

**THE CHARTER TOWNSHIP OF OSHTEMO**  
**Township Board Meeting**  
**October 23, 2007**

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

**PRESENT:**

Supervisor John VanDyke  
Clerk Deb Everett  
Treasurer Nancy Culp  
Trustee James Grace  
Trustee Stan Rakowski  
Trustee Neil Sikora

Also present was James Porter, Township Attorney, Marc Elliott, Township Engineer, and 3 interested people.

**Public Comment:** None.

**Closed Session:** Motion by VanDyke, second by Everett to adjourn to closed session to discuss opinion of legal counsel. Carried.

Adjourned to closed session at approximately 6:01 p.m.

Motion by Grace, second by Culp to reconvene open session. Carried.

Open meeting reconvened at approximately 6:20 p.m.

Motion by Grace, second by Rakowski to redirect authorized expenditure of \$12,500 previously offered to Alamo Township to assist with legal fees regarding the proposed gravel pit to C-COATS for past legal fees and current appeal. Carried.

**Board member comments:** Trustee Grace commented when inquiring about a newspaper clipping in his mailbox regarding lower of the flag for military personnel he was advised by an employee their concern the flag at the Township Hall was not being lowered when needed. Trustee Sikora commented he had also received the copy of the clipping but had no idea what it was about. It was noted by other board members that when receiving information from other board members or staff, the sender should identify themselves and include a memo of explanation.

Trustee Grace advised the next Fire Department Study Committee meeting is scheduled for October 30<sup>th</sup> at 6:00 p.m. at Fire House No. 2.

Trustee Sikora reviewed his comments and questions regarding the proposed position descriptions.

The public comment session was adjourned at approximately 6:55 p.m.

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

Also present was James Porter, Township Attorney, Marc Elliott, Township Engineer, Senior Planner Mary Lynn Bugge, Interim Fire Chief Paul Karnemaat, Ordinance Enforcement Officer Scott Paddock and 8 interested people.

Motion by Grace, second by Sikora to approve the October 9<sup>th</sup> regular meeting minutes. Carried.

Income to the General and Fire Funds of \$38,457.18 and disbursements of \$307,728.65 were reported. Motion by Grace, second by Sikora to accept the receipts and disbursements report. Carried.

**CITIZENS COMMENTS**

Tim Mallett, 6404 West H Avenue, thanked the Board for their stand on the gravel pit and truck route ordinance issues.

#### **REQUEST FOR LIQUOR LICENSE – LAWTON RIDGE WINERY**

A request for approval of a resolution to grant a small wine maker license to Lawton Ridge Winery to be located at 8456 Stadium Drive was before the Board. Richard Haltom, owner was present and advised the winery would utilize the existing building with minor modifications, produce approximately 1,000 cases per year, production and storage would occupy approximately 4,050 square feet and a tasting room of 660 square feet is proposed; tasting room hours would be noon to 6:00 p.m. on Friday and Saturday and noon to 5:00 p.m. on Sunday. He further advised production would not begin until next year.

Motion by Grace, second by Culp to adopt the resolution recommending approval of the small wine maker license to Lawton Ridge Winery. Roll call showed Culp-yes, Everett-yes, Grace-yes, Rakowski-yes, Sikora-yes, VanDyke-yes.

#### **REQUEST FOR PILOT – CROYDEN COMMONS**

A request from Forsite Properties for a Payment in Lieu of Taxes (PILOT) for a proposed senior housing development on Croyden Avenue, west of Drake Road was before the Board. It was noted instead of paying property taxes, a PILOT permits a percentage of net rent income be paid, special assessments cannot be applied, the current ordinance is set at 10% and permits a PILOT be granted only for low income senior housing. There was lengthy discussion and Board member comments recognizing the need for senior housing and that such developments are good neighbors. There was also discussion regarding the services provided but not funded, particularly Fire Department EMS services. Consensus was the program needs to be addressed through State legislation that would address these issues.

Stanley Palmer, representing the developer for the proposed site was present, advised the proposed development would have 72 units with approximately 7 leased at market rate and the balance rented based on income. He also provided information regarding their tenant selection and rent calculation methods and indicated he felt the development would be able to pay a fee for EMS services.

Motion by Grace, second by Sikora to deny the application while studying the matter further regarding the offer of the developer to pay a fee for services and addressing the concerns discussed to the Township's State legislators. Carried.

