

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

July 11, 2023

Refer to page 3 for Virtual Meeting Information

**REGULAR MEETING
5:30 P.M.
AGENDA**

1. Call to Order
2. Remote Location Identification (for remote attendance when permitted by statute)

WORK SESSION ITEMS

3. Discover Kalamazoo Presentation (Jane Ghosh)
4. Purchasing Policy Discussion
5. Discussion of Uniforms for Maintenance, Ordinance Enforcement, Assessing, and Parks
6. Other Updates & Business
 - a. Concert Series in the Park

BREAK (Time Permitting) – 7:05 P.M.

REGULAR SESSION ITEMS – 7:15 P.M.

7. Pledge of Allegiance
8. Township Mission/Vision/Core Values
9. Public Comment on Non-Regular Session Items
10. Discussion on Meeting on June 27, 2023
11. Consent Agenda
 - a. Minutes of Regular Meeting June 27, 2023
 - b. Receipts and Disbursements
 - c. Second Reading: Ordinance to Establish Emergency Service Fees
 - d. Second Reading: Airport Zoning Ordinance
 - e. RFP for Media and Communications
 - f. Contractor Approval of Western Woods Sidewalk – Remington Construction Company, Inc
12. Public Works Staff Update
13. Budget Amendments
14. Public Comment
15. Board Member Comments and Committee Updates
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), 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 a.m.-1 p.m. and 2-5 p.m., and on Friday, 8 a.m.–1 p.m. Additionally, questions and concerns are accepted at all hours through the website contact form found at 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 and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
Cheri Bell	216-5220	cbell@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Clare Buszka	216-5260	cbuszka@oshtemo.org
<u>Trustees</u>		
Neil Sikora	760-6769	nsikora@oshtemo.org
Kristin Cole	375-4260	kcole@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Kizzy Bradford	375-4260	kbradford@oshtemo.org

Township Department Information			
<u>Assessor:</u>			
Kristine Biddle	216-5225	assessor@oshtemo.org	
<u>Fire Chief:</u>			
Greg McComb	375-0487	gmccomb@oshtemo.org	
<u>Ordinance Enforcement:</u>			
Rick Suwarsky	216-5227	rsuwarsky@oshtemo.org	
<u>Parks Director:</u>			
Vanessa Street	216-5233	vstreet@oshtemo.org	
Rental Info	216-5224	oshtemo@oshtemo.org	
<u>Planning Director:</u>			
Iris Lubbert	216-5223	ilubbert@oshtemo.org	
<u>Public Works Director:</u>			
Anna Horner	216-5228	ahorner@oshtemo.org	

Zoom Instructions for Participants

Before a videoconference:

1. You will need a computer, tablet, or smartphone with a speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. If you are going to make a public comment, please use a microphone or headphones with a microphone to cut down on feedback, if possible.
3. Details, phone numbers, and links to videoconference or conference call are provided below. The details include a link to “**Join via computer**” as well as phone numbers for a conference call option. It will also include the 11-digit Meeting ID.

To join the videoconference:

1. At the start time of the meeting, click on this link to [join via computer](#). You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to join.zoom.us on any browser and entering this **Meeting ID: 886 2537 5277**

If you are having trouble hearing the meeting or do not have the ability to join using a computer, tablet, or smartphone then you can join via conference call by following instructions below.

To join the conference by phone:

1. On your phone, dial the teleconferencing number: **1-929-205-6099**
2. When prompted using your touchtone (DTMF) keypad, enter the Meeting ID number: **886 2537 5277#**

Participant controls in the lower-left corner of the Zoom screen:



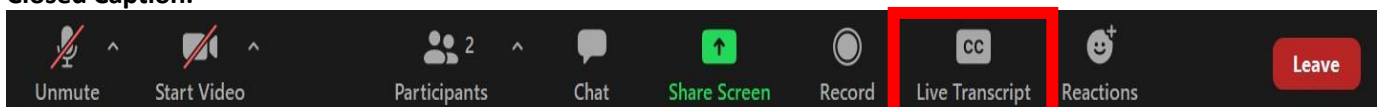
Using the icons at the bottom of the Zoom screen, you can (some features will be locked to participants during the meeting):

- Participants – opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand. **This will be used to indicate that you want to make a public comment.**
- Chat – opens pop-up screen that allows participants to post comments during the meeting.

If you are attending the meeting by phone, to use the “Raise Hand” feature **press *9 on your touchtone keypad.**

Public comments will be handled by the “Raise Hand” method as instructed above within Participant Controls.

Closed Caption:



Turn on Closed Caption:

Using the icons at the bottom of the Zoom screen:

1. Click on the “Live Transcription” button.
2. Then select “Show Subtitle”.

Mission:

To advance the quality of life of all residents through a commitment to responsible growth, and value-driven municipal services that promote the relationships among economic vitality, environmental stewardship, and social equity.

Vision:

A sustainable and innovative community built through a legacy of planned, responsible growth and rural preservation.

Core Values:

PUBLIC SERVICE

- Fair treatment to all people.
 - Each customer is welcomed and that their input is wanted.
 - Difficult questions are not marginalized.
- Allow residents to interact directly with the township staff and officials.
- Decisions are made based on the value to our Township and residents.

SUSTAINABILITY

- Meet the needs of the present without compromising future generations.
 - Consider the environment through practices that reduce impacts.
 - Value conscious decision making.
 - Committing to quality Fire and Police protection.

INNOVATION

- Providing the best value-conscious technology currently available.
- Leverage new technologies and ways of doing business to increase accessibility and improve services.

PROFESSIONALISM

- Hire staff with strong core competencies within their given profession.
 - Commitment to continuous improvement to government operations.
- Dedicated to open communication to improve productivity and effectiveness.

INTEGRITY

- Decisions are made logically through the collection of evidence, facts, and public input.
 - When promises are made, we follow through.
 - We do not obfuscate – we say what we mean and do what we say.
 - Transparent governmental practices are of the highest priority.

FISCAL STEWARDSHIP

- Ensure that taxpayer investments are spent wisely, effectively and efficiently.



For more details, visit oshtemo.org/events or look for us on Facebook

FREE!

WIN PRIZES!
Oshtemo restaurant gift cards will be raffled at each concert. Funds raised will support Oshtemo parks!

Music in the Park

Concert Series presented by Friends of the Parks



Sunday, July 9 Bronk Bros.

Classic country, new country, and classic rock combine for a rockin' hillbilly extravaganza.



Sunday, June 11 Zion Lion REGGAE BAND

The "baddest band" to hit the Kalamazoo music scene.
You can't help but get up and dance!



Sunday, August 6 Kalamazoo Avenue Band

Classic rock through the decades.

6 - 7:30 p.m.
Flesher Field
3664 S. 9th St.
Kalamazoo

Concerts will be rescheduled in the event of rain.
Alcohol is prohibited.
Bring a chair or blanket for lawn seating.



Harding's Friendly Markets
Naylor Landscapes
Siegfried Crandall

Memorandum

Date: 29 June 2023
To: Township Board
From: James W Porter, Legal Department
Subject: Fire Department - Fire and Emergency Services Fees Ordinance



Objectives

Approve the proposed Ordinance to establish fees for Township Emergency Services.

Recommended Motion

I make the motion to adopt the Fire and Emergency Services Fees Ordinance.

Background

To help cover the increasing costs of responding to emergency calls, we request that the Fire and Emergency Services Fees Ordinance changes be adopted. The costs of responding to calls – including fuel and maintenance to the vehicles, are increasing and this will supplement the budget. Our Township taxpayers will not be affected by the Ordinance changes, as the changes are designed for people traveling through or visiting the Township.

Information Provided

See attached Ordinance.

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. _____

ADOPTED: _____, 2023

EFFECTIVE: _____, 2023

A General Ordinance to establish fees for certain Township emergency services; to provide methods for the collection of such fees; to provide for exemptions therefrom; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN

ORDAINS:

SECTION I. TITLE OF ORDINANCE.

This Ordinance shall be entitled the "Oshtemo Charter Township Fire and Emergency Services Fee Ordinance."

SECTION II. PURPOSE.

This Ordinance is adopted for the purpose of partially financing certain specified types of fire and emergency services enumerated herein furnished to persons who are neither residents nor owners of real property in Oshtemo Charter Township, and therefore not subject to taxes or special assessments, and to also help defray the costs of providing certain other specified types of fire and emergency services from those receiving direct benefits from those services.

SECTION III. FIRE AND EMERGENCY SERVICES FEE.

A recipient or beneficiary of any of the enumerated fire emergency services set forth in Section IV of this Ordinance rendered in Oshtemo Charter Township by or on behalf of the Oshtemo Charter Township Fire Department (hereinafter "Fire Department") in Oshtemo Charter Township shall be responsible for payment to Oshtemo Charter Township of a fire and emergency services fee for the actual cost of providing such services in accordance with the provisions of this Ordinance, including, but not limited to, costs incurred for incident abatement, mitigation, clean-up, mutual aid, and stand-by service for the scene or incident. Such costs shall include, but are not limited to:

- A. All personnel costs of all personnel attending on behalf of and with the authority of the Township including their current hourly rate, fringe benefits, and salary apportioned to the length of time in attendance, calculated commencing one (1) hour after receipt of the signal to respond and continuing for each personnel until that personnel has concluded his or her incident related responsibilities.
- B. The equipment costs of all equipment attending as established by an itemized resolution of the Township Board setting forth the costs attributable to each piece of Township equipment which might be involved in such a response. This resolution may be amended from time to time to reflect changes in equipment, inflation factors, and accounting records of past occurrences.
- C. Other expenses incurred by the Township, including but not limited to, rental or purchase of additional machinery or equipment, retention of consultants,

medical and hospitalization costs, replacement costs related to disposable personnel protective equipment required to be disposed of, extinguishing chemicals, supplies and water purchased from water systems, and meals and refreshments for emergency personnel while responding to the incident.

D. Additional charges imposed by any other local, state or federal government entities, related to the incident.

E. Administrative costs incurred in accounting for all expenditures and for billing and collection of such expenditures, which shall not exceed 25% of the foregoing costs.

