

THE CHARTER TOWNSHIP OF OSHTEMO

Township Board Minutes

May 27, 1997

The Oshtemo Township Board held its regular meeting at the Township Hall. The meeting was called to order by Clerk Branch, in the absence of Supervisor Fleckenstein, at 7:00 p.m. Trustee Block agreed to chair the meeting.

PRESENT:	Trustee Anderson
Clerk Elaine Branch	Trustee Marvin Block
Treasurer Lois Brown	Trustee David Bushouse
	Trustee Fred Johnson

Also present was Richard Reed, Township Attorney and Robert Snell, Township Engineer, along with 8 interested people.

The Pledge of Allegiance was recited.

Motion made by Johnson, seconded by Brown, to approve the minutes of our meeting, May 13th meeting, with one the noted addition Trustee Bushouse suggested it could be noted that Deputy Clerk Everett was present to take the minutes. Carried.

Income to the General Fund of \$5,208.37 and disbursements of \$58,888.05 were reported. Fire Fund income was \$.00 with disbursements of \$17,830.37. Motion made by Anderson, seconded by Johnson to approve the report and pay the bills. Carried

CITIZENS COMMENTS

Tom Swiat, Clerk of Prairie Ronde Township, was present to seek our support regarding the Michigan Department of Transportation's (MDOT) proposal for the US 131 By-Pass around the Village of Schoolcraft.

With the aid of a map, he showed the County of Kalamazoo, the MDOT's proposed route for the by-pass and how that proposal could negatively effect the other areas of the county. He felt the project will involve all communities in the county financially and the broader economic picture should be looked at.

He felt that MDOT had not provided complete cost figures for all options and had not seriously looked at a third option, that of leaving the road where it is and upgrading it.

His Board had prepared a list of their concerns about the by-pass and he was visiting all the communities in the county, asking them to pass a resolution in support of their position. A sample resolution was provided for our consideration. He would then ask the Council of Governments (COG) to pass a resolution urging MDOT to study the issue further, looking at not just the technical but the political and economic effects of the various routes.

There was concern voiced by both Clerk Branch and Treasurer Brown about the wording of the resolution, in that it asked MDOT to "give no further consideration to the proposal routing US 131 through Prairie Ronde Township". They felt we would be, in affect, taking sides and not be fair to Schoolcraft Township or the Village of Schoolcraft. Mr. Swiat said the resolution was just a sample and could be reworded.

Motion made by Brown, seconded by Anderson to table the item, have the resolution rewritten and bring it back to the Board on June 10th. Carried.

KL AVENUE REZONING - EAST OF 9TH

A request was received from James Herweg, to rezone 15 acres from "R-2" to R-3" located on the north side of West KL Avenue east of 9th Street. The Planning Commission expanded the area of consideration to include a total of 80 acres for noticing and discussion purposes.

At their April 10th meeting, after reviewing the 9th Street Focus Area Plan, they recommended denial. They felt the rezoning was contrary to that Focus Area Plan and they found that the "R-3"

zone is inappropriate as an implementation tool for the Plan.

Clerk Branch stated she felt the Planning Commission took a lot of time in the review and consideration of this request and for that reason, she moved to concur with their recommendation to deny. Motion seconded by Trustee Anderson.

Treasurer Brown stated she would be voting in the affirmative based on the information shared at the joint meeting. She further stated that she hoped the Planning Commission would complete their work on the Overlay Zone soon, so that the property owner will not have to wait long.

Jack Hamilton thought the item should be tabled until the Overlay Zone is decided on.

Treasurer Brown felt the applicant should have an answer and that it was not fair to have him wait.

Clerk Branch stated the Planning Commission's recommendation was based on the fact that the rezoning did not meet the Land Use Plan. The Overlay option was not a reason for denial.

Trustee Johnson stated he would like us to wait for the Overlay Zone.

Trustee Bushouse suggested that perhaps the Planning Commission would work faster if they had an applicant waiting.

There were not further comments and a vote was taken on the motion to deny. The motion carried 4 to 2, with Bushouse and Johnson voting "no".

REZONING WEST MAIN - HAMILTON

The rezoning of eleven parcels on the south side of West Main between the Medical Center and Dekorne furniture had been referred back to the Planning Commission for reconsideration of their recommendation to deny. They considered this request at the same meeting as the Herweg request along with the review of the 9th Street Focus Area.

Once again they recommended denial and as with the previous request, they found that the "R-3" should be added as an implementation tool.

Clerk Branch read from the Planning Commission's minutes dated April 10th, which said in part, "it was important to maintain the commitment of the Township to coordinated development in this area". She agreed with their feeling that there are uses available with the current "R-2". The area could be platted with homes that are not directly on West Main, like the Country Club Village Plat.

