

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

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, and 3 interested people.

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

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

Update – 10th Street and KL Avenue Non-motorized Projects – Supervisor Heiny-Cogswell and Public Works Director Elliott provided information regarding the meeting with residents.

2016 Road Projects – a list of recommended road projects was reviewed. Motion by Farmer, second by Taylor to authorize the Supervisor to submit the list to the Road Commission of Kalamazoo County for inclusion in their bid letting for 2016. Carried 7-0.

The Board work session adjourned at approximately 6:50 p.m.

Supervisor Heiny-Cogswell called the regular meeting to order at 7:00 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, and approximately 25 interested people.

CONSENT AGENDA

- a) Minutes of the December 8th regular meeting and December 29th special meeting.
- b) Receipts & Disbursements Report.
- c) 2016 Board & Committee Appointments.
- d) Alamo Township membership in Kalamazoo Valley Intergovernmental Ambulance Agreement.

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

CITIZEN COMMENTS

Julie Rogers, Kalamazoo County Commissioner advised the County has available to all residents a prescription discount card.

Jim Lefler, 8644 Hathaway, commented he was encouraged to hear in the work session the Board is looking at roads; the number one priority in the citizen survey was roads and hopes the Board will continue to look at more road funding.

PRESENTATION TO CAPT CHIP EVERETT

Fire Department Capt. Chip Everett was presented with Chief Training Officer (CTO) designation by the Center for Public Safety Excellence. Fire Chief Barnes noted there are only 76 such designations nationwide, Capt. Everett becomes the fourth in the State of Michigan.

SKY KING MEADOWS III – STEP 1 TENTATIVE PRELIMINARY PLAN

Planning Director Johnston presented a recommendation from the Planning Commission to grant tentative preliminary approval of Sky King Meadows, Phase III. She advised the development would consist of 46 single family homes on 29.98 acres east of the Buckham Highlands site condominium on South 9th Street. She further advised the applicant is proposing to develop an open space community which requires at least 40 percent of the gross acreage be designated as open space; the proposed development has 47.7 percent. Planning Commission approval was granted subject to the site plan/final preliminary plan, consistent with the approved concept plan/tentative preliminary plan, shall be submitted for approval within one year, the appropriate legal documents and conveyances necessary for the permanent protection of the open space are provided to the Township with the site plan/final preliminary plan approval, the requested modifications to the minimum building site size (less the 10,560 square feet), frontage (less than 100 linear feet) and side yard setback (5 feet as opposed to 10 feet) satisfy the intent of the open space community requirements, the storm water system will require a review by the Township Engineer for final preliminary plan approval and shall comply with all applicable County requirements, sanitary sewer will connect to the existing system on the adjoining undeveloped property to the east contingent upon the Township obtaining the required easements, specific details of the proposed street lighting will be provided at final preliminary plan and reviewed by the Township Engineer to ensure compliance with Township ordinance, and the final preliminary plan shall be reviewed and approved by the Township Engineer and Fire Department.

In response to Board members questions, Ms. Johnston advised the development meets the requirements for access, three access points are Mickey's Trail, Lexy Lane, and Buckham Woods Drive, public comment at the Planning Commission were concerns with access, especially construction traffic, and storm water and drainage will be reviewed in Step 2 with engineered drawings.

David Kingsley, Buckham Highlands resident, had concerns with construction traffic and possible damage to the roads and inquired if the developer can be required to be financially responsible for any damage. He was also concerned about increased traffic being a safety concern to the children in the neighborhood once the development is completed.

Attorney Porter advised the roads are public; the Road Commission can be notified to monitor the construction traffic for weight limits.

In response to Board members questions, Ms. Johnston advised a request could be made to the developer to distribute the construction traffic using other access points, the goal of good planning is to insure connection, and if the Step II plan differs from Step I as approved, it would have to go back to the Planning Commission.

Motion by Carr, second by Farmer to grant Step I Tentative Preliminary Plan approval subject to the conditions of the Planning Commission approval. Carried 7-0.

