

**OSHTEMO CHARTER TOWNSHIP BOARD**  
**7275 West Main Street**  
**Kalamazoo, MI 49009**  
**269.375.4260**

**October 22, 2019**

**PUBLIC COMMENT SESSION**  
**6:00 p.m.**  
**AGENDA**

- A. Call to Order
- B. Public Comment
- C. RCKC Annual Presentation & Discussion
- D. Committee Updates & Other Business

**REGULAR MEETING**  
**7:15 p.m.**  
**AGENDA**

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Public Comment on Non-Agenda Items
- 4. Consent Agenda
  - a. Approve Minutes – September 24, 2019 Regular & October 15, 2019 Joint Meetings
  - b. Receipts & Disbursements Report
  - c. Transfer of Liquor License
  - d. Maple Estates Water Extension Project Lawn Restoration
- 5. Presentation of Michigan Association of Planning 2019 Environmental Planning Award
- 6. Consideration of Dissolution of West Main Corridor Improvement Authority
- 7. Consideration of Path Construction Expense Reimbursement - Memorandum of Understanding with South Drake Road Corridor Improvement Authority (SoDA)
- 8. Consideration of Zoning Ordinance Amendments – First Reading
  - a. Article 57, Section 57.80 Keeping of Livestock and Honeybees
  - b. Article 55 & 57.140, Flags & Flag Poles
- 9. Consideration of 8<sup>th</sup> Street Sanitary Sewer Engineering
- 10. Consideration of Third Quarter Budget Amendments
- 11. Consideration of Consumers Energy Natural Gas Franchise Agreement
- 12. Other Township Business
- 13. Public Comment
- 14. Board Member Comments
- 15. Request to Enter Into Closed Session to Discuss Written Opinion of Counsel
- 16. Adjournment

**Policy for Public Comment  
Township Board Regular Meetings, Planning Commission & ZBA Meetings**

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email ([oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org)), walk-in visits, or by appointment.

b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)  
(revised 5/14/2013)  
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. Additionally, questions and concerns are accepted at all hours through the website contact form found at [www.oshtemo.org](http://www.oshtemo.org), email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to [oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org) and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<b>Supervisor</b> Libby Heiny-Cogswell	216-5220	<a href="mailto:libbyhc@oshtemo.org">libbyhc@oshtemo.org</a>
<b>Clerk</b> Dusty Farmer	216-5224	<a href="mailto:dfarmer@oshtemo.org">dfarmer@oshtemo.org</a>
<b>Treasurer</b> Grant Taylor	216-5221	<a href="mailto:gtaylor@oshtemo.org">gtaylor@oshtemo.org</a>
<b>Trustees</b> Cheri L. Bell	372-2275	<a href="mailto:cbell@oshtemo.org">cbell@oshtemo.org</a>
Deb Everett	375-4260	<a href="mailto:deverett@oshtemo.org">deverett@oshtemo.org</a>
Zak Ford	271-5513	<a href="mailto:zford@oshtemo.org">zford@oshtemo.org</a>
Ken Hudok	548-7002	<a href="mailto:khudok@oshtemo.org">khudok@oshtemo.org</a>

Township Department Information		
<b>Assessor:</b>		
Kristine Biddle	216-5225	<a href="mailto:assessor@oshtemo.org">assessor@oshtemo.org</a>
<b>Fire Chief:</b>		
Mark Barnes	375-0487	<a href="mailto:mbarnes@oshtemo.org">mbarnes@oshtemo.org</a>
<b>Ordinance Enf:</b>		
Rick Suwarsky	216-5227	<a href="mailto:rsuwarsky@oshtemo.org">rsuwarsky@oshtemo.org</a>
<b>Parks Director:</b>		
Karen High	216-5233	<a href="mailto:khigh@oshtemo.org">khigh@oshtemo.org</a>
Rental Info	216-5224	<a href="mailto:oshtemo@oshtemo.org">oshtemo@oshtemo.org</a>
<b>Planning Director:</b>		
Julie Johnston	216-5223	<a href="mailto:jjohnston@oshtemo.org">jjohnston@oshtemo.org</a>
<b>Public Works:</b>		
Marc Elliott	216-5236	<a href="mailto:melliott@oshtemo.org">melliott@oshtemo.org</a>



# MEMORANDUM

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**TO:** Township Board  
**C:** Libby Heiny-Cogswell  
**FROM:** James W. Porter  
**DATE:** October 22, 2019  
**SUBJECT:** Liquor License Transfer from Feed the World Café to the Chau Haus

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## **OBJECTIVE**

To authorize the transfer of a liquor license from Feed the World Café to Chau Haus at 7000 Stadium Drive, Suite 201.

## **BACKGROUND**

Under the Township's current Ordinance, license transfers for a business location, which in the last 12 months served alcohol, can be approved without a public hearing. You may recall that we issued the license to Feed the World Café with the understanding that it would be returned to us at the end of the five-year period. Unfortunately, that was not relayed to the owner of Chau Haus, but we have been able to work with Mary Heynig, otherwise known as Franky. She has agreed to transfer the license that was to come back to the Township to the Chau Haus under the same conditions that we originally transferred it to Feed the World Café. The Chau Haus has signed the Agreement to operate under the license for five years and at the end of that period, return it to the Township for re-issuance.

After Libby, Dusty and I met with Franky Heynig, I was able to confirm that the Chau Haus meets all of the requirements of B.1. through B.12. of the Liquor License Ordinance, being Ordinance No. 202, of the Township.

## **INFORMATION PROVIDED**

I have attached hereto a copy of its Application, Temporary License and Restriction Agreement on Transfer of Class C Liquor License, as well as the proposed Resolution approving the license for the Chau Haus.

## **STATEMENT OF ASKING BOARD TO APPROVE**

To approve the attached Form LCC 106 to transfer the liquor license to the Chau Haus.

OSHTEMO CHARTER TOWNSHIP  
KALAMAZOO COUNTY, MICHIGAN  
LIQUOR LICENSE APPLICATION

APPLICATION FOR LICENSE TO SELL BEER, WINE OR SPIRITS BY THE GLASS WITHIN THE TOWNSHIP

NAME AND ADDRESS OF APPLICANT(S) - Please list names and addresses of officers and directors and those having a major interest in the corporation.

Mary F Heynig 801 W G Ave Kalamazoo, MI 49004  
Jason T Burkhardt 801 W G Ave Kalamazoo, MI 49004

CITIZENSHIP OF APPLICANT(S) - Please include birthplace(s) and/or time and place of naturalization.

Mary Heynig - US Citizen - Born Lansing, MI  
Jason Burkhardt - US Citizen - Born Vero Beach, FL

CHARACTER OF THE BUSINESS -- Please explain and include length of time in business.

This business is a full service restaurant. We have been in business since early 2019

LOCATION AND DESCRIPTION OF THE PREMISES OR PLACE OF BUSINESS WHICH IS TO BE OPERATED UNDER THE LICENSE.

7000 Stadium Drive, Suite 201 Kalamazoo, MI 49009

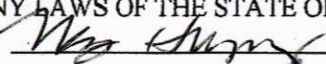

OTHER APPLICATIONS FOR A SIMILAR OR OTHER LICENSE ON PREMSIES OTHER THAN THE ONE BEING REQUESTED.

None

CRIMINAL RECORD - EVER BEEN CONVICTED OF A FELONY.

Mary Heynig - NO Jason Burkhardt - NO

AGREEMENT TO BE LAW ABIDING AND NOT VIOLATE ANY LAWS OF THE STATE OF MICHIGAN, THE UNITED STATES OR TOWNSHIP ORDINANCES.

 10/8/19  
(Signature and Date)  
 10/8/19  
(Signature and Date)

PLEASE PROVIDE BUILDING AND PLOT PLANS SHOWING THE ENTIRE STRUCTURE AND PREMISES, IN PARTICULAR THE AREAS WHERE THE LICENSE IS TO BE UTILITIZED.

PLEASE PROVIDE PLANS TO SHOW ADEQUATE OFF-STREET PARKING, LIGHTING, REFUSE DISPOSAL AND, WHERE APPROPRIATE, PLANS FOR SCREENING AND /OR NOISE CONTROL.



**TEMPORARY LICENSE AND  
RESTRICTION AGREEMENT ON  
TRANSFER OF CLASS C LIQUOR LICENSE**

AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by and between the Charter Township of Oshtemo, Kalamazoo County, Michigan, a Municipal corporation, and the undersigned Licensee.

In consideration of the approval of a Class C Liquor License by the Charter Township of Oshtemo for a business of the undersigned Licensee to be located at 7000 Stadium Drive, Suite 201, Kalamazoo, Michigan, 49009 which approval is hereby granted and acknowledged.

IT IS HEREBY COVENANTED AND AGREED by said Licensee, as follows:

1. The aforesaid liquor license or any renewal thereof shall at no time be sold or transferred by Licensee to any person or entity. Licensee further agrees to relinquish the liquor license and to return the liquor license to the Township for reissuance pursuant to either event set forth in Sub-paragraphs a. or b. below:

- a. Five (5) years after issuance by the Michigan Liquor Control Commission.
- b. Upon the Licensee ceasing to operate its restaurant at 7000 Stadium Drive, Oshtemo Charter Township, Michigan.

2. A breach of the foregoing restriction by the Licensee shall require the full purchase price to be received by Licensee or any successor, representative or assignee of the Licensee for such sale or transfer to be forfeited and paid to the Charter Township of Oshtemo as liquidated damages for the breach of the foregoing covenant and as compensation for the sale or transfer of such license and returning the same to the Charter Township of Oshtemo and the consequent reduction in the number of such licenses available for issuance in the Charter Township of Oshtemo under the Michigan Liquor Control Act.

3. The foregoing required payment to the Charter Township of Oshtemo shall be due and payable upon closing of the sale or transfer of the license and shall bear interest until paid to the Township at the rate of 7% per annum on the full purchase or transfer price.

4. In default of the foregoing payments to the Township for a period of ten (10) days from the due date thereof, the Township shall have the authority to forthwith attach any assets of the Licensee and commence appropriate litigation to collect such sum and to enjoin any conversion of such sum for other purposes. Where said sale price for the license is to be paid in installments, the entire sale price amount shall be due and payable to the Township. If a sale or transfer of the license is accomplished without monetary consideration, the Licensee shall be obligated to forthwith pay to the Township the sum of \$60,000.00 as such liquidated damages.

5. The aforesaid 10-day period for payment and suit may be reduced at the option of the Township to zero days if it has any reason to believe the Licensee is going to leave the jurisdiction of the Charter Township of Oshtemo, abscond with said sums, or convert them in any manner to make them unavailable or more difficult to reach by the Township to satisfy the within obligation.

6. The within Agreement is binding upon and ensures to the benefit of the successors, representatives and assigns of either of the parties hereto.

7. Time is deemed of the essence of this agreement.

IN WITNESS WHEREOF, the parties have signed this Agreement as of the day and date first above written.

