

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

**March 26, 2019  
BOARD WORK SESSION  
6:00 p.m.  
AGENDA**

- A. Call to Order
- B. Public Comment
- C. Update from Kalamazoo County
- D. Discussion on Board of Review Alternate Compensation
- E. Other Updates and 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 March 12, 2019 (Regular Meeting)
  - b. Receipts & Disbursements Report
  - c. Boards/Committees-PMN
  - d. Job Description Amendments (Maintenance & Public Works)
  - e. Employee Handbook Amendments (Paid Medical Leave; Marijuana Policies)
- 5. Fire Department Commendation of 2019 Citizen Life Saving Effort
- 6. Consideration of Resolution to Create a West Main Corridor Improvement Authority
- 7. Discussion on Single Hauler Residential Waste Contract Township-Wide
- 8. Other Township Business
- 9. Public Comment
- 10. Board Member Comments
- 11. Request to Enter into Closed Session for Employee Performance Evaluation
- 12. 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><u>Supervisor</u></b>		
Libby Heiny-Cogswell	216-5220	<a href="mailto:libbyhc@oshtemo.org">libbyhc@oshtemo.org</a>
<b><u>Clerk</u></b>		
Dusty Farmer	216-5224	<a href="mailto:dfarmer@oshtemo.org">dfarmer@oshtemo.org</a>
<b><u>Treasurer</u></b>		
Grant Taylor	216-5221	<a href="mailto:gtaylor@oshtemo.org">gtaylor@oshtemo.org</a>
<b><u>Trustees</u></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>

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

OSHTEMO BOARDS formal Board positions

\*Bold Font Indicates Proposed Changes. Others are Elected or Continuing

Effective March 26th, 2019

TITLE	# / Mtgs.	Members	Dates	Term/End Date	
		Jon Gibson			
		Amanda McMillon			
		Deb Everett			
		Karen High (Staff, as needed)			
Joint Boards Meetings	2	Township Board	3rd Tuesday, 6 pm		
		Zoning Board of Appeals			
		DDA & SoDA			
		Friends of the Parks			
		Julie Johnston (Staff)			
SMBA (Southwest Michigan Building Authority)		Grant			
		Dusty			
KATS Policy (Kalamazoo Area Transportation Study (2 votes)	12	Libby Heiny-Cogswell (Primary)	4th Wed @ 9am (or as scheduled)		
		Dusty Farmer (Alternate)			
KATS Technical (2 votes)	12	Julie Johnston (Staff)	2nd Thursday @ 9:00 a.m.		
		Marc Elliott, (Staff)			
		Jamie Baker (Staff)			
Kalamazoo Regional Water & Wastewater Commission	6-12	Libby Heiny-Cogswell, Regional Chair			
		Grant (Alternate )			
		Jim Porter (Staff)			
Planning Commission	22	Keshia Dickason	2nd & 4th Thursday@7pm	12.31.2020	1st term
Three Year Term		Bruce Vanderweele	(typically)(& any special meetings)	12.31.2020	1st term
		Mary Smith		12.31.2020	2nd term
		Micki Maxwell		12.31.2020	1st term
		Ollie Chambers		12.31.2021	1st term
		Ron Commissaris		12.31.2021	1st term
		Dusty Farmer (TB Liason, Ex Officio)			
		Julie Johnston (Staff)			
		Jim Porter (Staff Attorney)			
Public Media Network	12	<b>Lisa Godfrey</b>			
		Grant Taylor (Citizen Rep)			
Township Board	21	Libby Heiny-Cogswell (Supervisor)			
		Dusty Farmer (Clerk)			
		Grant Taylor (Treasurer)			
		Deb Everett, Trustee			

**CHARTER TOWNSHIP OF OSHTEMO  
POSITION DESCRIPTION**

**Position Title:**       GENERAL MAINTENANCE PERSON

**General Summary:**

Under the direction of the Maintenance Director, performs a variety of duties in the Township Hall/Office building, Township Parks, Oshtemo Community Center, Grange Hall and cemeteries.

**Physical Requirements:**

The physical demands described hereafter are representative of those that must be met by an employee to successfully perform the essential functions of this general maintenance position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to stand, sit, walk, talk, climb and hear; use hands to finger, handle and operate tools, objects, or controls. The employee is required to climb stairs, stoop, kneel and crouch.

The employee must frequently lift and/or move up to fifty (50) pounds and occasionally lift and/or move up to one hundred (100) pounds. The employee must have the ability to recognize and identify similarities or differences between characteristics of colors, shapes, sizes, and sounds associated with the job.

Ability to work under conditions where exposure to environmental factors such as temperature variations and extremes, odors, noise, machinery, electrical current, wetness, dirt and dust may cause discomfort.

**Typical Responsibilities - Assist with the maintenance of the following:**

**GENERAL DUTIES**

Maintain all buildings and grounds owned and operated by the Township including:

1.     Mowing grass;
2.     Trimming trees and shrubbery;
3.     Weeding planting beds;
4.     Picking up all litter;
5.     Plowing snow from parking lots;
6.     Cleaning sidewalks of snow and ice;
7.     Maintaining all rest rooms - clean daily if needed;
8.     Check paper supplies; and

9. General building maintenance.

### **TOWNSHIP HALL/OFFICE**

1. Empty kitchen trash daily.
2. Set up rooms for meetings.
3. Order maintenance supplies, i.e., paper supplies, cleaning products.
4. Maintain lock and pass code system.
5. Maintain and replace Township flags as needed, lower to half staff when appropriate.
6. Restock copy machine paper supply.
7. Update MSDS for Township buildings.
8. Perform minor repairs to buildings and equipment as needed.
9. Be knowledgeable of heating and cooling systems and controls.
  - a) Replacement of blower motors.\*
  - b) Replacement of inducer motors.\*
  - c) Servicing of equipment.\*
10. Be knowledgeable of basic electrical repairs.
  - a) Replacement of electrical components.\*
  - b) Replacement of light ballasts.\*
11. Arrange and oversee special service contractors.

\*(In accordance with the Michigan State Construction Code.)

### **PARKS**

1. Perform minor repairs to building and equipment if needed.
2. Perform safety inspection of playground equipment and picnic tables bi-weekly.
3. Sweep area to maintain an even surface under equipment.
4. Trim brush and trees which become obstructive on trails or in parks.
5. Winterize parks and spring start up.
6. Change park signs and bulletin boards.
7. Test water in Township Park.
8. Check park electrical outlets.
9. Maintain Township Park sprinkler.
10. Maintain walkways and sidewalk (non-motorized).
11. Mechanical aptitude necessary to repair ground maintenance equipment.
  - a) Mowing equipment.
  - b) Snow plowing equipment.

### **CEMETERIES**

1. Remove dead funeral flowers.
2. Restore/seed graves after burials.
3. Maintain fences.
4. Place Veterans' flags before Memorial Day and remove by Labor Day.
5. Winterize and spring start up of water at Genessee Prairie and West Oshtemo.