TUSCANY EAST – PRELIMINARY PLAT – STEP II

Planning Director Johnston presented a recommendation to grant preliminary plat approval to Tuscan East, a 25 lot subdivision located on the south side of L Avenue on approximately 25 acres between VanKal and 2nd Street immediately east of the existing Tuscan subdivision. She advised proposed lots meet the ordinance requirements, the existing public road will continue into the new subdivision with a new road providing access to the new lots, the development will be served by private well and septic systems, sidewalks and street lights will be included.

Ms. Johnston further advised Planning staff recommend approval subject to general notes of the developers engineer and surveyor should match, plan illustrating building envelopes with well and septic require updating to reflect changes from the Health Department for lots 6 and 13, correcting labeling of streets on the plan, plan should clarify location of concrete curbs, custom sidewalk and ramp detail noting construction will be completed prior to acceptance of the plat, construction detail is needed for overflow to the main storm basin, protection to keep disturbed sediments from entering storm water system, soil borings be provided for pavement design and storm water management system, the applicant shall have two years to submit a final plan for approval or request for extension, details of street lighting to be reviewed by Township Engineer, and final plan reviewed and approved by Township Engineer and Fire Department.

Motion by Taylor, second by Carr to grant Step II Preliminary Plat approval subject to conditions recommended by Planning staff. Carried 6-1 with Farmer voting no.

WEST PORT VILLAGE I – VARIANCE REQUEST

Planning Director Johnston presented a request from the developer for a variance from the ordinance requirements regarding sidewalks for West Port Village I. She advised approval was granted in 2005, sidewalks poured were noncompliant with Township specifications. She noted Township inspections were not consistent and the sidewalk issue was not addressed early in the development process and while requirements have not changed, staff is sympathetic to the cost of replacing driveways at existing homes. She advised staff recommends granting a variance for sidewalks in Phase I on West Port Drive and Stone Valley Lane, noting sidewalks on Harborview Pass have not yet been constructed and could meet current standards; this option seems the most equitable and best option with regards to on-site aesthetics and continuity of development.

Attorney Porter commented he would recommend the Board not deny the request; the Township has a certain amount of culpability with issues due to transition in Planning staff.

In response to board members questions, Ms. Johnston advised the variance does not apply to the width of the sidewalks but for the portion not placed through the driveways, when Phase II review was before the Planning Commission a condition of approval was sidewalks be completed in Phase I before construction can begin on Phase II; the developer will provide an escrow or performance bond to complete the sidewalks in Phase I before Phase II comes to the Township Board for approval. She also advised staff will work with the developer to insure the slope meets ADA requirements.

Trustee Farmer commented that while she does not support denying the variance request there is responsibility on the part of the developer to work with Planning staff and follow Township requirements. Ms. Johnston advised there is now in place a sidewalk permit process with inspections conducted by the Township Ordinance Enforcement Officer.

Motion by Carr, second by Heiny-Cogswell to grant a variance for sidewalks within Phase I on West Port Drive and Stone Valley Lane. Carried 7-0.

WEST PORT VILLAGE II – TENTATIVE PRELIMINARY PLAN – STEP I

Planning Director Johnston presented a recommendation from the Planning Commission for tentative preliminary approval for West Port Village II, a site condominium development on the south side of H Avenue between Drake Road and US 131, Phase II will consist of 27 building sites served by private streets and public sewer and water. She advised the Planning Commission approved modification of the conceptual plan to allow for three phases instead of the original two, and approved Phase II subject to all sidewalks being built in Phase I where existing homes are located prior to commencement of Phase II, or a performance bond or escrow established, sidewalks shall be allowed to be four feet in width but shall meet Township specifications for sidewalks at driveway crossings, and all previous approvals, amendments, and conditions granted by the Planning Commission remain in effect unless modified by the Planning Commission or Township Board.

Motion by Farmer, second by Taylor to grant Step I Tentative Preliminary Plan approval for West Port Village Phase II with three conditions of the Planning Commission approval. Carried 7-0.

