

**THE CHARTER TOWNSHIP OF OSHTEMO**  
**Township Board Meeting**  
**December 11, 2012**

Township Board work session 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 Nancy Carr  
Trustee Dusty Farmer  
Trustee Lee Larson

Also present were Township Attorney James Porter, Planning Director Greg Milliken and 5 interested people.

**Discussion – Atlantic Avenue Easement** – Planning Director Milliken reviewed the previous discussions and information regarding options for the former AT&T right of way on Atlantic Avenue east of 9th Street. Attorney Porter reviewed a draft policy regarding future use of the easement that would accommodate current and future requests by those properties that might wish to access Atlantic Avenue through it. Attorney Porter will bring a second draft back for Board review.

**Consumers Sunburst Run – Request for Road Closing** – Supervisor Heiny-Cogswell presented a request from the Consumers Sunburst Run Committee to close portions of 10<sup>th</sup> Street and H Avenue on April 20, 2013; the request would need approval of the Kalamazoo County Road Commission as well.

Motion by Farmer, second by Everett to approve the request with the understanding the Run Committee will notify property owners affected by the closure. Carried.

**Updates**

Supervisor Heiny-Cogswell advised she has been in discussion with Peoples Church for a sanitary sewer pump station easement.

Supervisor Heiny-Cogswell advised the Township has been recommended to receive a \$300,000 Michigan Natural Resources Trust Fund grant for Phase 1 Flesher Field improvements.

Clerk Everett advised she has been attending meetings of the Kalamazoo County Transportation Authority; they will have a millage renewal question on the May, 2013 ballot.

Supervisor Heiny-Cogswell and Planning Director Milliken provided information regarding the 2014 MDOT Stadium Drive bridge replacement project.

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

Supervisor Heiny-Cogswell called the regular meeting to order at approximately 7:00 p.m.

**PRESENT:**  
Supervisor Libby Heiny-Cogswell  
Clerk Deb Everett  
Treasurer Nancy Culp  
Trustee Nancy Carr  
Trustee Dusty Farmer  
Trustee Lee Larson

Also present were Township Attorney James Porter, Planning Director Greg Milliken, Assessor Cathy Harrell, Assistant Fire Chief Jim Wiley, and 11 interested people.

Motion by Culp, second by Larson to approve the December 3<sup>rd</sup> special meeting minutes. Carried.

Income to the General, Building, Fire, and Sewer & Water Funds of \$47,063.61 and disbursements of \$225,768.25 were reported. Motion by Larson, second by Culp to accept the receipts and disbursements report. Carried.

**CITIZENS COMMENTS ON NON-AGENDA ITEMS**

None.

### **TRUSTEE RESIGNATION & APPOINTMENT PROCESS**

Supervisor Heiny-Cogswell advised a letter of resignation was received from Trustee-Elect Coleman Lutz. Motion by Everett, second by Farmer to accept the letter of resignation. Carried.

Supervisor Heiny-Cogswell reviewed options available to the Board to fill the vacancy; appoint immediately, use an application/interview process, or not fill the vacancy and hold a special election. She advised an appointed trustee would fill the vacancy until the next general election in 2014.

Clerk Everett commented she felt with the election just a month past, it made sense to appoint the next highest vote getter, which was Dave Bushouse. Trustees Farmer and Larson, Supervisor Heiny-Cogswell, and Treasurer Culp concurred. Trustee Carr commented she felt it might be nice to have someone new.

Motion by Everett, second by Farmer to appoint Dave Bushouse to fill the Trustee vacancy. Carried. Trustee Bushouse was sworn in and seated at the dias.

### **PARK ORDINANCE AMENDMENTS – FIRST READING**

A recommendation from the Park Committee to amend the Parks Ordinance was before the Board for First Reading. The proposed changes would amend the park rules to add no smoking on park property, no discharge of fire arms, no fires except in grills, require pet clean up, make parks available on a first come, first served basis except the large pavilion at the Township Park which can be reserved, change park hours to sunrise to half an hour after sunset, prohibit motor vehicles outside parking lots without prior approval, prohibit damage or removal of trees or vegetation, provide that pedestrians have the right of way on paths, prohibit disturbing the peace and quiet of others, require gatherings of 200 or more to provide notice to the Township Office, provide that the Park Committee may adopt policies to facilitate the use of the parks, and require rules be posted at the Township Park and Flesher Field.

