

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

**September 22, 2020
BOARD WORK SESSION
6:00 p.m.
AGENDA**

- A. Call to Order
- B. Public Comment
- C. Discussion of Office Hours
- D. Discussion on 2021 Budget (Continued)
- 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 – July 14, 2020, September 8, 2020, and September 18, 2020
 - b. Receipts & Disbursements Report
 - c. Job Description – HR/Benefits
 - d. Board/Committee Appointments
 - e. DDA Budget Amendment – Holiday Decorations
 - f. Township Handbook Policies
- 5. Consideration of Assembly and Convention Hall Zoning Amendments – Second Reading
- 6. Other Township Business
- 7. Public Comment
- 8. Board Member Comments
- 9. 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 8:00 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, 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>		
Libby Heiny-Cogswell	216-5220	libbyhc@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Grant Taylor	216-5221	gtaylor@oshtemo.org
<u>Trustees</u>		
Cheri L. Bell	372-2275	cbell@oshtemo.org
Deb Everett	375-4260	deverett@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Ken Hudok	548-7002	khudok@oshtemo.org

Township Department Information		
<u>Assessor:</u>		
Kristine Biddle	216-5225	assessor@oshtemo.org
<u>Fire Chief:</u>		
Mark Barnes	375-0487	mbarnes@oshtemo.org
<u>Ordinance Enf:</u>		
Rick Suwarsky	216-5227	rsuwarsky@oshtemo.org
<u>Parks Director:</u>		
Karen High	216-5233	khigh@oshtemo.org
Rental Info	216-5224	oshtemo@oshtemo.org
<u>Planning Director:</u>		
Iris Lubbert	216-5223	ilubbert@oshtemo.org
<u>Public Works:</u>		
Marc Elliott	216-5236	melliott@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: 869 2107 6923**

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 toll-free teleconferencing number: **1-929-205-6099**
2. When prompted using your touchtone (DTMF) keypad, enter the Meeting ID number: **869 2107 6923#**

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

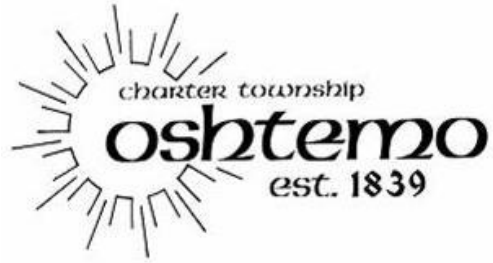


Using the icons at the bottom of the Zoom screen, you can (some features will be locked to participants during the meeting):

- 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.



Memorandum

Date: September 14, 2020
To: Township Board
From: Ed Hellwege, HR Specialist
Deb Everett, HR Assistant
Subject: Job Description – HR/Benefits Coordinator

As you know both current part time HR staff will be retiring on November 30th. The Supervisor is recommending and has budgeted to hire one full time employee to assume the HR duties, therefore the attached job description has been drafted to encompass the duties of the current part time positions.

CHARTER TOWNSHIP OF OSHTEMO

POSITION DESCRIPTION

Position Title: **HR/BENEFIT COORDINATOR**

General Summary:

Under the direct supervision of the Township Supervisor, performs a variety of Township functions and duties to ensure the overall functioning of Township business by performing various tasks to meet the needs of the Township residents.

Essential Job Functions:

Physical requirements described herein are representative of those requirements which must be met by an employee to successfully perform the essential job functions of this position. Reasonable accommodations may be made upon request to enable an individual with a disability to perform these essential job functions.

The employee must be able to read and analyze correspondence, contracts, ordinances, reports, etc. This requires the ability to open and sort the mail, review and sort documents and distribute documents which requires the employee to be able to lift, move and manipulate such items, to deliver such documents to the Township Supervisor and other office personnel.

The employee must be able to exercise reasonably proficient typing skills for purposes of replying to e-mails, updating calendar and logging into employee locator. In addition, the employee must have the necessary dexterity to operate a computer in order to research and write reports on administration and management issues affecting the Township Supervisor's office. In order to perform these functions, the employee must be able to read and speak English and communicate with others, including the ability to type, make calls, use a calculator, schedule appointments, and type memorandums.

The employee will be required to attend and assist at meetings when the Supervisor is unable to attend in order to provide, as well as disseminate information on behalf of the Supervisor and the Supervisor's office to interface with those inside and outside the office. This will require the employee to physically attend all of the required meetings, be prepared to speak in English to those persons in attendance, to gather information and communicate to the various boards and commissions the positions of the Supervisor's office. The employee may also be required to assist Township departments orally and in writing and be able to physically meet with various Department Heads to assist in that regard.

