

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, JANUARY 7, 2019**

I. CALL TO ORDER

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

II. OPENING CEREMONIES – Pledge of Allegiance

III. ROLL CALL

Members Present: Supervisor Kenneth R. Fletcher, Treasurer Howard A. Pizzo, Clerk Mary R. Clark, Trustee Andrea M. Cascarilla, and Trustee Dennis R. Fedewa

Members Absent: Trustee Fonda J. Brewer and Trustee Karen J. Mojica

Others Present: Manager Brian T. Reed, Utility Department Director Rick Kane, Lt. Ross Tyrell, Fire Chief Gregg Ginebaugh, Engineering Department Director Ernie West, Parks and Recreation Department Director Marcus Kirkpatrick, Assistant Fire Chief Mike Roman, Accounting Department Director Jeff Anderson, Planning Department Director Gary Bozek

TRUSTEE CASCARILLA MOVED TO EXCUSE TRUSTEE BREWER AND TRUSTEE MOJICA FROM THE JANUARY 7, 2019 REGULAR BOARD MEETING.

TRUSTEE FEDEWA SUPPORTED THE MOTION. THE MOTION PASSED 5-0.

IV. PRESENTATIONS AND PROCLAMATIONS

1. Badge Pinning

- a. Derrick Guyot
- b. Fire Chief Gregg Ginebaugh

Assistant Fire Chief Mike Roman conducted the oath of office and badge pinning ceremony for the new Delta Township Fire Chief and Paramedic.

V. SET/ADJUST AGENDA

TRUSTEE CASCARILLA MOVED TO APPROVE THE AGENDA AS PRESENTED.

TREASURER PIZZO SUPPORTED THE MOTION. THE MOTION PASSED 5-0.

VI. PUBLIC HEARINGS

VII. COMMUNICATIONS

VIII. PUBLIC COMMENTS FOR ITEMS NOT ON AGENDA (*maximum two minutes*)

State Representative Angela Witwer introduced herself to the Board, and expressed her gratitude for their support.

Eaton County Commissioner Jeanne Pearl-Wright spoke to the Board regarding a few issues that the Commission will be facing in the near future.

IX. INTRODUCTION OF ORDINANCES

X. PASSAGE OF ORDINANCES

2. Adoption of Proposed “Delta Township Prohibition of Marihuana Establishments Ordinance”

TRUSTEE CASCARILLA MOVED THAT THE DELTA TOWNSHIP BOARD ADOPT A AMENDMENTS TO THE CHARTER TOWNSHIP OF DELTA CODE OF ORDINANCES TO ADD CHAPTER 47, ENTITLED THE “DELTA TOWNSHIP PROHIBITION OF MARIHUANA ESTABLISHMENTS ORDINANCE”, WHICH WILL PROHIBIT MARIHUANA ESTABLISHMENTS WITHIN THE BOUNDARIES OF THE TOWNSHIP PURSUANT TO THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, 2018, INITIATED LAW 1. THE TOWNSHIP CLERK IS HEREBY DIRECTED TO ADVERTISE THE NOTICE OF ADOPTION IN THE LOCAL NEWSPAPERS.

CLERK CLARK SUPPORTED THE MOTION.

Andrew Ilicff, 6644 Shiloh Way, spoke to the Board regarding the proposed Prohibition of Marihuana Establishments Ordinance.

ROLL CALL:

AYES: SUPERVISOR FLETCHER, CLERK CLARK, TREASURER PIZZO,
TRUSTEE CASCARILLA, AND TRUSTEE FEDEWA

NAYS: NONE

ABSENT: TRUSTEE BREWER AND TRUSTEE MOJICA

THE MOTION PASSED 5-0.