## **OSHTEMO COMMUNITY CENTER AND GRANGE HALL**

1. Perform inspection after each rental.\*
2. Perform minor repairs to building and equipment if needed.\*

\*NOTE: will include weekends.

### **ELECTIONS**

1. Assist with election equipment and precinct set up.
2. Run errands on Election Day.

The above statements are intended to describe the general nature and level of work being performed. They are not to be construed as an exhaustive list of all duties performed.

### **Employment Qualifications:**

**DRIVERS LICENSE REQUIREMENT:** Must maintain a current Michigan motor vehicle operator's license without restrictions (other than corrective lenses requirement.)

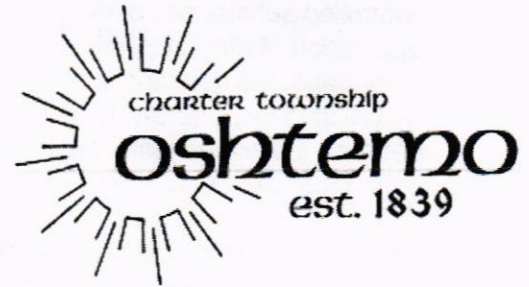
**EDUCATION:** High school graduate or equivalent

**EXPERIENCE:** Desire (5) Years Maintenance experience. Must have good general mechanical ability and knowledge. This includes the following skills:

- a) Ability to service facility systems and equipment.
- b) Knowledge of grounds keeping.
- c) Good computer skills.
  - a. Outlook.
  - b. Excel.
  - c. Word.

Effective Date: 03/26/19

# Memo



**To:** Oshtemo Charter Township Board  
**From:** James W. Porter  
**Date:** March 26, 2019  
**Subject:** *Employee Handbook* Amendments Related to Legalization of Marijuana

## OBJECTIVE

To review and approve the proposed amendments to the Township *Employee Handbook* as recommended by the Human Resources Committee.

## BACKGROUND

As everyone is well aware, marijuana use in Michigan is now legal. Therefore, for State purposes, it is no longer considered an illegal substance. It is appropriate for the Township to amend its personnel policies to take that into account while, at the same time, maintaining prohibitions against use while at work or use which results in an individual being under the influence.

Therefore, the H. R. Committee is recommending the following changes:

Section 6.18 - Substance Abuse Policy. Possession or Use of Alcohol or Marijuana on Township premises is prohibited. Also, in Section 6.18, the Township states it recognizes that alcohol and marijuana and drug abuse, addictions, are treatable illnesses, the emphasis here being on abuse.

Section 6.18 B. - Definitions of adversely-affected work performance includes alcohol above .04% in the blood and now includes a definition which contains any blood-level of THC. THC moves through the blood quite quickly and is typically not in the blood stream more than six hours after ingestion of marijuana. This provides a test which will demonstrate recent consumption or ingestion of marijuana, again, within the last six hours. Similar to not wanting people to show up to work after having consumed alcohol to any significant degree, we would hope that people would not show up at work having recently ingested marijuana, to the extent that it is still present in their blood. Please note that this is not a test for cannabinoids, which stay in a person's blood stream for a much longer period of time. Please note that would not prevent someone from legally consuming marijuana and reporting to work after the THC has dissipated from a person's blood stream unless still under the influence. Just as someone can go to the bar the night before and consume alcohol and report to work the next day (assuming a person is are not above the legal level of .04), a person could ingest marijuana and report to work the next day, provided that THC is no longer in his/her bloodstream, and he/she is no longer under the influence.

With that in mind, Section 6.18 B.2. Has been revised to strike cannabinoids from the list of controlled substances or drugs which would be tested for during employment or upon application of employment. The issue is not whether someone has or has not used marihuana, the question is, has he/she used marihuana so recently as to warrant caution in reporting to work for the Township. This change was made in order to strike a balance between individual rights and the right of the Township and the public to expect that public employees are not under the influence of either alcohol or recreational marihuana.

Also, keep in mind, that no test, whether it be a test for alcohol or a test for THC in the blood, can be requested without meeting the reasonable suspicions test as set forth in Section 6.18 E.2.b., which says that, for someone to be required to be tested, there has to be a reasonable suspicion that he/she is under the influence of alcohol, marihuana or drugs AND they violated a written work rule; he/she sustained or caused another employee injury; caused a work-related accident; or operating equipment resulting in a work-related accident; or be a passenger who was involved in an accident. Reasonable suspicion has to exist which requires a basis or formulated belief that the testing is justified based on specific facts and rational inference is drawn from those facts.

Section 6.18 E.2.c. takes away the mandatory post-accident testing required by the Township, but replaces it with a standard that allows an employee to request a test after an accident if he/she wants to provide verifiable proof that he/she was not under the influence of alcohol, marihuana or illegal drugs.

Section 6.18 E.2.f. – Disciplinary Action in Response to a Positive Test Result. A test showing blood alcohol level of 0.04 or greater, or presence of THC in the blood while at work will result in the employee being removed from his/her assignment and not allowed to return to work until he or she undergoes a return to duty test with an alcohol concentration of less than .02 or a blood test showing no THC.

Section 6.20 is proposed to be amended to prohibit drinking, smoking marihuana or consuming marihuana edibles while in uniform.

Appendix H – Guidelines Regarding Employee Misconduct. Paragraph B.1.g. is proposed to be amended to prohibit drinking any alcoholic beverages, smoking marihuana or consumption of marihuana edibles, or the sale, distribution, or use of illicit or illegal drugs.

### **INFORMATION PROVIDED**

Attached hereto you will find a red-lined version of the proposed changes to Section 6.18, Section 6.20 and Appendix H for the Township as recommended by the Human Resources Committee.

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

Asking that the Township Board approve the attached changes to the Township *Employee Handbook*, as recommended by the H. R. Committee.



**6.18 Substance Abuse Policy:**

Oshtemo Charter Township is committed to maintaining a drug and alcohol-free workplace. This policy is designed to ensure employee safety, reduce absenteeism and tardiness, improve productivity, and protect the Township's status and reputation.

Employees are expected and required to report to work on time and in appropriate mental and physical condition. The unlawful use, possession, manufacture, distribution, or dispensation of drugs while on Township premises or while on Township business off premises is strictly prohibited. Violation of this policy will result in disciplinary action, up to and including termination, as well as possible criminal consequences.

Possession or use of alcohol or marihuana on Township premises is prohibited.

Employees whose physician has prescribed a drug or controlled substance that might adversely affect their ability to perform their work must provide a written statement to the Township Supervisor from their doctor stating that the employee can properly perform his or her specific job duties.

The Township recognizes that alcohol, marihuana and drug abuse and addiction are treatable illnesses. The Township also realizes that early intervention and support improve the success of rehabilitation. To support our employees, our drug-free workplace policy:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.