Chau Haus Restaurants LLC  
(Licensee Name)

By: Mary Frances Heyrig

Its: partner

Licensee  
Address: 7000 Stadium Drive  
Ste 201

Phone No. 269 353 4620

CHARTER TOWNSHIP OF OSHTEMO

By: \_\_\_\_\_  
Elizabeth Heiny-Cogswell

Its: Supervisor

Address: 7275 West Main Street  
Kalamazoo, MI 49009

Phone No. (269) 375-4260





**Local Government Approval**  
(Authorized by MCL 436.1501)

**Instructions for Applicants:**

- You must obtain a recommendation from the local legislative body for a new on-premises license application, certain types of license classification transfers, and/or a new banquet facility permit.

**Instructions for Local Legislative Body:**

- Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a \_\_\_\_\_ regular \_\_\_\_\_ meeting of the \_\_\_\_\_ Oshtemo Charter Township \_\_\_\_\_ ~~XXXX~~/board  
(regular or special) (township, city, village)

called to order by \_\_\_\_\_ on Oct 22, 2019 at 7:15 p.m.  
(date) (time)

the following resolution was offered:

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the application from Chau Haus Restaurant, LLC  
(name of applicant - if a corporation or limited liability company, please state the company name)

for the following license(s): Class C Liquor License  
(list specific licenses requested)

to be located at: 7000 Stadium Drive, Suite 201, Kalamazoo, MI 49009

and the following permit, if applied for:

Banquet Facility Permit Address of Banquet Facility: \_\_\_\_\_

It is the consensus of this body that it recommends \_\_\_\_\_ this application be considered for  
(recommends/does not recommend)

approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are \_\_\_\_\_

**Vote**

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the \_\_\_\_\_  
council/board at a \_\_\_\_\_ meeting held on \_\_\_\_\_ (township, city, village)  
(regular or special) (date)

Print Name of Clerk

Signature of Clerk

Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

Please return this completed form along with any corresponding documents to:

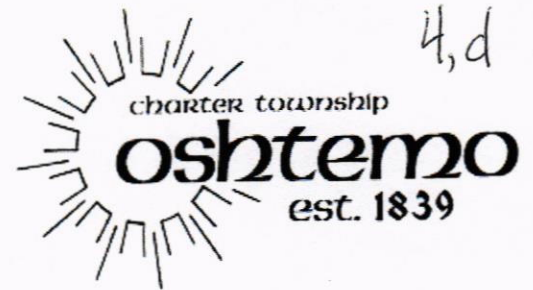
Michigan Liquor Control Commission

Mailing address: P.O. Box 30005, Lansing, MI 48909

Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933

Fax to: 517-763-0059

# Memo



**To:** Oshtemo Charter Township Board  
**From:** Marc Elliott, P.E., Director of Public Works  
Karen High, Parks Director  
**Date:** October 18, 2019  
**Subject:** Maple Estates Water Extension Project Lawn Restoration

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## **OBJECTIVE**

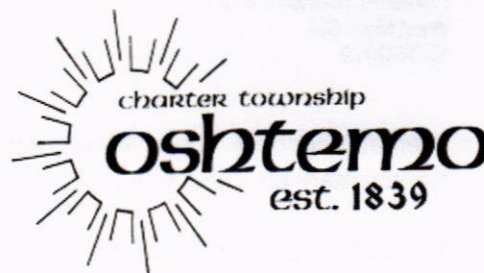
Request for authorization to expend funds to restore lawns along Rosemary Lane and Josiane Drive. KLA Group will reimburse Oshtemo Township for this expense.

## **BACKGROUND**

KLA Group agreed to fund a second round of lawn restoration along Rosemary Lane and Josiane Drive due to concerns raised by residents. DeVisser Landscape Services completed the work, which included an herbicide application and lawn seeding. The work was finished in late September at a cost of \$3,725. GL#491-000-96400, Construction Costs, has adequate funds for payment of the invoice. KLA Group will reimburse the Township for this expense. Board authorization is required because the expenditure is over \$2,000 and was not in the 2019 budget.



# Memo



**To:** Oshtemo Charter Township Board  
**From:** Julie Johnston, AICP  
Acting Planning Director  
**Date:** October 16, 2019  
**Mtg Date:** October 22, 2019  
**Subject:** West Main Corridor Improvement Authority

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## OBJECTIVE

Consideration of the dissolution of the West Main Corridor Improvement Authority.

## BACKGROUND

The October 22<sup>nd</sup> Township Board meeting was originally intended to be the final approval in the steps to create the West Main Corridor Improvement Authority (CIA). The adopted schedule for this project was to present the draft Development and TIF Plan for Board approval. However, with recent decisions from the County, our current recommendation is to dissolve the West Main CIA by resolution.

The development of the CIA began in February of this year when initial conversations commenced with the Township Board and local taxing jurisdictions about the desire to create a corridor improvement authority for West Main Street. However, some of the issues and projects that spurred the desire to create this authority are long standing. The West Main Sub-Area Plan, which outlined the need for additional local roads between 9<sup>th</sup> and 10<sup>th</sup> Streets to alleviate traffic on West Main Street, was adopted in 2011.

In addition, transportation concerns, both auto and pedestrian, between Drake Road and 10<sup>th</sup> Street, have been investigated by both the Township and the Michigan Department of Transportation (MDOT). Consistently, the Drake Road/West Main and 9<sup>th</sup> Street/West Main intersections rank in the top 10 highest crash intersections in Kalamazoo County. Because of these transportation concerns, MDOT recently released a study of West Main Street from just east of Drake Road to 9<sup>th</sup> Street. They outlined a number of improvements that would assist in traffic calming and public safety.

Unfortunately, funding is always the giant hurdle in seeing these types of projects through to fruition. While MDOT completed the study regarding needed corridor enhancements, more pressing concerns, like bridge improvements, have their funding obligated elsewhere. In addition, Oshtemo looked to other possible funding sources like the Michigan Economic Development Corporation. Unfortunately, their dollars for new roads are focused on industrial areas that generate a certain level of new employment. Ultimately, the CIA



seemed the best option to accomplish the needed public improvements to foster good economic development planning, but to mainly address the public safety concerns in the corridor.

The CIA would utilize Tax Increment Financing (TIF) to help fund the projects which would have been outlined in the Development Plan. This is a tool provided by the State of Michigan through Public Act 57 of 2018 to allow local communities to fund improvements in commercial corridors. The great thing about TIF is that it is based off new tax dollars, so local jurisdictions who opt-in to the CIA still receive the base value of taxes on the corridor properties. These types of TIF authorities are a win-win for the local community and the taxing jurisdictions involved. The taxes collected at the start of the TIF are still distributed based on mills while new development tax dollars fund projects within the local TIF district. Once the time period of the TIF Plan has been realized, all the new tax dollars are redistributed to the local jurisdictions. The TIF would have allowed the West Main CIA to make improvements that would have stimulated new construction in a more planned and organized way.

As staff was developing the draft West Main CIA TIF Plan, we hoped that all taxing jurisdictions would opt in their mills. The opt-in time period was from August 13<sup>th</sup> through October 12<sup>th</sup>. To keep the local taxing jurisdictions informed, staff conducted presentation with Kalamazoo County, Kalamazoo Valley Community College (KVCC), and Kalamazoo Public Library (KPL), urging them to partner with the Township on this important project. In addition, the Planning Director from the County was invited to all the Township Board presentations and public hearings, as well as the work group meetings on the West Main CIA. Prior to September of this year, Kalamazoo County had a policy that they would provide two times what the local jurisdiction contributed to the TIF. With Oshtemo's 0.97 mills, we expected the County to follow their policy allowing the West Main CIA to receive 1.94 mills.

Around mid-August, the Township heard that the County was considering changing their TIF policy, which came as a surprise to staff as we had been working on the West Main CIA since February and had been updating the County since March of 2019. At their September 3<sup>rd</sup> meeting, the County approved a revised TIF policy that would cap their contribution to \$1 million. This was quite a blow to the West Main CIA because under the original policy at 1.94 mills, we expected to collect approximately \$5 million.

Again, staff moved forward with the development of the TIF Plan assuming the County would follow their new policy. We presented to the County Commissioners at their September 17<sup>th</sup> meeting. With no public comment solicited, the Commissioners took a "straw poll" on whether they supported opting in to the TIF district. While the straw poll was not in our favor, this was not the official vote and we were still optimistic that we could convince the Commission of the necessity of the District.

Unfortunately, at their October 1<sup>st</sup> meeting, the following agenda item was found:

*"Request for Approval of a Resolution to Exempt County Taxes from Capture by the West Main Corridor Improvement Authority in Oshtemo Charter Township."*

The agenda item was disturbing because it appeared a decision was made prior to the actual meeting where the TIF district was to be discussed. While public input was taken at the October meeting, the agenda item was clear that the TIF district would not be supported. The Commission voted to support the



resolution to exempt their taxes with a vote of seven to four. No real reason for the exemption was provided except that Oshtemo already has a DDA and a corridor improvement authority on Drake Road and other communities need to be supported. Also, there was discussion that if the Township wanted to make road improvements, we should request a vote of the people for a millage increase.

There are issues with both statements. First, an additional TIF in Oshtemo would not take funding from another community as the TIF is based on development that has not occurred. No funding is being removed from the County's budget because the dollars don't yet exist. The second is that an increase in the millage effects all property owners within the Township. The CIA would utilize TIF funds that have no effect of property taxes.

Ultimately, KPL was the only taxing jurisdiction who supported the West Main CIA effort. The KPL Board voted to contribute the same number of mills as the Township. Now that the County has voted to opt-out, the KPL Board has concerns about being the only funding source outside of the Township. While wanting to be a good community partner, they do not wish to be the sole community partner.

With these facts in mind, the continuation of the West Main CIA is no longer viable. A resolution has been provided with this memo that, if approved, will disband the adopted Authority. The public improvements outlined in the draft Development Plan will have to be managed through some other funding source, yet undetermined. It is extremely discouraging that the County could not have followed their previously approved policy related to TIF's and seen the benefit of the improvements planned along the West Main Street corridor.