**ADOPTION OF
PROHIBITION OF MARIHUANA ESTABLISHMENTS ORDINANCE
JANUARY 7, 2019**

CHARTER TOWNSHIP OF DELTA
EATON COUNTY, MICHIGAN
ORDINANCE NO. 19-105

At a duly scheduled and noticed meeting of the Township Board of the Charter Township of Delta, Eaton County, Michigan, held at the Delta Township Offices on January 7, 2019 at 6:00 PM, Township Board Member Trustee Andrea M. Cascarilla moved to adopt the following Ordinance, which motion was seconded by Township Board Member Clerk Mary R. Clark:

AN ORDINANCE TO AMEND THE PROVISIONS OF THE CODE OF ORDINANCES OF THE CHARTER TOWNSHIP OF DELTA TO ADD A NEW CHAPTER 47, PROHIBITION OF MARIHUANA ESTABLISHMENTS ORDINANCE

The Charter Township of Delta, Eaton County, Michigan ordains:

Chapter 47, of the Code of Ordinances, Charter Township of Delta, Michigan, is hereby added to read:

Sec. 47-1. Title.

This Ordinance shall be known as the “Delta Township Prohibition of Marihuana Establishments Ordinance”.

Sec. 47-2. Purpose.

An ordinance to provide a title for the Ordinance; to define words; to prohibit marihuana establishments within the boundaries of the Township pursuant to the Michigan Regulation and Taxation of Marihuana Act, 2018, Initiated Law 1, as may be amended; to provide penalties for violation of this Ordinance; to provide for

severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

Sec. 47-3 Definitions.

Words used herein shall have the definitions as provided for in the Michigan Regulation and Taxation of Marihuana Act, 2018, Initiated Law 1, as may be amended, which defines the following noteworthy and applicable terms:

(1) “Marihuana establishment” means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business

(2) “Marihuana grower” means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

(3) “Marihuana safety compliance facility” means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

(4) “Marihuana processor” means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

(5) “Marihuana microbusiness” means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

(6) “Marihuana retailer” means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

(7) “Marihuana secure transporter” means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

Sec. 47-4 Marihuana Establishments Prohibited.

(1) The Charter Township of Delta hereby prohibits all marihuana establishments within the boundaries of the Township as defined by, and pursuant to, the Michigan Regulation and Taxation of Marihuana Act, 2018, Initiated Law 1, as may be amended.

(2) This Ordinance shall not have the effect of authorizing the establishment within the boundaries of the Township any of the marihuana facilities that are considered eligible for a State operating license under the provisions of the State of Michigan's Medical Marihuana Facilities Act, Act 281 of 2016, MCL 333.2701, *et seq.*, as may be amended.

(3) This Ordinance does not limit the privileges or rights of a person or persons as provided for in the Michigan Medical Marihuana Act, 2008, Initiated Law 1, MCL 333.26421 *et seq.*, as may be amended, and as regulated herein by the provisions of Chapter 26

Sec. 47-5 Violations and Penalties.

(1) Any person who disobeys, neglects, or refuses to comply with any provision of this Ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.

(2) The Township may seek injunctive relief against persons alleged to be in violation of this Ordinance, and such other relief as may be provided by law to restrain, prevent, or abate any violation of this Ordinance.

(3) Each day during which any violation continues shall be deemed a separate offense.

(4) This Ordinance shall be administered and enforced by authorized township officials as provided for in Chapter 20, Article II, herein, or by such other person(s) that from time to time may be designated by the Township Board and/or Township Manager. Nothing in Chapter 20 shall be construed to limit the remedies available to the Township in the event of a violation by a person of this Ordinance.

Sec. 47-6. Validity and Severability.

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the validity or effectiveness of remainder of the Ordinance, which shall continue in full force and effect.

Sec. 47-7. Repeal.

All ordinances or parts of ordinances in conflict therewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Sec. 47-8. Effective Date.

This Ordinance shall be effective seven (7) days from the date of final publication.

XI. CONSENT AGENDA –

TREASURER PIZZO MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED.

TRUSTEE FEDEWA SUPPORTED THE MOTION.