Motion by Everett, second by Larson to accept the ordinance amendments for First Reading and set Second Reading for January 8, 2013. Carried.

### **2013 WATER SERVICE CONNECTION CONTRACTOR**

Supervisor Heiny-Cogswell advised the proposed 2013 contract with Scott W. Taylor Excavating for water service connections is proposed at the same rate as the last three years, \$1450 per parcel.

Motion by Larson, second by Culp to adopt a resolution establishing the water service connection fee for 2013 at \$1,450 and Scott W. Taylor Excavating as the contractor. Roll call showed Farmer-yes, Larson-yes, Everett-yes, Culp-yes, Carr-yes, Bushouse-yes, Heiny-Cogswell-yes.

### **FIRE PREVENTION CODE UPDATE – FIRST READING**

An ordinance to adopt the National Fire Protection Association (NFPA 1) Fire Code 2012 Edition was before the Board for First Reading.

Trustee Larson inquired why the NFPA was being recommended as the State of Michigan does not enforce it, and the International Fire Code is referenced in the State Construction Code.

Assistant Fire Chief Jim Wiley advised the codes are similar, the Township has been enforcing the 2003 NFPA and other municipalities have adopted it.

After discussion, Clerk Everett suggested moving the item forward and ask the Fire Department to provide more information regarding the two codes.

Motion by Everett, second by Farmer to accept the ordinance for First Reading and set Second Reading for January 8<sup>th</sup> subject to more information being provided. Carried.

### **SIGN ORDINANCE AMENDMENTS – FIRST READING**

Planning Director Milliken presented a recommendation from the Planning Commission to approve amendments to the Sign Ordinance regarding electronic billboards as currently there are no standards in the ordinance. The amendments include adding a definition for electronic billboard, require electronic billboards meet the same requirements as a traditional billboard, must be static or still images-no animation, image can change at a frequency no greater than once every eight seconds, transition between images must be instant without effects, must have a light monitor to adjust brightness automatically based on ambient light levels, sequential messaging is prohibited, lines and graphics must be at least 12 inches in height, machines must be equipped to freeze and discontinue if they malfunction, the owner shall coordinate with local authorities to display emergency information when appropriate, the brightness level is allowed at 0.3 foot candles above ambient light levels at 150 feet from the screen, in exchange for allowing the replacement of a current standard billboard with an electronic billboard, two other standard billboards must be removed; one may be the one being replaced by the electronic billboard, and changes would require a permit and applicable fees.

Motion by Everett, second by Farmer to accept the ordinance amendments for First Reading and set Second Reading for January 8<sup>th</sup>. Carried.

### **ZONING ORDINANCE AMENDMENTS – MICROBREWRIES – FIRST READING**

Planning Director Milliken presented a recommendation from the Planning Commission to approve amendments to the Zoning Ordinance regarding microbreweries and other similar uses as currently there is no language addressing these uses. The amendments include adding brewpub, craft food and beverage production facility, microbrewery, wine tasting room, and winery with all being special exception uses in the C-Commercial, C-R-Commercial Restricted, and VC-Village Commercial districts, wineries and craft food and beverage production facilities would be permitted uses in the IR-Industrial Restricted district, and amend parking requirements to reference these uses. He also noted an amendment to the Township Liquor Control Ordinance will be necessary to allow these uses.

Motion by Culp, second by Heiny-Cogswell to accept the ordinance amendments for First Reading and set Second Reading for January 8<sup>th</sup>. Carried.

### **NON-MOTORIZED PLAN UPDATE**

Planning Director Milliken advised the non-motorized plan for the Township has been updated, the existing non-motorized plan is included in the Master Land Use Plan, which will need to be amended; in the interim in order to give the updated plan authority, a resolution was presented to and approved by the Planning Commission and now is before the Township Board.

Motion by Everett, second by Larson to adopt a resolution approving the 2012 Non-Motorized Plan Update. Roll call showed Bushouse-yes, Carr-yes, Culp-yes, Everett-yes, Larson-yes, Farmer-yes, Heiny-Cogswell-yes.

### **KALAMAZOO AREA BUILDING AUTHORITY (KABA) – 2013 BUDGET**

Ed Hellwege, KABA Director, presented for the Board's review the proposed 2013 KABA budget. He noted revisions made since the December 3<sup>rd</sup> review. In response to Board member questions, Trustee Larson and Director Hellwege advised other units who wish to join will pay an admission fee.

