

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, MAY 18, 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: Finance Director, Jeff Anderson, Township Assessor, Brian Thelen, Planning Director Mark Graham, Utility Director, Tom Morrissey, Lt. Jeff Warder, Manager Richard Watkins, and Executive Secretary Kathy Ernst.

IV. PRESENTATIONS AND PROCLAMATIONS

1. Neighborhood Pride Award

a. Eric Tomal, 4112 W. St. Joseph, Delta Township

Supervisor Fletcher said the Neighborhood Pride Award is an award that was given to an individual who has done something great with a property that has improved their neighborhood and the surroundings around them. Mr. Fletcher said Mr. Tomal made renovations to his building located at 4112 W. St. Joseph that went above and beyond making his building an attractive addition to the Township.

Supervisor Fletcher read a proclamation which stated:

Whereas, Eric Tomal has displayed community pride by a commitment to Delta Township, and

Whereas, Eric Tomas, through his continued efforts, made a substantial investment in his property at 4112 W. St. Joseph, and in doing so, has set a standard of property maintenance and improvement for all who live and/or work within Delta Township, and

Whereas, Township Board of the Delta Township wishes to publicly recognize Mr. Tomal for his continuing care and maintenance of his property, and

Now, therefore be it resolved, that the Township Board of Delta Township wishes to acknowledge the efforts of Mr. Tomal, and to provide him with the Delta Township Neighborhood Pride Award.

b. Recognition of former Township Board Member Sherry Freeman.

Supervisor Fletcher honored former Board Member Sherry Freeman for her service to the Township and presented Ms. Freeman with a proclamation that read:

Whereas, Sherry L. Freeman has faithfully served the Charter Township of Delta for eight years as a Township Trustee, and

Whereas, Sherry L. Freeman has served as a member of the Library Committee, Utility and Environmental Committee, and Election Committee, and

Whereas, Sherry L. Freeman has a rich history of sharing with others as demonstrated by her involvement with the United Way campaigns, community projects, and as a private business owner in Delta Township,

Now, therefore be it resolved that the Township Board of Delta Township is indeed grateful to Sherry L. Freeman and wishes to recognize her outstanding service to the residents of Delta Township through her position within our local government.

V. SET/ADJUST AGENDA

MOTION BY CUNNINGHAM, SECONDED BY POMA, THAT THE AGENDA BE APPROVED AS PRESENTED. MOTION PASSED 7 TO 0.

VI. PUBLIC HEARINGS

- 2. Request to Transfer Class C Liquor License – The Embassy**
 - a. Public Hearing**

Supervisor Fletcher asked if there was anyone present this evening who would like to speak on this matter.

There was no one.

MOTION BY CUNNINGHAM, SECONDED BY HICKS, THAT THE PUBLIC HEARING BE CLOSED. MOTION PASSED 7-0.

b. Township Resolution

MOTION BY POMA, SECONDED BY CUNNINGHAM, THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA APPROVE THE REQUEST OF REB & CO, LLC TO TRANSFER OWNERSHIP OF A 2008 CLASS C LICENSED BUSINESS LOCATED AT 6131 W. SAGINAW, LANSING, MICHIGAN 48917, DELTA TOWNSHIP, EATON COUNTY, FROM JEFFREY G. MALTBY TO REB & CO, LLC.

ROLL CALL:

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

NAYS: NONE

ABSENT:

MOTION PASSED 7 TO 0.

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. Mr. Kosinski felt it was important the group extend their continuing appreciation to the Board and to the staff of Delta Township for the level of consideration they had shown in dealing with this issue. Mr. Kosinski said they were looking forward to meeting as a group with Traffic Engineering Associates to begin discussions about the preliminary results of the study.

Mr. Kosinski read a letter from real estate broker, Robin Flanders who represented Dale and Mary Lovell in the sale of their condominium located at 7507 Glen Terra. She wrote the Lovell's have tried to sell their condominium for two years, as well as one year

previously with another realtor. Ms. Flanders respectfully requested that the Township Board deny funding for the Michigan Avenue project due to the negative impact to the homeowners in the Forest Glen condominium development. In addition to the drop in real estate values, which the Loverall's have responded to by reducing their price, it is not for a lack of buyers or their refusal to price right, but they continued to receive negative feedback due to Michigan Avenue. The Loverall's received a third offer where the buyers counter offered, but who had indicated that they would not go any higher in price due to Michigan Avenue being extended. After a second showing of the Loverall's condominium, a real estate agent informed her that she would have made an offer if Michigan Avenue wasn't proposed to be extended. Ms. Flanders indicated that she personally worked with another couple who looked at the Loverall's condominium twice, but were discouraged due to Michigan Avenue and who later purchased a condominium in Players Club. Ms. Flanders believed a park or a non-motorized pathway could have a positive effect on the homeowners affected by the road extension. She asked the Board to consider the financial hardships the road project would cause to the property owners in Delta Township.