*Revised Sec. 6.18 – Effective: \_\_\_\_\_*

- Ensures the availability of a current list of qualified community professionals.
- Offers all full-time employees and their family members' assistance with alcohol and drug problems through the Employee Assistance Program (EAP).
- Allows the use of accrued paid leave, if applicable, while seeking treatment for alcohol and other drug problems.
- Those testing positive shall be referred to a substance abuse professional, whether a full-time or part-time employee or an applicant.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan, if applicable. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

Drug and Alcohol Testing for Employees. The Township recognizes that alcohol and drug abuse adversely affects any employee's job performance. It is imperative to maintain a level of performance above reproach. It is the purpose of this policy to maintain the highest level of integrity for all employees of the Township.

A. Scope.

This policy applies to all applicants and employees, as well as paid on-call firefighters. This policy is applicable at the Township facilities or wherever the Township personnel are performing Township business. It is also applicable when operating any of the Township vehicles or equipment at any time or any personal, rental or other vehicle while on Township business.

B. Definitions.

1. “Adversely Affect Work Performance” and “Under the Influence” shall be determined to be present if the employee is perceptively impaired, has impaired alertness, coordination, reactions, responses, or efforts; if the employee’s condition threatens the safety of him/herself or others; or if the employee’s condition or behavior presents the appearance of unprofessional or irresponsible conduct detrimental to the public’s perception of the Township as an employer as determined by the Supervisor or immediate supervisor or others observing the employee. It includes operation of any Township vehicle or equipment at any time, or use of any personal, rental or other vehicle on Township business. For purposes of this definition, an employee with a blood alcohol level of .04% alcohol in the blood, by weight, shall be considered sufficient to establish the employee is/was “under the influence.” However, an employee with a blood alcohol content of less than .04% alcohol in the blood, by weight, may be considered “under the influence” if job performance is impacted to any appreciable degree. For purposes of this definition, an employee with any blood level of THC shall be considered sufficient to establish the employee is/was “under the influence.” However, an employee without any THC present in his/her blood may still be considered “under the influence” if job performance is impacted to any appreciable degree.
2. “Controlled Substances” or “Drugs” means those substances whose distribution is controlled by regulation or statute, including but not limited to Amphetamines, ~~Cannabinoids~~ THC, Cocaine, Opiates, Phencyclidine (PCP), Alcohol, Barbiturates, Benzodiazepines, Methaqualone, Methadone, Propoxyphene, and any/all substances applicable.

C. Non-Discrimination.

Consistent with its general policy against discrimination, the Township recognizes that disabled individuals should be protected from discriminatory treatment. Under Michigan law, a disabled person is someone who has a medical or psychological condition which materially impairs a major life activity. However, in accordance with Michigan law, disability does not include any condition resulting from alcohol or other drug abuse which prevents a person from performing essential functions of the job or which creates a direct threat to property or the safety of individuals.

D. Prohibitions.

1. No employee shall report to work or perform Township work under the influence of alcohol, marijuana, controlled substances or other drugs which affect his/her alertness, coordination, reaction, response, judgment, decision-making, or safety.
2. No employee shall operate, use, or drive any equipment, machinery, or vehicle of the Township, or operate, use or drive a personal, rental or other vehicle on Township business, while under the influence of alcohol, marijuana, controlled substances or other mood-altering drugs. Such employee is under an affirmative duty to notify his/her supervisor immediately that he/she is not in an appropriate mental or physical condition to operate, use, or drive the equipment, whether or not belonging to the Township.

E. Alcohol and Drug Testing.

1. In order to carry out the Township's commitment to an alcohol and drug-free workplace, the Township reserves the right to require that applicants and employees submit to testing in accordance with Michigan law.

2. Who may be Subject to Testing

- a. Job Applicants. The Township may require applicants who have received conditional offers of employment to be tested. If the conditional offer is later withdrawn, the Township will notify the applicant of the reason.
- b. Reasonable Suspicion Testing. The Township may require an employee to be tested when the Township reasonably suspects that the employee:
- (1) is or was under the influence of alcohol, marihuana or drugs;
  - (2) has violated the Township's written work rules prohibiting drug, marihuana and alcohol use;
  - (3) has sustained or caused another employee to sustain personal injury;
  - (4) has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident; or
  - (5) was operating or was a passenger in a Township vehicle (or personal, rental, or other vehicle on Township business) that was involved in an accident.

In order for "reasonable suspicion" to exist, there must be a basis for forming a belief that testing is justified based on specific facts and rational inferences drawn from those facts.

c. Conducting the Testing.

- (1) Consent. All employees as a condition of employment will be subject to participate in pre-employment, post-accident **unless requested by employee**, and reasonable suspicion testing upon request of a Township Official or their immediate supervisor. **Post-accident testing may be requested if based on a reasonable suspicion standard, or at the request of the employee to eliminate any suspicion of improper use of alcohol or drugs.**
- (2) Refusal to Participate. An employee or job applicant has the right to refuse testing. However, a refusal of testing will be treated as a failure to comply with the Township's policy and may result in withdrawal of a job offer or disciplinary action up to and including termination of employment.
- (3) Testing. Testing for the presence of alcohol will be conducted by an analysis of breath, saliva or blood. A test for controlled substances will be conducted by analysis of urine, blood or saliva. Substances which will be tested for are Amphetamines, **Cannabinoids** THC, Cocaine, Opiates, Phencyclidine (PCP), Alcohol, Barbiturates, Benzodiazepin, Methaqualone, Methadone, Propoxyphene, and any/all substances applicable.

- (a) To ensure both the accuracy and the fairness of testing, all testing and analyses shall be conducted pursuant to the policies of the Department of State Police as adopted as part of the Michigan Administrative Code, Traffic Safety Division or Forensic Science Division for alcohol or drug testing as currently adopted or as amended. All test results will be divided into two categories: negative tests, i.e., passed tests, or positive tests, failed tests. Negative tests are those tests which show no controlled substances or sufficient alcohol to be considered under the influence. Positive tests are those tests which show the evidence of a controlled substance or sufficient alcohol to be considered under the influence.
- (b) Right to Test Results. The Township will immediately provide the test results for any on-site alcohol testing performed by the Township. Any applicant or employee has the right to request and receive from the Township a copy of the test result report on any drug or alcohol test performed off-site upon completion of review and investigation of the same by the Township.
- (c) Confirmation Test. Any employee being requested to submit to an alcohol or drug test has the right to request an independent confirmatory test by an agency of his/her own choosing at his or her expense. If an employee secures an independent test, the employee must provide a copy with the test results within twenty-four (24) hours of receipt of the same.

d. Privacy of Test Results.