Typical Responsibilities:

1. Create, implement, and evaluate all Human Resources Department policies, procedures, and structures.
2. Manage all employee benefit programs.
3. Design and implement effective training and development plans.
4. Perform and annual employee performance appraisals.
5. Ensure all employee records are maintained and updated as needed.
6. Identify the company's hiring needs and manage the recruitment process.
7. Respond to employees' queries and resolve issue in a timely and professional manner.
8. Manage Workers Compensation claims.

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.

Desired Qualifications:

Bachelor's degree in Business Administration, Human Resources or a relevant field.
A minimum of 3 years' proven experience in a similar role.
Strong knowledge of labor legislation and payroll processes.
Good understanding of the full recruitment process.
Outstanding verbal and written communication skills.
Solid problem-solving and team management abilities.

Effective Date: _____/20

TITLE	Members	Dates	Term/End Date	
Planning Commission	Mary Smith	<i>2nd & 4th Thursday, 6 pm</i>	12.31.2020	2nd term
Three Year Term	Micki Maxwell	<i>(& any special meetings)</i>	12.31.2020	1st term
	Anna Versalle		12.31.2021	Partial
	Kizzy Bradford		12.31.2021	1st term
	Chetan Vyas		12.31.2022	1st term
	Bruce Vanderweele		12.31.2022	2nd term
	Dusty Farmer (TB Liason)			
	Iris Lubbert (Staff)			
	Jim Porter (Staff Attorney)			
Public Media Network	Lisa Godfrey (Citizen Rep)			
	Grant Taylor (Board Rep)			
Township Board	Libby Heiny-Cogswell (Supervisor)			
	Dusty Farmer (Clerk)			
	Grant Taylor (Treasurer)			
	Deb Everett, Trustee			
	Cheri Bell, Trustee			
	Zak Ford, Trustee			
	Ken Hudok, Trustee			
	Jim Porter (Staff Attorney)			
	Marc Elliott, Public Utilities Dir.			
Zoning Board of Appeals	Neil Sikora	<i>4th Tues, 3 pm</i>	12.31.2021	2nd term
Three Year Terms	Fred Antosz		12.31.2022	1st Term
	Anita Smith		12.31.2020	Partial
	Fred Gould (1st Alternate)		12.31.2022	
	Ollie Chambers (2nd Alternate, Partial Term)		12.31.2021	
	Micki Maxwell (PC Liason)			
	Cheri (TB Liason)			
	Iris Lubbert (Staff)			
	Jim Porter (Attorney)			
KCCDA (911 Consolidated Dispatch)	Mark Barnes	<i>Board (Rep from County Fire Chiefs)</i>		

BUDGET AMENDMENT REQUEST

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

Date: _____

Department Head Name: _____

Fund Name: _____

Amount

Additional Funds Request for: (description and GL number)	_____	_____
	_____	_____
	_____	_____

Funds requested from: (description and GL number)	_____	_____
	_____	_____
	_____	_____
	_____	_____

Explanation of request:

Supervisor Review: _____
(pending or date reviewed)

Board Authorization: _____
(pending or date authorized)

MEMORANDUM

TO: Township Board
FROM: James W. Porter *JWP*
DATE: September 14, 2020
SUBJECT: Amendments to the Employee Handbook

OBJECTIVE

To adopt recommended changes to the Employee Handbook.

BACKGROUND

While working on the policies for the Fire Department using the Lexipol program, the Committee identified a number of policies that would be better placed in the Employee Handbook and made applicable to all employees. Items specifically identified were the HIPAA protection information, a clearer personal appearance standard, a lactation break policy, a more detailed return-to-work policy, as well as a temporary modified duty assignment policy.

INFORMATION PROVIDED

I have attached proposed text amendments to the following:

- Section 2.2 Release of HIPAA-Protected Information
- Section 6.8 Personal Appearance Standards
- Section 6.24 Lactation Breaks
- Section 6.25 Return to Work
- Section 9.19 Temporary Modified-Duty Assignments.

STATEMENT OF ASKING BOARD TO APPROVE

These policies have been reviewed by the HR Work Committee and have been recommended to the Board for adoption. The objective is to have the Board adopt these policies and incorporate them into the Employee Handbook.

6.24 Lactation Breaks

A. Purpose and Scope

The purpose of this policy is to provide reasonable accommodations to any member desiring to express breast milk for her infant child.

B. Policy

It is the policy of the Township to provide, in compliance with the Fair Labor Standards Act (FLSA), reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for her nursing child for up to one year after the child's birth (29 USC Sec 207).

C. Lactation Break time

A rest period should be permitted each time the member has the need to express breast milk (29 USC Sec. 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portions of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

6.8 Personal Appearance Standards

A. Purpose and Scope

In order to project uniformity and neutrality toward the public and as employees of the Township, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for the Township and for their assignment.

