

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
August 13, 2013

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 Dave Bushouse
Trustee Nancy Carr
Trustee Dusty Farmer
Trustee Lee Larson

Also present were Township Attorney James Porter, Township Engineer Marc Elliott, and 11 interested people.

Public Comment – Residents of Driftwood Avenue advised they will be submitting a petition to the Kalamazoo County Road Commission requesting they address issues of speeding traffic.

Kalamazoo County Commissioner Report – Commissioner Brandt Iden provided an update on recent County activity.

Kalamazoo County Sheriff's Department – Sgt. Todd Meyers provided an update on recent activity in the Township.

2014 Budget Revenue Forecast – Supervisor Heiny-Cogswell provided past and present revenue information in preparation for discussion of the 2014 budget.

The Board work session adjourned at approximately 6:15 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 Dave Bushouse
Trustee Nancy Carr
Trustee Dusty Farmer
Trustee Lee Larson

Also present were Township Attorney James Porter, Township Engineer Marc Elliott, Fire Chief Mark Barnes, and approximately 110 interested people.

CONSENT AGENDA

Minutes of the July 9th regular meeting.

Receipts & Disbursements Report. Motion by Larson, second by Farmer to approve the consent agenda. Carried.

CITIZENS COMMENTS ON NON-AGENDA ITEMS

Mark Barnes representing Oshtemo Rotary invited all to the 16th Annual Oshtemo Fun Day to be held at Flesher Field on August 17th.

Jack Kuipers, representing N.I.C.E. thanked the Board for their support in the ongoing issues with ITC.

EMPLOYEE SERVICE RECOGNITIONS

The following employees were recognized for their years of service:

Fire Dept. Captain Rick Everett – 30 years
Fire Dept. Driver/Operator Tom Molenaar – 30 years
Deputy Clerk DeAnna Janssen – 15 years
Fire Dept. Driver/Operator Dan Smith – 10 years
Fire Chief Mark Barnes – 5 years
Fire Dept. Driver/Operator Robert Flahive - 5 years
Fire Dept. Driver/Operator Joe Keck – 5 years
Firefighter Pete Nave – 5 years
Firefighter David Thalmann – 5 years

**WEST PORT VILLAGE
STORMWATER AREA AMENDMENTS**

A request from Visser Construction, developer of West Port Village Site Condominium, to amend the site plan to adjust the stormwater management between West Port Drive and Stone Valley Lane, by removing the stormwater area located between units 69 and 70 and replace it with a similar sized area between units 61 and 62 was before the Board. It was noted these units are currently vacant, the resulting adjustment would not create any nonconformities, and the Township Engineer has reviewed and finds the request acceptable.

Motion by Larson, second by Farmer to approve the amendment to the site plan as proposed. Carried.

POLICE SPECIAL ASSESSMENT DISTRICT 2003-1 EXPANSION

Supervisor Heiny-Cogswell reviewed the work of the Police Ad-Hoc Committee convened in January, 2012 to study police protection needs for the Township. She noted they looked at the number of calls for service in the Township, data concerning crime statistics of the Township, growth projections, comparisons of other comparable communities, and determined a need for more officers than currently contracted. She also noted while the need has increased, the cost of contracting for officers has also risen with the Township cost being 100% of the officers' salary/benefits. Ms. Heiny-Cogswell also reviewed the current police special assessment districts, noting the commercial and multi-family properties currently part of the 2009-1 district are assessed at .5 mills while the commercial and multi-family properties in the 2003-1 district are assessed at 2.5 mills. She noted that through several discussions of the Township Board consensus had been reached that the 2003-1 district should be expanded to include the commercial and multi-family properties in the 2009-1 district and any adjustment in the rate would come during budget discussions in the next few months.

Malcolm Blair, citizen member of the Police Ad-Hoc Committee, commented he worked on the sub-committee to determine the level of service needed and their conclusion after looking at the data was 12.5 officers are needed.

Themis Corakis, 6416 Stadium Drive, commented his business would be added to the expanded district, there is a need for more police protection but he felt the assessment should be all businesses or Township wide.

