

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

**November 24, 2020**

Refer to [www.oshtemo.org](http://www.oshtemo.org) home page for Virtual Meeting Information.

**BOARD WORK SESSION**

**6:00 p.m.**  
**AGENDA**

- A. Call to Order
- B. Public Comment
- C. Welcome to New Board Members
- D. Discussion on Fire Department Alerting System
- E. Discussion on Draft Letter of Understanding with Kalamazoo County Sheriff's Office
- F. Other Business

**REGULAR MEETING**

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

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Public Comment on Non-Agenda Items
- 4. Consent Agenda
  - a. Approve Minutes – November 10, 2020 Board Meeting
  - b. Receipts & Disbursements Report
  - c. 2021 Township Board Meeting Dates
  - d. 2021 Holiday Schedule
  - e. 2021 Poverty Exemption Standards
  - f. 4<sup>th</sup> Quarter Budget Amendments
  - g. Employee Handbook Amendments
  - h. Fire Department Policies
  - i. Position Description
- 5. Consideration of Rezoning 1515 S 11th Street & Adjacent Unaddressed Parcel Number 05-24-452-010 – FIRST READING
- 6. Consideration of PC Recommendation to Deny Conditional Rezoning for 2345 N. 10th Street & Future Land Use Map Amendment
- 7. Consideration of Letter of Understanding with Kalamazoo County Sheriff's Office
- 8. Consideration of the 2020-2023 Local #5240 Collective Bargaining Agreement
- 9. Other Township Business
- 10. Public Comment
- 11. Board Member Comments
- 12. Adjournment

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

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

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

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

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

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

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

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

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

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

Oshtemo Township Board of Trustees		
<b><u>Supervisor</u></b>		
Libby Heiny-Cogswell	216-5220	<a href="mailto:libbyhc@oshtemo.org">libbyhc@oshtemo.org</a>
<b><u>Clerk</u></b>		
Dusty Farmer	216-5224	<a href="mailto:dfarmer@oshtemo.org">dfarmer@oshtemo.org</a>
<b><u>Treasurer</u></b>		
Clare Buszka	216-5221	<a href="mailto:cbuszka@oshtemo.org">cbuszka@oshtemo.org</a>
<b><u>Trustees</u></b>		
Cheri L. Bell	372-2275	<a href="mailto:cbell@oshtemo.org">cbell@oshtemo.org</a>
Kristen Cole	375-4260	<a href="mailto:kcole@oshtemo.org">kcole@oshtemo.org</a>
Zak Ford	271-5513	<a href="mailto:zford@oshtemo.org">zford@oshtemo.org</a>
Kizzy Bradford	548-7002	<a href="mailto:kbradford@oshtemo.org">kbradford@oshtemo.org</a>

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

## 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: 832 7333 7232**

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: **832 7333 7232#**

### 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.**



# Memo



**To:** L. Heiny-Cogswell, Township Supervisor & Oshtemo Township Board  
**From:** M. Barnes, Fire Chief  
**Date:** November 18, 2020  
**Re:** Station Alerting System Failure – Introduction

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## Objective

To inform the Board of the instability of our mission critical station alerting system and the process we are undergoing to identify a resolution.

## Background

The station alerting system at Station 5-1 (W. Main Street) recently failed which required dispatch to page the crew a second time for an emergency response. Fortunately, one of the pages tripped on this second try - pagers are not always reliable inside of our buildings. This has brought to light the fact that the current system is severely outdated (circa 1980's) and not repairable. Luckily, the system has been temporarily revived and is functioning again but with no assurances of how long and thus unreliable.

This memo is intended to alert you that our internal technical committee is working to identify the best solution to replace this equipment. It is our intent to provide a full recommendation for your December 8<sup>th</sup> meeting. Recognizing that a purchase will need to be made, resolution will need a 2020 budget adjustment.

Our committee is considering the following (and more):

1. Cost of:
  - a. Equipment
  - b. Installation
  - c. Annual fees
2. Expandability to grow with the department's needs or building use alterations.
3. Versatility to assist in providing crews with a quicker understanding of the response needed.
4. Heart healthy notification (ramping of tones).
5. Interoperability with dispatch which is a must.
6. Satisfaction of users who have specific systems
7. Ease & cost of transference to another building (future replacement station).