### **INFORMATION PROVIDED**

- Resolution

CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN

**Resolution of Dissolution of the West Main Corridor Improvement Authority**  
**By The Charter Township of Oshtemo**

October 22, 2019

**WHEREAS**, the Board for the Charter Township of Oshtemo took action to establish the West Main Corridor Improvement Authority on July 23, 2019; and

**WHEREAS**, the West Main Corridor Improvement Authority was established primarily to address motorized and nonmotorized issues on West Main Street, from Drake Road west to the Township Hall in Kalamazoo County, a regional traffic corridor affecting the County, the City of Kalamazoo and the Charter Township of Oshtemo; and

**WHEREAS**, the Michigan Department of Transportation supported the development of the West Main Corridor Improvement Authority, along with a Tax Increment Financing Plan to fund the improvements recommended by the Michigan Department of Transportation in its study -- M-43 Corridor Analysis released June 19, 2019; and

**WHEREAS**, under Act 57 of 2018, all taxing jurisdictions had the right to opt-out of the Tax Increment Financing Plan; and

**WHEREAS**, Kalamazoo County, having recently amended its Tax Increment Financing Policy in 2014, further amended its Policy in 2019, only after the Township proposed the West Main Corridor Improvement Authority and during the 60-day opt-out period for the West Main Corridor Improvement Authority, reducing the County's contribution to 1M for any Tax Increment Financing Plan unless established otherwise but also allowing the County to totally opt-out of the Tax Increment Financing Plan, and in fact, the County voted to opt-out entirely, leaving only the Township and the Kalamazoo Public Library as participants under the proposed Tax Increment Financing Plan; and



**WHEREAS**, it was understandable that the Kalamazoo Public Library would not wish to be the only taxing jurisdiction contributing to the Tax Increment Financing Plan and expressed its desire to opt out; and

**WHEREAS**, without Tax Increment Financing Plan funding, the West Main Corridor Improvement Authority cannot complete the purpose for which it was organized.

**NOW THEREFORE BE IT RESOLVED** that pursuant to Section 627 of the Recodified Tax Increment Financing Act, being Public Act 57 of 2018, because the West Main Corridor Improvement Authority cannot complete the purposes for which it was organized, it is hereby dissolved.

A motion was made by \_\_\_\_\_, seconded by \_\_\_\_\_, to adopt the foregoing Resolution.

Upon a roll call vote, the following voted "Aye":

The following voted "Nay":

The following "Abstained":

The following member was absent:

The Supervisor declared that the Resolution has been adopted.

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Dusty Farmer, Clerk  
Oshtemo Charter Township

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CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of an Excerpt of the Minutes of a meeting of the Oshtemo Charter Township Board, held on October 22, 2019, at which meeting \_\_\_\_\_ members were present and voted upon the same as indicated in said Minutes; that said meeting was held in accordance with the Open Meetings Act of the State of Michigan.

\_\_\_\_\_  
Dusty Farmer, Township Clerk



# Memo



To: Oshtemo Charter Township Board  
From: Julie Johnston, AICP  
Acting Planning Director  
Date: October 15, 2019  
Mtg Date: October 22, 2019  
Subject: South Drake Road Corridor Improvement Authority Memo of Understanding

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## **OBJECTIVE**

Consider authorizing the Supervisor to enter into an agreement with the South Drake Road Corridor Improvement Authority (SoDA) through the Memorandum of Understanding related to annual payments on the Drake Road Path.

## **BACKGROUND**

The SoDA Board felt a more formalized understanding with the Township related to the payments on the Drake Road Path was warranted. The SoDA is currently collecting approximately \$70,000 a year in TIF revenue, with expectations of additional TIF in the years to come. The major project the Authority supports is the development of the Drake Road Path. However, because of the incremental nature of the Authority's revenues, a payment plan to the Township was established within the attached Memorandum of Understanding.

Essentially, the Memo will serve as an agreement between the SoDA and the Township to pay back approximately \$1.3 million in costs incurred by the development of the Drake Road Path. This payment schedule began in 2017 and is expected to continue until 2037, within phased increases at certain points within the timeline.

The SoDA Board spent several meetings reviewing the Memorandum of Understanding and ultimately authorized the Chair to sign the agreement. With the approval of the Township Board, this document will guide the SoDA budgets in years to come.

## **INFORMATION PROVIDED**

- Memorandum of Understanding – Drake Road Path Construction Cost Repayment

**DRAKE ROAD PATH CONSTRUCTION COST REPAYMENT  
 BETWEEN THE  
 SOUTH DRAKE ROAD CORRIDOR IMPROVEMENT AUTHORITY  
 AND  
 OSHEMO CHARTER TOWNSHIP  
 MEMORANDUM OF UNDERSTANDING**

The purpose of this memorandum is to outline an understanding between the South Drake Road Corridor Improvement Authority (SoDA) and the Oshtemo Charter Township Board (Board) for the repayment of costs associated with the development of the Drake Road Non-Motorized Path. Through the collection of tax increment financing, the SoDA will assist with the construction costs of the Drake Road Non-Motorized Path. The payments made by the SoDA will go towards those costs incurred for the project and which are not covered through grants or other sources of funds not provided by the Township.

The parties agree that the payments made by SoDA to the Township toward the construction of the Drake Road Non-Motorized Path will occur as tax revenues are collected. The intent is for the SoDA to meet or exceed this repayment schedule over time, as follows:

Years	Payment Per Year	Total
2017 – 2018	\$30,000	\$60,000
2019 – 2024	\$60,000	\$360,000
2025 – 2030	\$70,000	\$420,000
2031 – 2037	\$75,000	\$525,000
<b>TOTAL:</b>		<b>\$1,365,000</b>

SoDA will have an opportunity each year during the budgeting process to approve a different payment to the Township than outlined above based on revenue and other considerations. In addition, it is anticipated that final construction costs for the Drake Road Non-Motorized Path will likely be higher



than the amount scheduled in the table above. If revenues allow, the SoDA may increase the amount of their payments to assist with covering the total Township costs for the Path.

The parties understand that this Memorandum of Understanding binds both parties to the incremental repayment of the Drake Road Non-Motorized Path as outlined herein.

SOUTH DRAKE ROAD CORRIDOR IMPROVEMENT  
AUTHORITY

By: 

Its: Chairperson

Dated: October 3rd, 2019

OSHTEMO TOWNSHIP BOARD

By: \_\_\_\_\_

Its: Supervisor

Dated: \_\_\_\_\_, 2019

# Memo



To: Oshtemo Charter Township Board  
From: Julie Johnston, AICP  
Acting Planning Director  
Date: October 15, 2019  
Mtg Date: October 22, 2019  
Subject: Amended Keeping of Livestock and Honey Bees Ordinance

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## **OBJECTIVE**

Consideration of the amended Keeping of Livestock and Honey Bees Ordinance for first reading.

## **BACKGROUND**

In February of this year, a resident came to a Planning Commission meeting requesting the Township consider allowing the keeping of bees as a permitted use. In reviewing the Zoning Ordinance, bees were not addressed and therefore were not permitted. With the Planning Commission's direction to review the Ordinance for possible changes to include honey bees, staff took the opportunity to also reorganize and improve the existing code.

Planning staff worked with the Township Attorney, Zoning Administrator, and Ordinance Enforcement Officer to update the Keeping of Animals Ordinance, presenting the Keeping of Livestock and Honey Bees Ordinance to the Planning Commission. The staff team held several meetings to review the Generally Accepted Agricultural Management Practices for both animals and honey bees, as well as looking at other community ordinances, particularly within Southwest Michigan. Ultimately, the recommended changes updated the ordinance to more modern practices as well as providing better clarification between animal types and placement of structures/enclosures.

The Planning Commission then spent several meetings reviewing the draft ordinance language. Additional amendments were made, including language related to animal trespass on neighboring properties and a subsection on undomesticated and dangerous animals. On September 12<sup>th</sup>, the Planning Commission held their public hearing. No members of the public spoke at that meeting. A unanimous motion was approved to forward the draft language to the Township Board for consideration.



**INFORMATION PROVIDED**

- Recommendation from the Planning Commission
- Draft Section 57.80: Keeping of Livestock and Honey Bees
- Draft Ordinance

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

RECOMMENDATION OF THE OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION RESULTING FROM A PUBLIC HEARING  
CONDUCTED SEPTEMBER 12, 2019.

The Oshtemo Charter Township Planning Commission hereby recommends APPROVAL of the amendment to the Township Zoning Ordinance, in summary, as follows:

Consideration of an amendment to the Township Zoning Ordinance Article 57, Miscellaneous Protection Requirements, Section 57.80 Keeping of Poultry, Swine, Horses, or Livestock, which will be retitled and, in summary, would read as follows:

See Attachment

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

Date: September 12, 2019

By: 

James W. Porter  
Township Attorney

Final Action by Oshtemo Charter Township Board

\_\_\_\_\_ APPROVED \_\_\_\_\_

\_\_\_\_\_ DENIED \_\_\_\_\_

\_\_\_\_\_ REFERRED BACK TO PLANNING COMMISSION



## Attachment

### ARTICLE 57: MISCELLANEOUS PROTECTION REQUIREMENTS

#### Section 57.80 Keeping of Poultry, Swine, Horses, or Livestock and Honey Bees

The keeping of poultry, swine, livestock, or horses, rabbits, sheep, goats, chickens and other similar animals livestock (collectively referred herein as animals), and bees for noncommercial purposes as pets or for educational purposes, is permitted under the following conditions:

- A. Activities shall be ~~conducted on less than a commercial scale~~ for the private enjoyment of the property owners ~~conducted for noncommercial purposes~~.
- B. Acreage requirements. Acreage requirements are exclusive of each animal size, meaning the property must have the minimum required acreage for each animal.
  1. Large animals. ~~There shall be a minimum of One acre for each large animal (more than 200 pounds at maturity), including horses, cattle, and swine, or similar animals.~~
  2. Moderate-sized animals. ~~One-quarter acre for each small moderate-sized animal (under 35 to 200 pounds at maturity), including sheep, goats, or similar animals.~~
  3. Small animals. ~~exclusive of those set forth above and for chickens, ducks, turkeys, and rabbits (collectively referred [to] herein as specified animals). All parcels, lots, and building sites shall be permitted up to five specified animals; roosters are prohibited. Parcels, lots, and building sites larger than one acre shall be permitted one additional specified animal for each one-quarter acre in excess of one acre. All parcels, lots, and building sites up to one acre shall be permitted up to five small animals (under 35 pounds at maturity), including chickens, ducks, turkeys, rabbits, or similar animals. One additional small animal shall be permitted for each additional one-quarter acre of property.~~
  4. Honey bees. All parcels, lots, and building sites up to one-quarter acre shall be permitted two hives to a maximum of six hives for the first acre. One additional hive is allowed for each additional one-quarter acre of property in excess of one acre.
- C. Structure requirements and location.
  1. ~~At minimum, a fenced-in enclosure, other than the residence, shall be placed for the housing of animals~~ A structure or shelter is required based on the Generally Accepted Agricultural Management Practices (GAAMPS) for the care of animals.
  2. All buildings, structures, ~~or other~~ enclosures, or hives shall be within either the side or rear yards and may not be within the required front ~~setback~~ yard for the subject property.

