

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
April 11, 2006

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

PRESENT:

Supervisor John VanDyke
Clerk Deb Everett
Treasurer Nancy Culp
Trustee Dave Bushouse
Trustee Stan Rakowski
Trustee Neil Sikora

Also present was James Porter, Township Attorney, Bob Snell and Marc Elliott, Township Engineers, Planning Director Jodi Stefforia, Planner Mary Lynn Bugge and 10 interested people.

Public Comment: James Grace, 5986 Scenic Way, presented comments and suggestions from residents of the Country Club Village Plat regarding the proposed ordinance for review of subdivisions and site condominiums. Board discussion with the residents included site condominium regulation, zoning, and the Master Land Use Plan. Residents commenting were Dan Thompson, 103 Echo Hills, Denise & Peter Simenauer, 6201 Horizon Heights, and Steve Duisterhof, 309 West Ridge Circle.

MDOT Enhancement Grant: Planning Director Stefforia advised MDOT requires a letter of commitment from the Township for participation in the planned improvement to M-43 to include a bike path from 10th Street to the west line of the Township property. It was noted the Township share of the project would be 20% of the construction cost, the Township and MDOT had held public informational meetings, and property owners would be assessed based on front footage.

Motion by Bushouse, second by Sikora to authorize the Supervisor to send a letter of commitment on behalf of the Township to MDOT for the bike path project. Carried.

Sidewalk Ordinance: Planner Bugge reviewed the proposed sidewalk ordinance; final draft will be presented in the near future.

The work session was adjourned at approximately 6:50p.m.

Supervisor VanDyke called the regular meeting to order at approximately 7:00 p.m.

Also present were James Porter, Township Attorney, Marc Elliott, Township Engineer, Planning Director Jodi Stefforia, Planner Mary Lynn Bugge, and approximately 17 interested people.

Motion by Rakowski, second by Culp to approve the March 28th regular and April 3rd special meeting minutes. Carried.

Income to the General and Fire Funds of \$2,401,176.69 and disbursements of \$305,288.37 were reported. Motion by Sikora, second by Bushouse to accept the receipts and disbursements report. Carried.

CITIZENS COMMENTS

None.

PUBLIC HEARING – STREET LIGHTS
TUSCANY PLAT, SKY KING MEADOWS NO. 2, HERITAGE PINES

A public hearing for installation of 10 street lights in the Tuscany Plat, 5 in the Sky King Meadows No. 2 Plat, and 2 in the Heritage Pines Plat was held.

Al Geresy, commented he owns property adjoining the Tuscany Plat and inquired what the illumination level would be and what area it would cover. He also commented he felt he should not have to pay for lights in the plat and he would not benefit from it.

Jim Nielsen, 10321 West L Avenue, commented he owns adjoining property, he understood the platting process required the lights to be provided prior to the approval of the plat, the plat street is not public, outdoor lighting should not spill off the property where the light is located, if it does not come to his property, he has no benefit. He also inquired what properties will be assessed.

In response to the questions and comments of the public, it was noted any property within 300 feet of a street light is assessed for the operation of the light, the developer of the plat pays for the installation, the plat street will be public after accepted by the Kalamazoo County Road Commission, and State statute does not require certain footage but assumes anyone within 300 feet benefits. Trustee Bushouse advised the policy addresses providing lighting at intersections for emergency vehicle response. Attorney Porter advised the assessment can be appealed to the Michigan Tax Tribunal.

Motion by Culp, second by Bushouse to approve the special assessment districts for street lighting. Carried

PLANNED UNIT DEVELOPMENT TEXT AMENDMENT

At a special meeting on April 3rd, the Township Board requested the Planning Department draft an amendment to the PUD provisions to increase the amount of open space required. Planning Director Jodi Stefforia advised the Board to keep in mind increasing the amount of open space while still allowing the same number of lots would result in smaller lots. She suggested a starting point for discussion could be increasing the amount of required open space from the current 5% to 10%.

Tim Mallett, 7404 West H Avenue, inquired if the required open space can include storm water drainage areas. Ms. Stefforia advised it can be if it is meaningful to the development. Mr. Mallett then commented requirements need to be set, not just the minimum if development is going to occur as it should with open space and wondered if 10% open space is enough.

Treasurer Culp commented perhaps the Board should consider increasing the minimum lot size.

Trustee Bushouse commented he felt the issue should be referred to the Planning Commission but noted careful consideration should be given; using the PUD has allowed for desirable light commercial without rezoning.

Trustee Sikora commented he concurred with Mr. Bushouse and felt the issue should be studied carefully.

Earl Dalzell, advised he owns 45 acres on West Main that abuts the Country Club Village Plat and expressed concern regarding increasing the required open space to 10%, which in his case would be 4.5 acres. He commented he would question if this could be considered a taking. He also commented his property has had refuse dumped on it, has requests from area residents to hunt on it and has been told others use it for walking.

Dan Thompson, 103 Echo Hills, commented he has concerns regarding density and while is sensitive to light commercial would not want to see small lots or marginal green space, he would prefer larger lots.

Motion by Bushouse, second by Rakowski to refer the item to the Planning Commission and request the Planning Department provide examples of development with the current 5% and proposed 10% open space. Carried.

SUBDIVISION/SITE CONDOMINIUM ORDINANCE – FIRST READING

A proposed ordinance for review of subdivisions and site condominiums was before the Board for First Reading. It was noted review would be needed for the suggestions made at the work session by the public and suggestions that affect the Zoning Ordinance must be referred to the Planning Commission.

Motion by Bushouse, second by Culp to table First Reading to a special meeting to be held on May 4th at 5:00 p.m. Carried.

LIQUOR LICENSE ORDINANCE TEXT AMENDMENT – FIRST READING

Attorney Porter advised the current ordinance application process addresses new licenses only while policy has been to treat transfer requests with the same application process. The text amendment would incorporate transfers into the ordinance language.

Motion by Bushouse, second by Everett to accept the text amendment for First Reading and set Second Reading for April 25th. Carried.

OTHER BUSINESS

PARK COMMITTEE RECOMMENDATIONS

Trustee Sikora advised the Park Committee had discussed a request for digging for artifacts at the Old Town Hall and the Drake House, and were recommending the Township Attorney draft a policy prohibiting such activity. He noted artifacts found on Township property are public property.

Mr. Sikora also advised the committee had discussed seeking out groups that might be interested in using the concession stand at Flesher Field.

CLOSED SESSION

Attorney Porter advised an issue regarding possible purchase of property was before the Board and due to the sensitive nature of the negotiations, would recommend the Board convene in closed session.

Motion by Rakowski, second by Culp to adopt a resolution to adjourn to closed session. Roll call showed Bushouse-yes, Culp-yes, Everett-yes, Rakowski-yes, Sikora-yes, VanDyke-yes.

Adjourned to closed session at approximately 8:05 p.m.

Motion by Bushouse, second by Sikora to reconvene the meeting at approximately 8:55 p.m.. Roll call showed Culp-yes, Everett-yes, Rakowski-yes, Sikora-yes, VanDyke-yes, Bushouse-yes.

Motion by Culp, second by Rakowski to authorize the Supervisor and Township Attorney to continue negotiations with the Kalamazoo County Attorney regarding the KL Landfill matter. Carried.

TRUSTEE APPOINTMENT INTERVIEWS

The Board agreed to set interviews for the Trustee appointment applicants for April 19th at 6:00 p.m.

BOARD MEMBER COMMENTS

Trustee Rakowski advised a security alarm had been installed at the Drake House.

There was no further business and the meeting was adjourned at approximately 9:05 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: JOHN VANDYKE
Supervisor