

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
August 14, 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 Grace Borgfjord
Trustee Dave Bushouse
Trustee Scott Ernstes
Trustee Lee Larson

Also present were Township Attorney James Porter, Planning Director Greg Milliken, and 3 interested people.

DISCUSSION – RETIREE MEDICAL BENEFITS

Supervisor Heiny-Cogswell reviewed the months long study regarding retiree medical benefits; the Human Resources Committee recommends changing to a defined contribution benefit rather than the current defined benefit plan. Comment will be taken at the August 28th public comment session of the Township Board meeting.

GIS INTERSHIP CONTINUATION

Supervisor Heiny-Cogswell requested Board approval to continue the GIS intern position through the end of the year at an approximate cost of \$3,000. She noted several mapping projects for the Fire Department, police committee study and sewer and water were able to be completed in house and other projects were underway.

Motion by Ernstes, second by Larson to extend the GIS intern position through the end of 2012. Carried.

DISCUSSION – ATLANTIC AVENUE DIRVEWAY EASEMENTS

Planning Director Milliken presented information regarding options for the former AT&T right of way on Atlantic Avenue east of 9th Street noting the Board had granted a temporary construction easement for the Oshtemo Veterinary Clinic in June. Discussion ensued regarding the Township maintaining ownership of the property and granting easements for access and cross connections or selling the property to adjacent property owners. Consensus was the Board is comfortable with selling to adjacent property owners conditioned upon retaining an easement for future pedestrian uses. Mr. Milliken and Attorney Porter will draft language for the Board's review. There was also discussion regarding the need to survey properties on 9th Street south of Stadium Drive to confirm property lines that have been in question; cost for the survey will be brought back to the Board for consideration.

The Board work session adjourned at approximately 6:35 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 Grace Borgfjord
Trustee Dave Bushouse
Trustee Scott Ernstes
Trustee Lee Larson

Also present were Township Attorney James Porter, Planning Director Greg Milliken, Fire Chief Mark Barnes and approximately 30 interested people.

Motion by Borgfjord, second by Culp, to approve the July 10th regular and July 12th special meeting minutes as presented. Carried.

Income to the General, Building, Fire, and Sewer & Water Funds of \$80,180.35 and disbursements of \$694,799.95 were reported. Motion by Culp, second by Borgfjord to accept the receipts and disbursements report. Carried.

CITIZENS COMMENTS ON NON-AGENDA ITEMS

The following citizens commented regarding the proposed ITC transmission lines project. Their comments included concerns of loss of woodlands on theirs and adjoining properties, loss of property rights and values, lack of communication and transparency from ITC, other routes including I-94 should have been considered, health related dangers of high voltage lines, and a private company's ability to exercise eminent domain. They thanked the Board for their efforts thus far and requested the Board support the NICE group in their efforts to challenge the project.

Jamey Renwick, 4615 Carver Drive, read a statement from Thomas Eller, 4204 Carver Drive
Micki Maxwell, 3020 South 6th Street
Henrietta Squires, 4301 Carver Drive
Ken Irish, 2651 South 4th Street
Steve Howland, 9455 West L Avenue
Brad Burkett, 2769 South 4th Street
Doug Maxwell, 3020 South 6th Street

EMPLOYEE SERVICE RECOGNITIONS

The following employees were recognized for their years of service:

Fire Department Lt. Mike Lorenz – 25 years
Firefighter Erik Olsen – 15 years
Fire Department Kevin Putman – 15 years
Assessor Cathy Harrell – 10 years
Township Attorney Jim Porter – 5 years
Paralegal Kathy Barnes – 5 years
Building Official Jerry Reitenour – 5 years

Fire Chief Mark Barnes advised the Fire Department had been presented with an award from the Great Lakes Burn Camp for their support and participation.

FIRE DEPARTMENT PURCHASE PERSONAL PROTECTIVE EQUIPMENT

Fire Chief Mark Barnes presented a request to purchase 10 sets of personal protective equipment at a cost of \$19,780. He advised equipment is inventoried and inspected yearly to keep current with the 10 year lifecycle of the equipment according to NFPA standards.

Motion by Borgfjord, second by Ernstes, to approve the purchase in the amount of \$19,780. Carried.