IX. INTRODUCTION OF ORDINANCES – None

X. PASSAGE OF ORDINANCES

3. Adoption of Proposed Amendments to the Construction Impacts

Abatement Ordinance - The Planning Department recommends the Township Board adopt amendments to Sections 11-145, 11-147, and 11-149 of the Delta Township Construction Impacts Ordinance pertaining to dust and dirt resulting from fill operations.

MOTION BY SPAGNUOLO, SECONDED BY VEDDER, THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA ADOPT AMENDMENTS TO SECTIONS 11-145, 11-147 AND 11-149 OF THE DELTA TOWNSHIP CONSTRUCTION IMPACTS ORDINANCE. THE PROPOSED AMENDMENTS ARE INTENDED TO ADDRESS CONCERNS PERTAINING TO DUST AND DIRT RESULTING FROM FILL OPERATIONS IN THE TOWNSHIP AS FOLLOWS:

SEC. 11-145. ABATEMENT AND MITIGATION PROCEDURES.

- (1) WHERE A PROPERTY IS DETERMINED TO BE A NUISANCE DUE TO THE CREATION OF DUST, THE DEVELOPER SHALL BE REQUIRED TO SPRAY THE DISTURBED AREA, INCLUDING THE HAUL ROUTE IF NECESSARY, WITH WATER OR AN APPROPRIATE DUST LAYING MATERIAL AS MANDATED BY THE ZONING ADMINISTRATOR AND MAINTAIN A WATER TRUCK OR SIMILAR EQUIPMENT FOR SPRAYING PURPOSES ON THE PREMISES.

- (2) WHERE A PROPERTY IS DETERMINED TO BE A NUISANCE DUE TO THE ACCUMULATION OF DUST, DIRT, AND OTHER MATERIALS ON STREETS OR HIGHWAYS, THE DEVELOPER SHALL BE RESPONSIBLE FOR SWEEPING THE AFFECTED STREETS AND HIGHWAYS OR CONTRACT TO HAVE THE AFFECTED STREETS AND HIGHWAYS SWEEP AS MANDATED BY THE ZONING ADMINISTRATOR. FAILURE BY THE DEVELOPER TO SWEEP STREETS AND HIGHWAYS AS MANDATED BY THE ZONING ADMINISTRATOR SHALL CAUSE THE TOWNSHIP TO PERFORM THE SWEEPING AND SEEK REIMBURSEMENT.
- (3) WHERE A PROPERTY IS DETERMINED TO BE A NUISANCE DUE TO THE TRACKING OF DIRT/MUD ONTO ADJACENT ROADWAYS, THE ZONING ADMINISTRATOR MAY REQUIRE THE INSTALLATION OF AN IMPROVED HAUL ROAD FOR THE SUBJECT PARCEL. THE HAUL ROAD MAY CONSIST OF AGGREGATE, CRUSHED CONCRETE, LIMESTONE CHIPS, ROTO-MILLED ASPHALT, ASPHALT, OR OTHER MATERIALS FOUND TO BE ACCEPTABLE BY THE TOWNSHIP ENGINEER.

SEC. 11-147. ENFORCEMENT.

- (1) IT SHALL BE THE RESPONSIBILITY OF THE SHERIFF'S DEPARTMENT, THE ZONING ADMINISTRATOR, OR A TOWNSHIP OFFICIAL APPOINTED BY THE TOWNSHIP MANAGER, TO ENFORCE THE TERMS OF THIS ORDINANCE.
- (2) THE ZONING ADMINISTRATOR SHALL HAVE THE RIGHT OF ENTRY UPON A CONSTRUCTION ACTIVITY SITE AT ALL REASONABLE TIMES TO AID IN THE ENFORCEMENT OF THIS ORDINANCE.

SEC. 11-149. VIOLATIONS AND PENALTIES.