D. **Building setbacks.** A building, ~~other than the residence,~~ structure, shelter, or hive ~~used to shelter for animals or bees~~ and/or any area used to store, dispose of, or compost manure, other than the primary residential dwelling, shall ~~not be located closer than~~ comply with the following setbacks:

1. ~~Large animals. 50 feet for large or small animals from any property line and 150 feet to from any pre-existing dwelling on an adjacent premise property. under different ownership.~~
2. ~~Moderate-sized animals. 50 feet from any property line and 100 feet from any pre-existing dwelling on an adjacent property.~~
3. ~~Small animals. and ten feet or the height of the building, whichever is greater, for specified animals to any property line and not nearer than 150 feet for large or small animals and 20 feet for specified animals to any preexisting dwelling on adjacent premises under different ownership.~~ 25 feet from any property line and 50 feet from any pre-existing dwelling on an adjacent property.
4. ~~Honey bees. 15 feet from any property line and 50 feet from any pre-existing dwelling on an adjacent property.~~

E. **Fenced enclosure requirements.**

~~Large and small animals (excluding specified animals) shall be controlled in a suitable manner to prevent their approaching closer than 100 feet to any preexisting dwelling on adjacent premises under different ownership. Specified animals shall not be allowed free roam, must be contained within a six-foot fence or other fully enclosed structure at all times, and shall be controlled in a suitable manner to prevent their approaching closer than 20 feet to any preexisting dwelling on adjacent premises under different ownership. A sight fence or other screening is required if specified animals are visible from any other residential property or any public rights-of-way. All fences for specified animals shall be within either the side or rear yards and may not be within the required front setback for the subject property.~~

1. ~~Animals shall not be allowed free roam, but must be contained within a fully enclosed fenced area at all times. Fencing must meet the requirements of Section 57.60.~~
2. ~~Fencing shall prevent animals from approaching any pre-existing dwelling on an adjacent property per the following requirements:~~
  - a. ~~Large animals – 100 feet~~
  - b. ~~Moderate-sized animals – 75 feet~~
  - c. ~~Small animals – 40 feet~~
3. ~~Fencing shall be designed to prevent animal trespass onto neighboring property.~~

F. **Additional requirements for the keeping of honey bees.**

1. Hives shall be placed in such a way that the hive entrance is positioned internal to the property so that bees must fly across the property.
2. A flyaway barrier at least six feet in height shall shield any part of the property line that is within 25 feet of a bee hive. Such flyaway barrier must consist of a solid fence per Section 57.60, dense vegetation, or combination thereof to redirect a bee's flight pattern to be above six feet in height at the property line. The Planning Director may approve an additional barrier type if it meets the intent of assisting the bees to gain altitude before leaving the property.
3. A constant supply of water shall be provided to all hives.

G. Prohibitions.

1. ~~The keeping of poultry, swine, horses, or livestock~~ **Animals is further are prohibited where conditions of maintenance are such to cause:**
  - a. **Unpleasant odors to be generated sufficiently strong to be discernible upon property of others for continuous periods of longer than six days, or**
  - b. **Noise to be generated sufficiently loud to penetrate indoors upon property of others for continuous periods in excess of four hours, or**
  - c. **Flies, insects or rodents to be attracted to the place where said animals and/or fowl are kept and are thereafter permitted to multiply and escape upon adjoining property.**
2. **Said animals or fowl, alive or dead, or any refuse therefrom shall not to trespass or be carried upon adjoining property.**
3. **Roosters that crow are prohibited.**
4. Any undomesticated animal or dangerous animal classified as wild, which includes, but is not limited to alligators, bears, monkeys, wolves, coyotes, venomous or constrictor reptiles, panthers, cougars, tigers, lions, and other wild felines. It shall also include any hybrid between a wild animal and a domesticated animal, such as a dog and a wolf or a cat and a bobcat.



OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. \_\_\_\_\_

Adopted: \_\_\_\_\_, 2019

Effective: \_\_\_\_\_, 2019

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Zoning Ordinance, Article 57, Miscellaneous Protection Requirements, Section 57.80 Keeping of Poultry, Swine, Horses, or Livestock, as well as to change the title to Keeping of Livestock and Honey Bees. This Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN  
ORDAINS:

SECTION I. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 57: MISCELLANEOUS PROTECTION REQUIREMENTS, SECTION 57.80. Article 57: Miscellaneous Protection Requirements, Section 57.80 Definitions is hereby amended and retitled to read as follows:

ARTICLE 57: MISCELLANEOUS PROTECTION REQUIREMENTS

**Section 57.80 Keeping of Poultry, Swine, Horses, or Livestock and Honey Bees**

The keeping of poultry, swine, livestock, or horses, rabbits, sheep, goats, chickens and other similar animals livestock (collectively referred herein as animals), and bees for noncommercial purposes as pets or for educational purposes, is permitted under the following conditions:

- A. Activities shall be conducted on less than a commercial scale for the private enjoyment of the property owners conducted for noncommercial purposes.
- B. Acreage requirements. Acreage requirements are exclusive of each animal size, meaning the property must have the minimum required acreage for each animal.
  1. Large animals. There shall be a minimum of One acre for each large animal (more than 200 pounds at maturity), including horses, cattle, and swine, or similar animals.
  2. Moderate-sized animals. One-quarter acre for each small moderate-sized animal (under 35 to 200 pounds at maturity), including sheep, goats, or similar animals.
  3. Small animals. exclusive of those set forth above and for chickens, ducks, turkeys, and rabbits (collectively referred [to] herein as specified animals). All parcels, lots, and building sites shall be permitted up to five specified animals; roosters are prohibited. Parcels, lots, and building sites larger than one acre shall be permitted one additional specified animal for each one-quarter acre in excess of one acre. All parcels, lots, and

building sites up to one acre shall be permitted up to five small animals (under 35 pounds at maturity), including chickens, ducks, turkeys, rabbits, or similar animals. One additional small animal shall be permitted for each additional one-quarter acre of property.

4. Honey bees. All parcels, lots, and building sites up to one-quarter acre shall be permitted two hives to a maximum of six hives for the first acre. One additional hive is allowed for each additional one-quarter acre of property in excess of one acre.

C. Structure requirements and location.

1. ~~At minimum, a fenced-in enclosure, other than the residence, shall be placed for the housing of animals~~ A structure or shelter is required based on the Generally Accepted Agricultural Management Practices (GAAMPS) for the care of animals.
2. All buildings, structures, ~~or other enclosures, or hives~~ shall be within either the side or rear yards and may not be within the required front ~~setback yard~~ for the subject property.

D. Building setbacks. A building, ~~other than the residence, structure, shelter, or hive used to shelter for animals or bees~~ and/or any area used to store, dispose of, or compost manure, other than the primary residential dwelling, shall ~~not be located closer than~~ comply with the following setbacks:

1. Large animals. 50 feet ~~for large or small animals~~ from any property line and 150 feet to from any pre-existing dwelling on an adjacent ~~premise~~ property. ~~under different ownership.~~
2. Moderate-sized animals. 50 feet from any property line and 100 feet from any pre-existing dwelling on an adjacent property.
3. Small animals. ~~and ten feet or the height of the building, whichever is greater, for specified animals to any property line and not nearer than 150 feet for large or small animals and 20 feet for specified animals to any preexisting dwelling on adjacent premises under different ownership.~~ 25 feet from any property line and 50 feet from any pre-existing dwelling on an adjacent property.
4. Honey bees. 15 feet from any property line and 50 feet from any pre-existing dwelling on an adjacent property.

E. Fenced enclosure requirements.

~~Large and small animals (excluding specified animals) shall be controlled in a suitable manner to prevent their approaching closer than 100 feet to any preexisting dwelling on adjacent premises under different ownership. Specified animals shall not be allowed free roam, must be contained within a six-foot fence or other fully enclosed structure at all times, and shall be controlled in a suitable manner to prevent their approaching closer than 20 feet to any preexisting dwelling on adjacent premises under different ownership. A sight fence or other screening is required if specified animals are visible from any other residential property or any public rights of way. All fences for specified animals shall be within either the side or rear yards and may not be within the required front setback for the subject property.~~

1. Animals shall not be allowed free roam, but must be contained within a fully enclosed fenced area at all times. Fencing must meet the requirements of Section 57.60.
2. Fencing shall prevent animals from approaching any pre-existing dwelling on an adjacent property per the following requirements:
  - a. Large animals – 100 feet
  - b. Moderate-sized animals – 75 feet
  - c. Small animals – 40 feet

3. Fencing shall be designed to prevent animal trespass onto neighboring property.

F. Additional requirements for the keeping of honey bees.

1. Hives shall be placed in such a way that the hive entrance is positioned internal to the property so that bees must fly across the property.
2. A flyaway barrier at least six feet in height shall shield any part of the property line that is within 25 feet of a bee hive. Such flyaway barrier must consist of a solid fence per Section 57.60, dense vegetation, or combination thereof to redirect a bee's flight pattern to be above six feet in height at the property line. The Planning Director may approve an additional barrier type if it meets the intent of assisting the bees to gain altitude before leaving the property.
3. A constant supply of water shall be provided to all hives.

G. Prohibitions.

1. ~~The keeping of poultry, swine, horses, or livestock~~ **Animals are further prohibited where conditions of maintenance are such to cause:**
  - a. **Unpleasant odors to be generated sufficiently strong to be discernible upon property of others for continuous periods of longer than six days, or**
  - b. **Noise to be generated sufficiently loud to penetrate indoors upon property of others for continuous periods in excess of four hours, or**
  - c. **Flies, insects or rodents to be attracted to the place where said animals and/or fowl are kept and are thereafter permitted to multiply and escape upon adjoining property.**
2. **Said animals or fowl, alive or dead, or any refuse therefrom shall not trespass or be carried upon adjoining property.**
3. **Roosters that crow are prohibited.**
4. **Any undomesticated animal or dangerous animal classified as wild, which includes, but is not limited to alligators, bears, monkeys, wolves, coyotes, venomous or constrictor reptiles, panthers, cougars, tigers, lions, and other wild felines. It shall also include any hybrid between a wild animal and a domesticated animal, such as a dog and a wolf or a cat and a bobcat.**

SECTION II. **EFFECTIVE DATE AND REPEAL.** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed. This Ordinance shall take effect upon publication after adoption in accordance with State law.

DUSTY FARMER, CLERK  
OSHTEMO CHARTER TOWNSHIP



# Memo



To: Oshtemo Charter Township Board  
From: Julie Johnston, AICP  
Acting Planning Director  
Date: October 15, 2019  
Mtg Date: October 22, 2019  
Subject: New Flags and Flagpoles Ordinance

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## **OBJECTIVE**

Consideration of the new Flags and Flagpoles Ordinance and removal of flags from the Signs and Billboards Ordinance for first reading.

## **BACKGROUND**

The current Township Zoning Ordinance manages flags and flagpoles within the Signs and Billboards Ordinance, which is not how most flags are utilized in Oshtemo. Often, property owners wish to fly the American or State of Michigan flag, not an advertisement flag. Therefore, the Sign Ordinance is an awkward location to manage flags. In addition, the current ordinance language provides very little regulatory control over the placement of flagpoles. At this time, the only requirement for placement would be ensuring the flagpole is outside of the road right-of-way.

