County area for her daughter who was disabled. She noted that Delta Township and the Grand Ledge School District was her best option. She said it was difficult for her to listen to the disheartening and appalling things that were being said this evening which she felt were fears, false statements, and prejudices', including one from a school professional. She said residents had brought up laws and deed restrictions, but they needed to think about disability discrimination. She said it was not anyone's business to know the specifics of a person with a disability and that they were individuals that had rights protected under Federal and State law. She noted that 10% to 14% of the nation had some kind of disability which meant that people within this community had some type of disability, or knew someone who had a disability or diagnosis that needed medication.

She said respite was an important piece of a service provided to families that had children with disabilities. She said these children were not in crisis, but rather this was something that helped them maintain and stay successful. She said children and youth with disabilities were not delinquents, but children with special needs. She said the CBI respite homes that she was familiar with had better daily structure than a lot of kids that ran amuck in the neighborhoods today. She said families who had children with disabilities needed services and support in their community to help their child learn how to be successful and how to maintain that success over time.

Melissa Pierson, 215 N. Canal, a Township resident, said her son had been amongst this community for the past five years and who had been lucky enough to draw services from the two agencies present this evening. Ms.

Pierson said these agencies offered an opportunity for all people in the community to receive these services and because of these services, her family had the ability to hold down jobs, own a home, and enabled their children to receive an education and be productive and a contributing member of the community. Ms. Pierson noted that people in multiple households along the streets in the community took medications without those getting into the community. Ms. Pierson felt the respite home was about understanding and the fact that it provided a home that gave children an opportunity to not be ostracized, stigmatized, or judged for the fact that they entered into this world with a disability.

Kurt Brockhaus, 4305 Appletree Lane, said he lived next door to the proposed respite home. Mr. Brockhaus said there were 17 children who lived in the area and there were no sidewalks on his street. He questioned why Community Mental Health was pursuing this home. Mr. Brockhaus felt the concerns of the residents were that the proposed use was more of a commercial or institutional type use rather than a residence.

Scott Huffaker, 4225 Appletree Lane, said he lived next door to the subject parcel. Mr. Huffaker said one of the issues that had been brought forward was the traffic generated to and from the home and the safety of the neighborhood children. Mr. Huffaker said he had driven by other Community Mental Health homes and viewed delivery people coming and going from the home and that the traffic would increase significantly on his street. Mr. Huffaker said the residents were concerned about the safety of their children from the children who used the facility, but this concern was lessened since Community Mental Health had agreed to install alarms in the home. Mr. Huffaker said the other concern of the residents was the issue of property values and the concerns that this was a residential neighborhood.

Craig Rambat, 1518 Pepperhill, said it had been mentioned that the children were seriously emotionally disturbed, but it had also been mentioned that the parents may need help as well. Mr. Rambat questioned if the parents had any behaviors the residents should be concerned with. He questioned whether any of the parents or children had police records and he also questioned what type of training the staff people had.

Tom Randall, 1634 Pepperhill, felt the main concern the residents would like to express this evening was the lack of control. Mr. Randall said there was no one person the residents would be able to go to if they had a problem or a complaint.

TRUSTEE CUNNINGHAM MOVED THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO CONSIDER MATERIAL EXEMPT FROM DISCUSSION OR DISCLOSURE BY STATE OR FEDERAL STATUTE. THIS

IS ALLOWED UNDER THE OPEN MEETINGS ACT, SECTION 15.268(H),  
P.A. 267 OF 1976, AS AMENDED.

TRUSTEE POMA SUPPORTED THE MOTION.

ROLL CALL:

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

NAYS:       NONE

ABSENT:     NONE

MOTION PASSED 7 TO 0.

Meeting was adjourned at 9:10 p.m.

Meeting was reconvened at 9:55 p.m.

Supervisor Fletcher said the Board met with counsel and had been apprised of the Township's options. He said at this point in time, the Board was mindful of the tools that were available to them by their legal counsel and would attempt to resolve this issue amicably.