ROLL CALL:

AYES: SUPERVISOR FLETCHER, CLERK CLARK, TREASURER PIZZO,
TRUSTEE CASCARILLA, AND TRUSTEE FEDEWA

NAYS: NONE

ABSENT: TRUSTEE BREWER AND TRUSTEE MOJICA

THE MOTION PASSED 5-0.

3.	Bills and Financial Transactions	\$	3,026,142.51
	Bond/Debt Payments		
	Investments		
	Payroll & Related		728,605.52
	Refunds		44,759.84
	Tax Distributions		1,676,433.24
	Vendor Claims		576,343.91
	Total	\$	3,026,142.51

TREASURER PIZZO MOVED TO APPROVE THE BILLS AND FINANCIAL TRANSACTIONS IN THE AMOUNT OF \$3,026,142.51.

TRUSTEE FEDEWA SUPPORTED THE MOTION. THE MOTION PASSED 5-0.

4. Minutes –

December 17, 2018 Regular Board Meeting Minutes

TREASURER PIZZO MOVED TO APPROVE THE DECEMBER 17, 2018 REGULAR BOARD MEETING MINUTES AS PRESENTED.

TRUSTEE FEDEWA SUPPORTED THE MOTION. THE MOTION PASSED 5-0.

5. Michigan CAT Closeout

TREASURER PIZZO MOVED THAT THE DELTA TOWNSHIP BOARD ACCEPT THE WAIVER OF LIEN, DEED OF GRANT, AND EASEMENT GRANT FOR THE WATER FACILITIES INSTALLED TO SERVE MICHIGAN CAT FACILITY PROJECT LOCATED IN THE SOUTHWEST 1/4 OF SECTION 28 OF DELTA TOWNSHIP, AND

FURTHER, THAT SAID WATER MAIN FACILITIES BE ACCEPTED INTO THE DELTA TOWNSHIP WATER SYSTEMS.

TRUSTEE FEDEWA SUPPORTED THE MOTION. THE MOTION PASSED 5-0.

XII. ITEMS REMOVED FROM CONSENT AGENDA FOR DISCUSSION

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

XIV. ITEMS OF BUSINESS

6. Final Consideration Enterprise Leasing Company of Detroit, LLC Rezoning & Special Land Use Permit Requests, Case Nos. 11-18-13 & 11-18-14

TRUSTEE CASCARILLA MOVED THAT THE DELTA CHARTER TOWNSHIP BOARD APPROVE THE REZONING OF THE PROPERTY AT 7200 WEST SAGINAW HIGHWAY FROM O, OFFICE TO C, COMMERCIAL REQUESTED BY ENTERPRISE LEASING COMPANY OF DETROIT, LLC, AS DESCRIBED IN CASE NO. 11-18-13, FOR THE FOLLOWING REASONS:

1. THE REZONING IS CONSISTENT WITH THE GOALS, POLICIES, AND USES PROPOSED FOR THE SUBJECT PARCEL IN THE TOWNSHIP'S COMPREHENSIVE PLAN.
2. THE CURRENT O, OFFICE, ZONING CLASSIFICATION IS INCONSISTENT WITH FUTURE LAND USE RECOMMENDATIONS OF THE COMPREHENSIVE PLAN, WHICH RECOMMENDS A COMMERCIAL ZONING CLASSIFICATION.
3. IT CAN BE CONCLUDED THAT REZONING COMPLIES WITH THE PURPOSES OF THE ZONING ORDINANCE AS DESCRIBED IN SECTION 1.02 D. OF SAID ORDINANCE.

TRUSTEE FEDEWA SUPPORTED THE MOTION. THE MOTION PASSED 5-0.