To better regulate flags and flagpoles, staff suggested to the Planning Commission that a new section be added to Article 57: Miscellaneous Protections Ordinance. In developing Section 57.140: Flags and Flagpoles, staff reviewed other community ordinances, as well as websites of flag manufacturers for typical sizes for residential and commercial uses. Finally, the attached draft ordinance was reviewed by the Township Attorney, Zoning Administrator, and Ordinance Enforcement Officer.

The Planning Commission spent two meetings reviewing the draft ordinance language. Additional amendments were made, including language related to placement of the flagpole, the size of flags, and which flag sizes should only be allowed in nonresidential areas. On October 10<sup>th</sup>, the Planning Commission held their public hearing. No members of the public spoke at that meeting. A unanimous motion was approved to forward the draft language to the Township Board for consideration.

**INFORMATION PROVIDED**

- Recommendation from the Planning Commission
- Recommended language removal from the Signs and Billboards Ordinance and draft Section 57.140:  
Flags and Flagpoles
- Draft Ordinance

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

RECOMMENDATION OF THE OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION RESULTING FROM A PUBLIC HEARING  
CONDUCTED OCTOBER 10, 2019.

The Oshtemo Charter Township Planning Commission hereby recommends APPROVAL of the amendments to the Township Zoning Ordinance as follows:

1. Consideration of an amendment to Township Zoning Ordinance Article 55, Signs and Billboards, by the deletion of any reference to flags and/or flagpoles from the following sections:
2. Consideration of an amendment to Township Zoning Ordinance Article 57, Miscellaneous Protection Requirements, by the addition of a new Section 57.140 Flags and Flagpoles, which shall read as follows:

See Attachment

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

Date: October 10, 2019

By: 

James W. Porter  
Township Attorney

Final Action by Oshtemo Charter Township Board

\_\_\_\_\_ APPROVED \_\_\_\_\_

\_\_\_\_\_ DENIED \_\_\_\_\_

\_\_\_\_\_ REFERRED BACK TO PLANNING COMMISSION



ATTACHMENT TO  
PLANNING COMMISSION RECOMMENDATION

**ARTICLE 55: SIGNS AND BILLBOARDS**

**55.70            AGRICULTURAL AND RESIDENTIAL LAND USES**

\*\*\*

B. All Agricultural and Residential uses shall also be permitted the following:

~~1. Flags.~~

~~2.1.~~ One (1) Seasonal Agricultural Sign, not to exceed a sign area of 32 square feet, except as expressly permitted herein, shall be permitted for up to 90 calendar days per year per principal use for functioning farms and farm markets. A sign permit must be obtained prior to displaying a Seasonal Agricultural Sign.

**55.80            COMMERCIAL AND OFFICE LAND USES**

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B. All Commercial and Office uses shall also be permitted the following:

~~1. Flags. A lot, building site or parcel shall be limited to three flags. For lots, building sites and parcels with public street frontage in excess of 200 feet, three additional flags are permitted for every additional 200 feet of continuous public street frontage. Flag pole height may not exceed 60 feet. Maximum flag sign shall be 15 feet x 25 feet.~~

~~2.1.~~ One directory wall sign per building, not to exceed 20 square feet in total sign area.

~~3. 2.~~ Directional signs up to two square feet in area and four feet in height. Each lot, building site, parcel, commercial center, or development shall not have more than one directional sign per street entrance.

**55.90            INDUSTRIAL LAND USES**

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B. All Industrial shall also be permitted the following:

~~1. Flags. A lot, building site or parcel shall be limited to three flags. For lots, building sites and parcels with public street frontage in excess of 200 feet, three additional flags are permitted for every additional 200 feet of continuous public street frontage. Flag pole height may not exceed 60 feet. Maximum flag sign shall be 15 feet x 25 feet.~~

~~2~~1. One directory wall sign per building, not to exceed 20 square feet in total sign area.

~~3~~ 2. Directional signs up to two square feet in area and a height of four feet. Each lot, building site, parcel, or development shall not have more than one directional sign per street entrance.

### **55.130 SIGNS NOT REQUIRING PERMITS**

The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this Article:

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~~H. Flags.~~

### **55.140 MAINTENANCE**

All signs, ~~flags, and flag poles~~ shall be properly maintained. Exposed surfaces shall be clean and painted, if paint is required. Defective or damaged parts shall be replaced.

## ARTICLE 57: MISCELLANEOUS PROTECTION REQUIREMENTS

### 57.140 FLAGS AND FLAGPOLES

- A. Purpose. The purpose of this Section is to allow the display of noncommercial flags while furthering the substantial interest of the Township through:
- Maintenance and improvement of the community's appearance,
  - Elimination of visual clutter,
  - Ensuring traffic and property safety, and
  - Preserving property values.
- B. Scope. The regulations set forth in this Section shall apply to flags and flagpoles in all zoning districts.
- C. Prohibited.
1. Flags designed for, or in effect serve as, advertising shall be considered signage and shall be regulated by Article 55.
  2. Banners, feathers, pennants, spinners, streamers, or other similar devices.
  3. Furcated poles with multiple mounting structures.
- D. Number of Flags and Flagpoles.
1. Residential District.
    - a. A total of three (3) flagpoles, but not more than three (3) flags in total, shall be permitted as part of the overall residential development or apartment complex.
    - b. A total of two (2) flagpoles, but not more than two (2) flags in total, shall be permitted as part of a single-family parcel, lot, or building site.
  2. Nonresidential District.
    - a. A total of three (3) flagpoles, but not more than three (3) flags in total, shall be permitted per parcel, lot, or building site.
    - b. For parcels, lots, or building sites with public street frontage in excess of 200 feet, one additional flagpole and flag is permitted for every additional 200 feet of continuous street frontage.
    - c. For multi-tenant nonresidential establishments, one (1) flag may be displayed per establishment through a wall-mounted stanchion located near the entrance of that tenant space.
- E. Flagpole Height. Flagpoles within residential districts may not exceed 29 feet in height and flagpoles within nonresidential districts may not exceed 60 feet in height, per the chart in Section 57.140.F.



F. Size of Flags.

1. The maximum flag size allowed shall be based on the height of the flagpole, as follows:

Height of Flagpole	Size of Flag
Under 20	4 feet X 6 feet or 24 square feet
20 – 29 feet	5 feet X 8 feet or 40 square feet
30 – 39 feet*	6 feet X 10 feet or 60 square feet
40 – 49 feet*	8 feet X 12 feet or 96 square feet
50 – 59 feet*	10 feet X 15 feet or 150 square feet
60 feet*	12 feet X 18 feet or 216 square feet
60 feet*	15 feet X 25 feet or 375 square feet

\*Nonresidential districts and uses only.

2. Flags displayed through a wall-mounted stanchion shall not exceed 4 feet X 6 feet or 24 square feet.

G. Flagpole Location.

1. Flagpoles may be located within any yard.
2. Flagpoles located within the front yard:
  - a. Must be setback from the front property line a distance to allow the flag to fly fully open within the subject property. Flags may not encroach upon adjacent properties or rights-of-way.
  - b. Must be setback the height of the flagpole from the side property lines.
3. Flagpoles within any side or rear yard must be setback the height of the flagpole to ensure the pole falls entirely within the subject property.

H. Maintenance. Flagpoles and flags must be maintained in good condition, free of significant corrosion, peeling paint, tears, fraying, or other damage or deterioration.

I. Illumination. Flagpoles may be illuminated per the requirements of Article 54.

J. Manner of Display. Flags and insignia of any government shall be displayed in an approved manner pursuant to federal guidelines in Title 4, United States Code, Chapter 1 (the Federal Flag Code).

K. Building Permit. Any necessary building permits, if required by State building code, must be obtained prior to the installation of a flagpole.

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. \_\_\_\_\_

Adopted: \_\_\_\_\_, 2019

Effective: \_\_\_\_\_, 2019

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Zoning Ordinance, Article 55, Signs and Billboards, by the deletion of any reference to flags and/or flagpoles from the Sections 55.70, 55.80, 55.90, 55.130 and 55.140 and to also amend Article 57, Miscellaneous Protection Requirements, by the addition of a new Section 57.140 Flags and Flagpoles. This Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN  
ORDAINS:

SECTION I. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 55: SIGNS AND BILLBOARDS.

SECTIONS 55.70, 55.80, 55.90 55.130 AND 55.140. Article 55: Signs and Billboards,

Section 55.70, 55.80, 55.90, 55.130 and 55.140 are hereby amended to read as follows:

**ARTICLE 55: SIGNS AND BILLBOARDS**

**55.70 AGRICULTURAL AND RESIDENTIAL LAND USES**

\*\*\*

B. All Agricultural and Residential uses shall also be permitted the following:

~~1. Flags.~~

~~1.~~ One (1) Seasonal Agricultural Sign, not to exceed a sign area of 32 square feet, except as expressly permitted herein, shall be permitted for up to 90 calendar days per year per principal use for functioning farms and farm markets. A sign permit must be obtained prior to displaying a Seasonal Agricultural Sign.

**55.80 COMMERCIAL AND OFFICE LAND USES**

\*\*\*

B. All Commercial and Office uses shall also be permitted the following:

~~1. Flags. A lot, building site or parcel shall be limited to three flags. For lots, building sites and parcels with public street frontage in excess of 200 feet, three additional flags are permitted for every additional 200 feet of continuous public street frontage. Flag pole height may not exceed 60 feet. Maximum flag sign shall be 15 feet x 25 feet.~~

~~2.1.~~ One directory wall sign per building, not to exceed 20 square feet in total sign area.

~~3.2.~~ Directional signs up to two square feet in area and four feet in height. Each lot, building site, parcel, commercial center, or development shall not have more than one directional sign per street entrance.

**55.90 INDUSTRIAL LAND USES**

\*\*\*

B. All Industrial shall also be permitted the following:

~~1. Flags. A lot, building site or parcel shall be limited to three flags. For lots, building sites and parcels with public street frontage in excess of 200 feet, three additional flags are permitted for every additional 200 feet of continuous public street frontage. Flag pole height may not exceed 60 feet. Maximum flag sign shall be 15 feet x 25 feet.~~

~~2.1.~~ One directory wall sign per building, not to exceed 20 square feet in total sign area.

~~3.2.~~ Directional signs up to two square feet in area and a height of four feet. Each lot, building site, parcel, or development shall not have more than one directional sign per street entrance.

**55.130 SIGNS NOT REQUIRING PERMITS**

The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this Article:

\*\*\*

~~H. Flags.~~

**55.140 MAINTENANCE**

All signs, ~~flags, and flag poles~~ shall be properly maintained. Exposed surfaces shall be clean and painted, if paint is required. Defective or damaged parts shall be replaced.