Protection of the existing residential neighborhoods is important, according to Treasurer Brown. She felt that given time development along West Main could be good neighbors to the interior development.

Trustee Johnson stated he would like to see the property owners in this area work together to put a plan together.

A motion was then made by Branch, seconded by Anderson to concur with the Planning Commission and deny the request, referencing the reasons given in their December 19th and April 10th minutes.

Jack Hamilton spoke to the Board, reminding them that he only requested the rezoning of his one parcel. He felt that would be a good location for an access road to the interior land. His parcel is only 9.4 acres and a PUD development needs a minimum of 20 acres.

He further stated he was not interested in building residential home because he knows nothing about them. He wants to build offices or commercial buildings.

He felt if we denied the rezoning, we would be denying the highest and best use for that location. In his mind, that would be a "Taking". He urged the Board to table the item until the Overlay Zone was decided on.

Ed Sharp from Country Club Village, commented that the Focus Area Plan protects the neighboring residential areas and these people want their property values protected. He had a problem with people who buy land on the chance they can get it rezoned.

He said he would go along with tabling it until the Overlay Zone was ready or to deny it. He then presented the Board with 4 additional petition sheets opposing the rezoning.

Trustee Johnson commented that he agreed with the idea to table the matter until the Overlay Zone is completed. He made a motion to that affect, which took precedence over the motion on the floor.

Trustee Bushouse also agreed and supported the motion.

Treasurer Brown disagreed, stating, in her opinion both requests should be treated the same. It would not be fair to table one and not the other

Clerk Branch agreed with the Treasurer. She further pointed out that the recommendation to deny was based on the facts of the Land Use Plan, etc., and the Overlay Zone really is a separate matter. If the Overlay Zone was never approved for some reason, the request would still be reviewed based on the Plan, which she did not think would change between now and then. There was no reason to delay, in her opinion.

The vote was taken on the motion to table and it was defeated, 4 to 2 , with Johnson & Bushouse voting "yes"

At that point, a roll call vote was requested by the Clerk on the motion to deny.

Branch - YES Anderson - YES Brown - NO
Bushouse - NO Johnson - YES Block - YES Carried 4 to 2

POSITION DESCRIPTION FOR PLANNER

In preparation for the hiring of a Planner for the Planning and Zoning Department, a position description was prepared and reviewed by the Personnel Committee, who recommended approval. Motion made by Anderson, seconded by Johnson to approve the Position Description for Planner. Carried.

The Personnel Committee concluded that the new position had been allowed for in the 1997 Budget and the work load in that department justified the hiring of a person for the position. Supervisor Fleckenstein requested approval to hire Mike West to fill the position. Motion made by Anderson, seconded by Johnson to appoint Mike West as Planner. Carried.

POSITION DESCRIPTION FOR APPRAISER

The Personnel Committee was also asked to review a position description for Appraiser. Although, this addition position was not in the budget, the Supervisor assured them that money is available and that the work load justifies the additional staff. They recommended approval of the position description. A person had not been selected for this position, however

Assessor Marci Betts was present and confirmed the need for this position. It was pointed out that the contract with Mr Gruizenga is nearly completed. However, the position of Appraiser would not be doing the same work that he was.

Motion made by Anderson, seconded by Johnson to approve the position description for Appraiser. Carried.

FIRE DEPT. - MSA REPLACEMENT

Fire Commissioner Anderson reviewed the request by the Fire Department to replace and upgrade their MSA air packs. This is the final year of a three year program to upgrade the MSAs. The upgrade needed would be at a cost of \$1,717.20. The cost for the air pack replacement plan is \$9,490.00. Total expense - \$11,207.20.

Motion made by Anderson, seconded by Branch to approve the expense to replace and upgrade the air packs, as requested. Carried.

MTA DUES

The 1997/1998 dues for membership in the Michigan Township Association, in the amount of \$4,034.36, was presented for approval. It was agreed that this membership is important as MTA is our only lobby in Lansing and they are the main source of education for the elected officials. Motion made by Brown, seconded by Anderson to approve the payment of the dues. Carried.

WORLD NO-TOBACCO DAY

The Kalamazoo County Tobacco Reduction Coalition asked for the township's support in observing World No-Tobacco Day on May 31, 1997. The Chairman read a proclamation and a motion was made by Anderson, seconded by Bushouse to adopt the proclamation. Carried.

BOARD MEMBERS COMMENTS

Trustee Johnson commented on the picture in the Gazette about the flags being put up and the increase in population in Texas Township.

Trustee Bushouse stated he was happy to see the flags up and had received calls about how nice they looked.

There was no further business. The meeting adjourned at 8:40 p.m.

Elaine J. Branch

ELAINE J. BRANCH, CMC
Township Clerk

Attested

Ron Fleckenstein

RON FLECKENSTEIN
Supervisor