

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
March 8, 2011

Township Board work session was held at the Township Hall. Supervisor Heiny-Cogswell called the meeting to order at 5:00 p.m.

PRESENT:
Supervisor Libby Heiny-Cogswell
Clerk Deb Everett
Treasurer Nancy Culp
Trustee Grace Borgfjord
Trustee Dave Bushouse
Trustee James Grace

Also present were Township Attorney James Porter, Township Engineer Marc Elliott, and 3 interested people.

KCSD Activity Report

Sgt. Todd Meyers was present and provided information on recent activity in the Township.

Committee Appointments

Supervisor Heiny-Cogswell presented a recommendation to appoint Trustee Lee Larson as the Township representative at the Kalamazoo County Transportation Authority and Public Media Network.

Motion by Borgfjord, second by Everett to appoint Trustee Larson as recommended. Carried.

Proposed Zoning Ordinance Text Amendments

Planning Director Stefforia provided a review of several proposed text amendments to the Zoning Ordinance recommended for adoption by the Planning Commission. They include providing administrative review and approval for one day temporary outdoor events, providing definition of filling station to include propane tank refills, changes in front and rear setbacks, providing for administrative review and approval of width to depth variance requests, changes in landscaping requirements, changes in permitted signs and area requirements, clarification regarding fence heights, language regarding keeping of animals, and site plan review requirements.

This item will be taken up for action on the regular agenda.

Trustee Bushouse left the meeting at 6:15 p.m.

Settlement of Tax Appeal – Nottingham Apartments

Attorney Porter advised a settlement has been reached in the tax appeal case for Nottingham Apartments and he recommended approval of a taxable value of \$2,450,000 for 2010.

Motion by Borgfjord, second by Culp to approve the settlement as proposed. Carried.

Other Business

Medical Marihuana Moratorium

Discussion was held regarding direction for the Planning Commission regarding the ordinance they will be drafting to address medical marihuana. It was suggested a committee, consisting of two Township Board members, two Planning Commissioners, Planning Director and Attorney be formed to study the issues and hold a maximum of eight meetings. Trustee Borgfjord, Clerk Everett, and Planning Commissioner Kitty Gelling volunteered to serve on the committee.

Motion by Heiny-Cogswell, second by Borgfjord to establish the committee as described. Carried.

The Board work session adjourned at approximately 6:55 p.m.

Supervisor Heiny-Cogswell called the regular meeting to order at 7:05 p.m.

PRESENT:

Supervisor Libby Heiny-Cogswell
Clerk Deb Everett
Treasurer Nancy Culp
Trustee Grace Borgfjord
Trustee James Grace

Also present were Township Attorney James Porter, Township Engineer Marc Elliot, and 16 interested people.

Motion by Borgfjord, second by James Grace to approve the February 22nd regular meeting minutes. Carried.

Income to the General, Building, Fire, Sewer & Water Funds of \$41,284.80 and disbursements of \$103,095.83 were reported. Motion by James Grace, second by Borgfjord to accept the receipts and disbursements report. Carried.

CITIZENS COMMENTS ON NON-AGENDA ITEMS

None.

EMPLOYEE SERVICE RECOGNITIONS

The following employees were recognized for their years of service:

Captain Scott Paddock – 35 years
Lt. Matt Wilton – 20 years
Clerk's Assistant Barb McMann – 15 years
Firefighter Nick Paddock – 10 years
Firefighter Matt Carlson – 5 years

PUBLIC HEARING – MNRTF GRANT APPLICATION

A public hearing was held regarding the Township's application to the Michigan Natural Resources Trust Fund for a grant to implement Phase II of the improvements in the Oshtemo Township Park on West Main. Phase II work will complete the master plan improvements recommended and approved by the Park Committee and Township Board in concept in 2009-10. Supervisor Heiny-Cogswell noted the amount of the grant being applied for is \$85,500 and would fund the tennis courts and scenic overlook in the Township Park, when combined with a local match amount of \$30,100. However, if Phase I comes in under budget and, with MNRTF approval, the overlook is able to be completed with Phase I dollars, the requested grant amount could be later amended to a lower amount. If such a change is recommended to the board, it would not be until about September.

In response to Trustee James Grace's inquiry, it was noted any deviation from the current proposal would be brought back to the Board for consideration.

Super Heiny-Cogswell commented she appreciated former Associate Planner Chris West's efforts on the grant application prior to his leaving.

There was no public comment.