**SECTION II. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 57: MISCELLANEOUS PROTECTION REQUIREMENTS, BY ADDITION OF SECTION 57.140. Article 57:**

Miscellaneous Protection Requirements, Section 57.140 is hereby added to read as follows:

**ARTICLE 57: MISCELLANEOUS PROTECTION REQUIREMENTS**

**57.140 FLAGS AND FLAGPOLES**

A. Purpose. The purpose of this Section is to allow the display of noncommercial flags while furthering the substantial interest of the Township through:

- Maintenance and improvement of the community's appearance,
- Elimination of visual clutter,
- Ensuring traffic and property safety, and
- Preserving property values.

B. Scope. The regulations set forth in this Section shall apply to flags and flagpoles in all zoning districts.

C. Prohibited.

1. Flags designed for, or in effect serve as, advertising shall be considered signage and shall be regulated by Article 55.
2. Banners, feathers, pennants, spinners, streamers, or other similar devices.
3. Furcated poles with multiple mounting structures.

D. Number of Flags and Flagpoles.

1. Residential District.

- a. A total of three (3) flagpoles, but not more than three (3) flags in total, shall be permitted as part of the overall residential development or apartment complex.
- b. A total of two (2) flagpoles, but not more than two (2) flags in total, shall be permitted as part of a single-family parcel, lot, or building site.

2. Nonresidential District.

- a. A total of three (3) flagpoles, but not more than three (3) flags in total, shall be permitted per parcel, lot, or building site.
- b. For parcels, lots, or building sites with public street frontage in excess of 200 feet, one additional flagpole and flag is permitted for every additional 200 feet of continuous street frontage.
- c. For multi-tenant nonresidential establishments, one (1) flag may be displayed per establishment through a wall-mounted stanchion located near the entrance of that tenant space.

E. Flagpole Height. Flagpoles within residential districts may not exceed 29 feet in height and flagpoles within nonresidential districts may not exceed 60 feet in height, per the chart in Section 57.140.F.

F. Size of Flags.

1. The maximum flag size allowed shall be based on the height of the flagpole, as follows:

Height of Flagpole	Size of Flag
Under 20	4 feet X 6 feet or 24 square feet
20 – 29 feet	5 feet X 8 feet or 40 square feet
30 – 39 feet*	6 feet X 10 feet or 60 square feet
40 – 49 feet*	8 feet X 12 feet or 96 square feet
50 – 59 feet*	10 feet X 15 feet or 150 square feet
60 feet*	12 feet X 18 feet or 216 square feet
60 feet <sup>b</sup>	15 feet X 25 feet or 375 square feet

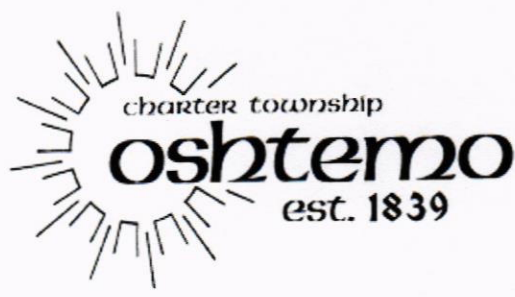
\*Nonresidential districts and uses only.



2. Flags displayed through a wall-mounted stanchion shall not exceed 4 feet X 6 feet or 24 square feet.
- G. Flagpole Location.
1. Flagpoles may be located within any yard.
  2. Flagpoles located within the front yard:
    - a. Must be setback from the front property line a distance to allow the flag to fly fully open within the subject property. Flags may not encroach upon adjacent properties or rights-of-way.
    - b. Must be setback the height of the flagpole from the side property lines.
  3. Flagpoles within any side or rear yard must be setback the height of the flagpole to ensure the pole falls entirely within the subject property.
- H. Maintenance. Flagpoles and flags must be maintained in good condition, free of significant corrosion, peeling paint, tears, fraying, or other damage or deterioration.
- I. Illumination. Flagpoles may be illuminated per the requirements of Article 54.
- J. Manner of Display. Flags and insignia of any government shall be displayed in an approved manner pursuant to federal guidelines in Title 4, United States Code, Chapter 1 (the Federal Flag Code).
- K. Building Permit. Any necessary building permits, if required by State building code, must be obtained prior to the installation of a flagpole.

**SECTION III. EFFECTIVE DATE AND REPEAL. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed. This Ordinance shall take effect upon publication after adoption in accordance with State law.**

**DUSTY FARMER, CLERK  
OSHEMO CHARTER TOWNSHIP**



# Memorandum

**Date:** October 18, 2019  
**To:** Township Board  
**From:** Marc Elliott, P.E., Director of Public Works  
**Subject:** 8th Street Sewer Extension – Initiation of Design Work

## OBJECTIVE

At its October 15th meeting, the Capital Improvements Committee of Oshtemo Township elected to recommend that the Board grant approval (to include a 2019 budget amendment) for its Engineer (Prein&Newhof) to initiate design work for the 8th St Sanitary Sewer Extension, from KL Avenue to W. Main Street. The 2019 fiscal year design work is estimated to be about \$50,000.

## BACKGROUND

The Road Commission of Kalamazoo County has deferred pavement maintenance of this roadway segment because Oshtemo desired an opportunity to consider a collaborative project to install sewers. The RCKC work is tentatively scheduled for 2021 construction. The anticipated RCKC collaboration is for RCKC to contribute the cost of the top course of pavement.

## DISCUSSION

In 2021 the receiving sewer for the northern section of this project is anticipated to be available as a result of the Phase 1 sewer extensions. Construction of the receiving sewer at the south end was completed in 2018. It should be noted that this extent includes industrial zoned lands which are currently without sanitary sewer service.

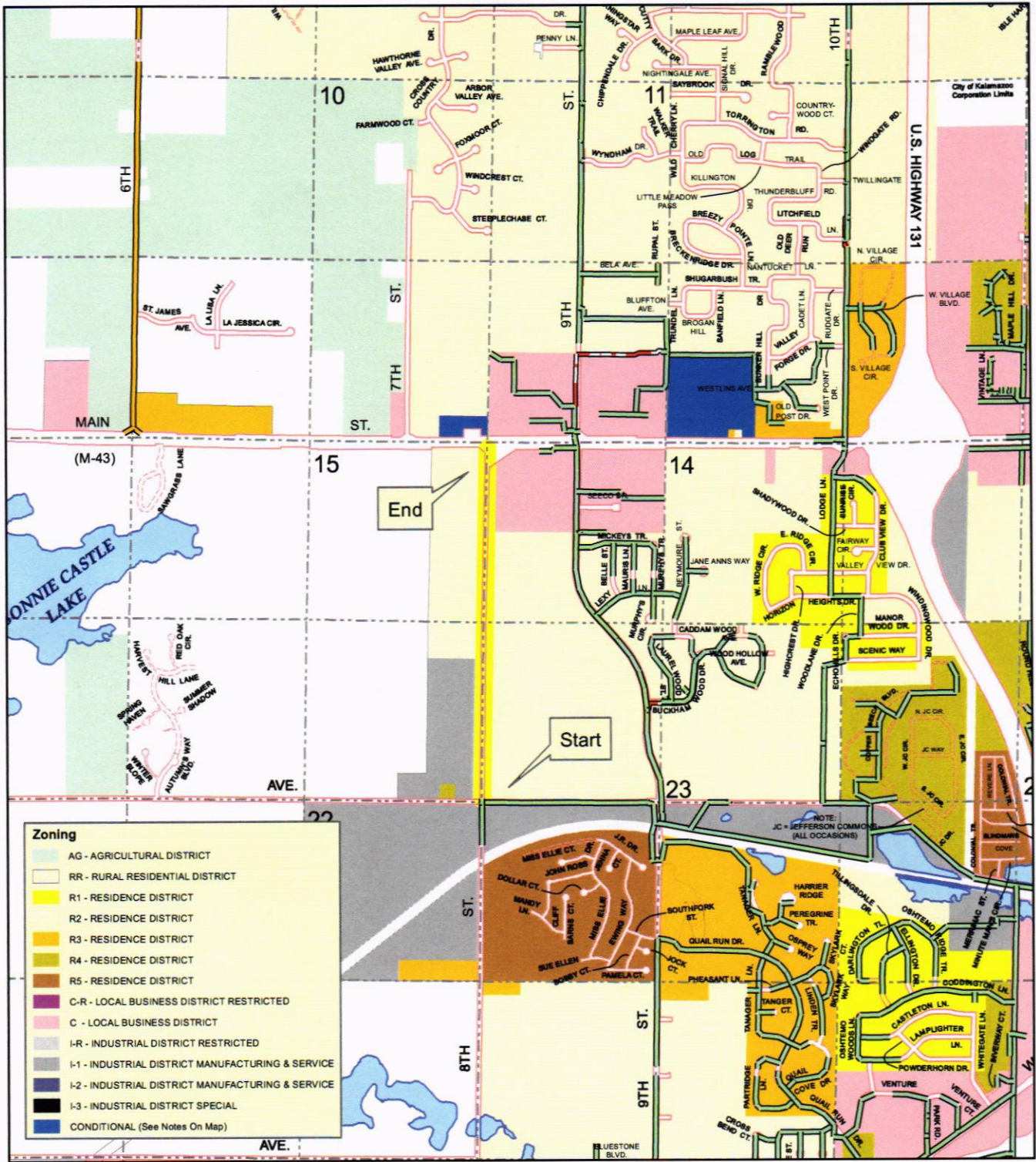
This segment of 8th Street from KL Avenue to W. Main Street was recently downgraded from County Primary to a Local Road. By policy, RCKC seeks to restore/upgrade existing roadway pavements so that once the local unit of government assumes responsibility for maintenance, the pavement is of good quality.

The 2020 budget includes an allocation (a recent addition) to complete the proposed engineering design work. The CIP for sanitary sewers will need to be revisited by the Board in 2020. This task will include identification of capital project funding and an assessment of long-term financial capacity for the proposed 2021 construction in conjunction with related sewer debt service payments.

## ATTACHMENT

1. 8th St Sanitary Sewer Project Extent Map
2. Proposed Engineering Services Contract
3. Proposed 2019 Budget Amendment





This map is for reference purposes only. While it is intended to be an accurate graphic representation, its accuracy cannot be guaranteed. Any conclusions or information derived from this map are at the users sole risk.

## 8th St Sanitary Sewer Ext (Proposed 2021 Construction) Charter Township of Oshtemo

Date: 10/18/2019

# Prein&Newhof

Engineers ■ Surveyors ■ Environmental ■ Laboratory

ITEM 8

Sent via email: [libbyhc@oshtemo.org](mailto:libbyhc@oshtemo.org)

October 4, 2019  
2190600

Ms. Libby Heiny-Cogswell  
Supervisor  
Charter Township of Oshtemo  
7275 W. Main St.  
Kalamazoo, MI 49009

RE: 8<sup>th</sup> Street Sanitary Sewer Extension – KL Avenue to M-43

Dear Ms. Heiny-Cogswell:

Prein&Newhof was requested to provide cost information for design engineering, permitting, bidding and contract administration services including construction observation related to the extension of public sanitary sewer in KL Avenue from 9th Street to 8th Street.

