

**THE CHARTER TOWNSHIP OF OSHTEMO**  
**Township Board Meeting**  
**June 28, 2011**

The Oshtemo Township Board special meeting 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 was Township Attorney James Porter, Township Engineer Marc Elliott, Auditor Joe Walls and 2 interested people.

**2010 AUDIT REVIEW**

Auditor Walls reviewed the various funds, revenues and expenditures for the 2010 budget year.

There was no further business and the meeting was adjourned at approximately 5:50 p.m.

The Oshtemo Township Board public comment session was held at the Township Hall. Supervisor Heiny-Cogswell called the meeting to order at 6:00 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 was Township Attorney James Porter, Township Engineer Marc Elliott and 4 interested people.

**Kalamazoo County Commissioner's Report**

Commissioner Brandt Iden provided an update of recent Kalamazoo County Commission activities.

**Resolution – Public Media Network**

A resolution authorizing the interconnection of Public Media Network's public, education, and government cable television access channels to the AT&T U-verse service was before the Board.

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

**Other Business**

**Park Committee Recommendation**

Trustee Borgfjord advised a request had been received from the disc golf league to use the Township Park's disc golf course for an afterhours event in which they use glow in the dark discs.

Due to questions regarding impact on adjoining residential properties and safety concerns, consensus was to obtain more information.

**Road Petition – Olde Forest Drive**

A resolution to request the Kalamazoo County Road Commission provide a micro seal overlay and establish a special assessment district for Olde Forest Drive, north of Greystone Road was before the Board. It was noted a petition had been received from the property owners with the required signatures requesting the project.

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

The public comment session was 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 was Township Attorney James Porter, Township Engineer Marc Elliott, Planning Director Jodi Stefforia and approximately 30 interested people.

Motion by Borgfjord, second by James Grace approve the June 14<sup>th</sup> regular meeting minutes. Carried.

Income to the General and Fire Funds of \$34,625.16 and disbursements of \$222,092.24 were reported. Motion by James Grace, second by Borgfjord to accept the receipts and disbursements report. Carried.

**CITIZENS COMMENTS**

None.

**KALAMAZOO REGIONAL WATER & WASTEWATER COMMISSION ANNUAL DUES**

Supervisor Heiny-Cogswell presented an invoice in the amount of \$11,500 for dues to the Kalamazoo Regional Water & Wastewater Commission. She and Attorney Porter advised they felt the Commission has been active in pursuing information regarding rates charged outside of the City of Kalamazoo and the efforts have been worthwhile.

Motion by Borgfjord, second by Everett to approve the expenditure in the amount of \$11,500 for the Kalamazoo Regional Water/Wastewater Commission dues. Carried.

**FIRE DEPARTMENT – REPLACEMENT OF HYDRAULIC RESCUE EQUIPMENT**

A proposal to replace aging hydraulic extrication equipment was before the Board. Information from Fire Chief Mark Barnes advised a federal grant in the amount of \$89,368 had been received which requires a 10% local match, the Fire Department is recommending purchase of the hydraulic extrication equipment from Holmatro and vehicle stabilization equipment from Rescue 42; the total amount for both is \$92,190.50; with the difference of \$11,758 from Fire Department capital expenditures.

Motion by James Grace, second by Culp to approve an expenditure not to exceed \$93,000 for the replacement rescue equipment to be funded as described. Carried.

**MASTER LAND USE PLAN – 2011**

A recommendation from the Planning Commission to adopt the Oshtemo Charter Township Master Plan 2011 was before the Board. Planning Director Stefforia noted the Planning Commission had begun work on updating the Master Land Use Plan in the fall of 2008, conducted a community opinion survey, published numerous public notices and articles, held focused sub area workshops, numerous public meetings, and conducted a public hearing on the final proposed document on May 12, 2011 and recommend approval.

Greg Milliken, consultant from McKenna & Associates, provided an overall view of the plan, the various chapters, and work which resulted in the goals and objectives of the plan and formation of the Future Land Use Plan.