Robin Pompey, representing the Greater Kalamazoo Association of Realtors, commented businesses are being asked to pay more, all receive services, put it to a vote, based on research there is a need but it should be equitable.

Randy St. John, Spine Physical Therapy, 7125 Stadium Drive, commented there is inequity, the 2.5 rate is okay but a possible 5.5 is more than 10 times, as a small company is willing to do their share but everyone should be paying.

Ken Karakula, Springwood Hills resident, commented with an increase in the tax base with more building and residents the burden should not be on businesses, residents should pay too.

Fire Chief Barnes commented in his role as Fire Chief he sees a need for more law enforcement, there are scenes the Fire Department cannot proceed into without police back up, more presence would force crime out of the Township.

Keith Bearup, member of the ad-hoc committee, commented while this discussion is relevant to businesses, he's glad to hear residents willing to pay; the larger issues are still ahead.

Trustee Farmer commented she supports the expansion and appreciates the businesses that came forward; she would consider exemption for businesses of a certain size, the concentrated areas need more protection.

Trustee Carr commented there are areas of concentrated crime, there are not just seven officers, the Township has access to the county officers; she is not totally in favor of an increase in the rate, not sure more than seven officers are needed; keep assessment where crime is concentrated and she understands the concern of equity.

Trustee Bushouse commented the special assessment rate of 2.5 mills set for the Fire Department over 30 years ago has provided for one of the best Fire Departments in the area, there has been a reduction in the tax base through commercial tax appeals, all property owners need to step up and pay a fair share.

Trustee Larson commented there is a need to address the shortfall in revenue, he supports the idea to expand the district; it reflects the calls for service.

Clerk Everett commented she would like to see the same level of service as the Fire Department provides and will support moving the proposal forward.

Supervisor Heiny-Cogswell commented there is a need for more officers; the rates will be explored during the upcoming budget process.

Trustee Culp commented the ad-hoc committee has done a good job and she supports moving forward with the expanded area.

Motion by Larson, second by Culp to adopt the resolution of intent to expand the 2003-1 police special assessment district to include those commercial and multi-family properties now part of the 2009-1 district. Roll call showed Farmer-yes, Larson-yes, Everett-yes, Culp-yes, Carr-yes, Bushouse-yes, Heiny-Cogswell-yes.

COMMUNITY SURVEY

Clerk Everett advised she has been working with Comstock, Kalamazoo and Texas Townships to formulate a community survey for each Township, the survey would be sent to 1,500 randomly selected residents to obtain statistically accurate data and also made available for others who might wish to participate. She further advised due to the joint effort the cost of the survey preparation and data analysis would be shared, the cost to each unit being \$1,240.25 plus mailing which would be approximately \$3,500, including postage for a reply envelope and follow up mailing to those not responding.

Motion by Larson, second by Culp to approve an expenditure up to \$5,000 and amend the budget accordingly for the community survey. Carried.

NON-DISCRIMINATION ORDINANCE – FIRST READING

Supervisor Heiny-Cogswell advised the issue of a non-discrimination ordinance was brought to the Board in a letter from Kalamazoo 10 Theater; subsequent discussion led the Board to ask the Township Attorney to review the recent ordinance adopted by Kalamazoo Township. A proposed ordinance was now before the Board for First Reading.

Scott Zondervan, CFO of Park Village Pines, commented he has up to 200 employees and cares for over 200 senior residents, gender identity aspect of the ordinance is troubling employers, why do they have to follow what Kalamazoo 10 wants in their own policy, the ordinance takes the freedom of choice from employers to set dress codes and standards of conduct and behavior; the ordinance goes against state and federal regulations, if Kalamazoo 10 thinks this issue is important let them do a petition drive to put the question on a ballot; he urged the Board not to take away freedom from employers.

Meg Bauer, Community Engagement Coordinator of Gay & Lesbian Resource Center, thanked the public for being in attendance and thanked the Board for creating a safe community that represents the best interest of the Township and urged their support.