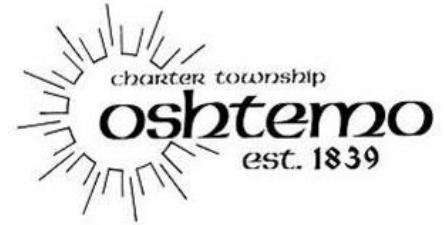
Members of the committee include:

- Scott Fuller
- Shane Chambers
- Joe Keck
- Ric Kienbaum
- Greg McComb

Township Maintenance Supervisor Rick Everett is also being consulted to insure its interface with systems currently in the building.

Finally, we are working closely with KCCDA (central dispatch) since it is their equipment that generates the call in CAD.





# Memorandum

4.c.

**Date:** 20 November 2020  
**To:** Township Board  
**From:** Libby Heiny-Cogswell, Supervisor  
**Subject:** 2021 Township Board Meeting Schedule

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## Objective

Oshtemo Township Board consideration of 2021 regular meeting schedule.

## Background

The Township Board adopts their regular meeting schedule each year. For a long time the meetings have been the second and fourth Tuesdays. The frequency of the fourth Tuesday meeting has varied over the years, depending on workload. The past few years, meetings have been scheduled the second and fourth Tuesdays of every month, except November and December, which have only the second Tuesday meeting. Two years ago the Board increased the number of the fourth Tuesday meetings, recognizing the need for additional time to handle Township business. No change is proposed to that meeting frequency for 2021.

The schedule does propose a change in format. Since the Work Session is now recorded and broadcast, the long-standing practice of separating into two meetings is removed. The schedule provides for one meeting each second and fourth Tuesday, starting at 6 pm. The template for each meeting (yet to be developed following Board approval of the schedule and this change), will include discussion and action (consideration) items. The Supervisor will work with the Planning Department to identify the regular time for zoning items to occur on the agenda so the time can be clearly communicated to applicants.

## Information Provided

2021 Meeting Schedule (Proposed)

## 2021 Oshtemo Township Board Meeting Dates

All meetings are Tuesdays and begin at 6:00 p.m. except where noted otherwise.

January 12  
January 26

February 9  
February 23

March 9  
March 23

April 13  
**April 20 Joint Boards Meeting\* 6 p.m.**  
April 27

May 11  
May 25

June 7 – Budget Meeting, All Day Monday 8:15 am  
June 8  
June 22

July 13  
July 27

August 10  
August 23 – Budget Meeting, Monday 1 pm  
August 24

September 7  
September 21

October 12  
**October 19 Joint Boards Meeting\* 6 p.m.**  
October 26

November 9  
November 23

December 7

\*Joint Boards TB / PC / ZBA / SoDA / DDA / FOP



## 2021 Holiday Schedule

New Year's Day	Friday, January 1 <sup>st</sup>
Martin Luther King Jr. Day	Monday, January 18 <sup>th</sup>
President's Day	Monday, February 15 <sup>th</sup>
Memorial Day	Monday, May 31 <sup>st</sup>
Floating Holiday	Friday, July 2 <sup>nd</sup>
Independence Day	Monday, July 5 <sup>th</sup>
Labor Day	Monday, September 6 <sup>th</sup>
Veteran's Day	Thursday, November 11 <sup>th</sup>
Thanksgiving Day	Thursday, November 25 <sup>th</sup>
Day After Thanksgiving	Friday, November 26 <sup>th</sup>
Day Before Christmas Eve	Thursday, December 23 <sup>rd</sup>
Christmas Eve	Friday, December 24 <sup>th</sup>

CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN

**POVERTY EXEMPTIONS GUIDELINES – 2021**

Meeting of the Township Board on November 24, 2020

WHEREAS, the adoption of guidelines for poverty exemptions is within the purview of the Township Board; and

WHEREAS, the homestead of persons who, in the judgment of the Supervisor and Board of Review, by reason of poverty, are unable to contribute to the public charges is eligible for exemption in whole or part from taxation under Public Act 390, 1994 (MCL 211.7u); and

WHEREAS, pursuant to PA 390, 1994 Oshtemo Charter Township, Kalamazoo County adopts the following guidelines for the Supervisor and Board of Review to implement. The guidelines shall include but not be limited to the specific income and asset levels of the claimant and all persons residing in the household, including any property tax credit returns, filed in the current or immediately preceding year;

To be eligible, a person shall do all the following on an annual basis:

- (1) Be an owner of and occupy as a homestead the property for which an exemption is requested.
- (2) File a claim with the Supervisor or Board of Review, accompanied by federal and state income tax returns for all persons residing in the homestead.
- (3) Produce a valid driver's license or other form of identification if requested.
- (4) Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is requested if requested.
- (5) Meet the federal poverty income standards as defined and determined annually by the United States Office of Management and Budget.