Our estimated proposed services include:

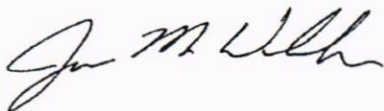
Survey, Soil Borings & Initial Data Collection.....	\$ 27,000	} 50K 2019
Conceptual Engineering; Basis of Design.....	10,000	
Preliminary Engineering Design .....	12,000	} 135K 2020
Final Engineering Design, MDEQ Permitting & Bidding .....	36,000	
Construction Observation and Project Administration .....	100,000	
Total .....	\$185,000	

We will provide the above services on a time and material basis, estimated at \$185,000. It is anticipated that the survey, soil borings & initial data collection will take place in 2019.

If this proposal meets with your approval, please sign and return the Professional Services Agreement as authorization to proceed. If you have any questions, please contact our office.

Sincerely,

**Prein&Newhof**



Jason M. Washler, P.E.



Ryan M. Russell, P.E.

RMR:dlj

Enclosures: Professional Services Agreement (2 pg.) Terms & Conditions (3 pg.)



Clear Form

# BUDGET AMENDMENT REQUEST

(Requesting funds for a line item in addition to the approved budget)

Date: 10/18/2019

Department Head Name: M Elliott (Public Works)

Fund Name:

		Amount	
Additional Funds Request for: (description and GL number)	<u>490-000-96400</u>	Construction Costs	<b>\$ 50,000.00</b>
	<u></u>	(8th St, KL Ave to W Main)	<input type="text"/>
	<u></u>		<b>\$ 50,000.00</b>
Funds requested from: (description and GL number)	<u>101-506-97600.NMDRDR</u>	Non-Motorized, Drake Road TA 01	<b>\$ 50,000.00</b>
	<u></u>	(Stadium Dr to W Michigan Segment)	<input type="text"/>
	<u></u>		<input type="text"/>
	<u></u>		<input type="text"/>
	<u></u>		<b>\$ 50,000.00</b>

Explanation of request:

This is the FY 2019 projected expenditures to initiate survey and design for a proposed extension of public sanitary sewer in 8th St, from KL Avenue to W Main St. Source of funds is the southern most segment of the Drake Road Trailway Project. This trailway work remains on hold due to an impasse in crossing the Amtrak high speed rail to the north. [MDOT has yet to resolve its Amtrak crossing impasse that cause MDOT to suspend its scheduled replacement of the US131 bridges.]

Supervisor Review:   
(pending or date reviewed)

Board Authorization:   
(pending or date authorized)

2019 Oshtemo Township 2nd QTR Budget Amendment Request Summary

<b>General 101-001-40100</b>		
Elections - Precinct Workers, Postage, Facility Rental		\$ 18,000.00
General Operations - Legal Fees		\$ 10,000.00
General Operations - Mileage and BOR/MTT		\$ 2,431.00
General Operations - New Hire Expenses		\$ 2,400.00
General Operations - Supplies		\$ 500.00
Public Works - Salaries and Tax		\$ 25,000.00
Planning - Consulting and New Hire Expenses		\$ 20,000.00
IT - Computers for New Hires		\$ 4,000.00
<b>Parks 107-001-40100</b>		
Consultant for Fruit Belt	Transfer from Gen	\$ 7,500.00
<b>Fire Operations 206-001-40100</b>		
Overtime		\$ 96,000.00
BOR/MTT		\$ 5,100.00
Legal Fees - Labor		\$ 45,000.00
Building Maintenance - Broken Window		\$ 805.00
Accounting and Audit Fees		\$ 15,000.00
<b>Police 207-001-40100</b>		
BOR/MTT		\$ 5,200.00
<b>Fire Equipment 211-001-40100</b>		
Accounting and Audit Fees		\$ 500.00
<b>SoDA 247-725-97500</b>		
<b>Building 249-001-40100</b>		
<b>Sewer 490-000-40100</b>		
<b>Water 491-000-40100</b>		
<b>Total New Expenditure</b>		\$ 257,436.00

# BUDGET AMENDMENT REQUEST

(Requesting funds for a line item in addition to the approved budget)

Date: 09/10/2019

Department Head Name: Farmer

Fund Name: 101 General

Additional Funds Request for:  
(description and GL number)

101-191-80800

101-191-73000

101-191-82670

Precinct Workers

Postage

Facility Rental Fee

Amount

\$ 11,500.00

\$ 6,000.00

\$ 500.00

\$ 18,000.00

Funds requested from:  
(description and GL number)

101-191-97000

101-001-40100

Capital Outlay

\$ 5,000.00

\$ 13,000.00

Explanation of request:

\$ 18,000.00

No money was budgeted for the November election since it was not know if there would be one.

[Large empty box for additional notes or signatures]

Supervisor Review:  
(pending or date reviewed)

[Signature]

Board Authorization:  
(pending or date authorized)

[Signature]





# BUDGET AMENDMENT REQUEST

(Requesting funds for a line item in addition to the approved budget)

Date: 09/10/2019

Department Head Name: LHC

Fund Name: 101 General

Additional Funds Request for: 101-223-82600  
(description and GL number)

Legal Fees \$ 10,000.00

Amount

\$ 10,000.00

Funds requested from: 101-001-40100  
(description and GL number)

Carryover \$ 10,000.00

\$ 10,000.00

Explanation of request:

Legal fees for ongoing litigation

Supervisor Review: [Signature]  
(pending or date reviewed) 10/9/19

Board Authorization: [Signature]  
(pending or date authorized)

# BUDGET AMENDMENT REQUEST

(Requesting funds for a line item in addition to the approved budget)

Date: 09/10/2019

Department Head Name: LHC

Fund Name: 101 General

Additional Funds Request for:  
(description and GL number)

101-249-8700

101-249-96100

Mileage

BOR/MTT

\$ 300.00

\$ 2,131.00

Amount

\$ 2,431.00

Funds requested from:  
(description and GL number)

101-001-40100

\$ 2,431.00

\_\_\_\_\_  
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\$ 2,431.00

Explanation of request:

Mileage for travel when the Township car is unavailable and BOR/MTT refund

Supervisor Review:  
(pending or date reviewed)

[Signature]  
20 September 2019

Board Authorization:  
(pending or date authorized)

\_\_\_\_\_  
\_\_\_\_\_

# BUDGET AMENDMENT REQUEST

(Requesting funds for a line item in addition to the approved budget)

Date: 07/29/2019

Department Head Name: Libby Heiny-Cogswell

Fund Name: 101 General

Additional Funds Request for: New Hire Expenses  
(description and GL number)

101.249.872 Amount \$2,400.00

\$2,400.00

Funds requested from: Carryover  
(description and GL number)

101.001.401 Amount \$2,400.00

\$2,400.00  
\$2,400.00  
\$2,400.00

Explanation of request:

New hire expenses (job postings, background checks, drug screens) have exceeded the 2019 budgeted amount. Additional funds are needed for current (Planning Director) and near future (Asst to Supervisor, IT Director) positions to be filled.

Supervisor Review:  
(pending or date reviewed)

[Signature] 07-29-19

Board Authorization:  
(pending or date authorized)

[Signature]

# BUDGET AMENDMENT REQUEST

(Requesting funds for a line item in addition to the approved budget)

Date: 09/10/2019

Department Head Name: LHC

Fund Name: 101 General

Additional Funds Request for: 101-250-72800  
(description and GL number)

Supplies \$ 500.00

Amount

\$ 500.00

Funds requested from: 101-001-40100  
(description and GL number)

Carryover \$ 500.00

\$ 500.00

Explanation of request:

Legal Supplies exceeded budget.

Supervisor Review: [Signature]  
(pending or date reviewed)

Board Authorization: [Signature]  
(pending or date authorized)



# BUDGET AMENDMENT REQUEST

(Requesting funds for a line item in addition to the approved budget)

Date: 09/10/2019

Department Head Name: Elliott

Fund Name: 101 General

Additional Funds Request for: 101-506-82600

Legal Fees

Amount

Funds requested from:  
(description and GL number)

	Legal Fees	Amount
		\$ 6,000.00
		\$ 6,000.00
		\$ 0.00

Explanation of request:

Not new money. These dollars are for internal tracking.

Supervisor Review:  
(pending or date reviewed)

[Signature] 09-20-19

Board Authorization:  
(pending or date authorized)

[Signature]

# BUDGET AMENDMENT REQUEST

(Requesting funds for a line item in addition to the approved budget)

Date: 09/17/2019

Department Head Name: LHC

Fund Name: 101 General

Additional Funds Request for:  
(description and GL number)

101-506-70200  
101-506-71500

Salaries  
Tax

\$ 22,000.00  
\$ 3,000.00

Funds requested from:  
(description and GL number)

101-001-40100

Carryover

\$ 25,000.00

Explanation of request:

This is new money requested due to additional contracted public works assistance and bonus pay.

Amount  
\$ 25,000.00

Supervisor Review:  
(pending or date reviewed)

*[Signature]* 09-10-19

Board Authorization:  
(pending or date authorized)

## BUDGET AMENDMENT REQUEST

(Requesting funds for a line item in addition to the approved budget)

Date: 09/18/2019

Department Head Name: Supervisor's Office

Fund Name: 101 General

Additional Funds Request for: 101-805-80800  
 (description and GL number) 101-249-87200

Amount

Consultants \$ 15,000.00  
 New Hire Expenses \$ 5,000.00

\$ 20,000.00

Funds requested from: 101-001-40100  
 (description and GL number)

Carryover \$ 20,000.00

\$ 20,000.00

Explanation of request:

Consultants expense request is for Wightman planning consulting work continuation in October, early November, and project completion(s). New Planning Director starts October 28th. Intention is for some overlap between incoming and outgoing professional planners.  
 New Hire Expenses request is for new Planning Director relocation expenses reimbursement.

Supervisor Review: LibbyHC 18 Sept 2019  
 (pending or date reviewed)

Board Authorization:   
 (pending or date authorized)





# BUDGET AMENDMENT REQUEST

(Requesting funds for a line item in addition to the approved budget)

Date: 07/25/2019

Department Head Name: Karen High

Fund Name: 107 Parks

Amount

Additional Funds Request for:	Consultant	107-756-80800	\$ 7,500.00
(description and GL number)			

Funds requested from:	Transfer from General Fund	107-751-67500	\$ 7,500.00
(description and GL number)			


Explanation of request:

This request is to fund a market study to establish property value for the Fruit Belt non-motorized trail. This request is for new money. The Township Board gave authorization to proceed with the project on July 23.