Len Biro, commented he is a 44 year resident, there are regulations at the state and federal level; leaders should call upon their conscience but not adhere to man's standards but God's and restrain evil that exists in society, not favor a minority, look out for the general welfare of all, not special concerns and do right in the eyes of God.

Eric Schramm, commented he is a 41 year resident, in America there is separation of church and state; he is a devout Christian but in the Township Hall, religious beliefs should be checked at the door and all citizens should be protected.

John Taylor, thanked board members, commenting it takes courage to take up this issue, there should be freedom for every individual to express themselves and hopes the board is on the right side of history.

Justine Hertzell, Township resident, commented there is freedom of religion, not from religion and there is a right to express beliefs at the podium; she has worked with people different from her and never had problems, leave the issue alone, let common sense and peoples good nature prevail; she is not in favor of an ordinance.

B. J. Luce, Township resident, thanked the board and understands the pressure from special interests to force on the community what it does not want, at least put it to a vote to let the people decide if they want their freedoms stripped away; he doesn't believe LGBT community should face harm but those with deeply held religious beliefs must be also be considered; the ordinance may provide exemption to religious organizations, but does not for religious individuals.

Ken Karakula, Township resident, commented there is no church and state separation, founding fathers included religion, employers should have the right to have dress codes, only one business has asked for this ordinance, there are state and federal rules for employment, an ordinance is unwarranted and unnecessary,

Melissa Fish, Township resident, thanked the board for moving in the right direction to provide fairness and equality for all citizens; there is no protection from discrimination for the gay and transgender community.

Michelle Richards, Township resident, commented she applauds the township for taking this on to protect all citizens equally; the LGBT community is discriminated against.

Ed Paleski, commented the ordinance is not about a dress code, it's about employment and housing.

Reginald Clapp, commented he feels his right to free speech is being discriminated against, 1% of the population is trying to force 99% to their philosophy, he doesn't believe there is such a thing as gay and lesbian, it a perversion or mental illness, undermining patriotism, morality and spiritual life will destroy America.

Township resident, commented she has a PHD in information security, has no mental illness and is gay, and representative of the community, she is a born again Christian, her family has embraced her, there are exemptions in the ordinance for religious organizations, she thanked the board for addressing the issue; Christianity is about love, not hate.

Early Stevens, commented what harm is there to others if someone is gay, freedom of speech doesn't address discrimination in employment and housing, suicidal thoughts are caused by bullying and discrimination.

Matthew Derrick, commented he works in the Township, is gay and thankful for the chance to talk about these issues and thanked the board for bringing it forward.

Jim Burns, commented he is an Alamo Township resident, doesn't want to see a conservative township like Oshtemo adopt an ordinance going in a direction that is not good and have it move to Alamo; the goal of the LGBT community is to go to each township since the State is not acting on this issue, according to ex-gays from Exodus International, they are bullied by gays, the ordinance is a threat to privacy rights for women and girls using public facilities, misinformation is spread by LGBT community; the board should go with their conscience.

Phil Gabrowski, thanked the board for looking into the ordinance, there's still room for adjustments and he does not have a problem with it.

Mike Chapman, resident of the Township, commented he chose to move here, chose to be a doctor, he did not choose to be gay; there is no state or federal protection to prevent him from being fired; people who live and invest here ask to be treated the same; there is discrimination.

John Curran, resident of the Township thanked the board for their work, he supports the ordinance.

Katelyn Finan, thanked the board for considering the ordinance, the ordinance would not prevent employers from having a dress code.

Kay Orsini, thanked the board for considering the ordinance, a transgender person can follow a dress code, regarding the reference to Exodus International, the founder has publically apologized for the program; it does not work, the ordinance is more than work related.

Amanda O'Brien, commented equal rights to one group does not take away rights from others.

Supervisor Heiny-Cogswell commented she wished to clarify some of the questions raised; regarding making adjustments to the ordinance, this is a First Reading of a proposed ordinance, not a draft, if approved the next step would be a Second Reading, a letter from Kalamazoo 10 supporting a non-discrimination ordinance was the “trigger” but Board discussion led to a consensus to develop and consider an ordinance, she then asked Attorney Porter to address the comments made regarding putting the ordinance on a ballot and dress codes for religious institutions.