Motion by Everett, second by Culp to approve the 2013 KABA budget as presented. Carried.

### **LOT SPLIT – ESSEX HILLS**

A request was before the Board for approval of a lot split in the Essex Hills Plat which would add approximately 35 feet to Lot 1 on the north side and reduce Lot 2 by the same on the south; all dimensional requirements would be met for both lots.

Trustee Bushouse advised he would abstain from this item as his wife owns one of the lots.

Motion by Culp, second by Everett to approve the lot split as requested. Carried with Trustee Bushouse abstaining.

### **INDUSTRIAL FACILITIES TAX (IFT) EXEMPTION REQUEST – T-SHIRTS PLUS**

An application from T Shirts Plus, located at 8608 West Main, for an IFT for a new building valued at \$365,000 was before the Board. It was noted the Board approved establishing an Industrial Development District at their December 3<sup>rd</sup> meeting. Assessor Harrell advised approval at the local level is required with final approval by the State Tax Commission, the applicant is asking for 50% abatement of real property taxes for 12 years, an abatement for personal property is not requested.

Motion by Larson, second by Farmer to adopt a resolution approving the requested tax abatement. Roll call showed Farmer-yes, Larson-yes, Everett-yes, Culp-yes, Carr-yes, Bushouse-yes, Heiny-Cogswell-yes.

### **PROPERTY & LIABILITY INSURANCE – 2013**

Supervisor Heiny-Cogswell presented a recommendation to accept the proposal from the Ted Hartleb Agency for the Township's Property and Liability Insurance for 2013. She noted Agent Geoff Lansky had met with new Trustees Carr and Farmer for review of the policies.

Motion by Everett, second by Culp to accept the proposal from the Ted Hartleb Agency as presented. Carried.

### **DDA TRAFFIC STUDY**

Planning Director Milliken advised the Downtown Development Authority (DDA) has entered into an agreement with the Kalamazoo Area Transportation Study (KATS) to conduct a traffic and circulation study of the DDA area located at the 9<sup>th</sup> Street/Stadium Drive intersection; they hope to have the study completed in spring, 2013. He further advised the DDA is providing the initial funding of \$20,000 and will be reimbursed by KATS via federal road funds as the project is completed. He noted this item was in the approved 2012 DDA budget.

### **HOUSEHOLD HAZARDOUS WASTE AGREEMENT – 2013**

The agreement for 2013 with the Kalamazoo County Household Hazardous Waste Center was before the Board for consideration.

Motion by Culp, second by Larson to fund the program in the amount of \$12,000 for 2013.

### **DATA BACK UP SYSTEM**

Treasurer Culp advised the Township's current data backup system is not large enough, has experienced some failures and requested approval of an expenditure in the amount of \$11,750 for a new backup system. She noted the expense would be shared 50% General Fund and 50% Fire Department Fund.

Motion by Culp, second by Everett to approve the expenditure of \$11,750 for the backup system, 50% from General Fund and 50% from Fire Department Fund. Carried.

### **FIELD TABLET PURCHASE – ORDINANCE ENFORCEMENT**

Treasurer Culp presented a request for approval of an expenditure in the amount of \$3,200 for the purchase of a field tablet for the Ordinance Enforcement Officer.

Motion by Larson, second by Culp to approve the expenditure in the amount of \$3,200. Carried.

### **SUB DIVISION/SITE CONDOMINIUM ORDINANCE AMENDMENTS – FIRST READING**

Planning Director Milliken presented a recommendation from the Planning Commission to amend the Sub Division/Site Condominium Ordinance to add language requiring a landscape plan for First Reading. He noted this is in regard to the recent amendments adopted to the Landscaping Ordinance requiring street trees in new developments.

In response to a question from Trustee Carr, Mr. Milliken advised there would be some increased cost in requiring the trees; Attorney Porter noted input from developers was taken when considering the language and the trees would be added after homes are constructed.

Motion by Culp, second by Farmer to accept the ordinance amendment for First Reading and set Second Reading for January 8<sup>th</sup>. Carried.

### **2012 BUDGET ADJUSTMENTS**

Adjustments to the 2012 budget prepared by Clerk Everett were presented and reviewed.