The procedures contained herein are intended to promote uniformity of the employees of the Township by addressing specific grooming items. However, nothing herein shall limit the Township's ability to address any other grooming or personal appearance deemed improper for members of the Department.

B. Policy

It is the policy of the Township that all members meet required personal hygiene and grooming standards while on-duty or conducting official business.

C. Dress Code

An employee shall be appropriately dressed according to the nature of his or her job. If a uniform is required, it will be outlined by the department's standard operating procedures. Personnel will dress business casual, with the exception of "dress-down Friday" weekly and the day before holidays, or as determined by the Personnel Director. The definition of business casual is dress shirts, blouses, Polo shirts with collars or mock turtlenecks, sweaters, sport coats and blazers, cotton slacks, and dresses, capris and tie or slip-on shoes. The definition of dress-down Friday shall include jeans, long shorts, and a blouse/shirt. The following items will be inappropriate for business casual: blue denim jeans, tee shirts, tank tops, and

beach sandals/flip flops. Clothing with printed advertisements or messages is inappropriate at all times.

D. Personal Hygiene

All members must maintain proper personal hygiene. Examples of improper personal hygiene include, but are not limited to, dirty fingernails, bad breath, body odor and dirty or unkempt hair. Any member who has a condition due to a protected category (e.g., race, physical disability) which affects any aspect of personal hygiene covered by this policy may qualify for an accommodation and should report any need for an accommodation to a work supervisor or Human Resources.

E. Tattoos

Tattoos, brands or mutilations that are inappropriate, as determined by the Human Resources Department, must be covered. Inappropriate marks may include, but are not limited to, marks that exhibit or advocate discrimination against sex, race, religion, ethnicity, national origin, sexual orientation, age (40 and over) physical or mental disability or medical condition, or marital status; marks that promote or express gang, supremacist or extremist group affiliation; and marks that depict or promote drug use, sexually explicit acts or other obscene material.

F. Body Alteration

Alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or trans-dermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose or teeth.
- (d) Branding or scarification.

G. Additional Grooming Standards for Fire Fighters

The following appearance standards shall apply to all members of the Fire Department in addition to the personal appearance standards applicable to all Township employees, except those whose current assignment would deem them not appropriate or where the Fire Chief or the authorized designee has granted an exception.

Hair – The hairstyle of all members shall be neat in appearance. Hair must be no longer than the horizontal level of the bottom of the uniform patch when the member is standing erect. Hairstyles that extend below the top edge of the uniform collar should be secured in a tightly wrapped braid or ponytail.

Mustaches – A neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip. An exception may be granted by the Fire Chief for special fundraising efforts, as long as the mustache does not interfere with the seal of your SCBA face mask.

Sideburns – Sideburns shall not extend below the bottom of the ear and shall be trimmed and neat.

Beards and Goatees – Beards, goatees or any hair on the chin or near the bottom lip is prohibited.

Facial Hair – Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Fire Chief or the authorized designee.

Fingernails – Fingernails extending beyond the tip of the finger can pose a safety hazard to members working in the field. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

Jewelry and Accessories – No jewelry or personal ornaments shall be worn by members on-duty on any part of the uniform or equipment, except those authorized within this manual. Members should be mindful of wearing jewelry that can become snagged or caught during performance of fire suppression duties.

- * Necklaces or jewelry worn around the neck shall not be visible above the shirt collar.
- * It is recommended that members refrain from wearing rings while assigned to suppression.
- * Except for a single stud pierced earring worn in the lobe of each ear, no body piercing shall be visible while any member is on-duty or representing the Department in any official capacity.

2.12 Release of HIPAA-Protected Information

It is the policy of the Township to allow employees to complete a pre-authorization for the release of their Protected Health Information (PHI) to a family member or other specific individual in the event the member becomes injured or ill on-duty.

The Township will ensure 911 procedures are in place to address:

- (a) The right of employees to voluntarily complete a pre-authorization for the release of PHI to specific individuals.
- (b) Storage and security of completed pre-authorization forms.
- (c) Work supervisor access to completed forms during both business and non-business hours.
- (d) Expiration and renewal requirements for the pre-authorization form.
- (e) Situations or circumstances in which members can expect the Township to release their PHI to the pre-authorized family member or other specific individual.

6.25 Return to Work

A. Purpose and Scope

The purpose of this policy is to establish the process through which an employee who has been off work for an extended period of time due to an injury or illness may return to work.

B. Definitions

Definitions related to this policy include:

Interactive Process – An informal meeting between employer and employee, designed to identify the precise limitations resulting from a disability and any potential reasonable accommodations that could overcome those limitations and allow the employee to return to work, either in their usual and customary position or some other type of work.