- (2) IN ADDITION TO THE AUTHORITY TO ISSUE A CITATION, THE SHERIFF'S DEPARTMENT, THE ZONING ADMINISTRATOR, OR A TOWNSHIP OFFICIAL APPOINTED BY THE TOWNSHIP MANAGER, SHALL HAVE THE AUTHORITY TO ISSUE CEASE AND DESIST ORDERS IMMEDIATELY UPON EVIDENCE THAT A CONSTRUCTION ACTIVITY IS BEING CONDUCTED WITHIN THE TOWNSHIP IN VIOLATION OF ANY OF THE TERMS OF THIS ARTICLE.

THE TOWNSHIP CLERK IS HEREBY DIRECTED TO PUBLISH A NOTICE OF ADOPTION OF THE AMENDMENTS IN THE LOCAL NEWSPAPERS,

AND THE AMENDMENTS SHALL BECOME EFFECTIVE UPON PUBLICATION.

ROLL CALL:

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

NAYS: NONE

ABSENT:

MOTION PASSED 7 TO 0.

- 4. Adoption of Rezoning Amendment – Case 4-09-3** - The Planning Commission recommends the Township Board approve the request to rezone property described in Case No. 4-09-3 from O, Office, to B1, Local Service Commercial.

MOTION HICKS, SECONDED BY VEDDER, THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA APPROVE THE REQUEST TO REZONE THE PROPERTY DESCRIBED IN CASE NO. 4-09-3 FROM O, OFFICE, TO B1, LOCAL SERVICE COMMERCIAL, BECAUSE THE CRITERIA ESTABLISHED BY SECTION 25.4.0 OF THE DELTA TOWNSHIP ZONING ORDINANCE FOR AMENDMENT OF THE OFFICIAL ZONING MAP HAVE BEEN AFFIRMATIVELY SATISFIED WITH RESPECT TO THE REQUESTED B1, LOCAL SERVICE COMMERCIAL, ZONING CLASSIFICATION, FOR THE FOLLOWING REASONS:

1. THE PROPOSED ZONING CHANGE IS JUSTIFIED BY A CHANGE IN CONDITIONS SINCE THE INITIAL PLACEMENT OF THE PROPERTY IN QUESTION IN ITS CURRENT ZONING DISTRICT DESIGNATION.
2. THE PROPOSED ZONING CHANGE IS CONSISTENT WITH THE PURPOSES OF THIS ORDINANCE AS STATED IN CHAPTER 1 OF THE DELTA TOWNSHIP ZONING ORDINANCE.
3. THE PARKING REQUIREMENTS FOR THE EXISTING BUILDING WITH A GENERAL OFFICE USE ARE THE SAME AS WOULD BE REQUIRED FOR THE BUILDING WITH A GENERAL RETAIL USE. THE EXISTING SITE, WITH 79 PARKING SPACES IS IN COMPLIANCE WITH THE PARKING REQUIREMENTS MANDATED BY THE TOWNSHIP ZONING ORDINANCE.
4. THE DESIGN AND CONSTRUCTION OF THE BUILDING LENDS ITSELF TO LOW VOLUME RETAIL BUSINESS, RATHER THAN HIGH TRAFFIC/DRIVE THROUGH USES.

ROLL CALL:

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

NAYS: NONE

ABSENT:

MOTION PASSED 7 TO 0.

XI. CONSENT AGENDA

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

5. Minutes – May 4, 2009 Regular Meeting

MOTION BY CUNNINGHAM, SECONDED BY HICKS, THAT THE
MINUTES OF THE MAY 4, 2009 REGULAR BOARD MEETING BE
APPROVED. MOTION PASSED 7 TO 0.

6. Bills and Financial Transactions

MOTION BY CUNNINGHAM, SECONDED BY HICKS, THAT THE BILLS
AND FINANCIAL TRANSACTIONS IN THE AMOUNT OF \$3,288,488.28
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

9. Millett Highway Water Main – Change Order No. 2 – The Engineering
Department recommends the Township Board approve Change Order No. 2
for the Millett Highway water main contract resulting in an increase of \$18,546
to the contract price.