CLERK CLARK MOVED THAT THE DELTA CHARTER TOWNSHIP BOARD APPROVE THE SPECIAL LAND USE PERMIT REQUESTED BY ENTERPRISE LEASING COMPANY OF DETROIT LLC TO ESTABLISH A VEHICLE LEASING ESTABLISHMENT ON THE PROPERTY LOCATED AT 7200 WEST SAGINAW HIGHWAY, AS DESCRIBED IN CASE NO. 11-18-14, FOR THE FOLLOWING REASONS:

1. THE SPECIAL LAND USE STANDARDS SET FORTH IN SECTION 7.03 OF THE DELTA TOWNSHIP ZONING ORDINANCE HAVE BEEN MET.
2. THE APPLICABLE SPECIFIC USE STANDARDS IN SECTION 8.62 HAVE BEEN MET.

APPROVAL OF THE SPECIAL LAND USE PERMIT IN THIS CASE IS SUBJECT TO THE FOLLOWING STIPULATIONS:

1. ALL VEHICLE MAINTENANCE OPERATIONS SHALL BE CONDUCTED WITHIN AN ENCLOSED BUILDING.
2. VEHICLE WASH BAYS SHALL BE FITTED WITH THE NECESSARY OIL AND SOLID FILTRATION SYSTEMS AS MAY BE REQUIRED BY THE DELTA TOWNSHIP UTILITIES DEPARTMENT.
3. FAILURE OF THE APPLICANT TO COMPLY WITH ANY OF THE PROVISIONS REQUIRED BY THE DELTA TOWNSHIP ZONING ORDINANCE, OR ANY STIPULATIONS REQUIRED BY THE DELTA TOWNSHIP BOARD IN GRANTING THE SPECIAL LAND USE PERMIT AMENDMENT, SHALL CONSTITUTE GROUNDS FOR TERMINATION OF THE SPECIAL LAND USE PERMIT BY THE DELTA TOWNSHIP BOARD.

TRUSTEE CASCARILLA SUPPORTED THE MOTION. THE MOTION PASSED 5-0.

7. Wieber Lot Split Request – Lot 16 and 17 of Mar Moor Subdivision – Case Number LS-18-3

TRUSTEE FEDEWA MOVED THAT THE DELTA TOWNSHIP BOARD APPROVE THE LOT SPLIT DESCRIBED IN CASE NO. LS-18-3, INVOLVING LOTS 16 AND 17 OF THE MAR MOOR SUBDIVISION SUBJECT TO THE FOLLOWING STIPULATION:

THE LOT SPLIT SHALL NOT BECOME EFFECTIVE UNTIL ALL OF THE NEW LEGAL DESCRIPTIONS RESULTING FROM THE LOT SPLIT ARE RECORDED WITH THE EATON COUNTY REGISTER OF DEEDS OFFICE IN ORDER TO INSURE THAT THE RESULTANT LOT DIVISIONS BE PROPERLY INCLUDED IN THE TOWNSHIP'S PROPERTY ASSESSMENT RECORDS.

TRUSTEE CASCARILLA SUPPORTED THE MOTION. THE MOTION PASSED 5-0.

8. Delta Mills Canoe Launch Development Recommendation for Award of Construction Contract

TRUSTEE CASCARILLA MOVED THAT THE DELTA TOWNSHIP BOARD ACCEPT THE BID FROM E.T. MACKENZIE FOR THE DELTA MILLS CANOE LAUNCH DEVELOPMENT PROJECT IN THE AMOUNT OF \$485,000, CONTINGENT UPON FORMAL APPROVAL OF THE AWARD RECOMMENDATION BY THE DNR GRANTS MANAGEMENT SECTION;

AND, I FURTHER MOVE, THAT THE TOWNSHIP MANAGER BE AUTHORIZED AND DIRECTED TO EXECUTE A CONTRACT FOR THE AFOREMENTIONED PROJECT.

TRUSTEE FEDEWA SUPPORTED THE MOTION.

A brief discussion ensued among Board members and Mr. Kirkpatrick regarding the Delta Mills Canoe Launch project.