- (1) Test results and other information acquired as a result of the testing program are private and confidential information and will not be disclosed by the Township or the testing laboratory to non-management employees or to third party individuals, government agencies, or private organizations without written consent of the applicant or the employee being tested, or court or similar order.
- (2) Evidence of a positive test result on a confirmatory test, however, may be used in an administrative hearing, or a judicial proceeding, provided the information is relevant to the hearing or proceeding. Such evidence may also be disclosed to any federal agency or other unit of the United States government as required under federal law, regulation, or other. Evidence of a positive test result on a confirmatory test may also be disclosed to a substance abuse treatment facility for the purpose of evaluation or treatment.
- (3) The Township will provide an employee with access to information in the employee's medical file relating to positive test result reports and other information acquired in the testing process as well as conclusions drawn from or actions taken based upon such information.

e. Costs. All costs related to alcohol and drug testing will be paid by the Township, with the exception of confirmatory retests which must be paid for by the applicant or employee requesting the retest.



f. Disciplinary Action in Response to a Positive Test Result.

- (1) After a test showing the blood alcohol concentration of 0.04 or greater, **or the presence of THC in the blood**, the employee will be removed from his or her assignment, not allowed to return to work until he or she undergoes a return to duty alcohol test with an alcohol concentration of less than .02 – **or a blood test showing no THC.**
- (2) The Township reserves the right to suspend an employee pending the outcome of the test results if the Township believes it is reasonably necessary to do so to protect the health and safety of its personnel or the public.
- (3) The Township reserves the right to exercise its authority to discipline any employee found to be in violation of these policies in accordance with Appendix H of the Township's *Employee Handbook* up to and including the discharge of the employee.

**6.20 Drinking, Smoking or Consuming Marihuana in Uniform:**

Employees shall not consume alcoholic beverages, ~~smoke or consume marihuana~~ while in uniform or in official work clothing which identifies oneself as an employee of the Township.

*Revised Sec. 6.20 – Effective: \_\_\_\_\_*

## **APPENDIX H:**

### **GUIDELINES REGARDING EMPLOYEE MISCONDUCT:**

#### **A. Purpose.**

Oshtemo Charter Township, through its Guidelines, has established regulations and procedures concerning employee conduct which are deemed necessary to ensure the order, effective and efficient operation of Township business. Although the Township retains its right to terminate employment of an individual at any time, with or without cause, there may be times, in the discretion of the Township, when the orderly, effective and efficient operation of the Township is served by invoking disciplinary actions when an employee violates these regulations or procedures. The type and severity of the disciplinary action will be within the Township's discretion.

#### **B. Examples of employee conduct which could result in disciplinary action:**

1. The following examples are not intended to be all inclusive. Further, subject to Township Board approval, a department may have additional specific departmental rules and/or regulations which are applicable to employees working in that department. All departmental rules shall be disseminated in the same manner as the *Oshtemo Charter Township Employee Handbook*.
  - a. Violation of the rules and procedures set forth in (and referenced in) these Guidelines and/or violation of approved departmental rules or regulations.
  - b. Theft of property belonging to an employee, the Township or visitors.
  - c. False statement on the employment application, or giving false information at the time of employment.

## **APPENDIX H**

- d. Immoral conduct or indecent behavior on Township premises affecting the Township or its employees which may lead to legal action being taken against the Township.
- e. Conviction of a felony.
- f. Fighting.
- g. Drinking of any alcoholic beverages, smoking of marihuana or consumption of marihuana edibles, or the sale, distribution, or use of illicit or illegal drugs on Township premises. This includes reporting for work under the influence of alcoholic beverages or illicit or illegal drugs.
- h. Gross negligence of duty.
- i. Falsification of Township records and reports.
- j. Absence for three (3) consecutive work days without approval of the Immediate Supervisor and Personnel Director of the Township.
- k. Insubordination; failure to perform duties in the manner prescribed or refusal to carry out instructions from Immediate Supervisor; failure to accept work schedule as assigned.
- l. Doing any kind of work for personal, monetary gain while on sick leave.
- m. Falsification of reason when applying for a leave of absence.
- n. Willful, deliberate or continued violation of, or disregard of, safety practices.
- o. Willful misuse, abuse, waste or destruction of Township property.

## APPENDIX H

*Revised Appendix H, ¶B.1.g. – Effective: \_\_\_\_\_*

- p. Horseplay or scuffling where there is a potential for injury or property damage.
- q. Abusive language to the public.
- r. Sleeping during working hours. (This provision does not apply to all Fire Department personnel.)
- s. Illegal gambling on Township premises.
- t. Departing regularly-scheduled place of work without notification to Immediate Supervisor, unless for job-related reasons.
- u. Excessive absenteeism, or excessive tardiness.
- v. Release of confidential information.
- w. Unsatisfactory job performance as determined by Department Head or Immediate Supervisor and Personnel Director.
- x. Carrying illegal weapons (as defined under Michigan law) on duty.
- y. Violation of departmental standard operating procedures in the case of Fire Department personnel, including the Fire Chief.

## **APPENDIX H**

*Revised - Effective 02/28/17*

- z. Employees of the Charter Township of Oshtemo are in the unique position of being the face of the Township for the community, and valued members of the Township Management Team.

Please remember that citizens and fellow employees are often able to hear private conversations. It is necessary that you conduct yourself professionally at all times as though your conversations and actions are being heard and observed by our citizens or fellow employees.

Please note that gossip, rumors, negativity, hostility and similarly counter-productive conduct and comments have no place in the workplace because they have an impact on employees' morale and productivity.

C. Procedures for disciplinary actions:

- 1. The Township may, in its discretion, invoke one (1) or more of the following disciplinary actions:

- a. Verbal Warning:

- (1) The Personnel Director and/or Department Head will advise the employee of the violation.
- (2) The employee will be given an opportunity to explain his/her position.

**APPENDIX H**

*New Paragraph B.1.z. – Effective 05/22/12  
Revised - Effective 02/28/17*

- (3) If, after discussion with the employee, the Personnel Director and/or Department Head find that the violation did occur and is unexcused, he/she shall prepare a memo documenting the discussion. The employee will sign the memo acknowledging its receipt, and a copy will be placed in the employee's personnel file.

b. Written Reprimand:

- (1) The Township Personnel Director and/or Department Head will advise the employee of the violation.
- (2) The employee will be given the opportunity to explain his or her position.
- (3) The Personnel Director and/or Department Head determine that a violation did occur and is unexcused, he/she will prepare a letter of reprimand. This letter will outline the offense, the discussion with the employee regarding the offense and all verbal warnings, if any, prior to this incident. The employee will sign the letter of reprimand to acknowledge receipt, and a copy will be placed in the employee's personnel file.

