

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
April 12, 2016

The Oshtemo Township Board work session was held at the Township Hall. Supervisor Heiny-Cogswell called the meeting to order at 6:00 p.m.

PRESENT:

Supervisor Libby Heiny-Cogswell
Clerk Deb Everett
Treasurer Nancy Culp
Trustee Nancy Carr
Trustee Dusty Farmer
Trustee Zak Ford
Trustee Grant Taylor

Also present were Township Attorney James Porter, Public Works Director Marc Elliott, KCSD Lt. Troy Faulk, and 6 interested people.

Kalamazoo County Sheriff's Department Update – Lt. Troy Faulk provided his March report on activity in the Township.

Kalamazoo County Update – Commissioner Julie Rogers provided updates on recent County activities.

Discussion – Kalamazoo County Brownfield Authority Project – South 11th Street – Rachael Grover, Resource Coordinator, Kalamazoo County Department of Planning and Community Development provided information regarding the brownfield application for the former Pines West building at 2425 South 11th Street. She advised new owners plan to demolish and redevelop the interior into retail commercial space. She expects the application to be ready for Township Board action at the May 10th meeting.

Discussion – Road Maintenance & Road Capital Projects Funding – Discussion was held on funding methods for capital improvements, Supervisor Heiny-Cogswell and staff met with municipal financial consultants and bond counsel who felt the Township has a good long term plan for projects; discussion will continue and a plan brought to the Board for consideration.

Discussion – KABA – Attorney Porter advised the KABA Board had accepted Executive Director Ed Hellwege's resignation. He advised information provided indicates contact between three of the five board members which is likely a violation of the Open Meetings Act. Cooper and Oshtemo Townships were excluded from receiving information regarding concerns of any nature; he advised previous concerns had been expressed by Cooper and Oshtemo Townships regarding permit fees; with the latest developments felt the Board should consider if they wished to continue being involved as a KABA member.

Motion by Heiny-Cogswell, second by Farmer to authorize the Supervisor and KABA Board representative Everett to negotiate a separation from KABA. Carried 5-2 with Carr and Taylor voting no.

The Board work session adjourned at approximately 7:05 p.m.

Supervisor Heiny-Cogswell called the regular meeting to order at approximately 7:10 p.m.

PRESENT:

Supervisor Libby Heiny-Cogswell
Clerk Deb Everett
Treasurer Nancy Culp
Trustee Nancy Carr
Trustee Dusty Farmer
Trustee Zak Ford
Trustee Grant Taylor

Also present were Township Attorney James Porter, Public Works Director Marc Elliott, Planning Director Julie Johnston, and approximately 14 interested people.

CITIZEN COMMENTS

Phil Hassing, 2952 Sunset, advised he was concerned about the area behind the former post office on Stadium Drive including, trash, removal of trees; work appears to be occurring on the building but no permit posted. He commented he also has concerns related to the condition of the former car wash on Stadium Drive next to the Oshtemo Methodist Church.

Brandt Iden, State Representative provided an update on the state budget, and possible legislation on a public threat alert system and “dark store” assessments.

CONSENT AGENDA

Items on the consent agenda were:

- a) Minutes of March 15th regular meeting
- b) Receipts & Disbursements Report

Motion by Taylor, second by Ford to approve the consent agenda. Carried 7-0.

REZONING REQUEST – 8500 WEST MAIN – RR-RURAL RESIDENTIAL TO C-LOCAL BUSINESS

Planning Director Johnston presented a recommendation from the Planning Commission for approval of a rezoning request, of a portion of 2 parcels at 8500 West Main Street from RR-Rural Residential to C-Local Business to allow expansion of Leaders Marine. She advised the parcels total approximately 30 acres; the rezoning request is for approximately 7.76 acres. She noted the Planning Commission determined the increase of Local Business zoning within the existing commercial node met the intent of the Master Land Use Plan, other commercial businesses exist to the east, west and south, with parcels zoned RR Rural Residential and AG Agricultural to the north, public water is available to the site, there should be minimal impact to traffic capacity, the application provides a 330 foot buffer for residential properties to the west, exclusive of the 85 foot buffer required for building within the C-Local Business zoning.

Motion by Heiny-Cogswell, second by Farmer to accept the rezoning request for First Reading and set Second Reading for April 26th. Carried 7-0.

ZONING ORDINANCE TEXT AMENDMENTS SECTIONS 54 & 82

Planning Director Johnston presented a recommendation from the Planning Commission to amend Zoning Ordinance Section 54.200 Historical Overlay Zone and Section 82.000 Site Plan Review. She advised the proposed amendment to Section 54.200 would add language to provide for uses significant to the historical purpose or characteristics of the property. The proposed amendment to Section 82.000 would more clearly define the site plan review process and be more specific with regards to the types of development that require site plan review and the processes needed.

