

**THE CHARTER TOWNSHIP OF OSHTEMO**  
**Township Board Meeting**  
**June 10, 2008**

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 James Grace  
Trustee Stan Rakowski  
Trustee Neil Sikora

Also present was James Porter, Township Attorney, Cathy Harrell, Assessor, and one interested person.

**Personal Property Audit Update** – Assessor Harrell provided an update on the personal property audit process begun in August, 2007. She advised some businesses that had never filed were caught up and audits of others were conducted resulting in a collection of \$9,187.00 in unpaid taxes. There was discussion that while the Township is statutorily bound to conduct the audit and collection, the other taxing units who benefit from the process do not contribute to the expense. It was noted the audit fee cost was \$2,297.00 and the Township's portion of taxes collected totaled \$181.80. Consensus was a letter be sent to the other taxing units who benefit from these efforts with a request to assist in the cost. There was also consensus to continue the audit process for another year.

**CLOSED SESSION**

Motion by Rakowski, second by Grace to adjourn to closed session for purposes of discussing pending litigation because doing so in an open meeting would have a detrimental effect on the Township's position. Roll call showed Bushouse-yes, Culp-yes, Everett-yes, Grace-yes, Rakowski-yes, Sikora-yes, VanDyke-yes.

Motion by Culp, second by Grace to return to open session at 6:20 p.m.

Motion by Culp, second by Grace to direct the Attorney to proceed as directed in closed session. Carried.

**Ordinance Enforcement Counsel** – Attorney Porter recommended retaining Craig Rolfe as special counsel for ordinance enforcement matters.

Motion by Sikora, second by Grace to appoint Craig Rolfe as special counsel for ordinance enforcement matters. Carried.

The board work session was adjourned at approximately 6:35 p.m.

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

Also present were James Porter, Township Attorney, Senior Planner Mary Lynn Bugge, and 12 interested people.

Motion by Grace, second by Sikora to approve the May 13<sup>th</sup> regular, and May 28<sup>th</sup> special meeting minutes as presented. Carried.

Income to the General and Fire Funds of \$139,564.76 and disbursements of \$266,155.54 were reported. Motion by Grace, second by Sikora to accept the receipts and disbursements report. Carried.

**CITIZENS COMMENTS ON NON-AGENDA ITEMS**

Yazmine Watts, 1532 Rupal Street, expressed concerns regarding a fence constructed by the owner of the parcel that borders her rear property line. Discussion included it does not meet current fence ordinance requirements but was constructed prior to the ordinance adoption, the fence is believed to be in violation of the West Port No. 13 plat restrictions which would require enforcement by the property owners in the plat; the Township has no authority to enforce them. There was also discussion that the Township does have authority under State law to condemn and remove a non-conforming use; concerns were expressed regarding setting such a precedent. Supervisor VanDyke will follow up on this matter.

Jack Wendt, 6569 Bela Avenue, concurred with Ms. Watts' concerns.

Al Geresy, 10491 West L Avenue, expressed concerns regarding a vacant house on L Avenue that he had been told the Fire Department intended to burn and inquired when this would take place as it has been vacant for approximately 4 years. Trustee/Fire Commissioner Grace will follow up on this matter.

#### **FIREWORKS PERMIT**

An application from Andy Webb for a fireworks permit to conduct a fireworks show on June 28<sup>th</sup> at 10463 West H Avenue was before the Board for consideration. Clerk Everett advised the details of the application, including required insurance and Fire Department approval, were the same as those obtained in previous years.

Motion by Grace, second by Sikora to approve the fireworks permit. Carried.

#### **OSHTEMO ROTARY RESOLUTION – EMERGENCY WARNING SYSTEM**

Gordon Bolar, representing the Oshtemo Rotary Club, presented a resolution urging the Board to investigate an emergency warning system for the Township. He advised that while the club does not have the financial means to participate in the purchase of a system, they would be interested in assisting with public education.

Consensus was to direct the Fire Chief to investigate the issue and provide information to the Board.

#### **FORM BASED CODE OVERLAY ZONE**

Senior Planner Bugge presented a recommendation from the Planning Commission for adoption of the Village Form Based Code Overlay Zone and the inclusion of 223 properties which are within the Downtown Development Authority area. She advised the purpose of the overlay district is to provide the means to implement the vision for the DDA area as expressed in the Village Theme Development Plan, adopted by the Township in March, 2006, the intent is to create an area of residential, commercial, office and civic uses accessible to pedestrians, as well as vehicles, and visual cohesiveness fostered through the use of enhanced streetscapes and application of architectural criteria to new and remodeled buildings.

Terry Schley, Planning Commission Chair and DDA member, commented the Planning Commission along with Planning staff and consultant Greg Milliken spent many hours on this project, with many opportunities for public input.