Motion by Heiny-Cogswell, second by Culp to approve the 2012 budget adjustments. Carried.

### **2013 TOWNSHIP BOARD MEETING DATES**

A schedule of meeting dates was before the Board for consideration.

5:00 p.m. work session and 7:00 p.m. regular meeting the 2<sup>nd</sup> Tuesday of each month.

6:00 p.m. public comment session and 7:00 p.m. regular meeting the 4<sup>th</sup> Tuesday of each even numbered month except December. Budget workshops will be held on August 27<sup>th</sup>, September 10<sup>th</sup>, and September 24<sup>th</sup>.

Joint meetings with the Planning Commission and Zoning Board of Appeals will be held February 19<sup>th</sup>, May 21<sup>st</sup>, and September 17<sup>th</sup>.

Motion by Everett, second by Larson to approve the schedule of meeting dates. Carried.

### **BOARD/COMMITTEE APPOINTMENTS**

Supervisor Heiny-Cogswell advised she would like to table the Board member appointments to the various boards and committees to the January 8<sup>th</sup> meeting but proceed with appointment of citizens.

**Board of Review** – Reappoint Marvin Block, Fred Gould, and Marcia Husted each to a 2 year term expiring 12.31.2014 and reappoint Neil Sikora as 1<sup>st</sup> alternate and Adelsteinn Olafsson as 2<sup>nd</sup> Alternate each to a 2 year term expiring 12.31.2014.

**Planning Commission** – Appoint Terry Schley and Fred Antosz each to a first 3 year term expiring 12.31.2015.

**Zoning Board of Appeals** – Reappoint Mike Smith to a second 3 year term expiring 12.31.2015, reappoint Neil Sikora and Jim Sterenberg as Alternates each to a second 3 year term expiring 12.31.2015.

**Downtown Development Authority Board** – Reappoint Terry Schley, Glenn Steeg, and Chip Everett each to a second 4 year term expiring 12.31.2016. Appoint Maria Dacoba to a first 3 year term expiring 12.31.2015.

**Friends of the Parks** – Reappoint Grace Borgfjord, Carol VanAntwerp, Carol Ladd, Jeff Parsons and Peggy Warlick each to a second 2 year term expiring 12.31.2014.

**Buildings & Grounds Committee** – Appoint Carl Benson as citizen representative.

**Police Committee** – Appoint Jack Shepperly and Scott Ernstes as citizen representatives.

Motion by Everett, second by Farmer to approve the citizen appointments as presented and table the Board member appointments to the January 8<sup>th</sup> meeting. Carried.

#### **DEFERRED COMPENSATION PLAN AMENDMENT**

Attorney Porter advised an amendment to the Township's 457(b) deferred compensation plan is required for IRS compliance with of the Worker, Retiree and Employer Recovery Act.

Motion by Heiny-Cogswell, second by Culp to approve the amendment as required. Carried.

#### **RETIREMENT PLAN AMENDMENT**

A recommendation from the Human Resources Committee to establish an allocation period of January 1<sup>st</sup> through November 20<sup>th</sup> of each year for the Township Retirement Plan was before the Board for consideration. It was noted this schedule would allow full time elected officials the same opportunity for participation in the plan.

Motion by Heiny-Cogswell, second by Everett to adopt a resolution to amend the allocation period of the Township's 401(a) plan to January 1 through November 20. Roll call showed Bushouse-yes, Carr-yes, Culp-yes, Everett-yes, Larson-yes, Farmer-yes, Heiny-Cogswell-yes.

#### **EMPLOYEE HANDBOOK AMENDMENT**

Amendments to Employee Handbook Section 9.4 to revise language regarding eligibility for insurance benefits to full time employees and that the employee share of the premium is 20% were before the Board for consideration.

Motion by Culp, second by Farmer to approve the Employee Handbook amendments. Carried.

#### **BOARD MEMBER COMMENTS**

Trustee Bushouse thanked the Board for appointing him.

Supervisor Heiny-Cogswell advised the Township has been recommended to receive the \$300,000 Michigan Natural Resources Trust Fund Grant for Phase I Flesher Field improvements.

There was no further business and the meeting was adjourned at approximately 9:05 p.m.

**DEBORAH L. EVERETT**  
Township Clerk

**Attested: LIBBY HEINY-COGSWELL**  
Supervisor