

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
July 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 Grace Borgfjord
Trustee Dave Bushouse
Trustee Stan Rakowski
Trustee Neil Sikora

Also present were James Porter, Township Attorney, Marc Elliott, Township Engineer, Planning Director Jodi Stefforia, Planner Mary Lynn Bugge, and 1 interested person.

8th Street Bike Path – Planning Director Stefforia advised Wal Mart has offered to construct their required bike path off the right of way on private property if the Township will assume all further maintenance. There was discussion regarding how future properties on 8th Street might develop, and where a path would best be placed. Consensus was to acquire the easement and escrow for the detached path.

Sidewalks – Planner Bugge advised MDOT does not have specific require snow removal requirements but paths do need to be maintained. Other units she checked with require snow removal but enforce it primarily on a complaint basis.

Heritage Pines Bike Path – Ms. Bugge advised the applicant will wish to discuss the required bike path, advising the Non-Motorized Facilities Map indicates Almena Drive with an undetermined type of facility, at the time the Planning Commission considered the project, a widened shoulder/bike lane was not considered, and the Road Commission has advised when Almena Drive is repaved from VanKal to 2nd in 2008, or sooner, a three foot wide paved shoulder will be installed on each side of the road. Consensus was to accept an escrow from the developer for future installation of a non-motorized path.

ZBA Alternate – Ms. Stefforia advised the new Zoning Act allows up to two alternate members of the ZBA be appointed. She commented this could be helpful since the ZBA is a five member board and there have been numerous times where it would be helpful to have an alternate to achieve a full board for analysis and deliberation on an important matter. Alternates would attend meetings and participate in discussions but not vote if all regular members were present and able to vote.

The board work session was adjourned at approximately 6:45 p.m.

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

Also present were James Porter, Township Attorney, Bob Snell and Marc Elliott, Township Engineers, Planning Director Jodi Stefforia, Planner Mary Lynn Bugge, and 19 interested people.

Clerk Everett noted the June 13th meeting minutes should be corrected to indicate the Village Theme Design Text was before the board for Second Reading. Motion by Culp, second by Sikora to approve the June 13th regular meeting minutes as corrected and the June 15th and June 30th special meeting minutes. Carried.

Income to the General and Fire Funds of \$220,109.13 and disbursements of \$363,689.28 were reported. Motion by Rakowski, second by Sikora to accept the receipts and disbursements report. Carried.

CITIZENS COMMENTS

Larry DeShazor, introduced himself as candidate for State Representative in the 61st District.

Tim Mallett, 7404 West H Avenue, commented he felt concerns regarding development have been raised and urged the Board to represent the people of the Township, review ordinances, discuss the Master Land Use Plan and ask how much development is enough.

COMMUNITY ACCESS CENTER – ENTITY AGREEMENT

Attorney Porter advised a final draft of the proposed Third Amendment to the Urban Cooperation Act regarding the Community Access Center had been received. He further advised he had reviewed the agreement and found it to be acceptable.

Motion by Bushouse, second by Sikora to approve the amendment to the agreement. Carried.

FINAL APPROVAL OF A FINAL PLAT – HERITAGE PINES

Planner Bugge presented the plat of Heritage Pines for Final Approval of a Final Plat. She advised the Township Attorney has reviewed the final plat, title insurance and plat restrictions, Kalamazoo County Human Services Department has granted final approval, electronic copy of plans has been received, monument placement has been completed, street light poles have been installed with fixtures pending, Step 3 fee has been paid, Kalamazoo County Road Commission has granted approval, an agreement with the Kalamazoo County Drain Commissioner has been recorded. She further advised sidewalk installation is pending and any approval should be subject to installation prior to issuing any building permits.

Ms. Bugge also noted the previous discussion at the work session regarding the bike path on Almena Drive.

Motion by Borgfjord, second by Rakowski to grant Final Approval of a Final Plat contingent upon the escrow agreement for installation of a non-motorized path along Almena Drive, and completion of sidewalks in the plat prior to issuing any building permits. Carried.

WEST HAVEN SITE CONDOMINIUM

A recommendation from the Planning Commission for approval of the proposed site condominium of West Haven to be located at the northwest corner of Drake Road and West H Avenue containing 54 single family home sites on 42 acres was before the Board.

