

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
June 14, 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
Trustee Lee Larson

Also present were Township Attorney James Porter, Planning Director Jodi Stefforia, Township Engineer Marc Elliott and 2 interested people.

KCSD Activity Report

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

Amendments to Job Descriptions

Updated position descriptions for Maintenance Department Head, General Maintenance Person, Seasonal Maintenance Person, Deputy Ordinance Enforcement Officer and Paid on Call Firefighter & Resident Intern Firefighter were before the Board, adding the essential job functions to each description.

Motion by Borgfjord, second by Larson to approve the updates as presented. Carried.

Amendments to Employee Handbook Section 4.6 Inclement Weather, Section 6.14 On The Job Accident/Injuries, and Appendix J, Acknowledgement of Receipt of Handbook/Changes

Revisions to Section 4.6 clarifying the Inclement Weather Policy, Section 6.14 clarifying the procedure for reporting On the Job Accident/Injuries and Appendix J regarding employee acknowledgement of receiving handbook updates were before the Board.

Motion by Borgfjord, second by Larson to adopt a resolution to approve the proposed amendments as presented. Roll call showed James Grace-yes, Larson-yes, Culp-yes, Borgfjord-yes, Everett-yes, Bushouse-yes, Heiny-Cogswell-yes.

KATS Unified Planning Work Program Assurance

A request from the Kalamazoo Area Transportation Study to approve the Township's participation as a third party in kind contributor to the 2012 Unified Planning Work Program was before the Board. Planning Director Stefforia advised KATS includes time spent by the Township related to transportation issues in their federal dollars reporting; they are now requesting that the estimated dollar amount of \$4,074 be assured by the Township with in kind services, but guaranteed with a financial commitment if hours do not account for the total amount. Lengthy discussion included why other Townships were not asked to contribute, and projects of interest to the Township have not been pursued.

Motion by Borgfjord, second by James Grace to enter into the agreement with the condition of the financial contribution subject to the understanding this would be a one-time agreement, the Township expects a more equitable proposal in the next request and the requested projects regarding freight study and circulation study in the DDA area be acted upon by KATS. Carried.

Disposition of Fire Department of Vehicle

A recommendation from Fire Chief Mark Barnes to transfer ownership of the currently replaced rescue truck to Kalamazoo County in exchange for a pickup truck and trailer they own was before the Board, noting infrequently used trench rescue equipment could be placed in the trailer alleviating carrying the extra weight on a truck responding to non-related incidents, the trailer would accommodate having some of the trench rescue equipment pre-assembled which would reduce deployment time, and the pickup truck would provide transportation for various pieces of equipment without having to borrow private vehicles from fire department members. He further advised value of the vehicles suggests a nearly even trade.

Motion by James Grace, second by Borgfjord to approve the transfer the ownership of the rescue truck to Kalamazoo County in exchange for a pickup truck and trailer. Carried.

Discussion – Staffing & Consultants

Supervisor Heiny-Cogswell presented information regarding the position left vacant when the Associate Planner/Assistant to the Supervisor resigned in March of this year. She noted the 2011 budget included funding for the position to be a .8 in the Planning Department and .2 in the Supervisor's Office. She advised after discussions with the Planning Director and Personnel Committee, the recommendation is to hire a half time Assistant to the Supervisor and shift some non-planning responsibilities currently held in the Planning Department to the Supervisor's office and hire a half time Zoning Administrator/GIS position in the Planning Department. The Planning Director requests the Township continue with consultants when needed for larger projects, i.e., the Master Land Use Plan sub group studies and assisting with new zoning ordinance language as needed to implement the Master Land Use Plan after consideration and adoption by the Township Board. Supervisor Heiny-Cogswell noted this would not increase the staffing level, and proposed budget amendments would transfer available dollars from some Planning Department line items and General Fund contingency to increase the Planning Department consultant line item by \$15,000 and fund the half time position in the Supervisor's Office to total \$20,000.

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

Other Business Truck Route Signage

Planning Director Stefforia advised the cost for new truck route signs will be approximately \$2,500.00. It was noted signs addressing the use of engine brakes are also needed in some locations and should also be purchased.

Motion by James Grace, second by Larson to approve an expenditure up to \$3,000.00 for new truck route and engine brakes signs. Carried.

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

Supervisor Heiny-Cogswell called the regular meeting to order at 7:00 p.m.

PRESENT:

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

Also present were Township Attorney James Porter, Township Engineer Marc Elliott, and 13 interested people.