Motion by Farmer, second by Culp to accept the text amendments for First Reading and set Second Reading for April 26th. Carried 7-0.

UPDATE, DISCUSSION – POLICE PROTECTION – 2016 CONTRACT AMENDMENTS

Supervisor Heiny-Cogswell provided an update regarding the discussions that have been on going with the Supervisor, Township Attorney, Police Specialist, and Police Contract Administrator, Kalamazoo County Sheriff's Office, Kalamazoo County administration and finance and County Board Chair regarding the police protection agreement. She advised work has also been ongoing between the Township's Police Specialist, Supervisor, and Oshtemo Lieutenant and feels significant progress has been made; Oshtemo Lt. Faulk has worked to change some policy for more efficient dispatch and to develop reporting formats. The Police Committee met to discuss the increasing cooperation; new police reporting templates and proposed 2016 contract amendments including whether to add the Community Policing Officer. Unanimous consensus was to recommend the Township Board adopt the 2016 police protection contract amendments and add one Oshtemo Community Policing Officer. The position would be funded through year end from Police Fund reserves. She advised discussion has begun on the 2017 contracting format with consensus to develop the contract template through weekly meetings to accomplish a draft by the end of June. She noted backfilling due to vacations, etc. is not included in the current contract pricing; the County Finance Director has indicated she will conduct a “look back” to review budget versus actual numbers.

County Board Chair John Taylor commented the group has made tremendous progress and has gotten where it needs to be.

In response to Trustee Carr's questions, Sheriff Rick Fuller advised the reports are more detailed, Police Specialist Jack Shepperly is able to discuss issues at a police level, there is no millage for central dispatch, rather, the County is levying .42 per device as allowed by law.

Commissioner Rogers thanked all involved for their hard work.

Supervisor Heiny-Cogswell commented with the timeline for the 2017 contract, board discussion will need to be held; she will schedule a work session.

Motion by Ford, second by Farmer to approve the proposed amendments to the 2016 police protection contract adding the Community Policing Officer and new reporting format and amend the budget using Police Fund reserves. Carried 6-1 with Carr voting no.

CONSIDERATION OF NO HUNTING, NO DISCHARGE OF FIREARMS AREA AMENDMENTS

As discussed at the March 15th meeting, Attorney Porter presented a resolution requesting the DNR consider expanding the Township's no hunting/non-discharge of firearms areas in the northeast and southeast areas of the Township; after receipt of the request from the Township the DNR will schedule a public hearing after which they would make the determination whether any expansion is warranted. The Township will be responsible for sending notice to property owners in the proposed expansion areas.

Motion by Everett, second by Culp to adopt the resolution requesting the DNR consider expansion of the no hunting/non-discharge of firearms areas. Roll call showed Taylor-yes, Carr-yes, Culp-yes, Everett-yes, Farmer-yes, Ford-yes, Heiny-Cogswell-yes.

CONSIDERATION OF LIQUOR LICENSE ORDINANCE AMENDMENTS

Attorney Porter presented a recommendation to amend the Liquor License Ordinance since procedures of the Liquor License Control Commission have changed regarding approvals of transferred liquor licenses; a public hearing would no longer be required for a transfer where there has been an ongoing business serving alcohol in compliance with Township Ordinance; a new license application would still require a public hearing.

Motion by Heiny-Cogswell, second by Ford to accept the text amendments for First Reading and set Second Reading for April 26th. Carried 7-0.

CONSIDERATION – MICHIGAN MONARCH BUTTERFLY RESOLUTION

Neil Sikora, 9643 West KL Avenue, advised conservation efforts are underway to protect the Monarch butterfly and requested the Board adopt a resolution of support to designate and adopt the Monarch butterfly as Michigan's Official State Insect.

Motion by Everett, second by Heiny-Cogswell to adopt the resolution of support. Roll call showed Ford-yes, Heiny-Cogswell-yes, Taylor-yes, Carr-yes, Culp-yes, Everett-yes, Farmer-yes.

CLOSED SESSION

Motion by Culp, second by Farmer to adopt a resolution to adjourn to closed session to consult with the Attorney for purposes of discussing legal opinion on water/wastewater pending litigation and financing options regarding WMU BTR 2.0, because to do so in an open meeting would have a detrimental effect upon the Township's position and disclose matters protected by attorney-client privilege.

Roll call showed Farmer-yes, Ford-yes, Heiny-Cogswell-yes, Taylor-yes, Carr-yes, Culp-yes, Heiny-Cogswell-yes, Everett-yes.

The Board adjourned to closed session at approximately 8:25 p.m.

Motion by Heiny-Cogswell, second by Culp to return to open session at approximately 9:25 p.m. Carried 7-0.

Motion by Everett, second by Farmer to proceed as recommended by counsel in closed session. Carried 7-0.

There being no further business the meeting was adjourned at approximately 9:25 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: ELIZABETH HEINY-COGSWELL
Supervisor