SECTION IV. SERVICES FOR WHICH FIRE AND EMERGENCY SERVICES FEE IS IMPOSED.

A fire and emergency services fee calculated in accordance with Section III of this Ordinance shall be imposed for Fire Department and other Township services rendered in response to the following types of emergency incidents causing attendance of Fire Department personnel and/or equipment:

A. Incident involving spills onto a public or private road by a vehicle or trailer of non-hazardous materials [i.e., materials that are not "hazardous materials" as defined by Section 20101 of the Natural Resources and Environmental Protection Act, 1994 PA 451, of 198 and as thereafter amended] of such quantity as to require Fire Department assistance in either removing the material from the road or in limiting access to the road until the material is removed.

- B. Fires caused by the illegal presence at the site of (1) methamphetamine or any other controlled substance as defined under MCL 333.7104(2) or (2) chemicals and/or equipment being used for the illegal production of such a controlled substance.
- C. Emergency Fire Department stand-by requested by the Kalamazoo County Sheriff's Department or other law enforcement agency at a site where methamphetamine or any other controlled substance as defined under MCL 333.7104(2) is being illegally kept or produced.
- D. A vehicle accident involving an at fault driver who neither resides in the Township, nor owns real property within the Township. Notwithstanding Section VIII, the imposition of a fire emergency services fee for response to this type of incident shall be limited to those beneficiaries that neither own real property within the Township nor reside within the Township.
- E. A grass, brush or debris fire or bonfire not authorized or permitted by Township ordinance or by any required permit from the Fire Department.
- F. A fire or potential fire caused by a firework's display not authorized or permitted by township ordinance or state statute.
- G. A fire caused by proven or admitted arson by the owner of the premises or item subject to the fire.
- H. Emergency Fire Department standby requested by a public utility.

SECTION V. BILLING PROCEDURES.

Following the conclusion of the emergency incident, the Township Fire Chief shall submit a detailed listing of all known expenses and shall prepare an invoice to the responsible party(ies) for payment. The invoice shall demand full payment within forty-five (45) days of the receipt of the bill. Any additional expenses that become known to the Township Fire Chief following the transmittal of the bill to the responsible party(ies) shall be billed in the same manner on a subsequent bill to the responsible party(ies). For any amounts due that remain unpaid after forty-five (45) days, the Township shall impose a late charge of one percent (1%) per month or fraction thereof.

SECTION VI. EXEMPTIONS.

- A. Fires caused by railroad trains, which are the specific statutory responsibility of railroad companies.
- B. Fire involving Township buildings, grounds, and/or property.
- C. Fire or other emergency service performed outside the jurisdiction of the Township, unless the Township and the other municipalities have each adopted an ordinance to impose fees for fire and emergency service runs respective territories under MCL 41.806a.

All federal, state, county, municipal and other public bodies shall be exempt from the foregoing fee.

SECTION VII. NON-EXCLUSIVE FEE.

The foregoing fee shall not be exclusive of the charges that may be made by the Township for the costs and expenses of maintaining a Fire Department, but shall only be supplemental

thereto.

SECTION VIII. MULTIPLE BENEFICIARIES.

When a particular emergency service of the type enumerated in Section IV benefits more than one person or property, the owner of each property so benefited and each person so benefited shall be liable for the payment of the full charge for such service hereinbefore outlined. The interpretation and application of the within section is hereby delegated to the Fire Chief subject only to appeal, within the time limits for payment, to the Oshtemo Charter Township Board and shall be administered so that fees shall only be collected from the beneficiary(ies) of the service. A "beneficiary" shall be defined for purposes of this Ordinance as any individual, corporation, association, partnership, joint venture or other legal entity that received the Fire Department services.

SECTION IX. VIOLATION AND SANCTIONS.

Any person or entity who neglects or refuses to pay the foregoing fire and emergency services fee within forty-five (45) days of the billing for the same shall be deemed to have committed a municipal civil infraction as defined by Michigan statute and shall be punished by a civil fine in addition to the payment of the required fee in accordance with the following schedule:

\$100.00 for each day that the aforesaid fee remains unpaid after the due date thereof but not to exceed \$500.

Additionally, the violator shall pay costs which may include all expenses direct and indirect which the Charter Township of Oshtemo has incurred in connection with the

municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

In addition to the above, the Township may pursue any other remedy, or may institute any appropriate action or proceeding, in a court of competent jurisdiction to collect fees imposed under this Ordinance. The recovery of fees imposed under this Ordinance does not limit the further liability of responsible parties under local ordinance or state or federal law, rule or regulation.

SECTION X. SEVERABILITY.

Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the enforceability of the balance of this Ordinance which shall remain in full force and effect.

SECTION XI. REPEAL.

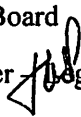
All ordinances or parts of ordinances in conflict herewith are hereby repealed

SECTION XII. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon publication after adoption.

DUSTY FARMER, CLERK
OSHTEMO CHARTER TOWNSHIP

Memorandum

Date: 29 June 2023
To: Township Board
From: James Porter  Legal Department
Subject: Airport Zoning Ordinance



Objectives

To adopt the Airport Zoning Ordinance to add Article 58 to the Township Zoning.

Recommended Motion

I make the motion to adopt the Airport Zoning Ordinance adding Article 58 to the Township Zoning Ordinance.

Background

Because Newman’s Field is a public use airport, it is necessary for compliance with the requirements of the Michigan Aeronautics Commission to have Airport Zoning Regulations in place for public safety. Public safety for those accessing the airport, as well as those individuals living around the airport. Using the Model Airport Zoning Ordinance prepared by the Michigan Aeronautics Commission and working with the Planning Department, I tailored the proposed Ordinance to provide the necessary safety measurements, with the least amount of impact on property owners within the Township. The Ordinance provides two basic safety protections. The first is a Hazard Zone Area which is two miles in circumference around the airport and this simply places certain height limitations on tall structures. In addition, there is the Airport Safety Zones immediately surrounding the airport, which limit high density residential development and place certain height limitations within the safety zones surrounding the airport.

Information Provided

I have attached a copy of the Ordinance amending this Zoning Ordinance, to include Article 58 entitled “Airport Zoning Ordinance”. Additionally, attached are the Maps that provide the visual diagrams necessary for implementation.

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO.

Adopted: _____, 2023

Effective: _____, 2023

An Ordinance to amend the Oshtemo Township Zoning Ordinance to add Article 58
Airport Zoning Ordinance

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

OSHTEMO CHARTER TOWNSHIP AIRPORT ZONING ORDINANCE

FOREWARD

The principal objective is to provide additional safety and protection to the users of Newman's airport and to the people who live and work in its vicinity.

The Ordinance recognizes the Federal Communications Commissions (FCC) regulations on land within a 10-mile radius of the Newman's Airport (a public use airport). This Ordinance establishes an air bowl with a minimum height limitation above ground at some locations in the approaches to the runways immediately adjacent to the airport (2 miles) increasing to a maximum height limitation of 500 feet above the established elevations of the airport as the distance from the airport is increased. The purpose of this Ordinance is to protect the flight pattern and landing area of Newman's Field. Subject to the jurisdictional limitations of the Township.

Structures and trees which project above the height limitations are considered hazards to flying and endanger lives and property. The prescribed height limits are based on studies made by the Aeronautics Commission of the State of Michigan and by the Federal Aviation Administration. Height limits are based upon the established elevation of the airport or upon the elevation of the end of the nearest runway.

This Ordinance does not affect existing structures, the height of which exceeded the limits imposed by this Ordinance at the time it became effective. New construction, and construction increasing the height of existing structures, within the airport area, must conform to the provisions on height. The Ordinance also restricts such uses of land within the vicinity of the airport as would unreasonably interfere with radio communication systems and other navigational aids or devices used by the airport and aircraft, or would reduce visibility, or would create confusing lights, or would be subject to undesirable effects that may be caused by the operation of aircraft.

The Township is charged with the responsibility of administering and enforcing the provisions of the Ordinance with the understanding that it will seek the close cooperation of, and work through, the Planning Commission and Township Planning Department Director.

To effectively administer the Ordinance, the Township establishes application heights which are below the allowable height limits of the Ordinance. This was done to make it easier for the local Planning Commission, Zoning Board of Appeals, and the general public, to decide whether an application for permit must be filed with the Township Planning Department Director. This was also done to give added insurance to those who are constructing the higher, more costly structures. The establishment of application heights reduces the number of those who must make application.

The Ordinance contains provisions for the variance of the regulations in the event of practical difficulty or unnecessary hardship if the relief granted would not be contrary to the public interest and safety. It is the intent of the Township, with the cooperation of the public, to have the Ordinance administered in a reasonable and just manner in keeping with the responsibilities involved.

The preceding is by way of explanation only and is not to be considered a part of the Ordinance. Information regarding height limits and copies of the Ordinance are available at the offices of the Oshtemo Charter Township, Kalamazoo, Michigan. A copy of the Ordinance is on file with the Clerk of Oshtemo Charter Township.

OSHTEMO CHARTER TOWNSHIP AIRPORT ZONING ORDINANCE

An Ordinance establishing airport zoning regulations restricting the height of structures and objects of natural growth and otherwise regulating the use of property in the vicinity of the Newman's Airport (a public use airport); providing for the allowance of variances from such regulations; designating the Administrator charged with the administration and enforcement of such regulations; providing for enforcement; and imposing penalties for violation of this Ordinance.

Pursuant to the authority conferred by the provisions of the Airport Zoning Act, being Act No. 23 of the Public Acts of the State of Michigan for the year 1950 (Extra Session) and for the purpose of promoting the health, safety, and general welfare of the inhabitants of the Oshtemo Charter Township by preventing the establishment of the airport hazards and thereby protecting the general public, users of Newman's Airport, and occupants of land in its vicinity, and preventing the destruction and impairment of the utility of said airports and the public investment therein.