6.    **Lansing Board of Water and Light Wholesale water Agreement** – The Utility and Environmental Committee recommends the Township Board approve the Lansing Board of Water & Light Wholesale Water Agreement.

Mr. Watkins reviewed the changes that had been made to the agreement since the last Board meeting and noted that the Board had been provided with the changes.

TRUSTEE SPAGNUOLO MOVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA APPROVE THE WHOLESALE WATER PURCHASE AND SALE AGREEMENT BETWEEN THE LANSING BOARD OF WATER AND LIGHT AND THE CHARTER TOWNSHIP OF DELTA WITH AN EFFECTIVE DATE OF JUNE 1, 2009, AND CONTINUING FOR A PERIOD OF 25 YEARS, AND FURTHER, THE TOWNSHIP SUPERVISOR AND TOWNSHIP CLERK BE AUTHORIZED TO SIGN THE AGREEMENT.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION.

Clerk Vedder said she had a few questions regarding the agreement. Ms. Vedder felt the reason why the Township constructed the Snow Road water storage facility was to be able to handle the interruption of water flow from the Board of Water & Light.

Manager Watkins said the Snow Road storage facility was built to handle the four hour interruption of water service from the Board of Water & Light, but more importantly, the Snow Road facility improved the Township's ability to receive water more efficiently from the Board of Water & Light. Mr. Watkins noted that during the times the Board of Water & Light implemented a daily four hour interruption; it would have been difficult for the Township to operate, even with all of the other water tanks the Township had.

Clerk Vedder said the old agreement did not address the fact that the Township couldn't build their own water treatment facility. She said the Township had a 30.5% increase in water rates in the last eight years. Ms. Vedder noted that she had always supported incremental rate increases, but she was under the impression from the last Board meeting that the Township had proposed a 50% increase over the next three years. She questioned whether any of the rate increases the Township had implemented in the last eight years would subsidize the future increases.

Mr. Watkins felt the Township's water rates could handle these rates without any large shock increases at this point because of the actions the Township had taken in the past. Mr. Watkins pointed out that the purchase of water was approximately 1/3 of the cost of the Township's entire system and that a 50% increase in the Township's purchase of water did not equate to a 50% increase in the Township's total cost.

Clerk Vedder felt the only benefit the Township gained in the new agreement was that there wouldn't be a four hour interruption in the supply of water. Ms. Vedder said she realized the Township wanted to be good community people and continue to work with the surrounding communities, but she didn't feel Delta Township was well served in the new agreement.

ROLL CALL:

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

NAYS: CLERK VEDDER

ABSENT: NONE

MOTION PASSED 6 TO 1.

MOTION BY HICKS, SECONDED BY CUNNINGHAM, THAT THE TOWNSHIP BOARD SUSPEND THE POLICY TO NOT HEAR ITEMS AFTER 10:00 P.M. AND THAT THE FOLLOWING CASES BE HEARD.  
MOTION PASSED 7-0.

7. **Special Land Use Permit – Final Consideration for Home Occupation – Julie Dillon** – The Planning Commission recommends the Township Board approve the Special Land Use Permit for a home occupation pertaining to personnel training.

Julie Dillon, 225 Chanticleer Trail, asked if the Board had any questions.

Mr. Hicks questioned whether Ms. Dillon would find the need to operate until 8:00 p.m. and on Sundays.

Ms. Dillon said once in a while she would have customers on Sunday. She felt operating until 8:00 p.m. would be sufficient.

Mr. Pizzo inquired about parking for the home occupation.

Ms. Dillon said at this point, she would only be serving one customer at a time so parking would not be an issue. She noted that customers would park in her driveway where there was plenty of room.