ZONING ORDINANCE TEXT AMENDMENTS BED & BREAKFAST FACILITIES

A recommendation from the Planning Commission to add language to the Zoning Ordinance to address Bed & Breakfast facilities was before the Board for Second Reading. They would be a special exception use in the "AG" Agricultural or "RR"-Rural Residential zoning districts, and required to meet conditions including being located in the principle residence of the owner and operator who must live on the premises when in operation, number of rooms limited to six, occupancy not to exceed 14 consecutive days in any one month, residences must retain residential character, meals provided to guests only, required State and County licenses must be obtained, sign limited to 6 square feet with Planning Commission approval at time of site plan, parking must be screened from the road and adjacent properties, refuse storage must be screened, annual review of special exception use will be conducted and the facility shall comply with the Anti-Noise and Public Nuisance Ordinances.

Motion by Culp, second by Everett, to adopt the Zoning Ordinance amendment. Carried.

SKY KING MEADOWS 2 - FINAL PRELIMINARY SITE CONDOMINIUM PLAN REVIEW

Planning Director Milliken provided a review of Sky King Meadows 2 Site Condominium/Open Space development advising approval is not sought at this time as all necessary approvals from the Kalamazoo County Road Commission and Drain Commissioner have not been received. In response to Board members questions, he advised the drainage area will be required to be larger than originally planned, and the road ends were redesigned from the original submittal.

Gary Hahn, of Wightman & Associates representing the developer, Seeco 2, LLC, advised they had worked with the Drain Commissioner to design the revised drainage area to retain the required 40% open space. In response to Board member questions he advised the grading plan will be accomplished without adding retaining walls, there will be sidewalks and a wood chip pedestrian path meeting accessibility requirements.

Earl Dalzell, commented he owns property on both sides of the proposed development and was not noticed about the project and has concerns that the roads extend to his property line.

Planning Director Milliken and Attorney Porter advised the Township follows the required noticing requirements and will verify Mr. Dalzell was mailed a notice. Mr. Milliken advised the Road Commission does require roads to be extended to adjacent property lines.

LOT SPLIT – OSHTEMO BUSINESS PARK UNIT 10

Planning Director Milliken presented a request from Amicus Management, Inc. to split Unit 10 in the Oshtemo Business Park located at 6387-6395 Technology Drive, into two separate units with each of the existing buildings located within a separate unit, newly created Units 14 and 15. He advised the proposed Units satisfy ordinance requirements for lot size, area, frontage, setbacks, and required parking. Mr. Milliken further advised since the original Unit 10 has its own contained drainage, an easement will be necessary to allow stormwater from new Unit 15 to drain to Unit 14, with the easement recorded with the amendment to the Master Deed.

Motion by Borgfjord, second by Larson to approve the lot split subject to the condition of the drainage easement as described. Carried.

BOARD MEMBER COMMENTS

Trustee Borgfjord advised 248 runners/walkers participated in the 3rd Annual Consumers Sunburst Run. She also reminded everyone “Dolphin Tale” will be the final “Movies in the Park” for the summer on August 16th;

Trustee Bushouse reminded everyone of Oshtemo Rotary’s upcoming Oshtemo Fun Day at Flesher Field on August 18th.

CLOSED SESSION ITC/METC PROPOSED TRANSMISSION LINES & MTT TAX APPEALS CASES

Motion by Culp, second by Borgfjord to adjourn to closed session to discuss written legal opinions of the Township Attorney because doing so in open meeting would have a detrimental financial effect upon the Township’s position and could disclose matters protected by attorney-client privilege.

Roll call vote showed Larson-yes, Bushouse-yes, Everett-yes, Culp-yes, Borgfjord-yes, Ernstes-yes, Heiny-Cogswell-yes.

The Board adjourned to closed session at approximately 8:10 p.m.

Motion by Everett, second by Heiny-Cogswell to return to open session at approximately 9:20 p.m. Carried.

Motion by Culp, second by Borgfjord to direct the Township Attorney to aid and support the NICE group as discussed in closed session. Carried.

Motion by Everett, second by Borgfjord to direct the Township Attorney to settle tax appeals with Kohls, Target and Lowes in accordance with discussion in closed session.

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

DEBORAH L. EVERETT
Township Clerk

Attested: LIBBY HEINY-COGSWELL
Supervisor