#### **REZONING REQUEST – SECTION 30**

A recommendation from the Planning Commission to approve a request to rezone 2559 South Van Kal Street and two adjacent vacant properties located on the east side of VanKal between "M" and "L" Avenues from "AG" Agricultural to "RR" Rural Residential was before the Board for Second Reading.

Motion by Grace, second by Rakowski to approve the rezoning request. Carried.

#### **FENCE ORDINANCE**

A recommendation from the Planning Commission to adopt proposed text amendments to Sections 11 and 78 of the Zoning Ordinance regarding fences; the intent being to provide reasonable parameters for the installation of fences was before the Board for Second Reading.

Clerk Everett presented a letter from Chad Hughson, 18 North VanKal Street, who commented that while in favor of an ordinance to eliminate enormously tall spite fences or those that can pose a danger, he was against what he felt was the restrictive nature of the proposed language. He further commented a six foot standard is outdated, and not tall enough for large parcels or hilly terrain. He also had objection to the 4 foot front yard restriction. It was noted the four foot restriction applies only to the setback area, not the entire front yard.

Motion by Rakowski, second by Sikora to adopt the fence ordinance. Carried.

#### **TEXT AMENDMENTS – TRUCK ROUTE ORDINANCE**

Attorney Porter presented proposed text amendments to the Truck Route Ordinance clarifying definitions of trailer and truck, adding Ravine Road from Drake Road to the north Township line and N Avenue from 11<sup>th</sup> Street to 9<sup>th</sup> Street as designated truck routes, increased carrying capacity to five tons for trucks on roads not designated as a truck route, and deleted the term pick up in Section IX describing services.

Motion by Grace, second by Rakowski, to accept the proposed text amendments for First Reading and set Second Reading for November 13<sup>th</sup>. Carried.

### **ELECTRICAL INSPECTOR CONTRACT**

A proposed three year contract for Art Earl to continue as the contracted electrical inspector was before the Board. Hourly rate for inspections and office time for the balance of 2007 and 2008 would be \$40.25, \$42.75 for 2009, and \$45.50 for 2010. Plan review fees would be 25% of the building code review fee, and plan reviews, inspections and test observations related to fire suppression systems would be at \$50.00 per hour.

Motion by Grace, second by Sikora to approve the three year contract. Carried.

### **AMEND BUILDING PERMIT FEE SCHEDULE FOR REMODEL PROJECTS**

Attorney Porter advised a mathematical error had been discovered in the formula for calculating building permit fees for residential remodel projects.

Motion by Everett, second by Sikora to adopt a resolution adopting the building permit fee schedule for residential remodel projects. Roll call showed Everett-yes, Grace-yes, Rakowski-yes, Sikora-yes, VanDyke-yes, Culp-yes.

### **PARKING ENFORCEMENT PROGRAM**

Clerk Everett advised the changes discussed at the last meeting had been incorporated into the Parking Enforcement Program and Parking Enforcement Officer (PEO) guidelines.

Interim Chief Karnemaat had questions concerning the language regarding fire lanes. He also discouraged allowing the PEO's discretion regarding voiding a ticket.

Trustee Sikora commented discretion should be allowed; Clerk Everett commented training will be key and provided by Attorney Porter.

Motion by Grace, second by Rakowski to approve the program and officer guidelines subject to final review by the Township Attorney. Carried.

### **FIRE DEPARTMENT TRAINING PROGRAM**

Interim Chief Karnemaat presented a request for purchase of an on line Fire Department training program. He noted the program offers over 450 fire and EMS programs, is available on the internet, each programs takes 30 minutes to one hour to complete and provides cognitive knowledge for each topic with a video test administered on line; firefighters would be able to gain the textbook knowledge through the program and apply it during the practical hands on training sessions. He further advised the program can be monitored for compliance. The cost of the training program would be \$1900 for 2008 with credit given for canceling a current subscription to another service, and a fee of \$2500 each year for 2009 and 2010. Interim Chief Karnemaat also commented a process for addressing non compliance for training requirements is being formulated.

Motion by Rakowski, second by Grace to approve the expenditure for the training program. Carried.

### **TEXT AMENDMENTS – OPEN BURNING ORDINANCE**

Ordinance Enforcement Officer Paddock presented proposed text amendments to the Open Burning Ordinance to prohibit burning of any materials on any paved or improved public or private street, language to address burning of building materials as it relates to the Dangerous Building Ordinance, and language addressing outdoor fireplaces.