MOTION BY CUNNINGHAM, SECONDED BY VEDDER, THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA APPROVE THE REQUEST FOR A SPECIAL LAND USE PERMIT FOR A HOME OCCUPATION TO ALLOW THE ESTABLISHMENT AND OPERATION OF PERSONAL TRAINING SERVICES ON THE PREMISES LOCATED AT 225 CHANTICLEER TRAIL, AS DESCRIBED IN CASE NO. 4-09-4, FOR THE FOLLOWING REASON:

THE REQUEST MEETS THE GENERAL STANDARDS SPECIFIED FOR SPECIAL LAND USES IN SECTION 18.4.0 AND THE SPECIFIC STANDARDS FOR HOME OCCUPATIONS AS SPECIFIED BY SECTION 18.6.0(D) OF THE DELTA TOWNSHIP ZONING ORDINANCE AS PER THE HOME OCCUPATION QUESTIONNAIRE COMPLETED, SIGNED, AND DATED BY THE APPLICANT ON APRIL 20, 2009.

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

1. THE BUSINESS SHALL GENERATE NO MORE THAN TEN (10) TRIPS PER DAY TO THE PROPERTY.
2. THE HOME OCCUPATION MAY NOT OPERATE BEYOND 8:00 P.M. EACH DAY.
3. CONTINUED COMPLIANCE WITH ALL OTHER HOME OCCUPATION REGULATIONS SPECIFIED BY SECTION 18.6.0 D. OF THE DELTA TOWNSHIP ZONING ORDINANCE.
4. FAILURE OF THE APPLICANT TO COMPLY WITH THE APPLICABLE PROVISIONS OF THE ZONING ORDINANCE, OR ANY STIPULATIONS REQUIRED BY THE DELTA TOWNSHIP BOARD OF TRUSTEES, SHALL CONSTITUTE GROUNDS FOR TERMINATION OF THIS PERMIT BY THE TOWNSHIP BOARD.

MOTION PASSED 7-0.

- 8. Special Land Use Permit – Final Consideration for Home Occupation – Betty Isaac** - The Planning Commission recommends the Township Board approve the Special Land Use Permit for a home occupation pertaining to a sewing business.

MOTION BY VEDDER, SECONDED BY SPAGNUOLO, THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA APPROVE THE REQUEST FOR A SPECIAL LAND USE PERMIT FOR BETTY ISAAC'S SEWING BUSINESS TO BE OPERATED ON THE PROPERTY DESCRIBED IN CASE NO. 5-09-5 FOR THE FOLLOWING REASON:

AS DESCRIBED IN THE APPLICANT'S COMPLETED HOME OCCUPATION QUESTIONNAIRE, SIGNED AND DATED ON APRIL 25, 2009, THE REQUEST MEETS THE GENERAL STANDARDS SPECIFIED FOR SPECIAL LAND USES IN SECTION 18.4.0 OF THE DELTA TOWNSHIP ZONING ORDINANCE, AND THE SPECIFIC STANDARDS FOR HOME OCCUPATIONS SPECIFIED IN SECTION 18.6.0 D. OF THE ZONING ORDINANCE.

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

1. THE BUSINESS SHALL GENERATE NO MORE THAN TEN (10) TRIPS PER DAY TO THE PROPERTY.
2. HOURS OF OPERATION SHALL BE LIMITED TO BETWEEN 8:00 A.M. AND 8:00 P.M. MONDAY THRU SATURDAY. NO SUNDAY APPOINTMENTS SHALL BE PERMITTED.
3. THE BUSINESS MUST OPERATE IN CONTINUED COMPLIANCE WITH ALL HOME OCCUPATION REGULATIONS SPECIFIED BY SECTION 18.6.0 D. OF THE DELTA TOWNSHIP ZONING ORDINANCE.
4. FAILURE OF THE APPLICANT TO MAINTAIN COMPLIANCE WITH THE REQUIREMENTS OF THE TOWNSHIP ZONING ORDINANCE, IN PARTICULAR THE HOME OCCUPATION REGULATIONS SPECIFIED BY SECTION 18.6.0 D. OF THE ZONING ORDINANCE, OR WITH ANY OF THE STIPULATIONS MANDATED BY THE DELTA TOWNSHIP BOARD OF TRUSTEES AS PART OF THE HOME OCCUPATION PERMIT, SHALL CONSTITUTE GROUNDS FOR TERMINATION OF THE PERMIT BY THE DELTA TOWNSHIP BOARD OF TRUSTEES.
5. THE HOME OCCUPATION SHALL COMPLY WITH ALL APPLICABLE TOWNSHIP CODES AND ORDINANCES.

