

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
August 9, 2016

The Oshtemo Township Board public comment 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, Fire Chief Mark Barnes, Planning Director Julie Johnston, Ordinance Enforcement Officer Rick Suwarsky, Lt. Troy Faulk and 2 interested people.

Kalamazoo County – Commissioner Julie Rogers provided information on recent activities of the County Board.

Kalamazoo County Sheriff's Department – Lt. Troy Faulk provided information on recent activities in the Township.

Accomplishments, Goals & Visions – Ordinance Enforcement Officer Rick Suwarsky and Planning Director Julie Johnston provided their Accomplishments, Goals & Visions reports for 2015, 2016 & 2017.

Supervisor Heiny-Cogswell called the regular meeting to order at approximately 7:05 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, Fire Chief Mark Barnes, Planning Director Julie Johnston, Lt. Troy Faulk and approximately 20 interested people.

CITIZEN COMMENTS

Lorrie Versteeg, 9850 Sunnywood, inquired as to the status of the open burning issue since her inquiry at the June 14th meeting. Supervisor Heiny-Cogswell advised there will be discussion under Other Business.

John Fisher introduced himself and advised he was running for State Representative.

CONSENT AGENDA

Items on the consent agenda were:

- a) Minutes of July 12th regular meeting
- b) Receipts & Disbursements Report
- c) Maple Hills Estates water extension pressure reduction station property acquisition
- d) Master Plan consultant proposal
- e) Atlantic Avenue sanitary sewer project contract amendment
- f) Fire Department Administrative Assistant job description
- g) Facilities Study request for additional services
- h) Fire Department drive repair
- i) Employee Handbook cell phone use policy amendment
- j) Construction standards amendments for sidewalks & shared use paths

Trustee Carr requested items f, g, and h be removed. The items will be considered under Other Business.

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

EMPLOYEE SERVICE RECOGNITIONS

The following employees were recognized for their years of service:

Administrative Assistant Linda Potok – 20 years
Firefighter Steve Hippensteel – 20 years
Fire Lieutenant Eric Burghardt – 10 years
Parks Director Karen High – 5 years
Deputy Fire Chief Rick Griffin – 5 years
Firefighter/Fleet Maintenance Nathan Carley – 5 years
Firefighter Mike Parker – 5 years
Firefighter Cody Roberts – 5 years

FIXED ROUTE PUBLIC TRANSIT RESOLUTION

Supervisor Heiny-Cogswell advised the Central County Transit Authority (CCTA) has notified customers and property owners along West Main that the bus route from 131 to 9th Street will be terminated September 6th. She commented attempts to negotiate have not been successful; a petition from residents at Evergreen North was received; loss of the route affects Meijer employees and customers. She further noted the Township has a unique situation with one third highly urban and significant rural areas, precinct lines do not align with that distinction, but it would be in the best interest to continue service if we can come to an agreement. She presented a resolution supporting public transit and a good faith offer of \$50,000 annually to restore full service to 9th Street and West Main.

Trustee Carr commented she felt this would send the wrong message since the precincts opted in have to pay.

Trustee Taylor commented this sets a precedent for others to opt out; why would CCTA accept, he appreciates this is a good faith offer but not comfortable with using the general fund, it should be a special assessment district.

Trustee Ford commented it seems unusual other precincts are paying in full, if these precincts don't pay.

Trustee Farmer commented we can try not to give them a reason to say no, one mile of service is not worth what is being charged, the Township opted in Precinct 8 looking for an extension of the route, the Township tried to make decisions based on information from CCTA, it was not clear service would be cut.

Public Works Director Elliott commented he felt it is a good faith effort and an opportunity for the CCTA to save face; it is unfortunate they placed the Township in this position, they have abdicated their role as a transportation agency and put things on the Township that are their obligations. He noted having worked in public works professionally he has dealt with public transit and never seen agency make a decision so inappropriate and arbitrary; he is outraged they adopted policy after the Township selected the district.

Motion by Heiny-Cogswell, second by Farmer to adopt the resolution with funding from the general fund or a special assessment district to start a conversation with the CCTA. Roll call showed Carr-no, Culp-no, Everett-yes, Farmer-yes, Ford-yes, Heiny-Cogswell-yes, Taylor-no.