Supervisor Review:  
(pending or date reviewed)

*[Signature]*  
 \_\_\_\_\_  
 \_\_\_\_\_

Board Authorization:  
(pending or date authorized)

\_\_\_\_\_  
 \_\_\_\_\_





# BUDGET AMENDMENT REQUEST

(Requesting funds for a line item in addition to the approved budget)

Date: 09/10/2019

Department Head Name: Barnes

Fund Name: 206 Fire Operations

Additional Funds Request for: 206-340-96100

BOR/MTT

\$5,100.00

\$5,100.00

Funds requested from:

206-001-40100

Carryover

\$5,100.00

\$5,100.00

Explanation of request:

Board of Review/Michigan Tax Tribunal Refund

[Large empty box for explanation of request]

Supervisor Review:  
(pending or date reviewed)

[Signature] 20 SEP 2019

Board Authorization:  
(pending or date authorized)

[Empty box for board authorization]

# BUDGET AMENDMENT REQUEST

(Requesting funds for a line item in addition to the approved budget)

Date: 08/16/2019

Department Head Name: Mark Barnes

Fund Name: 206 Fire Operations

	Amount		Amount
Additional Funds Request for: (description and GL number)		Legal Fees	
206-336-82600	\$ 45,000.00		
Funds requested from: (description and GL number)		Carryover	
206-001-40100	\$ 45,000.00		
Explanation of request:			\$ 45,000.00

Anticipated need for additional legal counsel services in 2019.

Supervisor Review: [Signature]  
(pending or date reviewed)

Board Authorization: [Signature]  
(pending or date authorized)



# BUDGET AMENDMENT REQUEST

(Requesting funds for a line item in addition to the approved budget)

Date: 09/30/2019

Department Head Name: Barnes

Fund Name: 206 Fire Operations

Amount

Additional Funds Request for:	<u>206-336-82500</u>	Accounting and Audit Fees	<u>\$ 15,000.00</u>
(description and GL number)	_____	_____	_____
	_____	_____	_____

Funds requested from:	<u>206-001-40100</u>	Carryover	<u>\$ 15,000.00</u>
(description and GL number)	_____	_____	_____
	_____	_____	_____

Explanation of request: \_\_\_\_\_

New dollars needed to perform accounting research for labor negotiations.

Supervisor Review: 9/27/2019  
(pending or date reviewed)

Board Authorization: \_\_\_\_\_  
(pending or date authorized)



# BUDGET AMENDMENT REQUEST

(Requesting funds for a line item in addition to the approved budget)

Date: 09/10/2019

Department Head Name: LHC

Fund Name: 207 Police

Amount

Additional Funds Request for:	<u>207-310-96100</u>	BOR/MTT	<u>\$ 5,200.00</u>
(description and GL number)			

Funds requested from:	<u>207-001-40100</u>	Carryover	<u>\$ 5,200.00</u>
(description and GL number)			

Explanation of request:

Board of Review/Michigan Tax Tribunal Refund

--

Supervisor Review:  
(pending or date reviewed)

[Signature] 9-20-19

Board Authorization:  
(pending or date authorized)

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# MEMORANDUM FOR THE RECORD

TO: [Redacted]

FROM: [Redacted]

SUBJECT: [Redacted]

1. [Redacted]

2. [Redacted]

3. [Redacted]

4. [Redacted]

5. [Redacted]

6. [Redacted]

7. [Redacted]

8. [Redacted]

9. [Redacted]

10. [Redacted]

# BUDGET AMENDMENT REQUEST

(Requesting funds for a line item in addition to the approved budget)

Date: 09/10/2019

Department Head Name: Barnes

Fund Name: 211 Fire Equipment

Additional Funds Request for: 211-344-82500  
(description and GL number)

Accounting and Audit

Amount

\$ 500.00

\$ 500.00

Funds requested from: 211-001-40100  
(description and GL number)

Carryover

\$ 500.00

\$ 500.00

Explanation of request:

Accounting and Audit fees

Supervisor Review:  
(pending or date reviewed)

W. Barnes  
10/28/19

Board Authorization:  
(pending or date authorized)



# BUDGET AMENDMENT REQUEST

(Requesting funds for a line item in addition to the approved budget)

Date: 09/10/2019

Department Head Name: M Elliott (Public Works)

Fund Name: 491 Water

Amount

Additional Funds Request for:  
(description and GL number)

Audit (Accounting Services)

491-00-80800

\$ 1,000.00

\$ 1,000.00

Funds requested from:  
(description and GL number)

Curb Box Installations

491-00-96600

\$ 1,000.00

\$ 1,000.00

Explanation of request:

Additional accounting review and development of financial documents requested by USDA to support the sanitary sewer loan application has caused the budgeted amount for these services to be exceeded. Source account (curb box installation) is work that is now being done by the City of Kalamazoo. This is a transfer within Fund, between budgeted expenditure lines. Overall Fund budget for expenditures is unchanged.

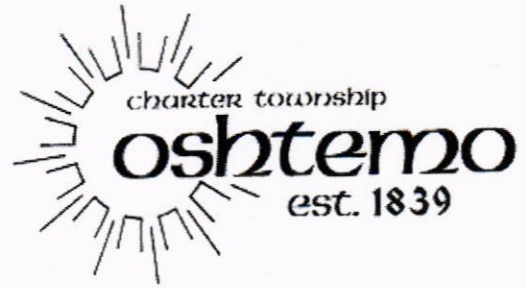
Supervisor Review:  
(pending or date reviewed)

LibbyHC 9-10-19

Board Authorization:  
(pending or date authorized)



# Memo



**To:** Oshtemo Charter Township Board  
**From:** James W. Porter  
**Date:** October 22, 2019  
**Subject:** New Consumers Energy Company Gas Franchise Ordinance

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## **OBJECTIVE**

To review and approve a 30-year Gas Franchise Ordinance for Consumers Energy Company.

## **BACKGROUND**

Consumers Energy was granted a gas franchise to service the residents of the Township by the Township Board on January 30, 1990, Ordinance No. 260. This expires in 2020. Consumers is required to have a gas franchise in order to operate within the Township.

## **INFORMATION PROVIDED**

Attached is the proposed Gas Franchise Ordinance, which is based, in part, on the document which Consumers Energy provided, but was further modified by Township Counsel to better protect the Township.

## **STATEMENT OF WHAT YOU ARE ASKING BOARD TO APPROVE**

To review and approve the proposed 30-year Gas Franchise Ordinance for Consumers Energy Company, if the proposed Ordinance meets with the Township Board's approval.

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. \_\_\_\_\_

Adopted: \_\_\_\_\_, 20 \_\_\_\_

Effective: \_\_\_\_\_, 20 \_\_\_\_

CONSUMERS ENERGY COMPANY GAS FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right and authority to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local gas business in the CHARTER TOWNSHIP OF OSHTEMO, KALAMAZOO COUNTY, MICHIGAN, for a period of thirty (30) years.

THE CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN  
ORDAINS:

- SECTION 1. TITLE. This Ordinance shall be referenced to as the CONSUMERS ENERGY COMPANY GAS FRANCHISE ORDINANCE.
- SECTION 2. GRANT AND TERM. The Charter Township of Oshtemo, Kalamazoo County, Michigan, hereinafter called "Charter Township," hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called "Consumers" the right and authority to lay, maintain and commercially operate gas lines and facilities including but not limited to mains, pipes, services and valves on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local gas business in the Charter Township for a period of thirty (30) years.
- SECTION 3. CONSIDERATION. In consideration of the rights, power and authority hereby granted, Consumers shall faithfully perform all things required by the terms hereof.
- SECTION 4. CONDITIONS. No public place used by Consumers shall be obstructed longer than necessary during construction or repair, and shall be restored to the same order and condition as when work was commenced. All of Consumers' gas lines and related facilities shall be placed as not to unnecessarily interfere with the public's use of public places. Consumers shall have the right to trim or remove trees, if necessary, in the conducting of such business.

- SECTION 5. HOLD HARMLESS. Consumers shall save the Charter Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the lines and related facilities hereby authorized. In case any action is commenced against the Charter Township on account of the permission herein given, Consumers shall, upon notice, defend the Charter Township and its representatives and hold them harmless from all loss, costs and damage arising out of such negligent construction and maintenance.
- SECTION 6. EXTENSIONS. Consumers shall construct and extend its gas distribution system within said Charter Township, and shall furnish gas service to applicants residing therein in accordance with applicable laws, rules and regulations.
- SECTION 7. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.
- SECTION 8. RATES and CONDITIONS. Consumers shall be entitled to provide gas service to the inhabitants of the Charter Township at the rates and pursuant to the conditions as approved by the Michigan Public Service Commission. Such rates and conditions shall be subject to review and change upon petition to the Michigan Public Service Commission.
- SECTION 9. REVOCATION. The franchise granted by this Ordinance is subject to revocation upon sixty (60) days' written notice by either party. Upon revocation this Ordinance shall be considered repealed and of no effect past, present or future.
- SECTION 10. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Consumers remains subject to the reasonable rules and regulations of the Michigan Public Service Commission applicable to gas service in the Charter Township and those rules and regulations preempt any term of any Ordinance of the Charter Township to the contrary.
- SECTION 11. TOWNSHIP JURISDICTION. Consumers shall remain subject to all Ordinances, rules and regulations of Charter Township now in effect, or which might subsequently be adopted for the regulation of land uses or for the protection of the health, safety and general welfare of the public; provided however, that nothing herein shall be construed as a waiver by Consumers of any of its existing or future rights under State or Federal law.
- SECTION 12. SUCCESSORS AND ASSIGNS. Wherever in this Ordinance, reference is made to the Charter Township or Consumers, it shall be deemed to include the respective successors or assigns of either; and all rights, privileges, franchises, and obligations herein contained by or on behalf of said Township, or by or on behalf of Consumers, shall be binding upon, and inure to the benefit of the respective successors or assigns of said Charter Township or Consumers, whether so expressed or not.
- SECTION 13. EFFECTIVE DATE AND REPEAL. This Ordinance shall take effect upon publication, provided, however, it shall cease and be of no effect after 30 days from its adoption unless within said period Consumers shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Charter Township of Oshtemo and Consumers Energy Company. This Ordinance repeals all Ordinances or parts of Ordinances in conflict to-wit: Ordinance No. 260.



We certify that the foregoing Gas Franchise Ordinance was duly adopted by the Township Board of the CHARTER TOWNSHIP OF OSHTEMO, KALAMAZOO COUNTY, MICHIGAN, on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Elizabeth Heiny-Cogswell, Supervisor  
Oshtemo Charter Township

Attest:

I, \_\_\_\_\_, Clerk of the CHARTER TOWNSHIP OF OSHTEMO, KALAMAZOO COUNTY, MICHIGAN, do hereby certify that the Ordinance granting CONSUMERS ENERGY COMPANY, a gas franchise, was properly adopted by the Charter Township Board of the CHARTER TOWNSHIP OF OSHTEMO, KALAMAZOO COUNTY, MICHIGAN, and that all proceedings were regular and in accordance with all legal requirements.

\_\_\_\_\_  
Dusty Farmer, Clerk  
Charter Township of Oshtemo