The Oshtemo Charter Township under the provisions of Section 13, 14, 17 of Act No. 23 of the Public Acts of the State of Michigan for the year 1950 (Extra Session), does hereby ordain as follows:

SECTION 1 PURPOSE AND LIMITATIONS

1.1 Title

This Ordinance includes all airport zoning plans attached hereto and is to be known and may be cited as the "Oshtemo Charter Township Airport Zoning Ordinance."

1.2 Objective

The principle objective of this Ordinance is to prevent the creation or establishment of airport hazards and thereby to provide additional safety and protection to the users of the airport and to the people who live and work in its vicinity.

1.3 Hazard Area

The Ordinance establishes regulations on land within a two-mile radius of Newman's Airport subject to the jurisdictional boundaries of the Township (see Map A). This Ordinance establishes an air bowl with a maximum height limitation of 500 feet above the established elevation of the airport at the outer edge and has a minimum height limitation of 25 feet above the ground at some locations in the approaches to the runways immediately adjacent to the airports. The height limitations of this Ordinance become less severe as the distance from the airport is increased.

The Township recognizes the FCC's 10 mile and 6.32-mile height restrictions and has established its hazard area, in furtherance of the FCC regulations, as well as the Michigan Aeronautics Commissions general rules.

1.4 Hazards

Structures and trees which project above the height limitations under this Ordinance are considered hazards to flying and endanger lives and property. The prescribed height limits are not arbitrarily set, but are based on studies made by the Michigan Aeronautics Commission and by the Federal Aviation Administration. Height limits are based upon the established elevation of the airport or upon the elevation of the end of the nearest runway.

1.5 Existing Non-Conforming Objects

The Ordinance does not affect existing non-conforming use structures, the height of which exceeded the limits imposed by this Ordinance at the time it became effective. New construction, and construction increasing the height of existing structures, within the hazard area, must conform to the provisions on height limitations. The Ordinance also restricts such uses of land within the vicinity of the airport as will unreasonably interfere with radio communications systems, navigational aids, or other devices used by the airport and aircraft, or would reduce visibility or would create confusing lights, or would be subject to undesirable effects that may be caused by the operation of aircraft.

1.6 Administration

The Administrator shall administer and enforce the provisions of the Ordinance and shall seek the close cooperation of and work through the local County, Township Planning Commission, and Zoning Board of Appeals.

1.7 Heights Requiring Permits

To effectively administer the Ordinance, the Township hereby establishes application requirement for all new structures over 50 ft in height within the Hazard Area (see Map A) or for new uses or changes in use within the Accident Safety Zones (see Map B). This is done to make it easier for the local Planning Commission, Zoning Board of Appeals, and the general public to decide whether an application for permit must be filed with the Oshtemo Township Planning Department. This was also done to give added insurance to those who are constructing the higher, more costly structures. The establishment of application heights reduces the number of those who must make application.

1.8 Land-Use Types Requiring Permits

To promote the general purpose and objectives of this Ordinance and its effective administration, all persons making use of land within the areas shown on Land-Use Guidelines Table 1-5 of the zoning plans are advised to consult Section 3.07 of this Ordinance as to undesirable land uses within designated airport Land-Use guidance zones.

1.9 Provisions for Variance

The Ordinance contains provisions for the variance of the regulations in event of practical difficulty or unnecessary hardship if the relief granted would not be contrary to the public interest and safety. It is the intent of the Administrator with the cooperation of the public, to have the Ordinance administered in a reasonable and just manner in keeping with the responsibilities involved.

1.10 Where to Obtain Copies of this Ordinance

Information regarding height limits and copies of the Ordinance are available at the Oshtemo Charter Township offices at 7275 West Main St Kalamazoo, Michigan, 49009. A copy of the Ordinance is on file with the Oshtemo Charter Township Clerk.

SECTION 2 DEFINITIONS

For the purposes of this Ordinance, the words, terms and phrases set forth in Sections 2.1 through 2.13 inclusive, shall have the meanings prescribed in those sections.

2.1 Above Mean Sea Level

The term "above mean sea level" denotes elevations above sea level based upon and determined by reference to United States Coast and Geodetic Survey datum.

2.2 Accident Safety Zones:

Those areas as outlined in the Accident Safety Zones Map with the 20:1 ratio surrounding the immediate area of the airport (see Map B).

2.3 Administrator

"Administrator" means the Planning Director of Oshtemo Charter Township, or their designee, who is designated and charged with the administration and enforcement of this Ordinance.

2.4 Airport

The term "Airport" means the Newman's Airport and all appurtenances used or acquired for airport buildings or other airport facilities, and all other adjacent rights of way or other existing or future interests.

2.5 Airport Hazard

"Airport Hazard" means any structure or tree within the airport hazard area which exceeds the height limitations established by this Ordinance, or any use of land or appurtenances within the airport hazard area which interferes with the safe use of the airport by aircraft.

2.6 Airport Hazard Area

The term "airport hazard area" means any area of land or water, or both, lying within a two-mile radius from the established center of Newman's Airport in which an airport hazard might exist if not prevented by this Ordinance (see Map A).

2.7 Airport Zoning Act

The term "Airport Zoning Act" refers to Act No. 23 of the Public Acts of the State of Michigan for the year 1950 (Extra Session).

2.8 Board

The term "Board" means the Zoning Board of Appeals as hereinafter created and designated below.

2.9 Land-Use Guidance Zone

The term "land-use guidance zone" means an area or zone in which certain types of land uses are recommended due to noise, vibrations, fumes, dust, fuel particles and other effects that may be caused by the operation of aircraft landing at, or taking off from, or operating at Newman's Airport.

2.10 Non-Conforming Use

The term "non-conforming use" means any structure, tree or use of land which does not conform to a regulation prescribed in this Ordinance or any amendment as of the effective date of such regulation.

2.11 Person

The term "person" means any individual, firm, partnership, corporation, company, association, joint stock association, municipal corporation or other body politic, including any trustee, receiver, assignee or other similar representative.

2.12 Structure

The term "structure" means any object constructed or installed by man, including but without limitation, buildings, towers, smokestacks, overhead transmission lines, and radio and television aerials and antennae, but not including highways and their appurtenances.

2.13 Tree

The term "tree" means any object of natural growth.

SECTION 3 ZONES

3.1 Airport Hazard Areas

An airport hazard area is established, which area or zone consists of all the lands within Kalamazoo County lying beneath the approach, transitional, 149 feet horizontal, conical and 500 feet horizontal surfaces, said land being located within a circle having a radius extending horizontally two miles (see Map A) from the established center of the usable landing areas of the airport, known as the airport reference point. No person shall erect or add to the height of or replace an object within an area two miles from the nearest boundary of Newman's Field which will result in an object height extending higher than the height determined by the ratio of 20:1 between the nearest boundary of the airport and the object. The boundaries of the hazard areas are shown on the Land-Use Guideline Tables numbered 1-5, which are attached and made a part of this Ordinance.

3.2 Airport Zoning Plans

The height limitations shown on the attached airport Land-Use Guideline Tables numbered 1-5 of zoning plans are imposed on the lands in the airport hazard areas, the same being based upon the elevations above mean sea level at the ends of the respective airport runways and the established Elevation of the airport, which elevations are shown on Land-Use Guideline Tables 1-5 of the zoning plans.

3.3 Height Limitation

No person may erect or maintain any structure to a height in excess of the limitations prescribed by the terms of this Ordinance and the attached maps, or to plant or allow any tree to grow to a height in excess of the limitations prescribed by the terms of this Ordinance and the attached maps; or to establish any use of lands contrary to the provisions of this Ordinance.

3.4 Unlawful Land Use

Notwithstanding any other provisions of this Ordinance, no person may use any lands within any airport hazard area which:

- (a) Would create electrical interference with radio communications between the airport and aircraft or create interference with navigational aids employed by aircraft;
- (b) Would make it difficult for flyers to distinguish between airport lights and others or result in glare to the eyes of flyers using the airport;
- (c) Would create air pollution in such amounts as to impair the visibility of flyers in the use of the airport;
- (d) Would locate or permit the operation of a dump, waste disposal site, sanitary landfill, hazardous waste facility, solid waste transfer station or recycling facility within 10,000 feet of any runway at the airport, unless the construction, location and operation of the site is approved or authorized by the Federal Aviation Administration as not being in violation of its orders, rules or regulations applicable to the airport, or unless a waiver is issued by the Federal Aviation Administration.
- (e) Would otherwise endanger the landing, taking off, or maneuvering of aircraft;
- (f) Would attract birds.
- (g) Would raise the descent minimums of any instrument approach procedure to the airport, or otherwise limit operations at the airport, as determined by an airspace study conducted by the Federal Aviation

Administration.

3.5 Non-Conforming Existing Uses

The provisions of Section 3.3 of this Ordinance shall not apply to structures, trees or other nonconforming uses existing in an airport hazard area on the effective date of this Ordinance, unless the Administrator determines it to be damaged or should be abandoned as set forth in Section 63.30 and 63.40 of the Zoning Ordinance.

3.6 Alterations to Non-Conforming Land Use

The provisions of Section 3.3 of this Ordinance shall apply to changes or alterations which increase the height of existing structures, trees or other non-conforming uses after the effective date of this Ordinance, with the same force and effect as though the same were new uses.

3.7 Land-Use Guidance Zone

- (a) Purpose. The purpose of Land-Use Guidance Zones defined in Section 2.7, is to designate areas in which certain types of land uses are not recommended due to undesirable effects that may be caused by the operation of aircraft. See the Land-Use Guidance Chart I, as shown on Land-Use Guideline Tables 1-5 of the airport zoning plans, for recommended land uses.
- (b) Acceptable Land-Use. The uses of land within the areas shown on the zoning plans are acceptable land-uses as outlined in land-use guidance chart II, as shown on Land-Use Guideline Tables 1-5 of the airport zoning plans.

SECTION 4 ORDINANCE ADMINISTRATION

4.1 Approach Standards

The approach, transitional, conical and inner horizontal surfaces which establish the height limitations under this Ordinance are denoted on Land-Use Guideline Tables 1-5 of the zoning plans, and are established in conformance with approach standards or regulations of the Michigan Aeronautics Commission or the Federal Aviation Administration. In acting upon applications for permits, the Administrator will arrive at proper height limitations by interpolating between contours shown on the zoning plans.