**APPENDIX H**

*Revised - Effective 02/28/17*

c. Suspension:

- (1) The Personnel Director and Department Head will advise the employee of the offense.
- (2) The Personnel Director and Department Head will give the employee an opportunity to present his or her position with regard to the offense.
- (3) If the Personnel Director and Department Head determine that the offense was, in fact, committed and is unexcused, he/she will prepare a letter of suspension, outlining the offense, the discussion with the employee, the date of suspension and disciplinary actions, if any, taken prior to this action.
- (4) The letter of suspension shall be delivered to the employee. The employee shall sign the letter acknowledging receipt and a copy will be placed in the employee's personnel file.
- (5) The employee will be suspended for a defined period of time.

d. Discharge:

Discharge shall take place in accordance with Section 7.0 of the *Oshemo Charter Township Employee Handbook* and guidelines as set forth below.

- (1) The Personnel Director and Department Head will advise the employee of the offense.
- (2) The Personnel Director and Department Head will provide the employee with an opportunity to present his or her position with regard to the offense.

**APPENDIX H**



- (3) If the Personnel Director and Department Head determine that the employee committed the offense, it is unexcused and it requires discharge, he or she will prepare a letter of discharge. The letter will contain an outline of the offense, the discussion with the employee, the specific action to be taken, the effective date of the action, and disciplinary actions taken, if any, prior to this offense.
  - (4) The Personnel Director and Department Head shall deliver a copy of the letter to the employee. The employee will sign a copy of the letter acknowledging receipt, and a copy will be placed in the employee's personnel file. The employee will be terminated in accordance with the effective date in the letter.
2. If the Township chooses to use the preceding disciplinary procedures, it will attempt to do so in a progressive order, commencing with a verbal warning and ending with discharge. However, there may be times, in the Township's discretion, that the employee's conduct warrants a higher level of disciplinary action without the benefit of progressing through the lower levels.
3. If the employee is not satisfied with the disciplinary action taken or procedures used, the employee may appeal the decision as outlined below.

## **APPENDIX H**

D. Appeal Procedures:

1. Scope:

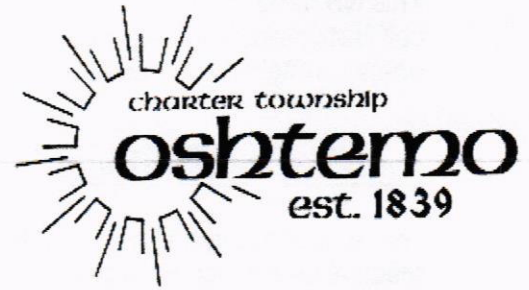
Employees may use the following procedures to appeal disciplinary actions or procedures invoked under Section C.1., Subsection c. Suspension or Subsection d. Discharge, to present and settle disputes concerning administration, to obtain an interpretation of Township personnel policies and procedures not involving disciplinary actions, and to resolve other work-related problems.

- a. An employee may submit a request for appeal in writing to the Human Resources Committee. The request for appeal must be submitted in writing within ten (10) working days to the Personnel Director. The Human Resources Committee will have fifteen (15) working days in which to give the employee a written response or convene a hearing regarding the matter.
- b. The Human Resources Committee has the authority to reverse in whole or in part, or affirm, the decision of the Personnel Director and/or Department Head.

**APPENDIX H**

*Revised - Effective 02/28/17*

# Memo



**To:** Oshtemo Charter Township Board  
**From:** James W. Porter  
**Date:** March 26, 2019  
**Subject:** Public Act 369 – Paid Medical Leave Act

## OBJECTIVE

To accept the recommendation of the H. R. Committee for proposed amendments to the Township's *Employee Handbook* regarding Appendix B – Paid Time Off (PTO)

## BACKGROUND

In the lame duck session of the State Legislature, Public Act 369 was approved, commonly referred to as the Paid Medical Leave Act. This new Act requires that all employers with 50 or more employees provide at least 40 hours of paid medical leave per benefit year. Employers must provide the 40 hours of paid medical leave for any employee working more than 25 hours and those who work, on average, more than 25 hours in the preceding calendar.

There are two methods for providing this paid medical leave – accrual method, at the rate of one hour for every 35 hours worked, or preload 40 hours up front at the beginning of the benefit year.

The Act also provides that there is a rebuttal presumption the employer is in compliance with the Act if it provides at least 40 hours of paid leave to an eligible employee each benefit year. Paid medical leave includes physical injury, health conditions, medical diagnosis, care or treatment, mental or physical illness, as well as preventative medical care. This can also be used in cases of injury to a family member, and is broad enough to include victims of domestic or sexual assault.

In order to minimize the amount of paper work and tracking necessary to come into compliance with the Act, the H. R. Committee is recommending that the Township use the safe harbor provision of the Act which allows the Township to provide 40 hours of paid leave to an eligible employee each year. This way, the Township does not need to track accrual hours, and the Township does not have to split out separate medical leave provisions for those taking leave under the Paid Medical Leave Act versus the Township's current PTO policy. In order to do this, it is necessary that the Township provide employees working less than 40 hours per week, but more than 20 hours per week with not less than 40 hours PTO per year. To do so, we had to modify the PTO benefits provided for under Appendix B, Subsection E, to provide for a front-loaded 40 hours of PTO for all employees working a minimum of 20 hours per week, including on-call Fire Department employees working more than 25 hours per week during the immediately preceding calendar year.

This will have an impact on the Fire Department's budget, but we currently only have three on-call firefighters who would qualify for this benefit. Perhaps, this will be an incentive for other on-call firefighters to make themselves available to the Fire Department.

**INFORMATION PROVIDED**

I have attached red-lined changes for Appendix B to address the requirements of the Paid Medical Leave Act, Public Act 369 of 2018. I have also attached an amendment to Section 9.16 dealing with part-time employees and benefits since it previously referenced vacation leave when it should have referenced PTO.

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

Adopt the above changes to the *Employee Handbook*.

**APPENDIX B:**

PAID TIME OFF (PTO)

- A. Full-time and **regular** part-time employees working a minimum of twenty (20) hours a week (**except** and on-call Fire Department employees **who worked, on average, 25 hours or more during the immediately preceding calendar year**) will be granted paid time off (PTO) subject to the regulations contained herein. Other part-time employees are not eligible for PTO benefits.
- B. Employees' use of PTO must be submitted to their Department Head. PTO taken for vacation purposes shall be scheduled in writing in advance with approval from the Department Head prior to being taken. All other PTO must be reported to the Department Head. All PTO time taken must be noted on the employee's time sheet. Staff must enter PTO time taken for vacation purposes on the staff calendar.
- C. Department Heads must ensure appropriate coverage for their Department. When scheduling conflicts occur, employees with greater length of service will be given preference for vacation dates.
- D. PTO will be at the employee's current regular rate of pay.
- E. PTO benefits shall accrue in the following manner:

Days/hours will be granted based on years of service:

0-6 months	<del>2</del> 5 days / <del>16</del> 40 hours
6 months – 1 year	<del>12</del> 9 days / <del>96</del> 72 hours
1 year – 5 years	21 days / 168 hours
6 years – 14 years	26 days / 208 hours
15 years +	31 days / 248 hours

Any sick time currently accrued will be frozen, and employees may use up that time, under the old sick time guidelines, before having to use their PTO.