MOTION BY PIZZO, SECONDED BY POMA, THAT THE TOWNSHIP BOARD
OF THE CHARTER TOWNSHIP OF DELTA APPROVE CHANGE ORDER
NO. 2 FOR THE MILLETT HIGHWAY WATER MAIN CONTRACT

RESULTING IN AN \$18,546.00 INCREASE TO THE CONTRACT PRICE TO AN ADJUSTED CONTRACT PRICE OF \$219,194.00; AND

FURTHER, THAT THE TOWNSHIP SUPERVISOR AND TOWNSHIP CLERK BE AUTHORIZED AND DIRECTED TO SIGN SAID CHANGE ORDER NO. 2.

MOTION PASSED 7-0.

- 10. Land Purchase from Michigan Department of Natural Resources** – The Engineering Department recommends the Township Board approve the land transaction agreements between the Township and Michigan Department of Natural Resources to purchase land for the expansion and upgrade of the Bellaire Pump Station.

MOTION BY HICKS, SECONDED BY PIZZO, THAT THE CHARTER TOWNSHIP OF DELTA APPROVE THE LAND TRANSACTION AGREEMENTS BETWEEN THE TOWNSHIP AND MICHIGAN DEPARTMENT OF NATURAL RESOURCES AND FURTHER, THAT THE TOWNSHIP MANAGER BE AUTHORIZED AND DIRECTED TO EXECUTE THE AGREEMENTS, AND FURTHER THAT THE TOWNSHIP ENGINEER IS DIRECTED TO OBTAIN THE TITLE INSURANCE AND DEED DOCUMENTS, AND FURTHER THAT THE TOWNSHIP MANAGER IS AUTHORIZED AND DIRECTED TO EXECUTE THE DEEDS AT THE CLOSING.

Mr. Pizzo questioned whether the funds for this purchase would come from the Water & Sewer Fund.

Manager Watkins said the funds would come from the Township's Sewer Fund.

Mr. Pizzo questioned whether funds were budgeted for this purchase.

Mr. Watkins said the Township was unable to budget monies due to the fact that the Township didn't know when the transaction would be completed. However, monies were available in the Sewer Fund.

Mr. Pizzo questioned whether the proposed canoe launch was part of the Parks Department's master plan.

Mr. Watkins said the canoe launch was one of the DNR's requirements for purchasing the property. There were no plans to build a canoe launch at this time, but the potential was there for the future.

Ms. Vedder inquired about the access point that would serve both the pump station and the canoe launch and its close proximity to the curve on Willow Highway which she felt could be dangerous.

Mr. Watkins felt adequate signage could be installed once the Township canoe launch was constructed.

MOTION PASSED 7-0.

- 11. Appointment of Hearing Officer** – The Building Department recommends the Township Board appoint Donald Hartwick as Hearing Officer for unsafe and dangerous buildings.

MOTION BY POMA, SECONDED BY VEDDER, THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA APPOINT DONALD HARTWICK AS HEARING OFFICER FOR UNSAFE AND DANGEROUS BUILDINGS FOR A TERM EFFECTIVE MAY 25, 2009 AND ENDING JUNE 30, 2011. MOTION PASSED 7-0.

XV. ITEMS FOR DISCUSSION ONLY

- 12. Wholesale Water Purchase and Sale Agreement with Lansing Board of Water & Light.**

Manager Watkins said the Township had been in negotiations with the Board of Water & Light (hereafter, BWL) for several years. Mr. Watkins felt the agreement before the Board this evening was a significant improvement from the previous agreement and one that would benefit the Township in years to come. However, he noted that the agreement necessitated a 50% increase in the Township's water costs over what they had been. He said although this was a substantial increase, it was significantly less than the 120% increase the BWL originally had proposed. Mr. Watkins proceeded to review the services the Township had gained. He said the Township now controlled the rate of delivery of water without a four hour interrupt; the new agreement was a 25 year agreement which included a five year termination clause which allowed for a five year termination notice with monetary penalties should the BWL terminate the agreement.

Mr. Watkins said the Township agreed to cooperate with the BWL in regards to peak shaving. He said this was important for both systems so as not to place a burden on one system. Mr. Watkins said the new agreement also set up an operational group in order to work through the operations of both systems so that the burden on both systems could be lessened if there were changes that needed to be made. He said there was also a dispute resolution procedure in the new agreement that was not present in the previous agreement. Mr.

Watkins said questions were raised regarding whether the agreement addressed mutual benefits. However, it was felt those were difficult to address at this time due to the lack of detail of what those may entail.

Mr. Hicks questioned whether the agreement contained a good faith clause.

Mr. Watkins said the agreement did not contain a mutual benefit clause, but he felt both parties would work together on mutually beneficial projects.