NON-DISCHARGE OF FIREARMS

Attorney Porter requested authorization by the Board to seek an Attorney General opinion regarding the Township's authority to establish non-discharge of firearms areas. He recalled a citizen raised a concern when a bullet came through his window last summer. He also noted a request to the DNR to work cooperatively has not been granted, and another incident has been reported.

Margaret Masuzawa, 331 West Ridge Circle, asked for clarification of "non discharge". Attorney Porter advised the request is to address prohibiting shooting of any kind, hunting or target, in certain areas.

Motion by Taylor, second by Carr to request assistance from our State Senator to seek an Attorney General opinion regarding Township authority in establishing no discharge of firearms areas. Carried 7-0.

SANITARY SEWER ORDINANCE AMENDMENTS – SECOND READING

Proposed amendments to the Wastewater Service Ordinance were before the Board for Second Reading. Mandatory connection would be triggered when a septic system fails or reaches 15 years of age, provided public sewer is reasonably available (the State standard being within 200 feet) the Township would establish policies for notification and financing including developing a capital improvement strategy to install sewer along with road improvements which help reduce the cost of connection to sewer. The proposed amendment would provide a two year notice to property owners of mandatory connection.

Trustee Carr commented she is not in favor of the mandatory 15 year connection requirement, a septic system is still young at 15 years and can live on if maintained, the ordinance could require inspection after 15 years or at point of sale and it is also a financial burden, the Township could put the sewer lines in but not require mandatory hook up. She also commented city sewer lines can also have problems such as the recent Greystone plat and Crystal Lane issues.

Trustee Taylor commented the 15 year timeframe was based on financing projects; connections are needed to pay for the projects.

Trustee Farmer commented the ordinance amendments do not address financing, there is evidence the average life of a septic system is 15 years which is what board discussion and decision focused on, not financing.

Supervisor Heiny-Cogswell commented policies for financing will be considered, consensus of the Board was to make it as affordable as possible. She advised a meeting with 10th Street residents was held, a lot of questions were answered regarding the proposed 10th Street project and the Township's strategic plan, at the end of the meeting a resident who had submitted a letter indicating they were not in favor advised others they could lock in the rate and pay it off over time. She also provided a letter from a resident in the West Port neighborhood that commented if the ordinance is not passed no one will ever have sewer, and there was also a letter of support from the Kalamazoo Public Library. Supervisor Heiny-Cogswell also commented she would be personally be impacted as her neighborhood needs sewer. She also commented the Township needs to be proactive and have a plan and policy in place for development that has already occurred and yet to occur.

Dan Thompson, 105 Echo Hills Drive, inquired if 10th Street project will affect the West Port neighborhood or just 10th Street. He commented he connected to sewer last fall, it is expensive, he supports the need but there should be some flexibility.

Richard Cherry, 6364 Winddrift, commented this is a contentious issue, he has lived here for three years and was not aware the house had septic, he is concerned with what is now in his backyard, not everyone keeps their septic tank maintained and ground water is effected by those who do not; sewer is a natural evolution of infrastructure needs, he agrees there is a financial burden but if financed correctly can be tackled; he would rather have clean water.

Motion by Farmer, second by Taylor to adopt the ordinance amendments. Carried 6-1 with Carr voting no.

SIGN ORDINANCE TEXT AMENDMENTS – SECOND READING

A recommendation from the Planning Commission to amend the Sign Ordinance was before the Board for Second Reading. The changes would treat financial institutions like other commercial uses in the "C" zoning district and non-residential uses in the "R-3" district. The amendment would also allow an increase in the percentage of changeable copy or electronic display and provide means to monitor the level of illumination.

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

BOARD MEMBER COMMENTS

Supervisor Heiny-Cogswell thanked the Board for approval of board and committee appointments noting there are still some openings and encouraged citizens to apply.

There was no further business and the meeting was adjourned at approximately 9:10 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: ELIZABETH HEINY-COGSWELL
Supervisor