4.2 The Administrator

The Administrator is charged with the duty of administering and enforcing this Ordinance. The Administrator shall act as the "administrative agency" referred to in the Airport Zoning Act. The duties of the Administrator shall include those of issuing permits as provided below, but the Administrator shall not have or exercise any of the powers or duties delegated to the Zoning Board of Appeals. The Administrator is granted sole authority to approve land uses on airport property in accordance with State and Federal guidelines. The Administrator may adopt such rules of procedure as may be necessary in connection with the administration and enforcement of this Ordinance.

4.3 Board of Appeals

The Zoning Board of Appeals has the powers set forth in Section 28 of the Airport Zoning Act and shall exercise such powers as are conferred upon it in the Airport Zoning Act and Article 69 of this Ordinance.

SECTION 5 PERMITS

5.1 Permit Maps

There is attached hereto as Land Use Guideline Tables 1-5 of the Airport Zoning Maps, a "permit map" showing applicable height limitations within the airport hazard areas above which permits are required under this Ordinance. For objects that exceed 50' within 2 miles of the airport. The permit maps are affixed to this Ordinance for the information of and consultation by all persons proposing to make uses of land within the airport hazard areas, whether the same be new uses or changes in existing uses, and it shall not be a defense in any action that a person charged with violation of this Ordinance, whether in a criminal or civil action, failed to consult this Ordinance or the permit maps prior to the action giving rise to the violation.

5.2 Application for Permits

Applications for permits shall be made to the Administrator upon forms furnished by the Administrator. Within 15 days from the application, the Administrator will determine whether the height limitations as designated by the Airport Zoning Map (A) and Airport Safety Map (B) and this Ordinance, would or would not be violated if the application were granted and shall grant or deny the application accordingly (the Administrator not being vested with authority to permit a variance). In the event of a

denial, the applicant may apply to the Zoning Board of Appeals for a Certificate of Variance. Prior to applying for a Certificate of Variance, the person proposing to undertake such development, shall first apply and receive approval from the Michigan Aeronautics Commission and the Federal Communication Commission. The Administrator is authorized and directed to approve all applications for permits for uses not exceeding 50 feet in height above the existing ground level which meets all other requirements of the Zoning Ordinance as the same may exist on the effective date of this Ordinance, notwithstanding anything to the contrary herein contained, it being intended that the maximum height limitation to be imposed by this Ordinance shall be 50 feet above ground level existing on the date of this Ordinance. The issuance of a permit shall not be construed to permit a use that violates Section 3.5 of this Ordinance or any General Zoning Ordinance or regulations of any political subdivision applicable to the same area.

5.3 Permit Procedures

Persons wishing to create new uses or to change existing uses requiring site plan approval, must designate on their site plan application if the proposed use or change in use, is within the Airport Safety Zones set forth on the Accident Safety Zone Map (B), is greater than 50 feet in height and lies within the Hazard Area of Newman's Field (see Map A) or is within the accident safety zones of Newman's Field (see Map B).

If the proposed use or changing use, meets any of the three conditions outlined above, an Airport Safety Review Permit Application must be filed with the Administrator.

If it appears, after consulting the permit maps, that the proposed new use or changing use will violate the provisions of this Ordinance, then no such use or change in use shall be undertaken unless and until the person proposing to undertake such development, shall first apply and receive approval from the Michigan Aeronautics Commission and the Federal Communication Commission. If such approval is granted, the applicant shall apply to the Zoning Board of Appeals for a variance, in accordance with the procedures and standards contained in this Ordinance.

5.4 Exception for Emergency Repairs

No permit is required for the emergency repair or emergency replacement of nonconforming public utility structures, other than buildings, when the height of such structures will not be increased by such repairs or replacement. It is intended that in the application of this provision any combination of circumstances calling for immediate action or remedy in the repair or replacement of such non-conforming public utility structures shall be deemed an emergency.

SECTION 6 JUDICIAL ACTION

6.1 Appeals to Circuit Court

Any person, including the Michigan Aeronautics Commission on behalf of and in the name of the State, aggrieved by any decision of the Zoning Board of Appeals, may appeal to Circuit Court of the County of Kalamazoo as provided in Section 30 of the Airport Zoning Ordinance.

6.2 Penalties

Any person who violates this Ordinance or any regulations, orders or rulings made pursuant to this Ordinance, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$500.00 or imprisoned for a term not to exceed 90 days, or both. Each day a violation continues to exist after notice shall constitute a separate offense. Such notice may be given by the Zoning Administrator by certified mail, return receipt requested, addressed to the person maintaining the violation at the last known address.

6.3 Appearance Ticket Authorization

Unless prohibited by state law, the following persons are empowered to issue and serve appearance tickets for violations of this Ordinance, pursuant to PA 246 of 1965, as amended, PA 181 of 1951, as amended, and PA 50 of 1919, as amended.

The Oshtemo Charter Township Ordinance Enforcement Officer pursuant to Ordinance No. 58

6.4 Civil Action Available

The Township may in addition to any criminal action taken, institute in the Circuit Court of Kalamazoo County, an action to prevent, restrain, correct or abate any violation of this Ordinance or the Airport Zoning Act, or of airport zoning regulations adopted under this Ordinance or under the Airport Zoning Act, or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order to effectuate fully the purposes of this Ordinance or the Airport Zoning Act and the regulations adopted and orders and rulings made pursuant thereto

**SECTION 7
FEDERAL LAWS
FEDERAL AVIATION REGULATIONS**

7.1 Federal Laws (Part 77, 14 C.F.R §77.1 et seq.)

The Airport Zoning Ordinance is not intended to conflict with existing federal approach protection laws. The Federal Aviation Administration requires that it be given notice of any construction or alteration:

- (a) That would be more than 200 feet above ground level at its site.
- (b) That would be above an imaginary surface extending outward and upward at 100:1 slope within 20,000 feet of the nearest point of a runway more than 3,200 feet in length.
- (c) That would be above an imaginary surface extending outward and upward at 50:1 slope within 10,000 feet of the nearest point of a runway less than 3,200 feet in length.

**SECTION 8
SEVERABILITY OF PROVISIONS**

8.1 Severability of Provisions

If any of the provisions of this Ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications of the Ordinance, and to that end the provisions of this Ordinance are declared to be severable.

**SECTION 9
AMENDMENTS**

9.1 Amendments

This Ordinance, and the regulations prescribed herein, may be amended by the Township after a Public Hearing is held in relation to the proposed amendment, pursuant to Section 19 of the Airport Zoning Act.

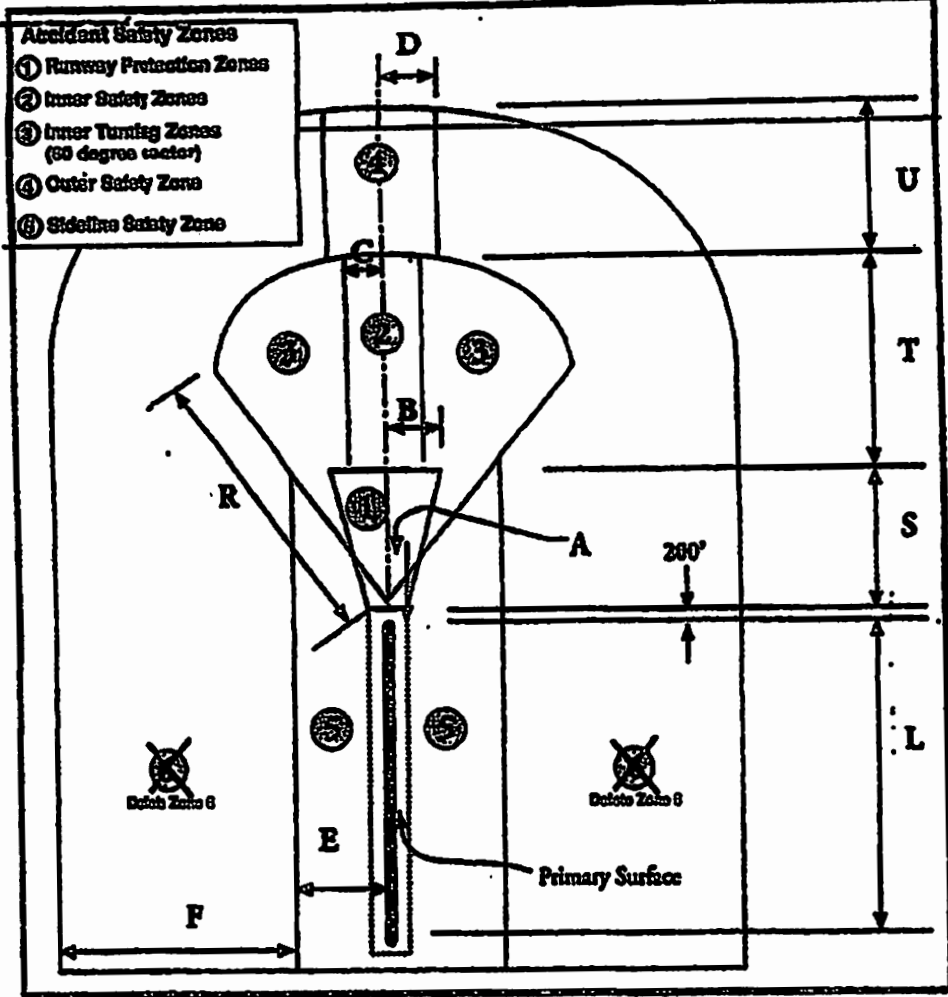
**SECTION 10
EFFECTIVE DATE**

10.1 Effective Date

This Ordinance will take effect upon Publication after Adoption in accordance with state law. Ordinances, or parts Ordinances, are in conflict herewith are hereby suspended until the Moratorium provisions of this Ordinance are otherwise amended, or repealed.