Motion by Borgfjord, second by Culp to approve the May 10th regular and May 17th joint meeting minutes. Carried.

Income to the General, Building, Fire, Sewer & Water Funds of \$83,155.83 and disbursements of \$268,841.79 were reported. Motion by James Grace, second by Borgfjord to accept the receipts and disbursements report. Carried.

CITIZENS COMMENTS ON NON-AGENDA ITEMS

None.

FIREWORKS PERMIT APPLICATION

A fireworks permit application from Andy Webb representing Wolverine Fireworks, Inc. to conduct a fireworks show on July 2nd at 10463 West H Avenue was before the Board for consideration. Supervisor Heiny-Cogswell advised the details of the application were in order along with required insurance and Fire Department approval.

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

RESOLUTION FOR PARK GRANT CONTRACT

A resolution accepting the contract from the Michigan Department of Natural Resources Trust Fund for the grant awarded for improvements to the Township Park was before the Board.

Motion by Borgfjord, second by Culp to adopt the resolution. Roll call showed Larson-yes, Bushouse-yes, Everett-yes, Culp-yes, Borgfjord-yes, James Grace-yes, Heiny-Cogswell-yes.

CONDITIONAL REZONING – 1283 NORTH 9TH STREET

Planning Director Jodi Stefforia presented a recommendation from the Planning Commission to approve a request from Scott Hudspeth for Conditional Rezoning of the first 200 feet of the property at 1283 North 9th Street from R-2 Residential to R-3 Residential to allow a mortgage, real estate and insurance sales office in a former residence. She noted the R-2 zoning does not allow for conversion of a residence for an office, R-2 does allow for a home occupation subject to the business operator must live at the residence, only one non-resident employee and no exterior signage. She advised the applicant originally requested the parcel be rezoned from R-2 to C Local Business, that request was tabled by the Planning Commission; the applicant then revised his application and sought a Conditional Rezoning of the first 200 feet from R-2 to R-3 Residential and offered conditions. The Planning Commission voted to recommend the approval of the Conditional Rezoning subject to the number of on-site employees will be no more than 3-5, an identification sign in the front yard will be no larger than 30 square feet and a height not greater than 6 feet and comply with the Sign Ordinance, the applicant will pave and expand, as little as necessary, the current driveway to create parking for him, staff and customers per Ordinance requirements for a maximum of 5-6 spaces, no exterior changes will be made to the building that take away from its residential character other than those required by the Building Code for accessibility purposes, no exterior changes to the “yard” area will be made to take away from the residential character, routine maintenance and pruning of trees will only be done for health of the plantings and overall residential aesthetics of the property, business hours will be typical office hours with only occasional evening or weekend meetings held in the office, at such time as the property is no longer used by the applicant for office purposes or sold, the property will revert back to the R-2 Residence District classification, and the garage will be retained and used for employee parking.

Vicki Rice, commented she is the only employee of the applicant at present and would not anticipate more than 3-5 clients at the premises at a time.

Kelley Pattison, 2270 North 9th Street, commented she and her husband own the adjoining property; she is concerned the proposed use will cause devaluation of her property, water run off onto their property, and the already existing traffic congestion on 9th Street.

In response to Board members questions, Planning Director Stefforia advised the sign could not be illuminated and the applicant is aware any modifications from the approved conditions would require him to apply for further review.

Motion by Heiny-Cogswell, second by Borgfjord to approve the conditional rezoning, subject to recording of the Statement of Conditions as presented and set Second Reading for June 28th. Carried 5-2 with James Grace and Everett voting no.

ZONING ORDINANCE TEXT AMENDMENTS – FIRST READING

Planning Director Stefforia presented a recommendation from the Planning Commission to adopt proposed text amendments to Section 76 of the Zoning Ordinance to permit functioning farms and farm markets to install up to four signs with a combined signs area as allowed for a single sign, permitting individual commercial establishments and multi-tenant commercial centers with 400 or more feet of frontage one additional sign; the distance between not less than 150 feet.

Attorney Porter presented a recommendation from the Planning Commission to adopt proposed text amendments Section 11 and Section 78 to permit a registered primary caregiver in compliance with the Michigan Medical Marihuana Act be allowed as a home occupation with certain conditions addressing proximity to schools, child care or day care facilities, another primary care giver, house of worship or public park, not more than one primary caregiver on a property, not more than five qualifying patients with business hours of 8:00 a.m. to 6:00 p.m., all medical marihuana be contained with the main building in an enclosed secure facility, as reviewed and approved by the Township Building Official and Kalamazoo County Sheriff's Department, all necessary building, electrical, plumbing and mechanical permits obtained, medical marihuana shall be grown by the primary caregiver in their home, measures necessary to prevent ambient light spillage, inspection of the portion of the residential structure where energy and heat usage exceeds typical use subject to inspection and approval of the Fire Department, and all primary caregivers annually registered, inspected and licensed by the Township.

