

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
August 26, 2008

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
Treasurer Nancy Culp
Trustee Dave Bushouse
Trustee James Grace
Trustee Stan Rakowski
Trustee Neil Sikora

Also present was James Porter, Township Attorney, Marc Elliott, Township Engineer, Planning Director Jodi Stefforia, Senior Planner Mary Lynn Bugge and 8 interested people.

Public Comment:

Margery Searl, 5459 West GH Avenue, advised it had been 120 days since she had appeared before the Board to express her concerns regarding the property at the corner of Drake Road and GH Avenue and there has been no improvement in the conditions. Supervisor VanDyke advised he believed Ordinance Enforcement Officer Scott Paddock had been working on the issue but would follow up with him.

Judy Jones, 5580 West GH Avenue, concurred with Ms. Searl's comments.

Julie Phillips introduced himself as a candidate for district court judge.

Dale Shugars and Bernie Main, representing the Kalamazoo Home Builders Association of Greater Kalamazoo encouraged the Board to send a representative to the upcoming International Code Conference to participate in the discussion in the many proposed changes to the building code.

Dale Shugars commented he had worked with Fire Chief Mark Barnes while both were with the City of Portage and applauded the Township in hiring him.

Discussion Item – Master Land Use Plan: Planning Director Stefforia advised that although considered a current document since it has been updated and amended numerous times since adoption in 1993, the Planning Department and Planning Commission feel it is time to prepare a new Master Land Use Plan. She further advised with three planners on staff and recent slowdown in planning and zoning applications, the Planning Department is able to prepare much of the plan such as the early chapters that provide background information, statistics on growth, etc., time consuming but necessary elements of the plan if done in-house can result in significant savings. Ms. Stefforia also advised it would be in the Township's best interest to bring in outside consultants for the visioning and goal setting elements of the plan process, which brings a new perspective to the community and given McKenna Associates familiarity with the Township had asked for a proposal to include a kick-off visioning workshop, mailed opinion survey, public open house to present a final draft plan, associated meetings with staff, Planning Commission, and Township Board and preparation of the master land use plan. She recommended McKenna Associates be hired to perform the work as outlined in the amount of \$37,300 noting that if during the process it is determined other elements should be added the contract could be expanded. She noted it is anticipated the process will take about 12 months but the time frame could be changed for further analysis, community input, etc.

Trustee Sikora questioned if there was need for more outside input; McKenna knows more about the Township than others and also expressed concerns about not taking the project to bid. Clerk Everett commented McKenna's work has been focused primarily on the Village Theme Development Plan and Form Based Code, which encompassed a small portion of the Township. Ms. Stefforia felt bids from other consultants would be higher based on comparisons of other projects McKenna had bid on and that the prior knowledge they do have of the Township combined with the work the Planning Department can provide on the project does contribute to their lower bid.

AT&T Right of Way: Senior Planner Bugge advised staff had been discussing with AT&T regarding acquisition of their property on the north side of Atlantic Avenue for at least two years and it now appears AT&T is willing to deed the property to the Township subject to the Township providing a survey along with payment of \$3,000 to offset costs they have incurred. She noted a utility easement would remain on a portion of the property over approximately the south 16.5 feet. Ms. Bugge noted the property is approximately 1,300 feet long by 100 feet wide and ownership would give the Township the opportunity to consider providing controlled access opportunities to the rear of properties with frontage on Parkview Avenue, possibly allowing properties to be split, provide additional building sites in the village area, constructing a service drive, or might provide additional space should the intersection of Parkview and Atlantic change in the future.

Shared Parking Easement: Senior Planner Bugge advised with the reconfiguration of the Parkview/Stadium intersection, an access easement at 6471 Stadium Drive adjacent to the Community Center expired as the means of access was blocked. She further advised the enhancement project being pursued by the DDA is primarily in the right of way in front of the Community Center with a portion of the project including the establishment of three parking spaces on Township property and extending into the adjacent parcel at 6471 Stadium with the spaces possible for use by both facilities. Ms. Bugge requested the Board authorize the Township Attorney to pursue an easement to allow access to the proposed and existing parking area on the west side of the Community Center.

Drake House Property: Township Attorney Porter advised Kalamazoo College was requesting the Board delay action on the resolution regarding condemnation proceedings for the property needed to retain the Drake House historical driveway.

Motion by Grace, second by Rakowski to postpone Regular Agenda Item #8 and request a meeting with the President and CFO of Kalamazoo College and the Parks Committee, with no offer of mediation, with the understanding the proposed proceedings will continue if the matter is not resolved. Carried.

Fire Department Items: Trustee/Fire Commissioner Grace presented three items regarding the Fire Department.

An emergency repair had been done on Unit #521. Motion by Grace, second by Culp to approve the emergency repair in the amount of \$2,451.00. Carried.

The original proposal for equipping the new Fire Department Yukon vehicles did not include an additional Road Safety package. Trustee Grace noted one department car is being retained for use for the Parking Enforcement Program therefore, the Road Safety unit would be left in it and an additional unit needed for the new vehicle.

Motion by Grace, second by Rakowski to purchase the Road Safety package in the amount of \$3,700 with the cost to be divided between the Township and Fire Department. Carried.

An open house for the new area regional training facility for fire and police will be held on August 28th at 9:30 a.m.

Trustee Sikora encouraged Board members to donate to the fund for supplying donor prizes for the Red Cross Blood Drives held at the Township Hall.