- (6) The application for an exemption shall be filed after January 1, but at least a week before the start of the March Board of Review, July Board of Review or December Board of Review.

Poverty exemption standards shall be as follows:

The following are the poverty thresholds as of December 31, 2020, for use in setting poverty exemption guidelines for 2021 assessments:

<b>Size of Family Unit</b>	<b>2021 Federal Poverty Guidelines</b>	<b>2021 Qualifying Income Level Per Township's Policy</b>
1 person	\$12,760	\$15,950
2 persons	\$17,240	\$21,550
3 persons	\$21,720	\$27,150
4 persons	\$26,200	\$32,750
5 persons	\$30,680	\$38,350
6 persons	\$35,160	\$43,950
7 persons	\$39,640	\$49,550
8 persons	\$44,120	\$55,150

For each additional person, add \$ 4,480 \$ 5,600

1. Applicants must complete an application, except for their signature, and return it in person to the Assessor's Office.
2. Applications must be signed and witnessed by an employee of the Township and filed with the Assessor after January 1 but at least a week before the start of the March Board of Review, July Board of Review or December Board of Review.
3. Applicant must submit the previous year's Federal Income Tax Return and State Income Tax Return.
4. Applications may be reviewed by the Board without applicant being present, however, the Board may request the applicant be physically present to respond to questions; and may be called upon to appear on short notice.
5. Answers to questions regarding the applicant's financial affairs, health or medical expenses, employment status of those residing in the residence may be requested before the meeting of the Board.
6. Applicants will be administered an oath of truth.

7. An asset test considering all assets owned by the applicant other than the applicant's homestead vehicle and normal household goods will be used in determining whether relief should be granted. Homeowners with assets in excess of \$25,000 may not be eligible for tax exemption consideration.
8. The Board may grant property tax relief based on poverty annually.
9. Applicant may be subject to investigation by the Township to verify information submitted or statements made in regard to a tax exemption claim.
10. The meeting may be recorded, and minutes will be kept of all proceedings of the Board of Review and all meetings held in compliance with the Open Meetings Act.
11. The Board of Review shall follow the policy and guidelines of Oshtemo Charter Township as set forth in this resolution in granting or denying an exemption unless the Board of Review determines there are substantial and compelling reasons why there should be deviation from the policy and guidelines and the substantial and compelling reasons are communicated in writing to the applicant.
12. Applicants will be evaluated based on data submitted to the Board of Review, testimony taken from the applicant and information gathered from any source by the Township.
13. Those homeowners who meet the income and asset limitations set forth herein may be granted an exemption or partial exemption.

A formal motion was made by \_\_\_\_\_, seconded by \_\_\_\_\_ that the Board of Review follow the above-stated policy and federal guidelines in granting or denying an exemption.

The following voted "Aye":

The following was absent:

The following voted "Nay":

The following "Abstained":

The Supervisor declared the Formal Motion had been adopted.

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

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CERTIFICATE

I, Dusty Farmer, the duly elected and acting Clerk of the Charter Township of Oshtemo, hereby certify that the foregoing Formal Motion was adopted by the Township Board of said Charter Township at a regular meeting of said Board held on November 24, 2020, at which meeting \_\_\_\_ members were present, and voted upon the same as indicated in said Minutes; that said meeting was held in accordance with the Open Meetings Act of the State of Michigan.