THE MOTION PASSED 5-0.

9. Mt. Hope Park Connector Pathway Recommendation for Award of Construction Contract

TRUSTEE FEDEWA MOVED THAT THE DELTA TOWNSHIP BOARD ACCEPT THE BID FROM C.L. TRUCKING & EXCAVATING FOR THE MT. HOPE PARK CONNECTOR PATHWAY PROJECT IN THE AMOUNT OF \$229,300, CONTINGENT UPON FORMAL APPROVAL OF THE AWARD RECOMMENDATION BY THE DNR GRANTS MANAGEMENT SECTION;

AND, I FURTHER MOVE, THAT THE TOWNSHIP MANAGER BE AUTHORIZED AND DIRECTED TO EXECUTE A CONTRACT FOR THE AFOREMENTIONED PROJECT.

TREASURER PIZZO SUPPORTED THE MOTION.

A brief discussion ensued among Board members and Mr. West regarding the Mt. Hope Park Connector Pathway.

THE MOTION PASSED 5-0.

10. Saginaw Highway (M-43) Water Main Crossings Bid Results and Recommendation for Award

TREASURER PIZZO MOVED THAT THE DELTA TOWNSHIP BOARD ACCEPT THE BID FROM SCARLETT EXCAVATING, INC. FOR THE SAGINAW HIGHWAY (M-43) WATER MAIN CROSSINGS PROJECT IN THE AMOUNT OF \$236,159.00. I FURTHER MOVE THAT THE TOWNSHIP MANAGER BE AUTHORIZED AND DIRECTED TO EXECUTE THE NECESSARY DOCUMENTS RELATED TO THE AFOREMENTIONED PROJECT.

TRUSTEE FEDEWA SUPPORTED THE MOTION. THE MOTION PASSED 5-0.

XV. MANAGER’S REPORT – Brian Reed, Township Manager

Manager Reed presented his updates to the Township Board:

- MLK Luncheon tickets are available in the Manager’s Office.
- Michigan Township’s Association conference registration is underway.
- The next edition of the “Delta Now” bi-annual publication is currently being drafted.
- A tour of the Auto Owners training center is being planned.
- Treasurer Pizzo stated that a portion of M-43 that runs through Kalamazoo is being turned over to the City of Kalamazoo and inquired about the potential for M-43 in Delta to be turned over. Manager Reed will explore the Kalamazoo process and rationale.

XVI. COMMITTEE OF THE WHOLE

11. Eaton County Local Road Millage Program

Manager Reed stated that the local road millage program will enter its fifth year of projects in 2019. The millage was approved for 12 years to address local roads throughout the county. Delta Township had roughly 110 miles of local roads in poor or fair condition before the millage. Of that total approximately 8 miles of that was gravel. Below you will see a basic summary of past millage work.

	2016	2017	2018	2019 Proposed
Total resurfacing mileage	8.5	7.77	8.35	7.58
Number of Streets resurfaced	30	32	43	34
Industrial streets resurfaced in mileage	1.45	.25	0	.40
ECRC annual goal in Delta (7.74 miles)	8.5	7.77	8.35	7.58

The proposed projects are concentrated in several residential neighborhoods and also includes the full length of Delta Commerce Drive. Over the next few weeks, Township Engineer Ernie West will drive the streets and provide any feedback or suggestions along with other staff. We will bring it back to the Township Board for any final discussion at the February 4 meeting in order to meet the February 15 deadline for public comment to the ECRC. Additional information such as past projects can also be found on the ECRC website.

A discussion ensued among Board members, Manager Reed, and Mr. West regarding the information provided by Manager Reed.