Mr. Hicks didn't feel the concern was not withstanding the mutual benefit language, but rather the requirement that the process be made in good faith contractually. He said as it currently stood, all parties going in, with the exception of a contract, always assumed they were going to act in good faith, but when it's actually contractually required, it placed a different burden on the parties. Mr. Hicks said having the hindsight that the Township had with the previous agreement, the Township may have been able to avoid some of the protracted process.

Mr. Watkins didn't feel it would be an issue with the BWL if a minor change was made to the agreement.

Mr. Watkins said the agreement contained a clause pertaining to emergency water restriction plans, whereas the Township would enforce the same emergency restrictions as the BWL. Mr. Watkins felt the agreement presented to the Board this evening was beneficial for both parties. The Township was entering into a new era of mutual cooperation which was evident during the Township's negotiations with the BWL.

Ms. Vedder said the agreement indicated that under the old agreement, the Township had paid \$4,780,000 for the Snow Road interconnection, \$32,000 for the Delta River Drive Interconnection, and \$2,909,000 for facilities charges, but she didn't see where the agreement addressed the disbursement of those funds.

Mr. Watkins said should the BWL terminate the agreement, they would pay the Township those amounts, as well as a time factor.

Ms. Vedder said the agreement gave the BWL the ability to add customers and guarantee the Township would received up to 15.6 million gallons a day (MGD).

Mr. Watkins said the BWL guaranteed the Township would receive up to 15.6 MGD when needed.

Ms. Vedder inquired about the cost of a rate study should one be requested.

Mr. Watkins said if the BWL wanted to increase the Township's water rates, they would have to perform a rate study. He said if the Township disagreed with the rate study, the Township would have to pay for it.

Ms. Vedder questioned whether the \$159.02 cost per million gallons was the incremental increase the BWL had originally requested.

Mr. Watkins said the 50% increase would be extended over a three year period.

Ms. Vedder inquired about the clause contained in the agreement where it stated that under normal conditions, both control valves in the meter vault shall be in the full open position with flow being controlled by the Township. In the event of interconnection valve failure, the interconnection shall default to the position that allowed the free flow of water to the Township.

Mr. Watkins said at the present time, it took power to keep the valve open, but with the new agreement, it took power to close the valve. He said the valve will fail in the open position so that the Township would continue to receive water.

Ms. Vedder said she was under the impression that the Township would have the ability to provide water to areas outside the Township, but yet the new agreement prevented the Township from doing so.

Mr. Watkins said that was correct.

Mr. Hicks felt a similar provision applied to the BWL within the geographical restrictions.

Mr. Watkins said the BWL could not serve inside the Township's boundaries or any areas the Township served outside its boundaries.

Ms. Vedder inquired about water service being provided south of the Grand River along Waverly Road.

Mr. Watkins said the Township would not serve that area at this time.

Ms. Vedder questioned if the area would ever be served by Township water.

Mr. Watkins said the Township's current service area was north of the river. He said the Township would still have the ability to provide water south of the river in Delta Township, but those were the Township's current service boundaries.

Ms. Vedder asked Mr. Watkins to check into this matter.

Ms. Vedder questioned what means of communication would be used in notifying the BWL of system problems.

Mr. Watkins said the operational committee would work out the details of how the Township would notify the BWL of system problems and when notifications needed to be done.

Mr. Watkins introduced Nick Burwell and George Stojic who were present this evening from the BWL.

Mr. Stojic, said drafting the agreement had been long and acuminous, but he felt the new agreement was a sustainable agreement between the Township and the BWL. Mr. Stojic said the agreement assured the Township would receive a supply of quality water for the indefinite future, but more importantly, the Township and BWL were partners who intended to operate the system collectively and jointly and far more efficiently to help both parties manage future costs and make their water supplies more sustainable in the future.

Ms. Cunningham said she agreed with Mr. Hicks in that she would like to see a good faith clause added to the agreement.