DUSTY FARMER, CLERK
OSHTEMO CHARTER TOWNSHIP

AIRCRAFT ACCIDENT SAFETY ZONE DIAGRAM



SAFETY ZONE DIMENSION (IN FEET)

Note:
 Data Source: NTSB
 accident investigations
 1984-1991. Illustration
 Source: Hodges and
 Shutt, Institute of
 Transportation Studies,
 University of California,
 Berkeley, 1991.

Dimension	Runway Length Category (L)	
	Runway less than 4,000	
A	125	
B	225	
C	225	
D	225	
E	500	
F	4,000	
R (60°Sector)	2,500	
S	1,000	
T	1,500	
U	2,500	

ACCIDENT SAFETY ZONES, LAND USE GUIDELINES AND PLANNING STRATEGIES FOR NEW DEVELOPMENT

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies
Zone 1 (See Special Note)	Population Density	Avoid land uses which concentrate people indoors or outdoors.	*All aviation uses are acceptable 1. 0-5 people/acre. 2. Airport sponsor should purchase property if possible. 3. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini-storage, small parking lots).
	Residential vs. Non-Residential Land Use	Limit residential uses. All non-residential land uses permitted outright subject to the Population Density and Special Function Land Use guidelines.	1. Create a height hazard overlay ordinance around the airport. 2. Airport sponsor should purchase property if possible. 3. Airport sponsor should obtain aviation and obstruction easements. 4. During the site development process, shift all structures away from the runway centerlines if possible. 5. Landscaping requirements shall establish only low growing vegetation. 6. Prohibit high overhead outdoor lighting. 7. Require downward shading of lighting to reduce glare. 8. Evaluate all possible permitted conditional uses to assure compatible land use.
	Special Function Land Use	Discourage all Special Function Land Uses.	1. Prohibit overhead utilities and all noise sensitive land uses. 2. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches. 3. Limit storage of large quantities of hazardous or flammable material. 4. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.

Special Note: Since the dimensions of Zone 1 correspond to the dimensions of the Runway Protection Zone (RPZ), those airports receiving federal grant dollars from the FAA's Airport Improvement Program, should strongly consider purchasing the RPZ, or otherwise acquire rights to the property for the RPZ.

COMPATIBLE LAND USE MATRIX

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies <i>*All aviation uses are acceptable</i>
Zone 2	Population Density	Avoid land uses which concentrate people indoors or outdoors.	<ol style="list-style-type: none"> 1. 0-5 people/acre. 2. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini-storage, small parking lots).
	Residential vs. Non-Residential Land Use	Limit residential land uses. All non-residential land uses permitted outright subject to the Population Density and Special Function Land Use guidelines.	<ol style="list-style-type: none"> 1. Create a height hazard overlay ordinance around the airport. 2. Obtain aviation and obstruction easements. 3. During site development process, shift all structures away from the runway centerlines if possible. 4. Prohibit mobile home parks. 5. Landscaping requirements shall establish only low growing vegetation. 6. Prohibit high overhead outdoor lighting. 7. Require downward shading of lighting to reduce glare. 8. Evaluate all possible permitted conditional uses to assure compatible land use.
	Special Function Land Use	Discourage all Special Function Land Uses.	<ol style="list-style-type: none"> 1. Prohibit overhead utilities and all noise sensitive land uses. 2. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches. 3. Limit storage of large quantities of hazardous or flammable material. 4. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.

COMPATIBLE LAND USE MATRIX

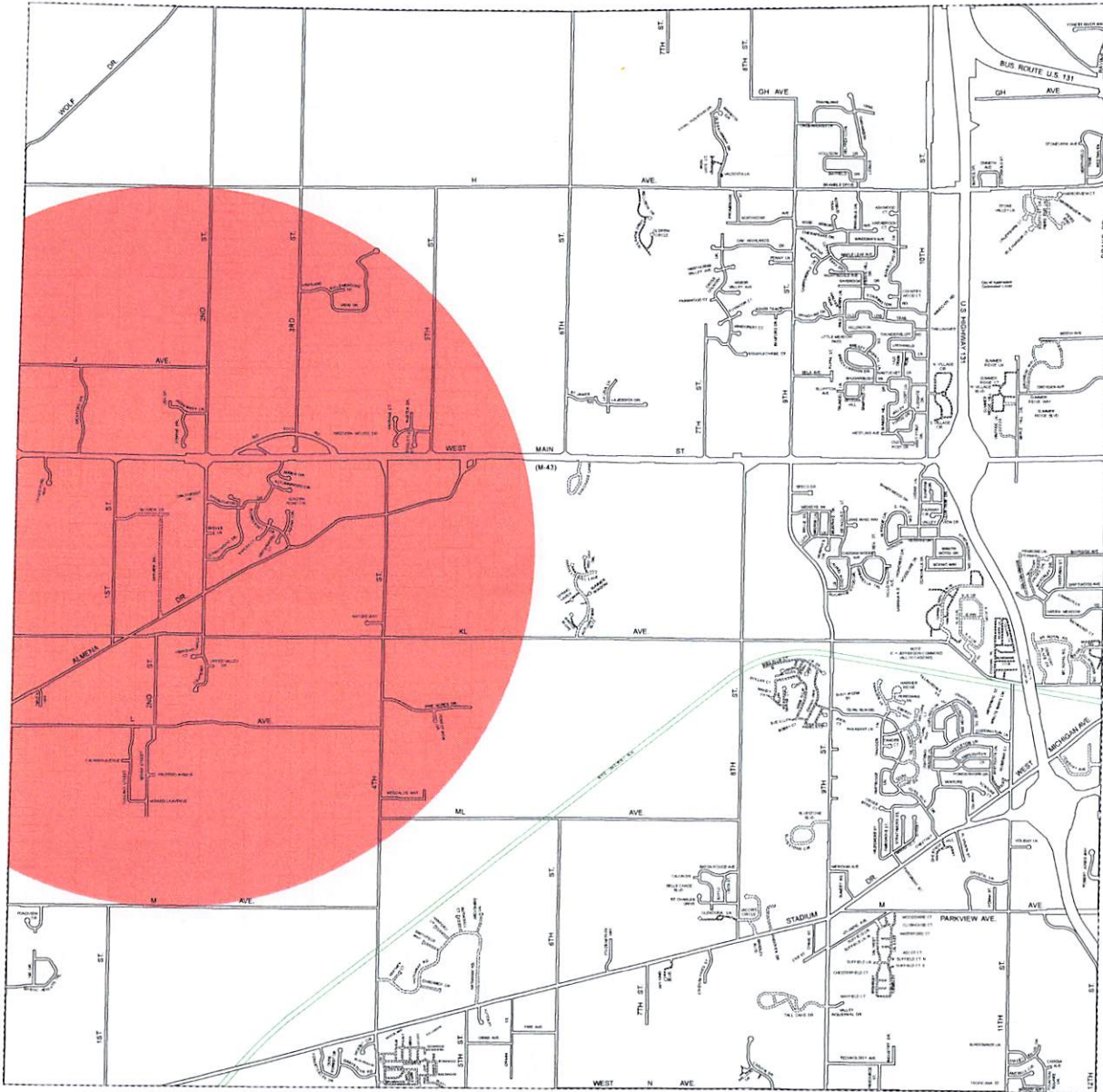
Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies *All aviation uses are acceptable
Zone 3	Population Density Residential vs. Non-Residential Land Use	Avoid land uses which concentrate people indoors or outdoors. <u>Runway < 4,000 feet - Limit residential land uses.</u> <u>All non-residential land uses permitted outright subject to the Special Function Land Use guidelines.</u> Discourage all Special Function Land Uses.	1. < 25 people/acre. 2. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini-storage, small parking lots). 1. Create a height hazard overlay ordinance around the airport. 2. Obtain aviation and obstruction easements. 3. During site development process, shift all structures away from the runway centerlines if possible. 4. Prohibit mobile home parks. 5. Landscaping requirements shall establish only low growing vegetation. 6. Prohibit high overhead outdoor lighting. 7. Require downward shading of lighting to reduce glare. 8. Evaluate all possible permitted conditional uses to assure compatible land use.
	Special Function Land Use		1. Prohibit overhead utilities and all noise sensitive land uses. 2. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches. 3. Limit storage of large quantities of hazardous or flammable material. 4. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.

COMPATIBLE LAND USE MATRIX

Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies
Zone 4	<p>Population Density</p> <p>Residential vs. Non-Residential Land Use</p> <p>Special Function Land Use</p>	<p>Limit population concentrations.</p> <p><u>Runway < 4,000 feet</u> - Limit residential development to Low Density housing standards</p> <p>All non-residential land uses permitted outright subject to the Special Function Land Use guidelines.</p> <p>Discourage all Special Function Land Uses.</p>	<p style="text-align: center;">*All aviation uses are acceptable</p> <ol style="list-style-type: none"> 1. < 40 people/acre in buildings, < 75 persons/acre outside buildings. 1. Create a height hazard overlay ordinance around the airport. 2. Obtain aviation easements. 3. Clustered development to maintain density as long as open space remains unbuilt. Place clustered development away from extended runway centerline. 4. Prohibit mobile home parks. 5. Require downward shading of lighting to reduce glare. 6. Evaluate all possible permitted conditional uses to assure compatible land use. <ol style="list-style-type: none"> 1. Evaluate noise sensitive land uses in light of aircraft noise contour lines (if available) when establishing new zoning. 2. Prohibit high overhead utilities and all noise sensitive land uses. 3. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches. 4. Limit storage of large quantities of hazardous or flammable material. 5. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.