ZONING ORDINANCE TEXT AMENDMENTS SECTIONS 24, 39, 66, 76 – FIRST READING

A recommendation from the Planning Commission to amend four sections of the Zoning Ordinance was before the Board for Second Reading.

Amendment to Section 24.205 would require multi-family developments to provide a dumpster enclosure area large enough to contain both a standard trash receptacle and a recycling receptacle.

Amendment to Section 39.406 would change the development standard of a business and research park to require 50 percent of the entire development retained as open space which could be developed as dedicated open space that is owned and maintained by an association, provided on each individual parcel, lot or building site within the development, or a combination of the options but in no case shall an individual parcel, lot or building site have less than 20 percent open space.

Amendment to Section 66.201 would provide that parcels, lots or building sites which meet the regulations of Section 62 which addresses nonconforming uses, may be issued a building permit provided all other requirements of the ordinance are met.

Section 76.190 would permit temporary signs for the duration of a construction or maintenance period with a maximum of 12 months.

Motion by Taylor, second by Carr to adopt the amendments. Carried 7-0.

SKY KING MEADOWS III – STEP 2

Planning Director Johnston presented a request from Seeco 2, LLC for Step 2 approval of Sky King Meadows, Phase III a site condominium/open space development. She noted Step 1 approval was granted in January, 2016 and advised Step 2 requires the Board approve engineered drawings for the project; the plans have been reviewed by the Township Engineer who is satisfied all design requirements have been met. Ms. Johnston advised approval is recommended with the following conditions; that public sanitary sewer is contingent on both parties accepting a development agreement which must be approved by the Township Board, it is expected the agreement will be on the August 23rd agenda, the appropriate legal documents and conveyances necessary for the permanent protection of the open space shall be provided to the Township within 60 days of approval, a letter stating that all public street lighting will be included in the Township Street Lighting District shall be provided to the Township within 60 days of approval, all necessary easements will be granted for public water and sewer systems and that the project engineer will provide the legal descriptions necessary to document the easement agreements, and the proposed sanitary sewer easement which runs from Wood Hollow southeast through the property will also include an easement for possible future non-motorized trail through the development.

In response to board members questions, Ms. Johnston advised there are no plans to connect to Country Club Village, there are three access points for the development that has occurred in Buckham Highlands, and Sky King Meadows phases I and II combined, and the Township requested the trail easement to connect to a possible larger trail system in the future.

Motion by Farmer, second by Ford to grant Step 2 approval subject to the conditions as presented. Carried 7-0.

MORATORIUM ON SUBDIVISION/SITE CONDOMINIUM DEVELOPMENT IN RR – RURAL RESIDENTIAL DISTRICT

Supervisor Heiny-Cogswell presented a proposed resolution to establish a six-month moratorium on subdivision/site condominium development in the RR Rural Residential district noting the recent difficult decisions before the Board.

Attorney Porter advised the zoning ordinance and subdivision/site condominium ordinances are in the process of being updated to better reflect development envisioned in the Master Plan.

Planning Director Johnston advised there are no current applications or inquiries.

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

PUBLIC HEARING – INDUSTRIAL FACILITIES TAX EXEMPTION ONE WAY PRODUCTS

An application from Hinkle Properties, LLC and One Way Products located at 6500 West KL Avenue, for an Industrial Facilities Tax Exemption was before the Board for consideration. Attorney Porter advised the application and supporting materials were in order.

Issac Hinkle, owner, advised they are a distributor and manufacturer of cleaning and process chemicals, some plant based with an EPA designation of “designed for environment”, they expect to begin construction immediately and plan to pursue growth.

Joe Agostinelli, representing Southwest Michigan First thanked the Board for their consideration and commented Township staff were great to work with.

Motion by Farmer, second by Taylor to adopt a resolution granting the IFT to One Way Products. Roll call showed Everett-yes, Farmer-yes, Ford-yes, Heiny-Cogswell-yes, Taylor-yes, Carr-yes, Culp-yes.

SOUTHWEST MICHIGAN BUILDING AUTHORITY (SMBA) – OSHTEMO & COOPER TOWNSHIPS

Supervisor Heiny-Cogswell advised per Board direction on April 12th a separation agreement from the Kalamazoo Area Building Authority (KABA) was approved; work has begun to create the Southwest Michigan Building Authority, with Oshtemo and Cooper Townships; action is needed to approve the startup documents.