13. Proposed Amendments to the Noise Ordinance

Planning Director, Mark Graham, said the original Noise Ordinance was drafted 30 years ago and in 2007, Ken Lane of the Manager's Office spent a significant amount of time updating the ordinance. He said the main item that was changed in the ordinance was the insertion of decibel limits permitted in residential zoning districts. He said at the present time, the day time limits were 60 decibels and 50 decibels at night. Mr. Graham proceeded to provide examples of decibel limits and noted that there were also limits for commercial and office zoning districts. Mr. Graham said an issue came up recently where an elderly homeowner had a small stationary generator installed on the side of her house that could run her furnace in the winter if her power went out. He said the newer units were programmed to turn on once a month for five minutes in test mode. Mr. Graham said the woman's next door neighbor objected to the unit coming on once a month because he claimed it was in violation of the Township's Noise Ordinance. He said staff checked the manufacturer's specifications and unfortunately, the generator was in violation of the Township's Noise Ordinance.

Mr. Graham said when staff contacted the manufacturers and their web sites, their research revealed that mechanical systems such as central air conditioners and pool pumps appeared to be over the Township's decibel

range as well. He said at the present time, snow blowers and lawn equipment were exempt from the Noise Ordinance. Mr. Graham said after researching several ordinances, he came up with a couple of proposals, the first being a blanket exemption for mechanical equipment such as air conditioners, generators, and pool pumps from the decibel readings of the Noise Ordinance. He noted that the proposal would apply to both the residential and commercial zoning classifications. Mr. Graham said the second proposal would be to increase the decibel limits to 80 decibels for mechanical equipment. He noted that the Township already had a 90 decibel limit in the ordinance for temporary uses such as demolition and construction sites and that the 80 decibel limit would take care of most mechanical units.

Ms. Vedder said she received a call today from a resident complaining about a barking dog and according to the Noise Ordinance, if the barking could be heard within 50 feet, it was in violation. Ms. Vedder said last year, St. Gerard held an event and were given a waiver from the noise ordinance because it was considered a pilot program due to the fact that the Township didn't have any decibel ratings. However, she noted that the Township gave St. Gerard another waiver this year.

Ms. Cunningham said she was opposed to providing a blanket exemption for mechanical equipment. She said years ago, there was a time when one side of an entire street in her subdivision would lose power several times during the year and everyone had to run their portable generators which was very noisy. However, she didn't feel the Township would want a situation where this was happening on a regular basis.

Mr. Graham asked Ms. Cunningham what she meant by exceptions.

Ms. Cunningham felt exceptions would be lawn equipment, snow blowers, and circumstances such as power outages. Ms. Cunningham said other than the recent complaint Mr. Graham had received, she questioned whether noise complaints had been a major problem.

Mr. Graham said no, but he was worried that with the trend towards smaller lots and everybody getting central air, complaints may increase over what they had been in the past. However, he said modern equipment was getting quieter which may offset the complaints. Mr. Graham said the Noise Ordinance may not have to be amended, but he felt compassion for the elderly woman that had a neighbor complaining about her generator which was indeed in violation of the Noise Ordinance when it turned on once a month for five minutes.

Mr. Pizzo said he could support a blanket exemption, but he felt the residents should be reminded of being good neighbors.

Mr. Hicks felt the Township should consider increasing the decibel level itself. He felt Ms. Vedder made a very interesting point about the process by which the Township granted waivers and the fact that the Township should have criteria to measure those kinds of requests. He felt this issue should be sent to the Utility and Environmental Committee for their consideration.

14. West Saginaw Discussion

a. Increased Commercial Zoning Depth

Mr. Graham presented a power point illustrating the zoning map for the one mile stretch of Saginaw Highway between Waverly Road to the east and Elmwood Road to the west. He said in February, 2008, the Township's Economic Development Corporation were looking at ways to improve and redevelop the east end of West Saginaw Highway and recommended an increase in commercial depth. Mr. Graham reviewed the pros and cons of increasing the depth of commercial zoning along this section of Saginaw Highway. He noted that the Township's Comprehensive Plan be amended by the Planning Commission to increase the depth subject to special qualifiers being met. He noted the Planning Commission could initiate a study to amend the Comprehensive Plan and conduct the necessary public hearings. Mr. Graham said if the Plan was amended, the issue would be whether or not the Township waited for property owners to rezone their properties individually, or would the Township Board be willing to initiate rezonings in an attempt to stimulate the redevelopment of this section of West Saginaw Highway.

b. Tax Increment Financing

Brian Thelen, Township Assessor, said in addition to increasing the commercial depth as a way of helping to redevelop the West Saginaw Highway corridor, there were a couple of other tools that were also available to help improve the corridor. Mr. Thelen said even though the tax increment financing and a commercial rehab were created to achieve the same goal, they were two entirely different types of tools for economic development. Mr. Thelen proceeded to provide a power point presentation on tax increment financing by noting that it was a method of financially supporting public improvements, infrastructures, or other activities. Mr. Thelen said the term tax increment financing meant capturing taxes over and above a base year. He said by creating a tax increment financing district, it would stimulate the redevelopment of the area. Mr. Thelen reviewed the different types of tax increment financing tools that could be used and the types of tax increment financing that could be done in order to achieve the same goal. Mr. Thelen reiterated the fact that the state of the economy was the determining factor as to

what tools were used to stimulate growth and the timing of those methods.

c. Commercial Rehabilitation Act.