COMPATIBLE LAND USE MATRIX

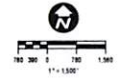
Accident Safety Zone	Land Use Characteristics	Land Use Guidelines	Land Use Planning Strategies *All aviation uses are acceptable
Zone 5	Population Density	Avoid land uses which concentrate people indoors or outdoors.	<ol style="list-style-type: none"> 1. 0-5 people/acre. 2. Zone land uses, which by their nature, will be relatively unoccupied by people (i.e. mini-storage, small parking lots).
	Residential vs. Non-Residential Land Use	Limit residential land uses. All non-residential land uses permitted outright subject to the Population Density and Special Function Land Use guidelines.	<ol style="list-style-type: none"> 1. Airport sponsor should purchase property if possible. 2. Create a height hazard overlay ordinance around the airport. 3. Obtain aviation and obstruction easements. 4. During site development process, shift all structures away from the runway centerlines if possible. 5. Landscaping requirements shall establish only low growing vegetation. 6. Prohibit high overhead outdoor lighting. 7. Require downward shading of lighting to reduce glare. 8. Evaluate all possible permitted conditional uses to assure compatible land use.
	Special Function Land Use	Discourage all Special Function Land Uses.	<ol style="list-style-type: none"> 1. Prohibit overhead utilities and all noise sensitive land uses. 2. Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare facilities and churches. 3. Limit storage of large quantities of hazardous or flammable material. 4. Ensure permitted uses will not create large areas of standing water, or generate smoke/steam, etc.

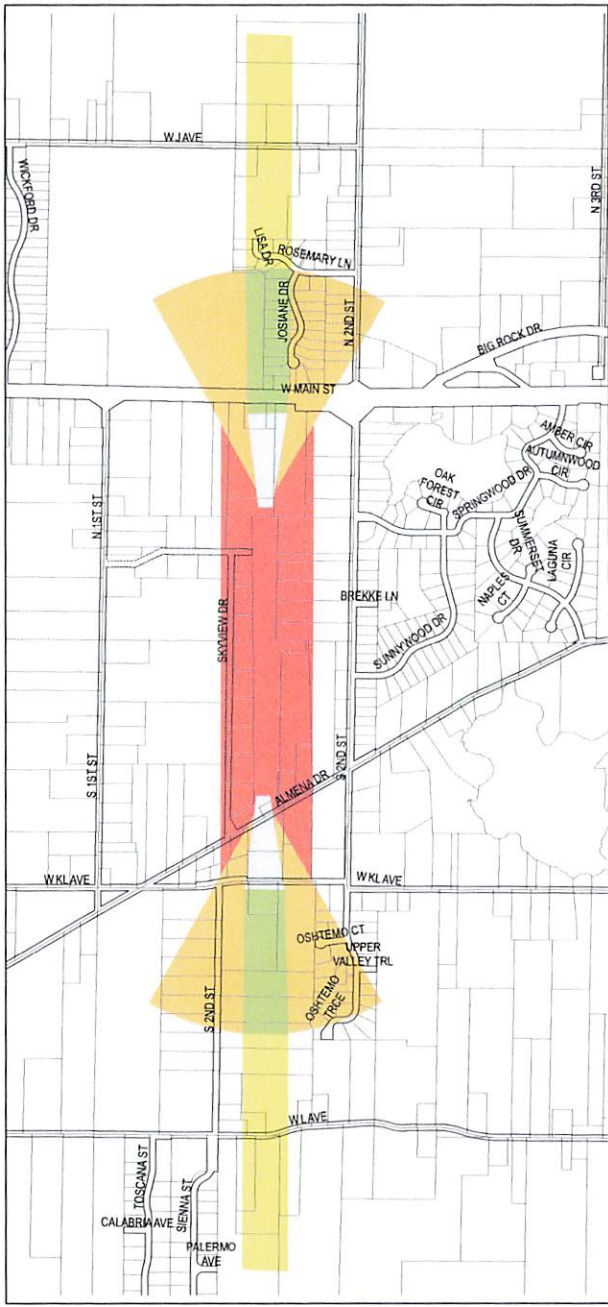
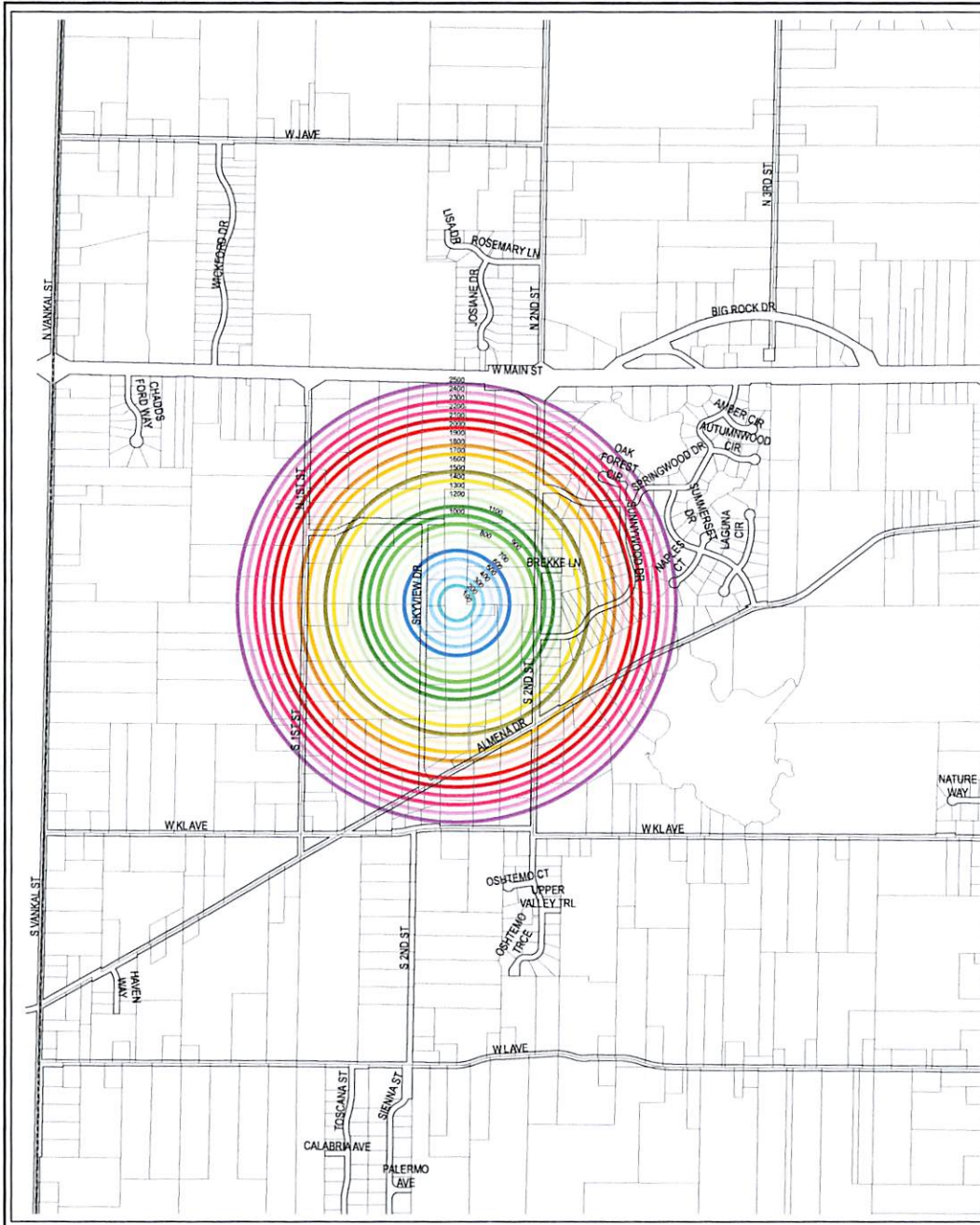


Charter Township of Oshtemo
Kalamazoo County, Michigan

Land Use Guideline
Map 1: Hazard Area

Preis & Sawhof
2009A





Charter Township of Oshtemo
Kalamazoo County, Michigan

**Land Use Guideline
Map 2: Accident Safety Zones
and Height Limitations**

December 15, 2014
2209064



Legend

Height Limitations

- 100 Ft 20 Ft High
- 200 Ft 40 Ft High
- 300 Ft 60 Ft High
- 400 Ft 80 Ft High
- 500 Ft 100 Ft High
- 600 Ft 120 Ft High
- 700 Ft 140 Ft High
- 800 Ft 160 Ft High
- 900 Ft 180 Ft High
- 1000 Ft 200 Ft High
- 1100 Ft 220 Ft High
- 1200 Ft 240 Ft High
- 1300 Ft 260 Ft High
- 1400 Ft 280 Ft High
- 1500 Ft 300 Ft High
- 1600 Ft 320 Ft High
- 1700 Ft 340 Ft High
- 1800 Ft 360 Ft High
- 1900 Ft 380 Ft High
- 2000 Ft 400 Ft High
- 2100 Ft 420 Ft High
- 2200 Ft 440 Ft High
- 2300 Ft 460 Ft High
- 2400 Ft 480 Ft High
- 2500 Ft 500 Ft High

Accident Safety Zones

- 1 - 1000 Ft N & S
- 2 - 2500 Ft N & S
- 3 - 2500 Ft N & S
- 4 - 5000 Ft N & S
- 5 - 500 Ft E & W

Right of Way

- Public ROW
- Private ROW
- Abandoned ROW
- Railroad ROW



REQUEST FOR PROPOSAL

Strategic Communications & Public Relations Services

July 2023

ABOUT OSHTEMO TOWNSHIP

Oshtemo Charter Township is located in southwest Michigan on the western border of the City of Kalamazoo. It is halfway between Chicago and Detroit, just north of Interstate 94, and is bisected by US-131. Originally an agricultural area, Oshtemo is now predominantly residential with strong commercial corridors along West Main Street, Drake Road and Stadium Drive. The 2020 population was approximately 23,700. Oshtemo has experienced significant growth in the last decade and is one of the fastest growing municipalities in the area. More information about Oshtemo Township can be found on our [website](#).

PURPOSE

The purpose of this Request for Proposal (RFP) is to identify a qualified partner to develop a strategic plan for Oshtemo Charter Township's communications, media relations, and public relations priorities, to identify needs, gaps, priorities, and steps to implement. Oshtemo Charter Township requires professional assistance to build this plan to promote brand awareness and credibility to communicate openly with residents. Our desired partner will have the capacity to develop a strategic plan for communication and public relations direction, to actively share and promote our message, and to amplify our successes. Additionally, the partner will also launch the communications strategy for current projects that affect the residents of Oshtemo Charter Township including, but not limited to, a communications strategy/rollout for the Public Works Department projects.