C. Policy

It is the policy of Oshtemo Charter Township to assist injured employees, to the extent reasonably practicable, in returning to work as soon as they are medically able to perform meaningful work for the Township.

D. Employee Responsibilities

It is the employee's responsibility to inform the Township of his/her absence and to immediately advise the Township when the employee believes that he/she will be medically released to return to work, with or without restrictions. If practicable, the

employee shall provide advance notice of his/her potential return to work and shall provide written medical verification of the clearance and any restrictions.

If an employee has restrictions prescribed by a qualified health care professional, it is the responsibility of the employee to ensure he/she is not performing work that violates any restriction. If the employee believes he/she has been requested or directed to perform work that violates the restrictions, the employee should make a prompt report to Human Resources.

E. Department Responsibilities

The Township will evaluate the employee's request to return to work and the written medical verification, and will consult with Human Resources in order to make a determination whether:

- (a) The employee may return to full duty based on the medical verification provided by the employee.
- (b) The employee may return to work to a temporary modified-duty assignment and whether the Department has a need that fits with the employee's restrictions.
- (c) The employee should have a fitness-for-duty evaluation.
- (d) The employee has reached a permanent and stationary rating and it is necessary to engage in an interactive process to determine a reasonable accommodation.
- (e) The employee may be required to attend remedial training to regain efficiency for Township operations.

Human Resources, in consultation with the department representative, should make a recommendation to the Department Head or the authorized designee regarding the status of the employee. Human Resources should communicate with the

employee about plans for the employee to return to work, after consulting with the Department Head or the authorized designee.

9.19 Temporary Modified-Duty Assignments

A. Purpose and Scope

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, Oshtemo Charter Township rules, or current collective bargaining agreements, if any. For example, nothing in this policy affects the obligation of the Township to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

B. Policy

Subject to operational considerations, the Township may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

C. General Considerations

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) and Michigan's Persons with Disabilities Civil Rights Act shall be treated equally, without regard to any preference for a work-related injury.

No position in the Township shall be created or maintained as a temporary modified-duty assignment. Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Township. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours (90 days) in any one-year period.

D. Procedure

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to the Township Supervisor or the authorized designee. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury
- (b) The prognosis for recovery
- (c) The nature and scope of limitations and/or work restrictions
- (d) A statement regarding any required workplace accommodations, mobility aids, or medical devices

- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

Each Department Head will be asked to recommend to the Township Supervisor regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. Each Department Head or the authorized designee shall confer with Human Resources or the Township Attorney as appropriate.

E. Accountability

Written notification of assignments, work schedules, and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their work supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Township Supervisor.

F. Employee Responsibilities

The responsibilities of employees assigned to temporary modified duty shall include but are not limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their work supervisors.
- (b) Promptly notifying their work supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

- (c) Communicating a status update to the work supervisor no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Township Supervisor that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond 60 days.

G. Supervisor Responsibilities

The employee's immediate work supervisor shall monitor and manage the work schedule of an employee assigned to temporary modified duty.

The responsibilities of work supervisors shall include but are not limited to:

- (a) Periodically apprising the Township Supervisor of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Township Supervisor and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

H. Medical Examinations

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Township may require a fitness-for-duty examination prior to returning an employee to full-duty status.

I. Pregnancy

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)).

A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

J. Notification

Pregnant employees should notify their immediate work supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the Township's personnel rules and regulations regarding family and medical care leave.

K. Probationary Employees

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

L. Maintenance of Certification and Training

Employees assigned to temporary modified duty shall maintain all certification, training, and qualifications appropriate to both their regular and temporary duties, provided that the certification, training, or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their work supervisors of any inability to maintain any certification, training, or qualifications.

D. Private Location

The Township will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from coworkers and the public (29 USC Sec. 207).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

E. Storage of Expressed Milk

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member ends her shift.



September 14, 2020

Mtg Date: September 22, 2020
To: Oshtemo Charter Township Board
From: Iris Lubbert, AICP, Planning Director
Subject: Assembly and Convention Halls – Second Reading

Objective:

Consideration of the Assembly and Convention Halls ordinance language for second reading and adoption. The first reading of the proposed ordinance occurred on September 9, 2020 at which the Township Board approved the first reading and moved for second reading unanimously.

Background:

Township Planning Department staff was approached by a perspective property owner who is interested in establishing a wedding/event venue within the commercial portion of the 9th Street and West Main Zoning Overlay. Examining the Township's Zoning Ordinance, staff found that no such use is identified as allowable in any zoning district in Oshtemo, despite a handful of such businesses having been located here in the past. In some cases, such as with the Delta Marriott Hotel on S 11th Street, the convention center there, is considered an accessory element to the primary use of the property. In the case that prompted this proposal, the event space would be the property's primary use. A general tenant of local zoning is that no reasonable use of land can be outright prohibited in any community and must be allowed somewhere. In the interest of adhering to accepted legal convention and good planning practice, Staff worked with the Planning Commission to draft an amendment that would allow Assembly and Convention Halls as a primary use within the Township.