Attorney Porter advised the ordinance could not be placed on a ballot due to State statute, dress codes for religious institutions are not affected by the ordinance, for others an individual can dress as the gender they identify with, intent of enforcement would be to provide protection, however, he does not think that will occur. He commented he felt the ordinance is balanced and based on the research he has done, did not see any indications it would unduly stress Township resources.

In response to questions from Trustees Carr and Farmer, Mr. Porter commented the ordinance provides for the Supervisor or designee to investigate claims, there has not been a lot of litigation.

Trustee Bushouse commented he does not think religion is the main issue, people should be judged on merit, but has a hard time with a small minority saying they will slap our hand. He further commented he sees the role of Township government is to provide fire and police protection, administer tax collection, elections, and assessing, this is not a Township issue.

Trustee Carr commented she agrees with Trustee Bushouse; based on the lack of cases, seems not to be an issue, she is stunned by some of the hurtful comments made, attacks are wrong, no one deserves to be discriminated against, but it is not a Township issue.

Trustee Farmer commented past Board discussion had included whether it is an issue or not, and whether or not employers would be falsely accused, there are people here concerned they will no longer be able to continue to discriminate which answers the question that it is an issue, sometimes things we don't know about can be scary, the comments bring to light why ordinance is needed, perpetuation of stereotypes results in discrimination should not be tolerated.

Trustee Larson commented in addition to the duties listed by Trustee Bushouse, the Board is charged with creating a welcoming community.

Clerk Everett commented issues always have at least two sides but must respect others even if not agreeing with them, she is looking for common ground and a community where all can live, work, shop and enjoy what the Township has to offer; her vote is supporting the Township to be a place where all citizens are welcome, if the ordinance language needs to be reworked, there's always room for dialogue.

Treasurer Culp commented nobody has the same beliefs, but every person has the right has to be treated fairly and equally and the LGBT community deserves to have the same civil rights as every other human being.

Supervisor Heiny-Cogswell commented she concurred with Clerk Everett's comments; the common ground is protection for all citizens.

Motion by Larson, second by Farmer to accept the ordinance for First Reading and set Second Reading for August 27th. Carried with Bushouse and Carr voting no.

NORTH DRAKE ROAD NON-MOTORIZED PROJECT

Supervisor Heiny-Cogswell advised design is underway for road improvement projects on North Drake Road from West Main to Ravine Road which offers an opportunity for sidewalks and/or trails to be constructed; discussions have been held with officials from the City of Kalamazoo and the Kalamazoo County Road Commission, who share jurisdiction of Drake Road, Kalamazoo Township and Kingscott Associates, the engineering firm working with the KCRC. Her recommendation is to approve an expenditure from the capital outlay budget for design work and amend the budget and approve a required 20% match for cost of construction through a contract with KCRC and Kalamazoo Township and authorize the Supervisor to submit a request to KCRC to apply on behalf of the Township for funding of the construction contingent upon Township staff working with Kalamazoo Township, Kingscott and KCRC to finalize design of the non-motorized facility.

Motion by Larson, second by Everett to approve the recommendation as presented. Carried.

CLOSED SESSION – PENDING LITIGATION

Motion by Culp, second by Farmer to adjourn to closed session to discuss pending litigation because doing so in open meeting would have a detrimental effect upon the Township's position and could disclose matters protected by attorney-client privilege. Roll call showed Bushouse-yes, Carr-yes, Culp-yes, Everett-yes, Larson-yes, Farmer-yes, Heiny-Cogswell-yes.

The Board adjourned to closed session at approximately 10:10 p.m.

Motion by Everett, second by Culp to return to open session at approximately 10:50 p.m.

Motion by Heiny-Cogswell, second by Everett to direct the Township Attorney to proceed as discussed in closed session. Carried.

There was no further business and the meeting was adjourned at approximately 10:50 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: LIBBY HEINY-COGSWELL
Supervisor