OBJECTIVE

The selected partner's strategic plan will address the below objectives:

- Tell the story of Oshtemo Charter Township's strategies, programs, successes, and opportunities to all stakeholders.
- Reporting to the Supervisor and working in a team-centered approach, build awareness, understanding, trust, and support of all the work being done within Oshtemo Charter Township with strategic communications.
- Identify industry trends to help shape messaging and measure engagement.
- Enhance the credibility of the organization in its effectiveness.
- Develop communications strategies to support Oshtemo Charter Township's programs, initiatives, and projects by promoting the ways in which Oshtemo Township is striving to continuously improve the standard of living in the community.
- Maintain working relationships with the local media outlets and necessary stakeholders.

QUALIFICATIONS

- Brand management: Ability to drive brand consistency with appropriate localized nuances.
- Experience with a governmental agency.
- Media experience demonstrated by the execution of media strategies that result in consistent and accurate media coverage.

BUDGET

\$50,000 through 12/31/23

SCOPE OF WORK

The following represent core responsibilities of the partner in support of Oshtemo Charter Township's communication goal:

- Create an organization wide communications strategy (minimum annual outreach, special projects, social media frequency, etc.)
- Create a comprehensive media & public relations plan that adheres to Oshtemo Charter Township's communications strategies and mission, vision, and values.
- Communicate highly technical topics as needed to the general public (multiple mediums, formats, types, etc.)
- Proofread and edit communications from the Township to maintain vision, mission, & branding.
- Prepare templates and guidelines for various types of content for the website, press releases, & marketing material, such as, but not limited to the e-newsletter, hard copy newsletter, internal communications, and special event material.
- Develop affiliations with local news/media outlets, Oshtemo HOAs, local government agencies, and service organizations.
- Coordinate and collaborate with Public Media Network (PMN) as needed.
- Other duties related to media and communications as assigned.

EVALUATION AND SELECTION

Evaluation Procedures

Oshtemo Charter Township will establish a committee to evaluate and rate all proposals based on the criteria prescribed in Attachment 2. Proposals may be rejected if minimum requirements are not met. All proposers seeking clarification of this RFP must submit questions in writing to Oshtemo Charter Township, no later than 07/21/23 (due by 05:00PM EST), sent by email to sfeister@oshtemo.org.

Post Selection

Upon completing the selection process under this RFP, Oshtemo Charter Township will notify the winning proposer and all other proposers who were not selected.

SUBMISSION DELIVERABLES & SCHEDULE

Please submit your responses in electronic format. All proposals should include a clear and concise Executive Summary. Proposal format is open to presentation style, but must include the following information:

- Information demonstrating the partner's organizational capability to successfully perform the Scope of Work by submitting two to three case studies exemplifying proven success.
- A profile of all team members associated with the project.
- Schedule of work and detailed work plan.

RFP Management

All communications regarding this RFP must be sent to the Oshtemo Charter Township Human Resources Director, Sara Feister. Electronic versions of your proposal must be in PDF format and sent to sfeister@oshtemo.org. Questions and Proposals must be received by the date and time referenced in the tentative schedule.

Certification Form

Certification Form (Attachment 1) must be signed and accompany all RFP Response submissions.

Tentative Schedule

This tentative schedule may be altered at any time at the discretion of Oshtemo Charter Township.

A. Request for Proposal Released	07/07/23
B. Written Questions Due by 05:00PM EST	07/21/23
C. Proposal due by 05:00PM EST	07/28/23
D. Proposal Evaluation by Scoring Committee	07/31/23
E. Notice of Intent to Award Contract	08/04/23

Evaluation & Contracting

All proposals satisfying the requirements of this RFP will be evaluated to establish which of the providers best fulfills the needs of Oshtemo Charter Township and this project.

ADMINISTRATIVE INFORMATION

Term

Oshtemo Charter Township expects the contractual term will start on 08/07/23 and run approximately 5-months through 12/31/23.

Budget

Please provide a proposed budget based on activities, administrative expenses, and overhead costs that correspond to objectives detailed in your proposal. Please provide as much detail as possible as it relates to the items identified in the scope section.

Billing

Please be sure to provide a detailed description of all expenses.

Conflict(s) of Interest

The proposer must declare and provide details of any actual, potential, or perceived conflict(s) of interest.

Proposal Costs

Costs for developing proposals and related presentations are entirely the responsibility of the proposer and shall not be reimbursed by Oshtemo Charter Township.

Legal Notice

The final decision on selection of the partner for this project will be determined by the Oshtemo Township Board. Oshtemo Charter Township reserves the right to reject any and all proposals or parts of proposals. The Township also reserves the right to waive any irregularities, inconsistencies, or take other action determined to be in the best interest of the Township.

Please see [Oshtemo Township’s Nondiscrimination Bidding Policy](#).

The partner will be required to furnish to the Oshtemo Charter Township prior to commencement of work, a Certificate of Insurance as well as any required endorsements. In lieu of required endorsements a copy of the policy sections where coverage is provided for additional insured and cancellation notice would be acceptable. Copies or certified copies of all policies mentioned below shall be furnished, if so requested. Professional Liability Insurance in an amount not less than \$1,000,000 per claim is required. If this policy is a claims-made form, then the partner shall be required to keep the policy in force, or purchase “tail” coverage, for a minimum of 3 years after the termination of this contract.

ATTACHMENT 1: Certification

Please include the following statement as part of the proposal:

Certification Statement

By submission of this proposal and authorized signature below, proposer certifies that the undersigned corporate officer has authority to bind the proposer to the terms of this proposal and hereby certifies on behalf of the proposer that:

- The signer has read and understands all commitments and terms of this proposal.
- The proposer has read and understands [Oshtemo Township’s Nondiscrimination Bidding Policy](#).
- The information contained in this proposal is accurate.
- The proposer’s quote is valid for at least 60 days from the date of proposer’s signature below.

AUTHORIZED SIGNATURE

TYPED OR PRINTED NAME

TITLE

DATE

**ATTACHMENT 2: Proposal Evaluation Criteria
FOR OSHTEMO CHARTER TOWNSHIP USE ONLY**

Bid/Proposal: _____
 Evaluated By: _____
 Date: _____

Proposal Evaluation Criteria

The evaluation committee will judge each written proposal based on the following criteria:

CRITERIA	MAX POINTS	SCORE
Overall Experience of the Agency: Evaluation will include an assessment of such items as history of your company or professional experience, as it relates to the requirements within this RFP.	20	
Scope of Work: An assessment of the quality of proposed strategies, creativity, detail of plan, and related items.	20	
Familiarity with Oshtemo Charter Township: An assessment of your understanding of our organization and how you incorporated this knowledge into your proposal, and related items.	10	
Qualifications of Personnel: An assessment of the qualifications and experience	10	
Capabilities: Evaluation will include an assessment of your past performance related to developing effective strategic counsel, communications plans, messaging, etc.	20	
Cost Effectiveness: An assessment of whether the proposed budget is reasonable and appropriate and if the proposed services are cost effective in relation to the fees charged and value of overall project.	20	
TOTAL POINTS	100	

Memorandum



Date: 7/11/2023
To: Township Board
From: Zach Pearson, Public Works Project Manager
Subject: Western Woods Sidewalk Contractor Approval

Objective

MOTION: Approval for contract with Remington Construction Company, Inc to complete the sidewalk within Western Woods for \$112,225.00 with a 10% contingency if needed during construction.

Background

In 2022 Public Works staff completed a Sidewalk Audit of the existing conditions of the sidewalk in the Western Woods plat from resident feedback and inquiries. The audit found that there are segments of the walk that do not meet current Township specifications and Americans with Disabilities Act (ADA) standards. This includes accessible ramps and cross-slopes of certain segments being in violation. We also found gaps in the network where the sidewalk has not been installed.

The scope of work was developed based on the existing conditions and feedback from the Capital Improvements Committee. An estimate was created using pricing from other similar projects and \$135,000 was in the approved 2023 budget for this project. A \$7,000 allowance for construction staking was included for best practices to ensure accuracy in the field during construction.

An alternative for an additional segment was considered in the bids for sidewalk not included in the original site plan that would further improve the network of the plat to 5th Street. At this time, Staff does not recommend moving forward with the alternate given the budget and desiring further study and design prior to construction for anticipated right-of-way constraints and topographic challenges.

Staff requested bids from six (6) contractors total. Three (3) contractors were not able to complete the full scope of the project without requiring additional subcontractors hired by Public Works. One (1) contractor declined to bid due to capacity. Bids were received from two (2) contractors which are attached.

Staff recommend awarding the contract to Remington Construction Company, Inc as the responsive low bidder.

Attachments

Remington Construction Bid
Peters Construction Bid

REMINGTON CONSTRUCTION COMPANY, INC

26542 RED ARROW HWY
MATTAWAN, MI 49071



JOB NAME: Western Woods Sidewalk Construction
DATE: 06/20/23
LOCATION: Oshtemo Charter Township

Line Item	Description	Quantity	Unit	Unit Price	Amount
1.	Mobilization & Traffic Control	1	LSum	\$3,000.00	\$ 3,000.00
2.	Tree, Rem, 6 Inch to 18 Inch	4	Ea	\$637.50	\$ 2,550.00
3.	Clearing	0.15	Acre	\$80,000.00	\$12,000.00
4.	Curb and Gutter, HMA, Rem	600	Ft	\$8.00	\$ 4,800.00
5.	Sidewalk Remove	100	Syd	\$15.75	\$ 1,575.00
6.	Sidewalk, Grading	6	Sta	\$500.00	\$ 3,000.00
7.	Subbase, CI II Sand, 4 Inch	40	Cyd	\$50.00	\$ 2,000.00
8.	Curb and Gutter, D2	600	Ft	\$38.00	\$22,800.00
9.	Curb and Gutter, Ramp Opening	80	Ft	\$38.00	\$ 3,040.00
10.	Sidewalk, Concrete, 4 Inch	3,000	Sft	\$8.00	\$24,000.00
11.	Sidewalk, Ramp, 6 Inch	400	Sft	\$14.00	\$ 5,600.00
12.	Hand Patching, HMA	30	Ton	\$300.00	\$ 9,000.00
13.	Ductile Iron Detectable Warning Surface	40	Ft	\$150.00	\$ 6,000.00
14.	SESC	1	LSum	\$500.00	\$ 500.00
15.	Restoration	1	LSum	\$5,360.00	\$ 5,360.00
16.	Construction Staking	1	Allow	\$7,000.00	\$ 7,000.00

Total Bid Amount \$112,225.00

Excludes: Concrete testing, inspection and bonds. This is a unit price quote.