She advised the interlocal agreement and by-laws are similar but improved from the same KABA documents. She noted the Cooper Township board has approved all except the interlocal agreement and by-laws and asked the Board to not take action on them; they will be brought back on the August 23rd agenda.

In response to board members questions, Supervisor Heiny-Cogswell advised the authority would be in charge of the funds generated, the authority would be located in Oshtemo Township Office in the recently renovated space for KABA, the separation agreement from KABA provides funds be returned to Oshtemo and Cooper Townships, KABA will be the inspection agency through October 5th, SMBA will begin inspections on October 6th, startup costs will be provided by Oshtemo and Cooper Townships and will be reimbursed by the authority.

Motion by Culp, second by Farmer to accept the text amendment to the Station Construction Code Ordinance and set second reading for August 23rd. Carried 7-0.

Motion by Farmer, second by Culp to approve the building official job description, appoint Supervisor Heiny-Cogswell and Clerk Everett as representatives to the SMBA board, and approve the proposed start up budget and 2016 partial year budget. Carried 6-1 with Carr voting no.

Motion by Culp, second by Taylor to adopt a resolution appointing Jerry Reitenour the Building Official for Oshtemo Township. Roll call showed Farmer-yes, Ford-yes, Heiny-Cogswell-yes, Taylor-yes, Carr-no, Culp-yes, Everett-yes.

OTHER BUSINESS

Open Burning – Continuing Discussion

Supervisor Heiny-Cogswell advised further information from Fire Chief Barnes and Attorney Porter were provided; a lot of work was done by a committee appointed in 2010, the Board did not have a majority at that time to make a change noting the Board operates on board consensus.

Trustee Carr commented the Fire Chief provided a letter in 2010 and identified leaf burning as a health, safety and environmental issue and inquired if he still stands by that now and if not, why. She commented the State prohibits leaf burning but leaves it up to the local municipality to allow.

Chief Barnes provided a “heat map” identifying where complaints have been generated and where burning permits have been issued. He commented there is probably more burning activity that does not contact the Fire Department for a permit as well as complaints not reported; noting some complaints are unfounded and have nothing to do with burning. Responding to Trustee Carr’s question regarding his letter from 2010, he advised it was six years ago, if the Board wishes to reinvigorate the issue, he will support Board action.

Attorney Porter reviewed the State statutes addressing open burning. In response to Trustee Ford’s question he advised the Fire Department responds to complaints, has the authority to act using a reasonable person’s standard and discontinue the burn.

It was noted there is information of the Township web site regarding other means of disposal of leaves.

Consent Agenda Item F – Fire Department Administrative Assistant Job Description

Trustee Carr inquired if this position hadn’t been fill some time ago. Chief Barnes advised a full time firefighter had been in the position, he is now looking to make it a civilian position.

Motion by Carr, second by Taylor to approve the job description for Fire Department Administrative Assistant. Carried 7-0.

Consent Agenda Item G – Facilities Study Request for Additional Services

Trustee Carr inquired why there is additional cost. Chief Barnes advised the original work studied the physical space needed and provided options for Fire, Police, Maintenance and KABA; taking KABA out of the process changes the scope of the work resulting in additional work for the architects. The additional cost would be borne by the four department funds involved.

Motion by Carr, second by Taylor to approve additional payment of \$16,700. Carried 7-0.

Consent Agenda Item H – Fire Department Driveway Repair

Trustee Carr inquired if the \$10,000 contingency approved in the additional repair request had been used. Chief Barnes advised it was used due to previously unknown issues in the driveway repair; another cause of damage was identified; construction seams in the trench drains under the trucks and at the wall to floor joints throughout the apparatus bay are leaking. Mulder Waterproofing and Sealants were recommended by the excavator who made the driveway repairs; a quote was received in the amount of \$5,210 for the additional work from Mulders; a contingency of \$1,000 is also requested.

Motion by Carr, second by Heiny-Cogswell to approve the additional repairs in the amount of \$5,210 with \$1,000 and amend the Fire Department capital budget. Carried 7-0.

There was no further business and the meeting was adjourned at approximately 9:00 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: ELIZABETH HEINY-COGSWELL
Supervisor