The Planning Commission initially discussed the proposed amendment at their regular February 27th meeting. After deliberation, the Commission agreed to move forward with the proposed changes to Sections 18.40 and 35.40 and set a Public Hearing for their meeting on March 26th. Due to COVID-19's impact on the Township's ability to hold open meetings, the public hearing needed to be rescheduled to April 30th. At the public hearing the Planning Commission grew concerned when they found that the ordinance does not define Assembly and Convention Halls. The Commission was worried that if no additional guidance was provided larger Convention Centers (like the Kalamazoo County Expo Center) could accidentally be lumped into the same category. The Planning Commission moved to table the item and asked staff to explore possible definitions that would alleviate their concerns and avoid potential future misunderstandings. Staff presented a drafted definition to the Commission at their May 14th meeting as well as discussed the possibility of implementing a maximum capacity or occupancy to be tied to the proposed Special Use – potentially a different value depending on the zoning district in which the use is allowed. It was agreed that staff would return to the Commission with a revised definition for Assembly and Convention Halls and drafted Special Use requirements. Staff presented a revised definition to the Planning Commission at their July 30th regular meeting along with potential Special Use requirements for Assembly and Convention Halls. After review, the Commission agreed to move the amendments forward to a Public Hearing.

A notice for the Public Hearing was published on Tuesday, on August 11, 2020. A Public Hearing was held on the Planning Commission's August 27th regular meeting. There was no public comment. The Planning

Commission unanimously motioned to forward the Assembly and Convention Hall language to the Township Board with a recommendation of approval.

Summary of Proposed Amendments:

The proposed text would allow Assembly and Convention Halls as a primary use within the C, Local Business District, the C-R: Local Commercial District Restricted, and the 9th Street and West Main Overlay Zone. All three districts are appropriate locations for this use based on their character and intent. In order to mitigate any unforeseen consequences or impacts of this use to nearby properties, it is recommended to make Assembly and Convention Halls a Special Use with conditions. Placing this use under Special Uses means that any proposed assembly and convention hall would need to go through the Planning Commission public review process. The proposed conditions for this use include maximum capacities or occupancies (depending on the zoning district in which the use is allowed) and specifications that provide flexibility for outdoor event spaces. The maximum capacities proposed are intended to keep the scale of any potential assembly and convention hall appropriate for their prospective locations. These capacity numbers were derived by looking at and comparing the types and scales of existing convention/assembly halls in other jurisdictions. For consistency, the Special Use language that addresses the review of assembly and convention halls with allocated outdoor event space was mirrored from our code’s current Special Use requirements for Temporary Outdoor Events (Section 49.240).

It should be noted that parking for this use is already addressed in 52.100 Minimum required parking spaces, the language is included below for reference.

52.100 Minimum required parking spaces

Land Use	Minimum number of spaces per unit of measure
Meeting rooms, Assembly & Convention Halls (without fixed seating)	1 space for each 3 persons allowed within the maximum occupancy load as established by the Township building code

As the Township gains experience with Assembly and Convention Halls as a primary use, additional criteria can be developed, and other zoning districts considered. To avoid confusion, a definition for Assembly and Convention Halls is also proposed. The Township Attorney has reviewed the proposed language and supports the proposed amendments.

Thank you.

Attachments:

- Planning Commission Draft Minutes excerpt – 08/27/2020
- Proposed Amendments (denoted in red)

Ms. Farmer made a motion to approve the Minutes of the Meeting of August 13, 2020 as presented. Ms. Maxwell seconded the motion. The motion was approved unanimously by roll call vote.

Chairperson VanderWeele moved to the next agenda item and asked Ms. Lubbert for her presentation.

**PUBLIC HEARING: ASSEMBLY AND CONVENTION HALLS
CONSIDERATION OF AMENDMENTS TO THE TOWNSHIP ZONING ORDINANCE,
FOR RECOMMENDATION TO THE TOWNSHIP BOARD, TO ALLOW ASSEMBLY
AND CONVENTION HALLS AS A SPECIAL USE WITHIN THE C: LOCAL BUSINESS
DISTRICT, THE 9TH STREET AND WEST MAIN OVERLAY ZONE, AND THE C-R:
LOCAL COMMERCIAL DISTRICT RESTRICTED.**

Ms. Lubbert said Township Planning Department staff was approached by a perspective property owner interested in establishing a wedding/event venue within the commercial portion of the 9th Street and West Main Zoning Overlay. Examining the Township's Zoning Ordinance, staff found that no such use is identified as allowable in any zoning district in Oshtemo, despite a handful of such businesses having been located here in the past. In some cases, such as with the Delta Marriott Hotel on S 11th Street, the convention center there is considered an accessory element to the primary use of the property. In the case that prompted this proposal, the event space would be the property's primary use. A general tenet of local zoning is that no reasonable use of land can be outright prohibited in any community and must be allowed somewhere. In the interest of adhering to accepted legal convention and good planning practice, Staff worked with the Planning Commission to draft an amendment that would allow Assembly and Convention Halls as a primary use within the Township.