Mr. Thelen said the Commercial Rehabilitation Act was another economic development tool, but yet it was different in that there wasn't any tax recapture, but it was something the Township could offer as an incentive for redevelopment. He said a freeze would be placed on the value of a building and the property taxes would be paid on the frozen value of the building for one to ten years. Mr. Thelen reviewed the qualifications for establishing a Commercial Rehabilitation Act District. He reviewed the pros and cons of establishing a Commercial Rehabilitation Act in that one of the disadvantages was that Eaton County had the authority to reject the district.

15. First Quarter Financial Update

Finance Director, Jeff Anderson, said the General Fund Financial Statement was from January 1, 2009 thru April 30, 2009. He said the financial statement contained the revenues of the General Fund which contained current property taxes, permit fees, state revenue sharing, charges for Township services, and interest revenue. Mr. Anderson indicated the General Fund expenditures by department were extremely consistent. He felt the most important information of the financial statement was revenue projection. Mr. Anderson said the Township budgeted \$17,301,427.00 in revenue and he anticipated that the Township would be at approximately \$16,731,397.98 which was a \$575,000 decrease compared to the budget at the end of the year. He anticipated only collecting 63% of what the Township budgeted for permit fees and he estimated that the Township would lose \$200,000 in State Revenue Sharing by the end of the year. Mr. Anderson said code enforcement fines were slightly down from what the Township had budgeted which were typically generated from the weight master. However, he felt the decrease in fines was largely due to improved enforcement over the past two or three years. Mr. Anderson projected that interest earnings would be down approximately 56% from what the Township had budgeted. He felt the Township would be down approximately \$600,000 in total revenue. Mr. Anderson said on the positive side, he felt the Township had those monies covered in the General Fund and at the end of the year, he felt the Township would have a balanced budget without making any major changes.

Mr. Anderson said the Township was \$250,000 under budget in health care at the end of the year due to the changes the Township made in health care coverage. He said the Township budgeted a 15% increase in health care expenses which provided a significant savings, and the Township experienced

a significant savings in liability insurance as well. Mr. Anderson said the General Fund had 2 ½ positions that were unfilled at the present time which provided a savings to the Township. Mr. Anderson noted that the Township never experienced a perfect budget in each department, but as long as nothing unforeseen came up or any major changes happened between now and the end of the year, he felt the Township was doing well. Mr. Anderson said he would like to propose a June 30th budget adjustment that would record the Township's Revenues and Expenditure projections in order to be able to show the Township's amended budget and show where things were headed.

Mr. Anderson said the financial statement provided a brief summary of the enterprise funds and the water and sewer funds. He noted that there was a 29% and a 26% revenue recognition through the first four months which was where the Township would expect to be since the Township's selling season for water hasn't occurred yet. However, he said the Township was down approximately \$200,000 in both funds from last year due to General Motors being shut down for at least one month. However, he said other than the lost revenue from General Motors, he felt the funds were extremely consistent from there had been in the past. Mr. Anderson proceeded to review the investment summary he provided the Township Board on a monthly basis focusing on the money market funds the Township invested in.

Nan Smith, Delta Township resident, said when presentations were made at the Township Board meetings, it was very difficult for the audience to follow when they didn't have any material to look at.

Phil Chisholm, former Township Board member, said he would like to thank the Board for their participation and presentation at a reception held last week.

Mr. Fletcher thanked Mr. Chisholm for his years of service to the Township.

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

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

XVII. ADJOURNMENT

TRUSTEE HICKS MOVED THE MEETING ADJOURN AT 9:10 P.M.

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

CHARTER TOWNSHIP OF DELTA

JANICE VEDDER, TOWNSHIP CLERK

KENNETH FLETCHER, TOWNSHIP SUPERVISOR

Minutes prepared by Anne Swink
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Minutes Approved:

Draft