Kristina Hatfield commented she knows of sixteen people in the Township who are caregivers, closing the dispensaries will bring crime to neighborhoods.

Trena Morton, commented such ordinances are being challenged; the Township should wait and see how the State handles it.

Kevin Spitler, owner of the Med Joint commented there are over 100,000 medical marihuana patients who deserve safe access, dispensaries are a safe haven and the Township should let the law play out.

Motion by James Grace, second by Larson to accept the text amendments for First Reading and set Second Reading for June 28th. Carried.

LICENSING ORDINANCE – MEDICAL MARIJUANA CAREGIVERS – FIRST READING

Attorney Porter presented a proposed ordinance regarding medical marijuana facilities, based on findings of the “White Paper – A Local Government View of the Michigan Medical Marihuana Act” by Gerald Fisher, and includes requirements for annual registration, inspection and licensing of the facility, compliance with Township Zoning Ordinance and restrictions on distribution that it be confidential, interaction between caregiver and patient be on one to one basis and no food sold from the facility.

Kristina Hatfield commented as a grower she does not have to register with anyone.

Motion by James Grace, second by Heiny-Cogswell to accept the ordinance for First Reading and set Second Reading for June 28th. Carried.

LIQUOR LICENSE APPLICATION – GOLF SERVICES

An application from Golf Services, Inc., 6958 West Main, to acquire a liquor license was before the Board. Attorney Porter advised the application was in order and while the Township does not currently have any licenses to issue, there will be some available due to the 2010 census and if the Board chooses to proceed, could grant the license and indicate it is to be approved “above all others”.

Paul DeHaan, owner, commented they would not be creating a bar setting, beer and small individual drinks would be sold but would be incidental to the recreational activities on the site.

Motion by Borgfjord, second by Culp to adopt a resolution granting approval of the liquor license to Golf Services, Inc. above all others. Roll call showed James Grace-yes, Borgfjord-yes, Culp-yes, Everett-yes, Bushouse-yes, Larson-yes, Heiny-Cogswell-yes.

MID YEAR BUDGET ADJUSTMENTS

As discussed at the work session, budget adjustments are needed to accomplish the reorganization changes in staffing in the Supervisor’s Office and Planning Department; \$8,000 from General Fund Contingency to Planning Consultant line item, \$15,000 from Planning Department salary line item to Supervisor’s Office, \$5,000 from General Fund Contingency to Supervisor’s Office, and in the Planning Department, decreasing GIS Expense by \$3,000, Engineering Fees by \$2,000, and Education by \$2,000.

Motion by Everett, second by Culp to approve the budget amendments as proposed. Carried.

OTHER BUSINESS NOTICE OF SETTLEMENT CONFERENCE

Attorney Porter advised a notice of settlement is scheduled for August 24th regarding the litigation with Kalamazoo and Alamo Townships and the Kalamazoo County Road Commission.

H AVENUE SEWER UPDATE

Engineer Elliott provided an update on the H Avenue Sewer project advising final paving should occur within the next week, the City of Kalamazoo has been testing the pump station, issues were discovered regarding some of the manholes which will be resolved and the resulting change order was within the parameters established by the Board for the Supervisor to approve.

CLOSED SESSION

Motion by Heiny-Cogswell, second by Borgfjord to adjourn to closed session to discuss pending litigation because doing so in open session could negatively impact the Township’s position. Roll call vote showed Larson-yes, Bushouse-yes, Everett-yes, Culp-yes, Borgfjord-yes, James Grace-yes, Heiny-Cogswell-yes.

The Board adjourned to closed session at approximately 8:30 p.m.

Motion by Culp, second by Borgfjord to return to open session at approximately 8:40 p.m. Carried.

Motion by Everett, second by Borgfjord to direct the Township Attorney to proceed as discussed in closed session. Carried.

BOARD MEMBER COMMENTS

Ms. Borgfjord reminded all of the 2nd Annual Oshtemo Sunburst 5K to be held on August 13th, noting runners and volunteers are needed.

There was no further business and the meeting was adjourned at approximately 8:45 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: LIBBY HEINY-COGSWELL
Supervisor