Matt O'Connor, representing Midwest Realty, commented he had been hired by the Longjohn family who own 36 acres on West Main east of Meijer, and feels the highest and best use would be commercial.

Steven Hayward, principal of Authenticity Livewire, commented he also represents the Longjohn/Stanton property, the family has owned the property for 50 years, it has been in limbo for a decade in the focus area, there is a disconnect between the input survey and the proposed plan, and multifamily would be developed in the transitional zoning which is what the community survey indicated was not wanted.

Tim Stoker, representing the estate of William Longjohn, commented there was a disconnect between the 2004 and 2011 master plans, the three areas recognized as prime commercial include his client's property and the community survey supports commercial.

Matt Longjohn, property owner, commented good plans can have bad pieces and asked that the process be slowed for further consideration.

Earl Dalzell, commented he owns property on the south side of West Main, plans are subject to change, the plan will not satisfy everyone, progress to one is obstruction to another.

Pat Lennon, advised he represents the owners of the property behind T.G.I. Friday's and commented they feel their property is ideal for commercial use, this area may have been overlooked, and they would encourage more analysis.

Dale Shugars, Executive Vice President of the Homebuilders of Greater Kalamazoo, commented the proposed plan will make the Township the last choice for developers; they and builders were not consulted, the process should be slowed down.

Jeff Eckert, commented he is an architect but not representing any one property owner, feels the economic sustainability has not been adequately considered, the Planning Commission should take more time and listen to the input.

Trustee James Grace commented he appreciates the work of the Planning Commission, asked for clarification on transitional zoning being understood as multi-family, could the designated commercial on West Main be deeper, still has concerns regarding required connectivity. .

Ms. Stefforia advised residential use in the transitional zoning in the West Main Street Sub Area is envisioned as single and two family or senior multifamily such as assisted living, the depth of the commercial should reflect protection for abutting neighborhoods, and the plan is meant to be flexible for considering connectivity on a case by case basis.

Trustee Borgfjord inquired how the property on West Main came to be a sub area and were all affected owners notified of the process. Ms. Stefforia advised there had been rezoning requests in the past for commercial on some of the parcels on West Main which were denied as not consistent with the existing Master Land Use Plan, the plan process afforded an opportunity to consider what scale of commercial should be allowed, if any, the conclusion was not big box retail, and to provide protection of older neighborhoods. She also advised all affected property owners were notified and invited to the workshop.

Trustee Larson commented this is a vision plan not meant to have the details which comes in the ordinance drafting step, it recognizes what residents have envisioned.

Supervisor Heiny-Cogswell commented she felt the West Main sub area plan represents the consistency of the sentiments developed over time to not have another Westnedge; there is still vacant commercial in the Township and surrounding areas. She also commented she would like to see a bit of 9<sup>th</sup> Street north of West Main considered as part of the upcoming 9<sup>th</sup> Street sub area study, and inquired if data in the plan could be updated to reflect the 2010 census information now available.

Ms. Stefforia suggested the data be updated through a future amendment to come when the additional sub area plans are added; Attorney Porter confirmed the entire plan would have to be returned to the Planning Commission for any changes.

Clerk Everett commented most of her questions had been addressed, felt overall it is a good plan and would like to see the Planning Commission establish a timeline for completing the plan and make the implementation language a priority.

Treasurer Culp thanked the Planning Commission and Planning Department for their efforts and commented she concurred with the previous comments.

Trustee Bushouse commented the plan is a guide, a tremendous amount of work has gone into it, it can be amended the appropriate process when circumstances warrant.

Motion by Borgfjord, second by Culp to adopt the Oshtemo Charter Township Master Plan 2011 noting the Board Member comments. Carried.

### **CONDITIONAL REZONING – 1283 NORTH 9<sup>TH</sup> STREET – SECOND READING**

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 9<sup>th</sup> Street from R-2 Residential to R-3 Residential to allow a mortgage, real estate and insurance sales office in a former residence was before the Board for Second Reading.