Delta	Apple Ridge - Kenway to Chanticleer	Paved Road Resurface	0.119
Delta	Applewood - Plum Hollow to Berrywood PI	Paved Road Resurface	0.25
Delta	Austin Way - City/Twp Line to Dead End or Start	Paved Road Resurface	0.014
Delta	Barton - Dead End or Start to N Waverly	Paved Road Resurface	0.62
Delta	Bentwood - Fieldcrest to Blackberry	Paved Road Resurface	0.087
Delta	Berrywood PI - Applewood to Dead End or Start	Paved Road Resurface	0.026
Delta	Blackberry - Sherwood to Barton	Paved Road Resurface	0.403
Delta	Blanche Ave - S Dibble St to Waverly	Paved Road Resurface	0.126
Delta	Chanticleer - Farmstead to Green Meadows	Paved Road Resurface	0.457
Delta	Delta Commerce - E Saginaw Hwy to Canal Club St	Paved Road Resurface	0.588
Delta	Dorene - Elmwood to Dead End or Start	Paved Road Resurface	0.094
Delta	Ena - Lanac St to Rickle St	Paved Road Resurface	0.122
Delta	Farmstead - E Saint Joe Hwy to Green Meadows	Paved Road Resurface	0.44
Delta	Fieldcrest - Maycroft to Bentwood	Paved Road Resurface	0.17
Delta	Francis Ct - N Canal to Dead End or Start	Paved Road Resurface	0.132
Delta	Grape Arbor - Elmwood to Lotipac PI	Paved Road Resurface	0.219

MONDAY, JANUARY 7, 2019 TOWNSHIP BOARD MINUTES – REGULAR MEETING
 CHARTER TOWNSHIP OF DELTA

Delta	Green Meadows - Farmstead to Kenway	Paved Road Resurface	0.373
Delta	Homestead - Kenway to Dead End or Start	Paved Road Resurface	0.033
Delta	Hume Blvd - E Saint Joe Hwy to Dead End or Start	Paved Road Resurface	0.488
Delta	Kenilworth - Fieldcrest to Blackberry	Paved Road Resurface	0.102
Delta	Kenway - E Saint Joe Hwy to Green Meadows	Paved Road Resurface	0.501
Delta	Lanac St - Ena to N Canal	Paved Road Resurface	0.275
Delta	Lotipac Pl - Palisade to Grape Arbor	Paved Road Resurface	0.058
Delta	Mar Moor - Willow Hwy to N Waverly	Paved Road Resurface	0.665
Delta	Maycroft - Plum Hollow to Sherwood	Paved Road Resurface	0.105
Delta	Otis Ave - S Dibble St to Waverly	Paved Road Resurface	0.126
Delta	Palisade - Spearberry to Lotipac Pl	Paved Road Resurface	0.102
Delta	Plum Hollow - Elmwood to Maycroft	Paved Road Resurface	0.279
Delta	Shady Hill - Willow Hwy to Barton	Paved Road Resurface	0.247
Delta	Shannon - Fieldcrest to Blackberry	Paved Road Resurface	0.111
Delta	Sherwood - Blackberry to Dead End or Start	Paved Road Resurface	0.041
Delta	Spearberry - Plum Hollow to Palisade	Paved Road Resurface	0.059
Delta	Westbury Cir - Delta Commerce to Dead End or Start	Paved Road Resurface	0.103
Delta	Windmill Ct - Chanticleer to Dead End or Start	Paved Road Resurface	0.04

XVII. PUBLIC COMMENTS

Clerk Clark stated that St. Gerard will host a mobile food pantry on Saturday, January 19, 2019 9:00-11:30. St. Gerard Social Justice will be feeding breakfast to everyone waiting in line.

XVIII. ADJOURNMENT –

Supervisor Fletcher adjourned the meeting at 7:06 PM.

CHARTER TOWNSHIP OF DELTA

KENNETH R. FLETCHER, SUPERVISOR

MARY R. CLARK, TOWNSHIP CLERK

/hs
Dropbox:\Clerk\Board Materials\Board Meetings\Minutes\2019\January 7, 2019 Regular Board Meeting
Minutes Approved: