

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
August 22, 2006

The Oshtemo Township Board public comment session was held at the Township Hall. Supervisor VanDyke called the meeting to order at 6:00 p.m.

PRESENT:

Supervisor John VanDyke
Clerk Deb Everett
Trustee Grace Borgfjord
Trustee Neil Sikora
Trustee Stan Rakowski

Also present was James Porter, Township Attorney, Marc Elliott, Township Engineer, Mary Lynn Bugge, Planner, Lt. Chip Everett, Ordinance Enforcement Officer Scott Paddock and 4 interested people.

Judy Weddington, 6139 West Main, inquired if the fines listed in the original sidewalk ordinance were still in place as she did not find them on the ordinance draft posted on the Township web page. She was advised they are still included in the proposed ordinance language.

There was no further public comment and the Supervisor advised the regular agenda would begin as noticed.

Motion by Rakowski, second by Sikora to approve the July 11th regular meeting minutes. Carried.

Income to the General and Fire Funds of \$249,445.55 and disbursements of \$934,169.42 were reported. Motion by Sikora, second by Rakowski to accept the receipts and disbursements report. Carried.

CITIZENS COMMENTS

None.

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 for First Reading.

Planning Director 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.

Motion by Everett, second by Borgfjord to set the text amendments for Second Reading on September 12th. Carried.

PLANNED UNIT DEVELOPMENT/VARIOUS TEXT AMENDMENTS

A recommendation from the Planning Commission for approval of proposed ordinance amendments was before the Board for First Reading. Ms. Stefforia advised they included 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.

Motion by Everett, second by Sikora to set Second Reading for September 12th. 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 after being tabled at the July 11th Township Board meeting.

Planning Director Stefforia advised the concerns raised regarding the engineering of the site related to drainage has been reviewed and approved by the Township Engineer and street layout approved by the Fire Department.

Motion by Borgfjord, second by Rakowski to approve the Engel Commons site condominium. Carried.

REZONING 8TH STREET

Planning Director Stefforia presented a recommendation from the Planning Commission to approve the rezoning of six acres of a 10 acre parcel located on the west side of South 8th Street immediately behind the development known as Emberly Acres from "C" Local Business to "R-2" Residential.

There was discussion that any development in the area will further affect the drainage problems in the area and close attention will need to be given.

Motion by Everett, second by Sikora to accept the recommendation and set First Reading for September 12th. Carried.

KILLINGTON ACRES SITE CONDOMINIUM

Planner Mary Lynn Bugge presented a recommendation from the Planning Commission for approval of the proposed site condominium of Killington Acres located on Killington Drive abutting lots in West Port Plat No. 11. She advised the property is zoned "R-2" Residential and proposed sites are comparable in size to surrounding lots.

She further advised a driveway determination for Unit 1 has been issued by the Kalamazoo County Road Commission; Unit 2 has a driveway permit, the Kalamazoo County Health & Community Services has approved septic systems for the sites and condominium documents have been submitted to the Township for review.

Motion by Borgfjord, second by Rakowski to approve the Killington Acres site condominium. Carried.

SIGN ORDINANCE TEXT AMENDMENTS

Planning Director Stefforia presented a recommendation from the Planning Commission for approval of text amendments to the Sign Ordinance which would include increasing wall height sign from 25 to 30 feet for commercial buildings and establishments. She noted this item was returned to the Planning Commission in March when the proposed change was from 25 feet to 35 feet. Ms. Stefforia also advised the recommendation included modification of the definition of sign area so as not to include the architecture of the building wall behind the sign toward wall sign area when that area is blank. She advised the language “When a sign consists solely of individual letters painted or mounted on a wall, any blank area which is more than 10% of the area of the sign as otherwise computed shall be disregarded.” is proposed to be added at the end of the definition.

Trustee Borgfjord noted the clarification would be helpful to the Zoning Board of Appeals when reviewing sign variance applications.

Motion by Borgfjord, second by Everett to accept the recommendation and set the text amendments for First Reading on September 12th. Carried.

ZONING ENABLING ACT

Planning Director Stefforia presented a recommendation from the Planning Commission for approval of text amendments to the Zoning Ordinance necessary to comply with the new Zoning Enabling Act adopted by the State effective July 1st to replace the Township Zoning Act. She advised the amendments would change references to the former act to the current name throughout the ordinance, establish provisions for Conditional Rezoning, modify criteria of special exception uses to match state law, relocate variance language to Section 80-Zoning Board of Appeals, establish provisions to appoint up to two alternates for the ZBA, and reduce the amount of performance guarantee to 100% of estimated cost.

Motion by Rakowski, second by Borgfjord to accept the recommendation and set the text amendments for First Reading on September 12th. Carried.

SIDEWALK ORDINANCE – SECOND READING

The proposed sidewalk ordinance was before the Board for Second Reading.

Supervisor VanDyke commented he felt some projects such as the proposed bike path on M-43 is an unfair load to the residents who live there and the project should be more of a township wide responsibility.

There was lengthy discussion regarding project cost and maintenance responsibility, separating major through fares from localized use, examining current ordinance requirements and discussing with the Kalamazoo County Road Commission a practice of including wider shoulders when they do any paving projects.

Richard Weddington, 6139 West Main, commented he was encouraged by the discussion and asked consideration be given to asking residents to pay for and maintain a recreational path and questioned if sidewalks on the north side of M-43 and a bike path on the south side would have to be maintained the same in the winter.

Dale Shugars, representing the Home Builders Association commented if a study group were formed his group would be interested in participating, if the character of Oshtemo is to be different flexibility should be considered.

Earnie Best, 951 Oshtemo Trace, commented requirements should depend on what fits the development.

Consensus was the proposed ordinance should move forward; Supervisor VanDyke and Trustee Sikora will study maintenance costs for current pedestrian pathways the Township would be responsible for and another group comprised of Trustee Rakowski, a Planning Commission member and Planning Staff will review current requirements, how they have been applied, and what is needed.

Motion by Sikora, second by Borgfjord to adopt the ordinance. Carried.

Motion by Sikora, second by Borgfjord to adopt a resolution establishing construction standards and maintenance agreement language. Roll call showed Borgfjord-yes, Everett-yes, Rakowski-yes, Sikora-yes, VanDyke-yes.

DDA PROPOSAL

Terry Schley, Chair of the Downtown Development Authority presented a request to contract with McKenna Associates as the consulting firm to work with the DDA and Planning Commission to prepare a Form Based Code to implement the design vision of the Theme Development Plan.

Motion by Borgfjord, second by Everett to approve the contract with McKenna Associates not to exceed \$30,000.

PLANNING DEPARTMENT ADDITIONAL STAFF

Clerk Everett advised the Personnel Committee had met with Planning Director Stefforia to discuss the need for additional staff and were recommending an additional planner position be approved due to the current and future work load of the department.

Motion by Sikora, second by Everett to establish an additional planner position in the Planning Department. Carried.

EMPLOYEE HANDBOOK AMENDMENTS

Attorney Porter presented recommendations from the Personnel Committee to add amendments to the Employee Handbook regarding Unauthorized Release of Information, clarification of employee benefits status if an employee is on disability or using the Family Medical Leave Act, and retiree benefits.

Motion by Everett, second by Rakowski to approve the Employee Handbook amendments. Carried.

NOISE ORDINANCE AMENDMENTS

Ordinance Enforcement Officer Scott Paddock presented proposed amendments to the Township's Noise Ordinance including removal of references to barking dogs, amendments to define hours allowed for construction to occur, race tracks to operate and generators for emergency power.

There was lengthy discussion regarding the barking dog and construction issues. Consensus was to postpone the item for further study.

CONTRACT RENEWALS – BUILDING AND ELECTRICAL INSPECTORS

Supervisor VanDyke advised the current contracts for the Building Inspector and Electrical Inspector were due for renewal and he would recommend both be renewed at a rate of \$38.00 per hour.

Motion by Sikora, second by Everett to renew the contract with Gerald Ritenour for building inspections and Arthur Earl for electrical inspections as recommended. Carried.