Motion by Grace, second by Rakowski to accept the Village Form Based Code Overlay text and inclusion of 223 properties for First Reading and set Second Reading for June 24<sup>th</sup>.

#### **PROPERTIES TO INCLUDE IN HISTORICAL OVERLAY ZONE – SECOND READING**

A Planning Commission recommendation of four properties to be included in Historical Overlay Zone; 927 North Drake, 2611 North Drake, 7181 West KL Avenue, and 5770 Parkview Avenue was before the Board for Second Reading.

In response to a question from Trustee Rakowski, Senior Planner Bugge advised these four were initially selected as they were seen as most affected by neighboring zoning and the owners were in support of being included; other properties throughout the Township will be brought forward for consideration.

Motion by Grace, second by Sikora to adopt the recommendation to include the four properties as described in the Historical Overlay Zone. Carried.

#### **CONSOLIDATION OF C-LOCAL BUSINESS AND C-1 ZONING DISTRICTS**

##### **REZONING OF C-1 PROPERTIES TO C- LOCAL BUSINESS – SECOND READING**

A Planning Commission recommendation for text amendments to consolidate the C-1 Zoning District with the C-Local Business District and various other text amendments and rezone properties currently zoned C-1 to C-Local Business District was before the Board for Second Reading. Senior Planner Bugge advised the consolidation is recommended due to the similarity of uses; the proposed text changes address the Statement of Purpose of the resulting C-Local Business District, consolidate uses and while the C-1 District and all references to it in the Zoning Ordinance are deleted, all uses are reflected elsewhere in the Ordinance with C-Local Business District substituted where appropriate. Specific changes to the proposed C-Local Business District include public garages, service stations, and drive-in theatres will be considered special exception uses, nurseries and greenhouses are deleted as they are allowed in the Agricultural District, and criteria for outdoor sales are added. Ms. Bugge advised there are currently 26 properties zoned C-1 in whole or part which would be rezoned to C-Local Business District.

Ms. Bugge further advised two new sections are added to the Village Commercial District intended to facilitate occupancy in existing buildings and ensure Planning Commission review of new construction. She commented the first section will allow administrative review of certain uses in preexisting buildings and the second section will treat new construction, building alterations and conversions as special exception uses requiring Planning Commission review.

Ms. Bugge further advised the proposed text amendments would also modify the outdoor lighting standards to allow use of other than full cut-off wall fixtures where an architectural feature will function in the same manner to restrict the light emitted.

Motion by Sikora, second by Culp to adopt the text amendments as recommended to consolidate the C-1 Zoning District with the C-Local Business District and rezone the 26 properties currently zoned C-1 to C-Local Business District. Carried.

#### **REZONING REQUEST – 8688 WEST MAIN – SECOND READING**

A Planning Commission recommendation to rezone the approximate rear half of the property at 8688 West Main from RR, Rural Residential to C-Local Business District was before the Board for Second Reading.

Motion by Sikora, second by Everett to approve the rezoning. Carried.

#### **POSITION DESCRIPTION – ASSESSING DEPARTMENT SECRETARY**

Clerk Everett advised when the position descriptions were recently updated they did not include the Assessing Department Secretary as the position was not filled at the time. She further advised it has now been filled by a current support staff member, therefore, the Personnel Committee recommended update of the position description.

Motion by Everett, second by Grace to approve the updated position description. Carried.

#### **PROPERTY TAX LATE PAYMENT PENALTY**

Treasurer Culp advised a resolution is required by State statute to assess a 3% penalty on tax bills paid after the due date.

Motion by Culp, second by Sikora to adopt the resolution. Carried.

#### **MICHIGAN TOWNSHIPS ASSOCIATION DUES**

Membership dues for the Michigan Townships Association in the amount of \$5,830 were before the Board for consideration. Trustee Sikora commented the organization provides a valuable service.

Motion by Sikora, second by Rakowski to approve the expenditure for payment of the dues. Carried.

#### **BOARD MEMBER COMMENTS**

Trustee/Fire Commissioner Grace commented Mark Barnes will begin his position with the Township as Fire Chief on June 16<sup>th</sup>.

Trustee Sikora advised there will be an antique automobile tour stop at Flesher Field on July 16<sup>th</sup> at 7:00 p.m. They will also be hosting an ice cream social. Trustee Rakowski commented there will be some rare automobiles on display.

Trustee Sikora also advised he and Township resident Chad Hughson will be planting native species plants in the parking lot island at the Township Office.

Attorney Porter advised the Building/Fire Code Board of Appeals met on May 28<sup>th</sup> and did an excellent job.

There was no further business and the meeting was adjourned at approximately 8:05 p.m.

**DEBORAH L. EVERETT**  
Township Clerk

**Attested: JOHN VANDYKE**  
Supervisor