**APPENDIX B**

*Revised Title, Paragraphs A,B,D,E - Effective 01/01/08*  
*Revised Paragraphs B & C - Effective 10/08/13*  
*Revised Paragraph B - Effective: 06/24/14*  
*Revised Paragraph E - Effective: 01/29/19*  
*Revised Paragraphs A & E - Effective: \_\_\_\_\_*

- F. Employees working less than 40 hours per week **but more than 20 hours** will receive PTO calculated at their Full Time Employee equivalent, **but not less than 40 hours of PTO per year.**
- G. Employees are eligible to take PTO time when it is earned but not before. PTO will run from calendar year to calendar year. At an employee's anniversary date, the increase in PTO earned will be prorated for the balance of the year.
- H. When taking unscheduled PTO for illness or injury, employees are required to notify their immediate supervisor within one (1) hour of their regular starting time. Illnesses lasting more than 5 calendar days may require a doctor's slip before returning to work. An inordinate use of unscheduled PTO or failure to provide the required notice may subject the employee to discipline.
- I. Total PTO at the beginning of any year cannot exceed 1½ times the annual allotted time. (50% of total days/hours granted can be carried over)
- J. If time off is needed/wanted, and the employee has no PTO in his/her bank, the time off, if approved, will be taken without pay.
- K. If an employee terminates his/her employment with the Township, he/she will be paid for 50% of any accrued PTO.

## **APPENDIX B**

*Revised Paragraphs F,G,H,I - Effective 01/01/08*  
*New Paragraphs J,K - Effective 01/01/08*  
*Revised Paragraph F - Effective 03/25/08*  
*Revised Paragraph F - Effective 10/13/09*  
*New Paragraph H & Relabel Remaining Paragraphs - Effective 06/26/18*  
*Revised Paragraph F - Effective: 01/29/19*  
*Revised Paragraph F - Effective: \_\_\_\_\_*

- L. If an employee is terminated by the Township, no payout shall occur.
- M. Each employee shall take the equivalent number of days equal to his/her normal work week off each calendar year in consecutive succession as part of his/her PTO time.

## **APPENDIX B**

*New Paragraph L – Effective 04/10/12  
Relabel Paragraphs K and L – Effective 06/26/18*

**9.16 Part-Time Employee's Benefits:**

Part-time employees and Paid On-Call Firefighters are eligible to become enrolled in the Township pension plan, workers compensation insurance and educational and professional development under Section 9.14. Paid On-Call Firefighters are eligible for life insurance. Part-time employees, except Paid On-Call Firefighters, are entitled to holiday pay as provided in Appendix A and to ~~vacation leave~~ PTO as provided in Appendix B. They receive no other fringe benefits. Paid On-Call Firefighters who are disabled and unable to perform their full duties may, if permitted in writing by their physician, perform limited light-duty work, including dispatch but at work detail pay rate. Temporary or seasonal employees are not entitled to participate in employee benefits.

*Revised Sec. 9.16 - Effective 4/28/09*  
*Revised Sec. 9.16- Effective 02/13/18*  
*Revised Sec. 9.16- Effective \_\_\_\_\_*





## Fire Department

7275 W. MAIN STREET, KALAMAZOO, MI 49009  
269-375-0487 Fax 269-544-2085 [www.oshtemo.org](http://www.oshtemo.org)

Mark L. Barnes, CFO  
Fire Chief

PRESS RELEASE – 3/21/2019

\* \* \* Pending Event \* \* \*

Oshtemo Township, Michigan

**Event:** Life Saving Recognition of Citizens - Oshtemo Township Board Meeting

**Date:** Tuesday March 26, 2019

**Time:** 7:00 PM (Meeting starts at 7:15 PM). Program length est. to be 10-15 minutes.

**Location:** Township Offices, 7275 West Main Street, Kalamazoo

**Purpose:** Public recognition of life saving efforts by citizens.

**Presentations by:** Oshtemo Twp. Board, Bronson Hospital and American Red Cross.

**PIO:** Fire Chief Mark Barnes, 269-216-5226 or [mbarnes@oshtemo.org](mailto:mbarnes@oshtemo.org).

At 10:47 AM on February 6, 2019, Oshtemo Fire and Rescue as well as Life EMS Ambulance were simultaneously dispatched to WMU's West Hills Athletic Club, 2001 S. 11<sup>th</sup> Street. The initial report was for a man who had collapsed, was turning blue and had no pulse.

Mr. Dennis Yule was accomplishing his normal exercise program when he suddenly succumbed to an apparent cardiac arrest. His trainers and patron, off duty Portage Police Officer Dale Deleeuw, recognized the gravity of this event and followed the cardiac arrest Chain of Survival. As a team, they coordinated simultaneous actions to ensure that 911 was called, CPR was initiated and an operating AED was retrieved and applied to Mr. Yule. It is by following these steps that a person suffering a cardiac arrest is given the best chance of survival which is the joyous outcome for Mr. Yule and his family.

With these facts in mind, I would like to invite your representative(s) to the Oshtemo Township Board's public meeting. Oshtemo Township is partnering with Bronson Hospital, the American Red Cross and WMU to jointly recognize the efforts of these trained citizens and to provide a teaching moment for our community.

Those being recognized are:

1. Mrs. Betsy Sell, General Manager
2. Mr. Chad Ward, Operations Manager
3. Mr. Dave Arrasmith, Fitness Trainer
4. Mrs. Lauren Petersen, Fitness Trainer
5. Mr. Evan Kohler, Fitness Trainer
6. Officer Dale Deleeuw, Portage Dept. of Public Safety.



*...with respect, responsibility and pride.*

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Kalamazoo MLive - [kznews@mlive.com](mailto:kznews@mlive.com)

Kalamazoo County Medical Control – Dr. Bill Fales & Craig Dierenger.

Bronson Hospital – Spenser Bogdan, EMS Liaison.

WMU – Rob Pennock, Director of Auxiliary Enterprises and Bob Miller, Associate V.P.

West Hills – Betsey Sell, General Manager. Andres (Dre) Ballines, Fitness Director.

Life EMS – John Pinkster, Director of Southern Operations.

American Red Cross – Breeze Ettl, Executive Director.

H:\Projects\2019\2019-02-06 Cardiac Arrest - West Hills Athletic\2019-03-26 Press Release - West Hills.doc

# Memo



To: Oshtemo Charter Township Board  
From: Julie Johnston, AICP  
Planning Director  
Date: March 21, 2019  
Mtg Date: March 26, 2019  
Subject: West Main Corridor Improvement Authority Resolution of Intent

---

## **OBJECTIVE**

Consideration of a Resolution of Intent to establish a Corridor Improvement Authority along West Main Street from Drake Road west to the Township Hall.