Planning Director Stefforia advised the Planning Commission determined the proposal exceeds the minimum width and area requirements, the project would be served with public sewer, water and streets and recommended approval subject to the conditions identified in their May 25, 2006 meeting minutes.

In response to comments regarding development, Attorney Porter advised those present that purchase of development rights is an option and some communities have supported millage to fund such a program.

Motion by Rakowski, second by Sikora to approve the site condominium element of West Haven subject to the Planning Commission approval conditions as reflected in their May 25, 2006 minutes. Carried.

ENGEL COMMONS SITE CONDOMINIUM

A recommendation from the Planning Commission for approval of the proposed site condominium of Engel Commons to be located on West Main next to the Citizens Credit Union containing five non residential units was before the Board.

Planning Director Stefforia advised the Planning Commission determined the proposal complies with minimum dimensional requirements, water and sewer are available and as each site is built, formal site plan review and approval will be necessary. She noted formal approval has been

granted for the proposed private street.

Trustee Bushouse inquired if a review for adequate drainage had been completed. Engineer Elliott commented he had some concerns about the plan.

Motion by Bushouse, second by Sikora to table the item to August 22nd for review and documentation by the Township Engineer. Carried.

SEASONAL AGRICULTURAL DIRECTIONAL SIGNS

A recommendation from the Planning Commission for approval of text amendments to allow for Seasonal Agricultural Directional Signs was before the Board.

Planning Director Stefforia advised the idea was initiated by Verhage Farms for provisions that would allow for directional signs they place at various locations each fall and they are requesting the Ordinance be amended to make their signs conforming. She further advised in considering the request, the Planning Commission referred to the Master Land Use Plan references that encourage continued farming which they felt supported distinguishing agricultural land uses from other commercial activities with respect to allowing off-site directional signs, the commission was interested in supporting this long standing "American tradition", considered comments of many indicating they found the directional signs necessary, and considered Verhage's unique location to write provisions to distinguish agricultural uses located on local and collector streets from those located on arterial streets.

Ms. Stefforia advised the proposed text amendment would provide definition of a seasonal agricultural directional sign, allow 12 directional signs with a maximum display area of 6 square feet, maximum height of 4 feet, could be displayed no more than 65 days per calendar year and erected only as long as commodities or products identified are available, a sign permit would be required, and signs could be located adjacent to a lot line and within the right of way so long as they would not interfere with the clear vision area for traffic.

Robert Hencken, attorney for Verhage Farms commented the signs are needed to assist in locating the farm and complimented the Planning Commission for their work on this issue.

Trustee Rakowski commented he was concerned about the number of signs this might create.

Trustee Bushouse commented he felt other local agricultural uses have been able to function without such signage.

Bob Janssen commented he has known the Verhage family for many years, appreciates that the family has kept the business operating, and considers it an asset to Oshtemo.

Larry Mallory advised he has noted many other signs that do not conform to the ordinance.

Tim Mallett commented the proposed text amendment seemed well thought out.

Trustee Sikora commented the proposed language seemed reasonable, the signs would be helpful and adds to the rural atmosphere. He further commented the number of signs and maintenance would need to be monitored and added he has further concerns regarding the number of other signs seen in the right of way.

Motion by Sikora, second by Culp to accept the recommendation and set the text amendments for First Reading on August 22nd. Carried with Bushouse voting no.

PLANNED UNIT DEVELOPMENT/VARIOUS TEXT AMENDMENTS

Planning Director Stefforia presented a recommendation from the Planning Commission for approval of a proposed ordinance amendment to increase the minimum required open space in a PUD from 5% to 10%. She noted this was at the request of the Township Board. She also advised some minor changes to the PUD Statement of Purpose and provisions were also proposed to make the language consistent with provisions of the Michigan Zoning Enabling Act. She further advised the proposed text amendments also correct various typographical errors in the Ordinance.

Ms. Stefforia also provided an analysis of the potential implications for the change in open space requirement and issues that should be considered, i.e., existing provisions were not meant to mandate open space along the perimeter to provide a buffer to adjoining properties, increase in open space without meaningful change to both minimum lot size and overall PUD densities will result in smaller lots in single and two family PUD developments, and designated open space will be site specific, therefore, difficult to know the result in increasing open space requirement.