Kelley Pattison, 2270 North 9<sup>th</sup> Street, adjacent property owner, commented she voiced her objection at the last meeting and repeated her concerns that the proposed use will cause devaluation of her property, water run off onto adjacent property, and the already existing traffic congestion on 9<sup>th</sup> Street which she feels is primarily an agricultural and rural residential area.

Trustee James Grace commented he would again vote no on the request. Clerk Everett commented she would vote no again as well noting concerns regarding the signage that would be allowed, and a precedent could be set for the property.

Supervisor Heiny-Cogswell commented she has reconsidered her support in light of the 9<sup>th</sup> Street Master Plan sub area study to be conducted.

Treasurer Culp commented she had reconsidered her support as well, including concern of setting a precedent.

Trustee Bushouse commented the conditional rezoning keeps the appearance of a residential use, noting the Planning Commission approval included use of the garage for employee parking.

Motion by Everett, second by James Grace to deny the conditional rezoning request. Carried 4-3 with Borgfjord, Bushouse and Larson voting no.

### **ZONING ORDINANCE TEXT AMENDMENTS – SECOND READING**

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 and 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 was before the Board for Second Reading.

Kristina Hatfield commented it is important to have clean, tested marijuana and this action is pushing the activity into neighborhoods. She also commented she has been told names are being taken and passed on to the DEA; she has a right to speak at a public meeting and will sue the Township.

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

### **LICENSING ORDINANCE – MEDICAL MARIJUANA CAREGIVERS – SECOND READING**

A proposed ordinance requiring application, licensing and inspection of medical marijuana facilities was before the Board for Second Reading.

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

### **ENGINE BRAKE SIGNAGE**

A resolution to establish locations for signs prohibiting the use of engine brakes was before the Board. The locations at this time needing attention were found to be:

6<sup>th</sup> Street at West Main for northbound 6<sup>th</sup> Street trucks.  
6<sup>th</sup> Street at G Avenue for southbound 6<sup>th</sup> Street trucks.  
9<sup>th</sup> Street north of Stadium Drive for southbound 9<sup>th</sup> Street trucks.  
9<sup>th</sup> Street at H Avenue for southbound 9<sup>th</sup> Street trucks  
10<sup>th</sup> Street at G Avenue for southbound 10<sup>th</sup> Street trucks  
10<sup>th</sup> Street at H Avenue for northbound 10<sup>th</sup> Street trucks  
10<sup>th</sup> Street at West Main for northbound 10<sup>th</sup> Street trucks  
H Avenue at 10<sup>th</sup> Street for westbound H Avenue trucks  
H Avenue at 10<sup>th</sup> Street for eastbound H Avenue trucks  
H Avenue at Drake Road for westbound H Avenue trucks

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

#### **COMPUTER NETWORK SERVER UPGRADE**

Treasurer Culp advised an upgrade to the computer network virtual server is needed to accommodate more software and data. She advised a proposal from Secant had been received in the amount of \$3,649 for the project. She noted the cost would be divided equally between the Township and Fire Department.

Motion by Culp, second by James Grace to approve an expenditure not to exceed \$3,700 for purchase of the server upgrade. Carried.

#### **BOARD MEMBER COMMENTS**

Engineer Elliott advised due to unforeseen circumstances the final paving for the H Avenue sewer project should be completed within the next week.

Supervisor Heiny-Cogswell advised ITC, who owns the electrical transmission lines in the area will be installing two new lines which will run through the southern portion of the Township; the work is targeted to be completed for startup in 2013.

Trustee Borgfjord commended the Planning Commission for their work on the Master Land Use Plan.

She also advised an easement agreement with the Kalamazoo Public Library had been obtained for the new walking path in the Township Park which will provide a connection to the library.

Ms. Borgfjord also noted the 2<sup>nd</sup> Annual Oshtemo Sunburst 5K will be held on August 13<sup>th</sup>.

There was no further business and the meeting was adjourned at approximately 9:15 p.m.

**DEBORAH L. EVERETT**  
Township Clerk

**Attested: LIBBY HEINY-COSGWELL**  
Supervisor