DAVID T. REMINGTON/ESTIMATOR
E-MAIL DTREMINGTON@AOL.COM
MOBILE 269-720-9507

EQUAL OPPORTUNITY EMPLOYER



3325 E. Kilgore Road
Kalamazoo, MI 49001

Phone: 269/345.1145

Fax: 269/345.2233

An Equal Opportunity Employer

To: Oshtemo Township	Contact: Zach Pearson
Address: 7275 West Main Kalamazoo, MI 49009	Phone: (269) 375-4260
Project Name: 2023 Western Woods Sidewalk Oshtemo Township	Fax:
Project Location:	Bid Number:
	Bid Date:

Line #	Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
1	1	Mobilization/Traffic Control	1.00	LS	\$8,797.59	\$8,797.59
2	2	Tree Removal, 6" To 18"	4.00	EACH	\$561.02	\$2,244.08
3	3	Clearing	0.15	ACRE	\$25,576.63	\$3,836.49
4	4	Curb And Gutter, Rem HMA	600.00	LF	\$16.34	\$9,804.00
5	5	Sidewalk, Rem	100.00	SY	\$19.86	\$1,986.00
6	6	Sidewalk Grading	6.00	ST	\$775.42	\$4,652.52
7	7	Subbase, 4 Inch	40.00	CY	\$81.23	\$3,249.20
8	8	Curb And Gutter, Conc, Det D2	600.00	LF	\$40.01	\$24,006.00
9	9	Curb And Gutter, Ramp Opening	80.00	LF	\$97.46	\$7,796.80
10	10	Sidewalk, Conc, 4 inch	3,000.00	SF	\$5.95	\$17,850.00
11	11	Sidewalk, Ramp, 6 Inch	400.00	SF	\$9.86	\$3,944.00
12	12	Hand Patching 600' X 2' X 4"	30.00	TON	\$504.91	\$15,147.30
13	13	Detectable Warning Surface	40.00	LF	\$49.37	\$1,974.80
14	14	SESC Management	1.00	LS	\$2,460.65	\$2,460.65
15	15	Restoration	1.00	LS	\$13,957.89	\$13,957.89
16	16	Contractor Staking ALLOWANCE	1.00	LS	\$7,000.00	\$7,000.00

Total Bid Price: \$128,707.32

Notes:

- This proposal does not include any costs or provisions associated with Performance or Payment Bonds, or any association dues. Should bonds be required, add 1.00% to the overall proposal.
- The above prices does not include any permits.Price does not include any and all testing.No inspection included.No pumping of concrete included.
- There is a \$7000.00 ALLOWANCE for staking.
- Pedestrian traffic control is with type II barricades, with sidewalk closed signs.
- Completion date is on or before 10/27/2023.
- This proposal is to be considered only in total. No item or portion of this proposal shall be deemed complete in and of itself, and no portion of this proposal may be omitted or deleted without the prior expressed consent of Peters Construction Co.
- We sincerely appreciate the opportunity to provide you with this proposal and your consideration of our firm, and are in hopes that you find this proposal to be complete to your expectations. However, if you require anything further, or would like clarification of any portion of this proposal, please feel free to contact me. Thank you once again for your consideration
- Execution of this proposal by both Parties will constitute a legal, valid, and binding Agreement between those parties, subject to the terms, conditions, clarifications, qualifications, and stipulations contained herein and attached, as well as any contract documents incorporated herein, by attachment, or by reference.

Payment Terms:

By signing below, each individual who signs this Agreement on behalf of a corporation or organization represents and warrants that he/she has been duly authorized by that corporation or organization to execute this Agreement on behalf of that corporation or organization, that the individual, corporation or organization is aware that the other parties executing this Agreement are relying upon the accuracy of this representation and warranty, that each individual has full power, authority, and right to perform its obligations under this Agreement, and that this Agreement is a legal, valid, and binding obligation of each Party. Furthermore, parties agree that the work shall be completed in a timely and continuous manner, subject to weather conditions and matters outside the control of either party, and that once the work is substantially complete, unless Peters Construction Co. is notified of any objections or exceptions to the work or its quality within 10 business days from date of substantial completion, invoices for work completed will be payable and due in full, within 30 days of date of invoice, which shall be no earlier than 10 business days after substantial

completion.

<p>ACCEPTED: The above prices, specifications and conditions are satisfactory and are hereby accepted.</p> <p>Buyer: _____</p> <p>Signature: _____</p> <p>Date of Acceptance: _____</p>	<p>CONFIRMED: Peters Construction Co.</p> <p>Authorized Signature: _____</p> <p>Estimator: _____</p>
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Memorandum



Date: 7/11/2023
To: Township Board
From: Anna Horner, P.E., Public Works Director
Subject: Public Works Staffing

Objective

Update to Board on Public Works Staffing.

Background

For the 2023 budget, the Township Board approved a part time position for a Township Engineer. This position was intended to complete site plan reviews for development that comes through the Planning Department. Because of the number of positions to fill in 2023, other priority positions, and the timely process, this position has yet to be posted or filled. I am requesting some of the approved budget for this position to be shifted to increase the hours of the existing Technical Specialist (Marc Elliott) from 12 hours weekly (average) to 25 hours weekly (average) to help with the development project workload, digitization of records, on boarding of new GIS specialist and other capital project needs.

Additionally, Marc Elliott has agreed to be the interim Public Works Director while I am on maternity leave, approximately September and October. This staffing adjustment will be covered by my budgeted salary and from working with HR Director, we do not anticipate any additional budget adjustments. I am very grateful Marc has agreed to step (back) into the role and knowing his familiarity and dedication to the Township will make this time as seamless as possible.

Budget Amendment Requests

Date	Dept. Head	Fund Name	Funds Requested To			Funds Requested From			Authorization Only (no BA)?	Explanation of Request	Previously Discussed?	Within Apprvd Budget?
			GL Number	Description	Amount	GL Number	Description	Amount				
6/29/2023	Farmer	Building	249-761-96300	Plan Review	\$ 4,800.00	249-001-04100	Carryover	\$ 4,800.00		The legal department requested the services of Firedyne for the purpose of plan review in anticipation of a Board of Appeals request.	Yes	No
					\$ 4,800.00			\$ 4,800.00				

Date	Dept. Head	Fund Name	Funds Requested To			Funds Requested From			Authorization Only (no BA)?	Explanation of Request	Previously Discussed?	Within Apprvd Budget?
			GL Number	Description	Amount	GL Number	Description	Amount				
6/30/2023	Feister	Ordinance Enforcement	207-330-70200	Salary	\$ 650.00	101-000-40000	Carryover	\$ 650.00		Based on market comparables for the Ordinance Enforcement Officer position, it is recommended that we increase the current full time Ordinance Enforcement Officer's salary for 2023 an additional \$1,500 that was not originally budgeted for in 2023	No	No
			249-371-70200	Salary	\$ 650.00	101-000-40000	Carryover	\$ 650.00				
			207-330-72200	Pension	\$ 52.00	101-000-40000	Carryover	\$ 52.00				
			249-371-72200	Pension	\$ 52.00	101-000-40000	Carryover	\$ 52.00				
			207-330-71500	FICA	\$ 50.00	101-000-40000	Carryover	\$ 50.00				
			249-371-71500	FICA	\$ 50.00	101-000-40000	Carryover	\$ 50.00				
					Total	\$ 1,504.00	Total	\$ 1,504.00				

Date	Dept. Head	Fund Name	Funds Requested To			Funds Requested From			Authorization Only (no BA)?	Explanation of Request	Previously Discussed?	Within Apprvd Budget?
			GL Number	Description	Amount	GL Number	Description	Amount				
7/6/2023	Horner	Multiple	101-441-70200	Salaries	\$ 6,000.00	101-441-70200	Salaries	\$ 6,000.00	Yes	See Memo	No	Yes
			101-441-71500	Payroll Taxes/FICA	\$ 480.00	101-441-71500	Payroll Taxes/FICA	\$ 480.00				
			101-441-72200	Pension Plan	\$ 480.00	101-441-72200	Pension Plan	\$ 480.00				
			204-441-70200	Salaries	\$ 3,500.00	204-441-70200	Salaries	\$ 3,500.00				
			204-441-71500	Payroll Taxes/FICA	\$ 280.00	204-441-71500	Payroll Taxes/FICA	\$ 280.00				
			204-441-72200	Pension Plan	\$ 280.00	204-441-72200	Pension Plan	\$ 280.00				
			486-536-70200	Salaries	\$ 2,000.00	486-536-70200	Salaries	\$ 2,000.00				
			486-536-71500	Payroll Taxes/FICA	\$ 160.00	486-536-71500	Payroll Taxes/FICA	\$ 160.00				
			486-536-72200	Pension Plan	\$ 160.00	486-536-72200	Pension Plan	\$ 160.00				
			485-536-70200	Salaries	\$ 6,000.00	485-536-70200	Salaries	\$ 6,000.00				
			485-536-70200	Payroll Taxes/FICA	\$ 480.00	485-536-70200	Payroll Taxes/FICA	\$ 480.00				
			485-536-70200	Pension Plan	\$ 480.00	485-536-70200	Pension Plan	\$ 480.00				
					Total	\$ 20,300.00	Total	\$ 20,300.00				

Grand Total	\$26,604.00
Total Added to Budget	\$6,304.00
Authorization Only	\$20,300.00
Total Not Previously Discussed with TB	\$21,804.00

REVIEW DATE

7/7/2023

SIGNATURE

Cheri Bus