Board discussion included economic impact of lot size, PUD can accommodate smaller commercial uses, and the issues being raised should be set on a timeline for review and any action.

Tim Mallett questioned the definition of green space, commenting he felt it should be usable green space, not retention ponds.

Motion by Everett, second by Rakowski to accept the recommendation and set First Reading for August 22nd with the exception of Section 60.430g regarding increasing the required amount of open space in a PUD. Carried.

SUBDIVISION/SITE CONDOMINIUM ORDINANCE – SECOND READING

A proposed ordinance for review of subdivisions and site condominiums was before the Board for Second Reading.

Jason Nuzzo, 5964 Scenic Way, commented dialogue and communication with residents is happening but felt the Notice to Property Owners section should be more defined.

Chris Adrian, 9697 West Main, commented the aesthetics of Oshtemo has changed since he grew up here, West Main and 9th Street are the worst of Westnedge and Gull Road and while developers are empowered by money, he feels the Board is concerned and needs to empower the citizens.

Motion by Culp, second by Rakowski to adopt the Subdivision/Site Condominium Ordinance. Carried.

SIDEWALK ORDINANCE – FIRST READING

The proposed sidewalk ordinance was before the Board for First Reading, having been tabled at the June 13th meeting.

It was noted changes made were references to the Land Division Ordinance were changed to Subdivision/Site Condominium Ordinance; public snow removal was altered to state an “unreasonable accumulation of snow or ice for longer than 48 hours.”

Judy Weddington, 6139 West Main, inquired how many inches will be considered unreasonable, commented she felt the process is extremely unfair, she will not use the bike path, if the cost were spread over the entire Township it would be \$20.00 per resident, she is being asked to pay over \$,7000 to construct the proposed path.

Richard Weddington, 6139 West Main, commented it would be \$20.00 per parcel or \$6.00 per resident if the cost were shared by the entire Township. He further commented it is not reasonable to expect residents to keep a 10 foot wide path clean.

Supervisor VanDyke agreed they are being asked to spend a lot of money, the whole Township should be involved, and as more paths are developed they will be used.

Other Board comments included noting from the work session discussion that enforcement could be handled by a complaint only policy, and comments from the public will be considered.

Motion by Sikora, second by Borgfjord to set Second Reading for August 22nd. Carried.

OTHER BUSINESS

RESOLUTION ESTABLISHING RECEIVING BOARD

Clerk Everett advised a resolution is required by the State in order to establish a Receiving Board for the August 8th Primary Election.

Motion by Sikora, second by Borgfjord to adopt a resolution establishing a Receiving Board for the August 8th Primary Election. Roll call showed Borgfjord-yes, Bushouse-yes, Culp-yes, Everett-yes, Rakowski-yes, Sikora-yes, VanDyke-yes.

RESOLUTION SEEKING HAVA GRANT

Clerk Everett advised a resolution is required by the State in order to apply for a grant to purchase two additional voting tabulators to be used for absentee ballot counting boards.

Motion by Sikora, second by Rakowski to adopt a resolution authorizing the Clerk to submit a grant application on behalf of the Township. Roll call showed Bushouse-yes, Culp-yes, Everett-yes, Rakowski-yes, Sikora-yes, VanDyke-yes, Borgfjord-yes.

DISC GOLD/WHIFFLE BALL USE POLICY

Trustee Sikora advised the Park Committee had been approached to use the ball field at the Township Park for a whiffle ball league which will include improvements provided by the league. He further commented in considering the assistance and support in the maintenance they will provide and that the current disc golf league provides, the committee felt it would appropriate to post hours for these groups.

Motion by Sikora, second by Rakowski to post hours of play for the disc golf league and whiffle ball league at the Township Park. Carried.

BOARD MEMBER COMMENTS

Trustee Bushouse commented on the work the Lions Club has completed behind the Oshtemo Community Center.

Trustee Bushouse also advised he would be absent from the August 22nd meeting.

Supervisor VanDyke advised a POW/MIA flag had been donated by American Legion Post 84.

Trustee Rakowski commented a public tour of the Drake House will be held on July 15th.

Trustee Sikora commented he would like to see the issue of the various signs in the right of way on a work session agenda.

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