SEPTIC SYSTEM – FIRE HOUSE NO. 1 RENOVATION

Engineer Elliott advised three bids had been received for the relocation of the septic system for Fire House No. 1 renovation and recommended accepting the bid from Brigham Excavating LLC in the amount of \$14,498.00.

Motion by Everett, second by Rakowski to accept the bid from Brigham Excavating LLC in the amount of \$14,498.00 for relocation of the septic system for Fire House No. 1. Carried.

OTHER BUSINESS

FIRE DEPT PURCHASE – LAPTOP COMPUTERS

Lt. Chip Everett presented a request from the Fire Department for purchase of three laptop computers to be placed in first responding apparatus and brackets in other apparatus so computers can be transferred if primary apparatus is out of service. He advised the computers will enable personnel to access preplans for structures quickly and enhance the capability to maintain up to date preplans. It was noted other applications can also be utilized such as access to weather information and notification of other personnel and officials when necessary. It was also noted other upgrades such as GPS features could be added in the future. Lt. Everett advised the total cost of the request is \$15,837.00.

Motion by Rakowski, second by Sikora to approve the expenditure in the amount of \$15,837.00. Carried.

KL AVENUE WATER MAIN

Engineer Elliott advised six bids had been received for the installation of water main on KL Avenue from 2nd Street to Almena and recommended accepting the bid from Balkema Excavating, Inc. in the amount of \$123,377.50. In response to Board Members questions, Mr. Elliott advised the work should be completed this season and will assist residents in the exclusion area established by the County for well permits.

Motion by Borgfjord, second by Rakowski to accept the bid from Balkema Excavating Inc in the amount of \$123,377.50 for installation of water main on KL Avenue from 2nd Street to Almena. Carried.

NORTH 6TH STREET WATER – CHANGE ORDER

Engineer Elliott presented a change order in the amount of \$4,493.82 regarding the North 6th Street water main project. He advised the change order includes replacement of concrete curbing that was disturbed during the extension of public water across 6th Street north of M-43 and water pipe anchor couplings that are now part of the City of Kalamazoo's standard specifications for public water main.

Motion by Rakowski, second by Borgfjord to approve the change order in the amount of \$4,493.82. Carried.

HERITAGE PINES BIKE PATH

Planner Bugge advised a request had been received from David DiStefano, developer of the Heritage Pines Plat that the Board consider his request to modify the escrow for the required bike path on Alma Drive. She explained the amount of the required escrow was \$13,925 based on the Township's standard; Mr. DiStefano had provided a bid in the amount of \$9,700 and was requesting this be accepted. Based on past experience Engineer Elliott felt the bid was too low.

Motion by Sikora, second by Borgfjord to accept an escrow in an amount verified as acceptable by the Township Engineer. Carried.

CLEANING/WINDOW/CARPET BIDS

Supervisor VanDyke presented bids received for cleaning of Township buildings, windows and carpeting. Consensus was the cleaning bids were unclear and should be clarified, and bids from Hadaway & Sons for window cleaning at \$6,998.00 per year and Steamatic for carpet cleaning at \$5,275.00 per year were acceptable.

Motion by Sikora, second by Everett to accept the bids from Hadaway & Sons for window cleaning and Steamatic for carpet cleaning as submitted and request clarification on the cleaning bids. Carried.

CITIZEN COMMENTS

Leatrice Swander, 3133 South 6th Street, commented on problems she has experienced with her neighbor regarding noise and trespass. Supervisor VanDyke advised the Township has not been able to verify the noise complaints and the other items of concern should be taken up with the Kalamazoo County Sheriff's Department.

BOARD MEMBER COMMENTS

Clerk Everett advised she had received several comments regarding the height of the speed bumps installed at the Township Hall. Consensus was they should be made lower and signage put in place as soon as possible.

Trustee Rakowski advised the new Drake House gate should be in place on Wednesday, August 24th.

There was no further business and the meeting was adjourned at approximately 10:10 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: John VanDyke
Supervisor