Motion by Borgfjord, second by Everett to adopt a resolution to approve the grant application for Phase II development of the Oshtemo Township Park. Roll call showed James Grace-yes, Borgfjord-yes, Culp-yes, Everett-yes, Heiny-Cogswell-yes.

TEXT AMENDMENT – FALSE ALARM ORDINANCE – SECOND READING

A proposed ordinance to amend the False Alarm Ordinance to provide for billing in the event of more than two false alarms or nuisance alarms received in any given year, more than three in any two year period or more than four in a three year period, was before the Board for Second Reading.

Carl Randels, commented he saw the notice in the newspaper regarding the proposed ordinance amendment, after hearing the explanation now understands it better but feels it punishes the building owner who is the victim in one particular case.

Motion by James Grace, second by Borgfjord, to adopt the ordinance amendment. Carried.

PROPOSED ORDINANCE – MEDICAL MARIHUANA MORATORIUM – SECOND READING
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A proposed ordinance to place a six month moratorium regarding consideration or action regarding medical marihuana and directs the Planning Department, Township Counsel and Planning Commission to study the issues and make recommendations regarding the potential regulation of marihuana for medical use was before the Board for Second Reading.

Brian VanTatenHov, 1525 Merrill, co-owner of Midwest Compassionate Care, commented no one has asked them any questions and inquired regarding the current existing businesses. Attorney Porter advised notices were sent to the two existing businesses that they do not meet the requirements.

Chris Lowry, co-owner of Midwest Compassionate Care, commented he had not received the notice, they polled 100 people in their facility and 82% of those do not live in the Township; the moratorium will hurt people who need help.

Trustee James Grace commented a committee is being formed to study the issue.

Motion by James Grace, second by Everett to adopt the ordinance. Carried.

ZONING ORDINANCE TEXT AMENDMENTS – FIRST READING

As reviewed at the earlier work session, several proposed text amendments to the Zoning Ordinance recommended for adoption by the Planning Commission were before the Board. They included providing administrative review and approval for one day temporary outdoor events, providing definition of filling station to include propane tank refills, changes in front and rear setbacks, providing for administrative review and approval of width to depth variance requests, changes in landscaping requirements, changes in permitted signs and area requirements, clarification regarding fence heights, language regarding keeping of animals, and site plan review requirements.

Planning Director Stefforia commented the proposed amendments were forwarded to the Home Builders Association and Chamber of Commerce prior to the Planning Commission's public hearing.

Trustee James Grace complimented the Planning Department and Commission on their work but stated since his packet was missing the detailed commentary, he would not be comfortable voting for these amendments at this time.

Supervisor Heiny-Cogswell commented that while she appreciates the work completed, she would be voting no as she did not support a change in the sign ordinance proposed to permit more than one sign for commercial properties with more than 200 feet.

Motion by Everett, second by Culp to accept the proposed text amendments for First Reading and set Second Reading for April 12th. Carried 3-2 with James Grace and Heiny-Cogswell voting no.

RE-APPOINTMENT OF TRAFFIC ENGINEER

Supervisor Heiny-Cogswell recommended reappointment of Traffic Engineer James Valenta of Midwestern Consulting, LLC.

Motion by James Grace, second by Borgfjord to reappoint James Valenta, Midwestern Consulting, LLC as Township Traffic Engineer for the balance of 2011. Carried.

GAMING LICENSE RESOLUTION – KZOO LEADERS

Attorney Porter advised Kzoo Leaders, a non-profit organization for the purpose of providing training, physical development and quality life skills for the youth of the Kalamazoo area, has requested a resolution of support to obtain a one day charitable gaming license for a fund raiser.

Motion by James Grace, second by Borgfjord to adopt a resolution of support as requested. Roll call showed Everett-yes, Culp-yes, Borgfjord-yes, James Grace-yes, Heiny-Cogswell-yes.

OTHER BUSINESS
SPONSORSHIP AGREEMENT FOR OSSTEMO SUNBURST 5K

Trustee Borgfjord advised Consumers Credit Union has agreed to be the major sponsor for the Oshtemo Sunburst 5K for the next three years, donating \$6,000 per year.

Trustee James Grace commended Trustee Borgfjord on her efforts.

Motion by James Grace, second by Culp to approve the three year agreement with Consumers Credit Union. Carried.

Attorney Porter advised G Avenue Properties have filed a request with the Michigan Department of Transportation for a review of the Township's truck route.

There was no further business and the meeting was adjourned at approximately 7:55 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: LIBBY HEINY-COGSWELL
Supervisor