Trustee Bushouse commented the Building & Grounds Committee would be bringing forward a recommendation regarding signage for the meeting room.

The public comment session was adjourned at approximately 6:50 p.m.

Supervisor VanDyke called the regular meeting to order at 7:00 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, Marc Elliott, Township Engineer, Planning Director Jodi Stefforia, Senior Planner Mary Lynn Bugge and 6 interested people.

Motion by Sikora, second by Rakowski to approve the August 12th regular meeting minutes. Carried with Grace abstaining.

Income to the General and Fire Funds of \$75,329.92 and disbursements of \$276,506.93 were reported. Motion by Grace, second by Sikora to accept the receipts and disbursements report. Carried.

CITIZENS COMMENTS

Al Geresy, owner of 10491 West L Avenue, advised he attended the June 10th Township Board meeting to express his concerns regarding a vacant house at 10601 West L Avenue and to date no action has been taken, noting he had been told in the past the house was to be used for Fire Department training. Trustee Grace advised he understood Ordinance Enforcement Officer Paddock was addressing the issue but would follow up with him and Fire Chief Barnes.

MASTER LAND USE PLAN CONSULTANT

As discussed at the public comment session, the recommendation of hiring McKenna Associates to act as consultant for the Master Land Use Plan was before the Board.

Motion by Grace, second by Rakowski to contract with McKenna and Associates in the amount of \$37,300 for the purpose of a new Master Land Use Plan. Carried.

ZONING ORDINANCE TEXT AMENDMENTS – FIRST READING

Planning Director Stefforia presented a recommendation from the Planning Commission to approve various Zoning Ordinance text amendments. She noted they included allowing gas station signs to utilize up to 50% of the permitted sign area to display fuel prices in LED, make a distinction on how sign height is measured for sites that sit higher or lower than the street, adding 11th Street to the list of designated highways which would increase setback requirements, requiring lights on poles less than 15 feet tall to be cut-off style fixtures in nonresidential settings, add a height limit of 5 feet for community event signs, special event signs located on the ground and non-commercial signs, and language for clarification of existing provisions and typographical error corrections.

Motion by Grace, second by Sikora to accept the Zoning Ordinance text amendments for First Reading and set Second Reading for September 9th. Carried.

CHANGE ORDER – ANDOVER SEWER EXTENSION

Engineer Elliott presented a change order request in the amount of \$3,336.00 regarding the Andover sanitary sewer extension project. He advised four items were included; time and work for an unexpected utility conflict, a manhole casting adjustment, increase in sewer depth and video inspection of existing sewer. There was discussion that reimbursement of \$2,850.00 of the change order should be sought from Consumers Energy since the damage was due to the utility lines not being identified.

Motion by Sikora, second by Rakowski to approve the change order and seek reimbursement from Consumers Energy as discussed. Carried.

COOLEY ESTATES SITE CONDOMINIUM EXTENSION REQUEST TENTATIVE APPROVAL OF A SITE CONDOMINIUM – O'PARK

Planning Director Stefforia presented a request from the proprietor of the 4 unit Cooley Estates Site Condominium located on the west side of O'Park Street south of Stadium Drive for a one year extension of Step 1 approval granted August 14, 2007. She advised the applicant has encountered delays, but expects to submit Steps II and III soon.

Ms. Stefforia advised since the original approval, public water has been extended on O'Park Street and vacant Units 1 and 2 will be required to connect to public water, Unit 4 fronting on Stadium Drive and O'Park Street will access public water either via the existing Stadium Drive utility or the O'Park extension and Unit 3 which will contain the existing residence may continue to use the existing well so long as approval is granted by the Health Department.

Ms. Stefforia also advised it had become apparent portions of the existing septic system on Unit 3 extended onto the proposed Unit 4, accordingly, the north property line of Unit 3 has been adjusted with each unit remaining in compliance with dimensional standards.

Motion by Sikora, second by Grace to grant the one year extension to Step 1 approval of the Cooley Estates Site Condominium subject to Units 1, 2, and 4 connecting to public water and pay connection fees as part of the building permit process as well as all previous approval conditions of the Planning Commission and Township Board. Carried.

**OTHER BUSINESS
AT&T RIGHT OF WAY**

As discussed at the public comment session, the opportunity to acquire property from AT&T on the north side of Atlantic Avenue was before the Board. There was discussion that the cost of acquiring the property could be recouped as the properties develop.

Motion by Grace, second by Sikora to provide the survey as requested and expend \$3,000 for acquisition of the AT&T right of way on Atlantic Avenue. Carried.

SHARED PARKING EASEMENT – 6471 STADIUM DRIVE

As discussed at the public comment session, the recommendation to authorize the Township Attorney to pursue an easement to allow access to the proposed and existing parking area on the west side of the Community Center was before the Board.

Motion by Everett, second by Sikora to authorize the Township Attorney to pursue an easement to allow access to the proposed and existing parking area on the west side of the Community Center. Carried.

CLOSED SESSION

Motion by Sikora, second by Rakowski to adjourn to closed session pursuant to a resolution regarding closed session dated August 26, 2008 for the purpose of discussing pending litigation. Roll call showed Sikora-yes, Bushosue-yes, Everett-yes, VanDyke-yes, Culp-yes, Rakowski-yes, Grace-yes.

Motion by Everett, second by Culp to return to open session at approximately 8:00 p.m.

There was no further business and the meeting was adjourned at approximately 8:00 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: John VanDyke
Supervisor