She referred to written materials explaining the Planning Commission initially discussed the proposed amendment at their regular February 27th meeting. After deliberation, the Commission agreed to move forward with the proposed changes to Sections 18.40 and 35.40 and set a Public Hearing for their meeting on March 26th. Due to COVID-19's impact on the Township's ability to hold open meetings, the public hearing needed to be rescheduled to April 30th. At the public hearing the Planning Commission grew concerned when they found that the ordinance does not define Assembly and Convention Halls. The Commission was worried that if no additional guidance was provided larger Convention Centers (like the Kalamazoo County Expo Center) could accidentally be lumped into the same category. The Planning Commission moved to table the item and asked staff to explore possible definitions that would alleviate their concerns and avoid potential future misunderstandings. Staff presented a drafted definition to the Commission at their May 14th meeting as well as discussed the possibility of implementing a maximum capacity or occupancy to be tied to the proposed Special Use – potentially a different value depending on the zoning district in which the use is allowed. It was agreed staff would return to the Commission with a revised definition for Assembly and Convention Halls and drafted Special Use requirements. Staff presented a revised definition to the Planning Commission at their July 30th regular

meeting along with potential Special Use requirements for Assembly and Convention Halls. After review, the Commission agreed to move the amendments forward to a Public Hearing.

She noted the Township Attorney reviewed the proposed language and supported the proposed amendments. A notice for the Public Hearing was published on Tuesday, on August 11, 2020.

Ms. Lubbert reviewed amendments to the Zoning Ordinance proposed to allow Assembly and Convention Halls as a primary use within the C, Local Business District, the C-R: Local Commercial District Restricted, and the 9th Street and West Main Overlay Zone, including proposed definitions. She indicated all three districts are appropriate locations for this use based on their character and intent. In order to mitigate any unforeseen consequences or impacts of this use to nearby properties, she recommended Assembly and Convention Halls be classified as a Special Use with conditions. These conditions include maximum capacities or occupancies (depending on the zoning district in which the use is allowed) and specifications that provide flexibility for outdoor event spaces. As the Township gains experience with Assembly and Convention Halls as a primary use, she said additional criteria can be developed, and other zoning districts considered.

She recommended that, if approved by the Planning Commission, the proposed amendments be forwarded to the Township Board for consideration.

Chairperson VanderWeele asked whether Commissioners had questions for Ms. Lubbert. Hearing none, he moved to public hearing. After determining there were no members of the public present, the Chair moved to Board Deliberations.

There was discussion regarding whether the proposed wording that addressed portable bathroom facilities for outdoor events needed to be modified. After consultation with Attorney Porter it was decided a modification was not needed and the Chair asked for a motion.

Ms. Versalle made a motion to forward the proposed amendments to allow Assembly and Convention Halls as a Special Use within the C: Local Business District, the 9th Street and West Main Overlay Zone, and the C-R Local Commercial District Restricted as presented to the Township Board with a recommendation of approval. Ms. Farmer seconded the motion. The motion was approved unanimously by roll call vote.

Chairperson VanderWeele moved to the next agenda item and asked Ms. Lubbert for her presentation.

NEW BUSINESS

a. Discussion: Child and Adult Foster Care Facilities

Ms. Lubbert reported Township Planning Department staff members were

approached recently about the possibility for a group home to house 8-10 refugee children under the age of 18. Examining the Township's Zoning Ordinance, staff found that no such use is identified as allowable in any zoning district in Oshtemo. A general tenet of local zoning is that no reasonable use of land can be outright prohibited in any community and must be allowed somewhere. In the interest of adhering to accepted legal convention, good planning practice, and the preservation of Township residents' property rights, she asked the Planning Commission to consider a text amendment to the Zoning Ordinance to allow this and similar uses in appropriate zoning districts and presented a preliminary draft of the proposed ordinance amendment. The proposed language is based on MCL 722.111, which outlines the requirements for Foster Care organizations in Michigan.

Attorney Porter indicated the suggested amendment language mirrors and is in harmony with Michigan State regulations.