## **BACKGROUND**

### Overview

The Corridor Improvement Authority (CIA), Public Act 57 of 2018, is designed to assist communities with funding improvements in commercial corridors outside of their main downtown areas. The Act allows the use of tax increment financing (TIF) to make capital improvements within an established commercial district. It permits communities that already have Downtown Development Authorities (DDAs) to extend similar benefits to aging commercial corridors outside the DDA district.

Specifically, this Act utilizes TIF for commercial and economic growth in commercial districts. The Township can use taxes arising from increased property values through TIF to pay for improvements within the established Authority boundaries. This powerful tool is one of the only options for Townships to make target public improvements within an area. Michigan planning laws do not allow the Township to levy impact fees or development extractions, which help to pay for off-site public improvements that benefit the new development. Utilizing TIF funds within the possible Authority area would allow the Township to address specific public improvements needed within this area that would not likely be funded by other means.

The Resolution of Support is the first step towards the creation of a CIA Authority. Adopting this Resolution allows staff to begin the process of reaching out to impacted property owners, discussing the project with the taxing jurisdictions (County, Library, Kalamazoo Valley Community College), and scheduling public hearings. Per the Resolution, the first public hearing on the West Main CIA would be held on May 14, 2019. It will also allow the Supervisor to begin considering potential members for the Authority Board and grant staff permission to begin the CIA Development and TIF Plan.

The Resolution of Intent does not actually create the West Main CIA, it only establishes the Boards commitment to move forward with the required steps to establish the District. If the Resolution is adopted, the process to finalize the West Main CIA will likely take approximately eight to nine months, with possible final adoption in November or December of this year.

### Potential Projects

If the Authority is adopted, a Development Plan will need to be approved by the Township Board. Included in this Plan must be a list of projects the Authority would like to accomplish with the TIF funds. Below is a preliminary list of possible projects for the Board and potential Authority to consider:

#### West of US-131

1. Develop a new public road network south of West Main Street, connecting Seeco Drive to West Main Street, to discourage new curb cuts directly on West Main.
2. Support the installation of a central, signalized intersection along West Main Street between 9<sup>th</sup> and 10<sup>th</sup> Streets.
3. Work with existing businesses to connect to this new road network and close curb cuts on West Main Street.
4. Nonmotorized facilities on the new road network to connect to existing facilities on 9<sup>th</sup> and West Main Street.
5. Finish the nonmotorized network between 8<sup>th</sup> Street and the Public Library.
6. Construct sewer and water improvements within the new road network.

#### East of US-131

1. Assist with the implementation of MDOT's transportation study currently being conducted between Drake Road and 10<sup>th</sup> Street. This may result in road improvements, re-alignment and closures of curb cuts, and possible controlled left-hand movements.
2. Work with area business owners to re-align and reduce curb cuts on West Main Street.
3. Construct nonmotorized network connections on Maple Hill Road.
4. Work with property owners to convert Kohls/Lowes service drive (east of golf course) into a public road that may connect with a new public road running east/west from Drake Road to the new Maple Hill Sub-Area.
5. Develop a new neighborhood park with recreation facilities.

6. Implement the GO! Green Oshtemo off-road nonmotorized path/greenway corridor along US-131 within the electrical power easement.
7. Consider gateway treatments at US-131 to enhance a main entryway into Oshtemo Township.

### CIA Criteria

The Corridor Improvement Act has some specific criteria the Township must meet for the CIA to be established. These criteria include the following:

- (a) Is adjacent to or is within 500 feet of a road classified as an arterial or collector according to the Federal Highway Administration manual "Highway Functional Classification - Concepts, Criteria and Procedures".**

The proposed West Main CIA District boundaries includes West Main Street (M43), which is categorized as an arterial roadway.

- (b) Contains at least 10 contiguous parcels or at least 5 contiguous acres.**

The District, as proposed, contains 108 parcels and/or lots and is 622 acres.

- (c) More than 1/2 of the existing ground floor square footage in the development area is classified as commercial real property under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c.**

Staff completed a quick analysis of all the existing building square footage within the proposed District and found that 98 percent was classified as commercial real property. A more in-depth investigation will be needed to ensure accuracy, but based on initial data, it should not be a problem to meet this criterion.

- (d) Residential use, commercial use, or industrial use has been allowed and conducted under the zoning ordinance or conducted in the entire development area, for the immediately preceding 30 years.**

All of these zoning districts and uses currently exist within the proposed District boundaries. In addition, the Oshtemo Township Zoning Ordinance has allowed residential, commercial, and industrial uses at least since the 1989 codified Zoning Ordinance, which is a 30-year timeframe.

- (e) Is presently served by municipal water or sewer.**

Public water is available throughout the proposed District. Public sanitary sewer is generally available. Only one area of the proposed District is currently without sanitary sewer and that is south of West Main Street, between the Latitude 42 property and Westside Medical Center. Township staff has been working with developers to potentially bring future connections to this area.

**(f) Is zoned to allow for mixed use that includes high-density residential use.**

The R-3 Zoning District, which is located on the north side of West Main Street, west of US-131 allows a mix of office and residential uses, including attached residential products. This District permits four dwelling units per acre. In addition, the Township is working on a Maple Hill Zoning Overlay to implement the Maple Hill Subarea Plan of the Master Plan. The Subarea Plan indicated six dwelling units per acre, with possible density bonuses for the development of public open spaces. This potential new zoning district will likely also promote a mix of uses within the Overlay area.

Eight dwelling units per acre is the highest density in the Township. It is regulated to multi-family developments within the R-4 District that are developed at least 200 feet from any properties zoned AG, RR, R-1, or R-2. This density would be permitted within the CIA through the Commercial Planned Unit Development Ordinance, which allows a residential component.

**Recommendation**

It is clear that the proposed District meets the criteria established in Public Act 57 of 2018. In addition, the wide range of possible public projects within this area warrants consideration for the Authority. Therefore, staff recommends the Township Board adopt the attached Resolution of Intent.

**INFORMATION PROVIDED**

- Resolution of Intent
- Recommended West Main CIA Map

**RESOLUTION NO. \_\_\_\_\_**  
**CHARTER TOWNSHIP OF OSHTEMO**

**A RESOLUTION OF INTENT CONSIDERING THE ESTABLISHMENT OF A CORRIDOR  
IMPROVEMENT AUTHORITY BY THE CHARTER TOWNSHIP OF OSHTEMO**

**WHEREAS**, the State of Michigan Recodified Tax Increment Financing Act, Public Act 57 of 2018, as amended, authorizes municipalities to establish a Corridor Improvement Authority with responsibility for the promotion of economic growth and implementation of development plans within its commercial corridors.

**WHEREAS**, the Board of Trustees for the Charter Township of Oshtemo has discussed the need for such an authority to encourage the economic growth of the "West Main" development area within the Township; and

**WHEREAS**, Section 606 of the Act requires that a resolution of intent be adopted by the Township Board indicating that the development area meets certain legislative requirements and to set a date and time for a public hearing concerning the establishment of the Corridor Improvement Authority.