Motion by Grace, second by Rakowski to accept the proposed text amendments for First Reading and set Second Reading for November 13<sup>th</sup>. Carried.

### **TEXT AMENDMENTS – PARK ORDINANCE**

Trustee Sikora presented a recommendation from the Parks Committee for a text amendment to the Parks Ordinance to address large gatherings. Proposed language would define all gatherings on Township park property as an outdoor assembly to which Ordinance No. 70, the Outdoor Assembly Ordinance would apply requiring application and licensure by the Parks Committee.

Motion by Sikora, second by Grace to accept the proposed text amendments for First Reading and set Second Reading for November 13<sup>th</sup>. Carried.

### **TOWNSHIP POSITION DESCRIPTIONS**

Township position descriptions had been reviewed by the Personnel Committee and were before the Board for consideration. Clarifications and corrections as discussed at the previous board session were noted.

Motion by Grace, second by Sikora to accept the position descriptions as presented with suggested clarifications and corrections. Carried.

### **OTHER BUSINESS BOARD APPOINTMENTS**

Trustee Sikora presented appointment recommendations from the Board Appointment Committee:

**Planning Commission** – Kitty Gelling, 7060 Hawthorn Valley, currently finishing a partial term, appoint to first full term, expires 12/31/2010.

**ZBA** – Roger Taylor, 7684 West Main, currently finishing a partial term, appoint to first full term, expires 12/31/2010.

Grace Borgfjord, 9802 Sunnywood, currently finishing a partial term, appoint to first full term, expires 12/31/2010.

**Building/Fire Code Board of Appeals** – Steve Visser, 6317 Sanfield Lane, appoint to second term, expiring 12/31/2010.

**DDA** – Tom Brodasky, 6392 Buckham Woods, appoint to second term, expires 12/31/2011.

Dana Slocum, 2970 South 9<sup>th</sup> Street, appoint to second term, expires 12/31/2011.

Ron Zuiderveen, 5464 Holiday Terrace, appoint to second term, expires 12/31/2011.

Also, Township Board minutes of 10/24/2006 indicated terms of Jay Brown, Mike Lutke, and Leo Zaroni expire on 12/31/2009; correction to reflect 12/31/2010 is needed.

Motion by Culp, second by Grace to approve the appointments as recommended and correct the minutes of October 24, 2006. Carried.

### **ROOF REPAIR – FIRE HOUSE NO. 3**

Clerk Everett advised four bids had been received for repair of the roof at Fire House No. 3. She advised in reviewing the bids, Dan Smith, Township Maintenance recommended Hippensteel Construction's bid for the 30 year shingle.

Motion by Sikora, second by Rakowski to accept the bid from Hippensteel Construction in the amount of \$5,200 plus \$25.00 per sheet for plywood to be replaced.

### **FIRE DEPARTMENT VEHICLE REPAIR**

Interim Chief Karnemaat advised the radiator in Engine 521 required repair; he presented an estimate for a re-core in the amount of \$5,980 with a one year warranty. He advised cost for a new radiator would be approximately \$9,000.

Motion by Culp, second by Grace to approve the expenditure in the amount of \$5,980 for the repair. Carried.

### **BOARD MEMBER COMMENTS**

Supervisor VanDyke commented his comments regarding the truck route ordinance as reported in the Kalamazoo Gazette were taken wrong indicating the Township considered the ordinance specifically for the proposed gravel pit, the Township is 36 square miles and the ordinance was never intended to be directed at one entity. He also commented in the future he will respond only to written questions and expect his answers to be printed in full or not at all.

Trustee Rakowski noted a 17.5% increase in health insurance premiums is projected for 2008.

Trustee Sikora commented he attended the Eagle Scout Court of Honor for Mike Horvath whose project was to map the disc golf course and trails in the Township Park. He noted there will be an opportunity for future Eagle Scout projects such as identifying vegetation along the trails.

Mr. Sikora also commented he would find having the author's name on the Planning Department reports helpful.

Trustee Sikora asked the Board to consider if the name of the Parks Committee should be changed to Parks and Recreation Committee to better reflect their function.

Mr. Sikora commented the Parks Committee would appreciate hearing about proposed projects adjoining any Township owned property when the Township becomes aware of them, i.e., the proposed Croyden Commons project heard earlier.

There was no further business and the meeting was adjourned at approximately 9:10 p.m.

**DEBORAH L. EVERETT**  
Township Clerk

**Attested: John VanDyke**  
Supervisor