Ms. Lubbert indicated the amendments provide definitions differentiating between various scales of foster facilities and the appropriate zoning districts in which they will be allowed. She noted higher density facilities are appropriate in more dense residential districts. She asked the Planning Commission to review the proposed amendments and provide feedback.

Attorney Porter explained although these facilities have not been specifically addressed in the zoning ordinance, and are allowed by state regulations regardless of ordinance, we want to follow due diligence and provide language that is defined by and agrees with State law.

Following discussion and questions answered regarding specifics of the different types of facilities that are permitted, Chairperson VanderWeele polled the group to assess whether there was support for moving forward with the amendment as presented. As the group indicated they were in support of moving forward, the Chair asked for a motion.

Ms. Versalle made a motion to move forward to a public hearing on the amendment to allow child and adult foster care facilities in Oshtemo Township as proposed. Ms. Maxwell seconded the motion. The motion was approved unanimously by roll call vote.

OLD BUSINESS

There was no old business to consider.

PUBLIC COMMENT

Chairperson VanderWeele determined there were no members of the public present, and moved to the next agenda item.

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. ____

Adopted: _____, 2020

Effective: _____, 2020

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend Oshtemo Charter Township Zoning Ordinance Article 2 Construction of Language and Definitions, Section 2.20 Definitions to add a definition of Assembly and Convention Hall; to amend Article 18 C: Local Business District, Section 18.40 Special Uses, by the addition of Paragraph A. Assembly and Convention Halls as a special use and the re-lettering of subsequent paragraphs; to amend Article 21, C-R Local Commercial District, Restricted, Section 21.40 Special Uses, by the addition of Paragraph B Assembly and Convention Halls as a special use and the re-lettering of subsequent paragraphs; to amend Article 35 9th Street and West Main Overlay Zone, Section 35.40 Special Uses, by the addition of Paragraph B.1. Assembly and Convention Halls as a special use in Commercial and the re-numbering of subsequent paragraphs; and to amend Article 49 Requirements for Special Uses by the addition of a new Section 49.40 Assembly and Convention Halls and the re-numbering of subsequent paragraphs. This Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

SECTION I. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 2 CONSTRUCTION OF LANGUAGE AND DEFINITIONS, SECTION 2.20 DEFINITIONS. Article 2 Construction of Language and Definitions, Section 2.20 Definitions, is hereby amended by the addition of a definition of Assembly and Convention Hall to read as follows:

ARTICLE 2 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

Section 2.20 DEFINITIONS

* * *

Assembly and Convention Hall – A room or building for the purpose of hosting a party, banquet, wedding, or any other social or business event. Assembly and Convention Halls can also be called meeting rooms, function halls, reception halls, or banquet halls.

* * *

SECTION II. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 18 C: LOCAL BUSINESS DISTRICT, SECTION 18.40 SPECIAL USES. Article 18 C: Local Business District, Section 18.40 Special Uses, is hereby amended by the addition of Paragraph A. Assembly and Convention Halls and re-lettering of subsequent paragraphs to read as follows:

ARTICLE 18 C: LOCAL BUSINESS DISTRICT

Section 18.40 SPECIAL USES

- A. **Assembly and Convention Halls**
- B. Child care centers.
- C. Funeral homes.
- D. Private clubs.
- E. Parks of ten acres or less in size, subject to the conditions and limitations set forth at Section 49.90 of this Ordinance.

- F. Nursing, convalescent, handicapped, or senior citizens' homes.
- G. Drive-in service window or drive-through services for businesses.
- H. Retail lumber yards.
- I. New and/or used car sales lots; recreational vehicle sales lots; mobile home sales lots outside of mobile home parks; farm machinery and other equipment sales lots; boat sales lots; and other businesses involving substantial outdoor sales or activities connected with retail sales.
- J. Crematories.
- K. Skating rinks, bowling alleys, indoor recreational facilities and health clubs.
- L. Filling stations, carwashes, public garages or service stations, excluding auto body and auto paint shops.
- M. Drive-in theatres.
- N. Buildings and regulator stations for essential services.
- O. Temporary outdoor events (lasting more than one day).
- P. Brewpub.
- Q. Microbrewery.
- R. Wine Tasting Room.
- S. Craft food and beverage production facility, limited to 8,000 square feet gross floor area.
- T. Communication towers.
- U. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- V. Private streets.
- W. Wind energy conversion systems.