**NOW THEREFORE BE IT RESOLVED:**

1. That the Board of Trustees for the Charter Township of Oshtemo finds that it is necessary for the best interests of the public to establish a Corridor Improvement Authority which will work to promote economic growth and development within the West Main development area, the boundaries of which are identified on a map attached to this resolution.
2. That the proposed West Main Corridor Improvement Authority development area meets the criteria of Section 605 of the Act; specifically, it:
  - a. Is adjacent to or is within 500 feet of a road classified as an arterial or collector according to the Federal Highway Administration manual "Highway Functional Classification- Concepts, Criteria and Procedures".
  - b. Contains at least 10 contiguous parcels or at least 5 contiguous acres.
  - c. More than one-half of the existing ground floor square footage in the development area is classified as commercial real property under Section 34c of the General Property Tax Act, Public Act 206 of 1893, MCL 211.34c.
  - d. Residential use, commercial use, or industrial use has been allowed and conducted under the zoning ordinance or conducted in the entire development area, for the immediately preceding 30 years.
  - e. Is presently served by municipal water or sewer.
  - f. Is zoned to allow for mixed use that includes high-density residential use.

3. That the Board of Trustees for the Charter Township of Oshtemo agrees to all of the following:
  - a. To expedite the local permitting and inspection process in the development area.
  - b. To ensure that its Master Plan provides for walkable nonmotorized interconnections, including sidewalks and streetscapes throughout the development area.
  
4. That the Board of Trustees for the Charter Township of Oshtemo will hold a public hearing on this matter at the Oshtemo Township Hall, located at 7275 West Main Street, Kalamazoo, MI 49009, at 7:15pm on Tuesday, May 14, 2019.

A motion was made by \_\_\_\_\_, supported by \_\_\_\_\_ to adopt the foregoing resolution.

Upon a roll call vote, the following voted:

AYES:

NAYS:

ABSTAINED:

ABSENT:

The Supervisor declared that the RESOLUTION (has/has not) been adopted.

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

Enclosure: Proposed West Main Corridor Improvement Authority Development Area Limits Map

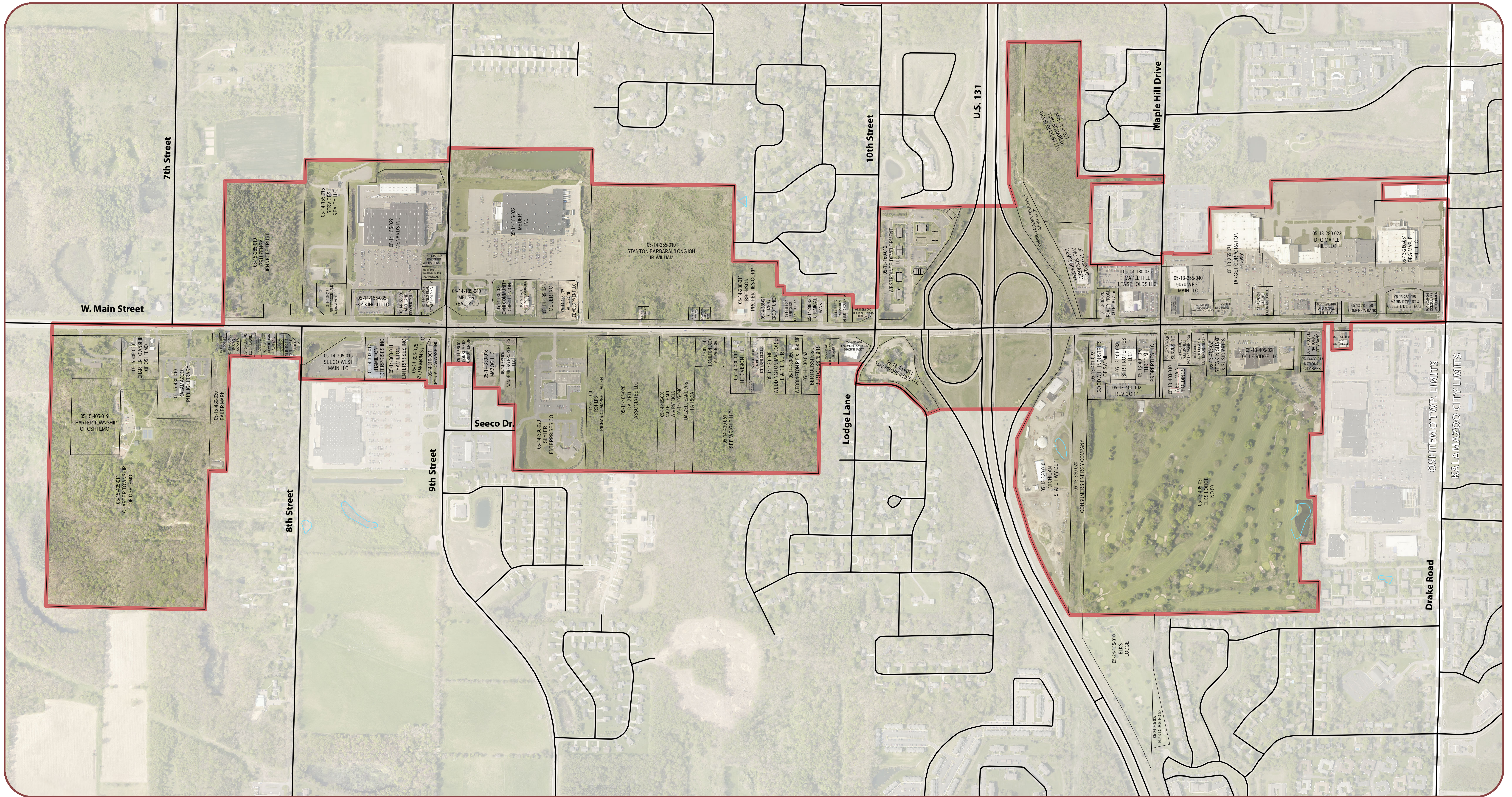
\*\*\*\*\*

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 March 26, 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



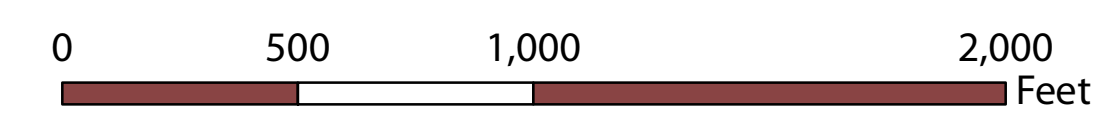


## Proposed West Main Corridor Improvement Authority Development Area Limits



- Potential CIA Development Area Boundary
- Parcel Lines (with tax ID and ownership labels)
- Roads
- Water Features

DRAFT: March 2019



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Detroit, MI 48226  
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