MOTION PASSED 7-0.

9. **Coin Operated Amusement License** – The Clerk’s Office recommends the Township Board approve the 2009-2010 Coin Operated Amusement License for Roxy’s Lounge.

MOTION BY HICKS, SECONDED BY CUNNINGHAM, THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA APPROVE THE 2009/2010 COIN-OPERATED AMUSEMENT DEVICE LICENSE FOR ROXY’S LOUNGE.

MOTION PASSED 7-0.

#### **XV. ITEMS FOR DISCUSSION ONLY**

10. **Proposed Surplus Property Policy**

Treasurer Pizzo said the policy was an attempt to state that all property purchased, donated, or found on the Township premises must be retained by

the Township until it was approved by the Budget and Finance Committee. He noted in terms of disposal, the policy stated that department heads would turn over the disposal process to the Manager's office and the Budget and Finance Committee.

Trustee Cunningham questioned the disposal process and why each department was not responsible to dispose of their equipment.

Treasurer Pizzo said if a department had old equipment that needed to be replaced, they would turn the equipment over to the Manager's Office who would make a list of the equipment and dispose of the equipment twice a year. He said the proposed policy provided a uniform process that recognized the value of the property or transfer the equipment to another department without going through the process.

Trustee Hicks questioned whether the policy would ensure that if an item wasn't fully depreciated, that a department head didn't dispose of the equipment as surplus.

Mr. Watkins said the policy would basically be putting the process in writing and formalizing it.

Trustee Cunningham felt the department heads should deal with the Manager's Office and bring it to the Board only if there was a question. Ms. Cunningham noted that department heads were more familiar with their operations and equipment needs than anyone.

Treasurer Pizzo said the decision to replace equipment was made by the department heads, but now the Township had consistent documentation on disposal of equipment.

Mr. Watkins said the Township had disposed of equipment in several different ways in the past. The new policy would make those decisions internally and would recommend to the Budget and Finance Committee how to dispose of the equipment. The decision would still be made by staff, but rather the policy was a method of disposal.

Trustee Hicks noted that the committee could make the decision of how to dispose of the equipment and the Finance Committee then made a recommendation to the Township Board so that the Board was aware of what was being disposed of.

This item was postponed so that it could be sent back to the Finance Committee for further discussion.

**XVI. BOARD MEMBER, MANAGER, AND DEPARTMENT REPORTS AND COMMITTEE MINUTES**

11. Parks, Recreation, & Cemeteries Commission – April 12, 2009
12. Administrative/Personnel Committee – April 1, 2009
13. Budget/Finance Committee – April 14, 2009
14. Transportation committee – April 16, 2009

Manager Watkins said the Governmental Exchange with the City of Grand Ledge would take place tomorrow. The two groups would be looking at ways to save money which would benefit both municipalities such as the Township assisting with the Grand Ledge Assessing Department. He noted that the Township was still working on the contract with the Waverly School District in order to keep the pool open at Waverly East. He would be bringing this item to the Board at their next meeting. The new fire truck would be delivered next month. Mr. Watkins said the date for next year's Greener Delta Days was April 24<sup>th</sup> and would be held at Lansing Community College's west campus. GM had informed the Township that the Chevy Traverse would be moved to the Delta plant which he felt was good news for the entire region.

Mr. Hicks said he would like clarification regarding at what point Township committees had the authority to make decisions versus making recommendations to the Township Board.

Supervisor Fletcher said the Mayor Exchange Program with the City of Grand Ledge was very beneficial. The Township had had discussions with Eaton County and Oneida Township regarding areas of regionalism.

**XVII. PUBLIC COMMENTS** (*maximum five minutes*) –

**XVII. ADJOURNMENT**

TRUSTEE CUNNINGHAM MOVED THE MEETING ADJOURN AT 10:45 P.M.

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

**CHARTER TOWNSHIP OF DELTA**

JANICE VEDDER, TOWNSHIP CLERK

KENNETH FLETCHER, TOWNSHIP SUPERVISOR