SECTION III. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 21 C-R: LOCAL COMMERCIAL DISTRICT, RESTRICTED, SECTION 21.40 SPECIAL USES. Article 21 C-R: Local Commercial District, Restricted, Section 21.40 Special Uses, is hereby amended by the addition of Paragraph B. Assembly and Convention Halls and re-lettering of subsequent paragraphs to read as follows:

ARTICLE 21 C-R: LOCAL COMMERCIAL DISTRICT, RESTRICTED

Section 21.40 SPECIAL USES

- A. Hotels, Motels.
- B. **Assembly and Convention Halls**
- C. Conference center facilities.
- D. Universities, colleges, and/or their activities and facilities.
- E. Restaurants.
- F. Banks, credit unions, and similar financial institutions with drive-through service windows.
- G. Private Clubs.
- H. Essential services.
- I. Commercial planned unit developments.
- J. Temporary outdoor events (lasting more than one day).
- K. Brewpub.
- L. Microbrewery.
- M. Wine Tasting Room.
- N. Craft food and beverage production facility, limited to 8,000 square feet gross floor area.
- O. Communication towers.
- P. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- Q. Private streets.
- R. Wind energy conversion systems.

SECTION IV. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 35 9TH STREET AND WEST MAIN OVERLAY ZONE, SECTION 35.40 SPECIAL USES. Article 35 9th Street and West Main Overlay Zone, Section 35.40 Special Uses is hereby amended by the addition of Paragraph B. 1 and the re-numbering of subsequent paragraphs to read as follows:

ARTICLE 35 9TH STREET AND WEST MAIN OVERLAY ZONE

Section 35.40 SPECIAL USES

A. Residential

The following uses may be located within the 9th Street Residential and the West Main Street Residential section of the Overlay District subject to Special Use approval:

1. Group day care home.
2. Residential planned unit development subject to Article 41.
3. Golf courses, parks, and outdoor recreational areas.
4. Buildings and regulator stations for essential services.
5. Public and private schools.

B. Commercial

The following uses may be located within the 9th Street Commercial and the West Main Street Commercial section of the Overlay District subject to Special Use approval:

1. **Assembly and Convention Halls.**
2. Brewpub.
3. Buildings and regulator stations for essential services.
4. Child care centers.
5. Commercial planned unit developments subject to Article 41.

6. Craft food and beverage production facility.
7. Crematories.
8. Drive-in service window or drive-through service for businesses, not to include restaurants.
9. Funeral homes.
10. Golf courses, parks, and outdoor recreational areas.
11. Group day care home.
12. Hotels, motels.
13. Indoor theaters.
14. Microbrewery.
15. Nursing, convalescent, handicapped, assisted living, or senior citizens' homes.
16. Private clubs.
17. Public and private schools.
18. Skating rinks, bowling alleys, indoor recreational facilities and health clubs.
19. Temporary outdoor events.
20. Veterinary clinics.
21. Wine Tasting Room.
22. Temporary outdoor event (lasting more than one day)

SECTION V. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 49 REQUIREMENTS FOR SPECIAL USES – ADDITION OF SECTION 49.40 ASSEMBLY AND CONVENTION HALLS.

Article 49 Requirements for Special Uses, Section 49.40 Assembly and Convention Halls

is hereby added to read as follows and the re-numbering of subsequent sections:

ARTICLE 49 REQUIREMENTS FOR SPECIAL USES

Section 49.40 ASSEMBLY AND CONVENTION HALLS

Assembly and Convention Halls

- A. Assembly and Convention Halls shall have the following maximum capacities as established by the Township building code if located in one of the following zoning districts:
 - i. 9th Street and West Main Overlay Zone: 200 people
 - ii. C, Local Business District: 750 people

- B. Assembly and Convention Halls shall allow for both indoor and outdoor event spaces. Permitted maximum capacity of the site, per item A above, shall be considered the sum of the capacities of all indoor and outdoor event spaces. Outdoor event spaces must be approved by the Planning Commission at the time of Special Use and Site Plan approval. The following additional details shall be provided with the submitted site plan for all requests for outdoor event spaces:
 - a. A letter of intent, including information on how the outdoor event space will be used, the hours of operation, description on what attempts were made to visually shield the proposed outdoor event space from the road and neighboring properties, and a breakdown of the site's maximum occupancy capacity for the indoor and outdoor event spaces.
 - b. The outdoor event space clearly delineated on the site plan.
 - c. Placement of vehicles, trailers, and all other equipment for outdoor events is shown on the plan and placed away from adjoining residentially used properties and complies with all applicable setbacks.
 - d. Restrooms provided (in building or portable facilities).

- e. Traffic lanes and additional on-site parking to service outdoor event space to be provided at the rate of 1 space for each 3 persons allowed within the maximum occupancy.
 - f. Fire lanes and emergency vehicle turning areas.
 - g. All activity takes place on subject property.
- C. The Planning Commission may impose additional conditions when found reasonable and appropriate to avoid or mitigate adverse impacts on surrounding properties.

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

DUSTY FARMER, CLERK
CHARTER TOWNSHIP