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

Oshtemo Township 2020 4th QTR Budget Amendment Request Summary

<b>General</b>			
Insurance			\$ 30,000.00
Retiree Health			\$ 11,000.00
<b>Parks</b>			
<b>Fire</b>			
<b>Police</b>			
<b>Street Lighting</b>			
<b>SoDA</b>			
<b>Building</b>			
Accounting and Audit Fees			\$ 2,000.00
<b>Sewer</b>			
Engineering fees			\$ 20,000.00
<b>Water</b>			
Audit fees			\$ 300.00
<b>DDA</b>			

<b>Total New Expenditure</b>	<b>\$ 63,300.00</b>
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Revenue Increase/Reduction in expenditures
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# BUDGET AMENDMENT REQUEST

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

Date: 11/16/2020

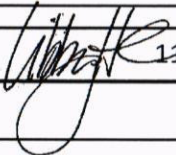
Department Head Name: Kristine Biddle

Fund Name: 101 General

		Amount	
Additional Funds Request for: (description and GL number)	<u>101-209-73000</u>	Postage	<u>\$ 300.00</u>
	_____	_____	_____
	_____	_____	<u>\$ 300.00</u>
Funds requested from: (description and GL number)	<u>101-209-97000</u>	Capital Outlay	<u>\$ 300.00</u>
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	<u>\$ 300.00</u>

Explanation of request:

Additional expense for 2021 Personal Property mailing/printing. No new money requested.

Supervisor Review:  11-18-20  
(pending or date reviewed)

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

# BUDGET AMENDMENT REQUEST

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

Date: 11/18/2020

Department Head Name: M Elliott (Public Works)

Fund Name: 491 Water

		Amount	
Additional Funds Request for:	<u>491-000-80800</u>	Audit Fees	<u>\$ 300.00</u>
(description and GL number)	_____	_____	_____
	_____	_____	<u>\$ 300.00</u>
Funds requested from:	<u>491-000-40100</u>	Carryover	<u>\$ 300.00</u>
(description and GL number)	_____	_____	_____
	_____	_____	_____
	_____	_____	<u>\$ 300.00</u>

Explanation of request:

Audit fees for the dedicated water fund are running slightly higher than originally budgeted.

Supervisor Review:  11-18-20  
(pending or date reviewed)

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

# BUDGET AMENDMENT REQUEST

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

Date: 10/19/2020

Department Head Name: Rick Everett

Fund Name: 206 Fire Operations

		Amount	
Additional Funds Request for:	<u>206-341-93100</u>	Maintenance Services	<u>\$ 15,000.00</u>
(description and GL number)	_____	_____	_____
	_____	_____	<u>\$ 15,000.00</u>
Funds requested from:	<u>211-344-98100</u>	Capital Outlay/Facilities	<u>\$ 15,000.00</u>
(description and GL number)	_____	_____	_____
	_____	_____	_____
	_____	_____	<u>\$ 15,000.00</u>

Explanation of request:

Numerous large repairs exceeded plan for Maintenance Services. Capital outlay has HVAC project coming in under plan making these funds available. The amount greater than actual hopefully will carry to end of year.

\$2,995.00 5-1 Front Door; \$120.00 5-1 Door Beams; \$2,384.20 5-2 Rear Door; \$1,118.71 5-1 Generator; \$1,300.00 5-1 Controller; \$1,172.20 5-2 door #5; \$301.00 5-2 A/C; \$571.20 5-1 voltage sensor; \$493.95 5-1 Drains; \$855.00 5-1 Humidifiers; \$560.64 5-2 A/C Repair; \$11,871.90 Total.

No new funds.

Supervisor Review:  11-16-20  
(pending or date reviewed)

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





# BUDGET AMENDMENT REQUEST

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

Date: 11/16/2020

Department Head Name: Libby Heiny-Cogswell

Fund Name: 101 General

		Amount	
Additional Funds Request for: (description and GL number)	<u>101-249-70400</u>	In Lieu Of Insurance	\$ 500.00
	_____	_____	_____
	_____	_____	\$ 500.00
Funds requested from: (description and GL number)	<u>101-249-96300</u>	Contingency Items	\$ 500.00
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	\$ 500.00

Explanation of request:

No new money. Additional staff members elected not to use Township insurance which increased the cost of In Lieu of Insurance above what was originally budgeted.

Supervisor Review:  11-18-20

(pending or date reviewed)

Board Authorization: \_\_\_\_\_

(pending or date authorized)













# BUDGET AMENDMENT REQUEST

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

Date: 11/19/2020


Department Head Name: M Elliott (Public Works)

Fund Name: 490 Sewer

		Amount	
Additional Funds Request for: (description and GL number)	<u>490-000-96590</u>	Transfer out to phase 2 sewer	<u>\$ 20,000.00</u>
	_____	_____	_____
	_____	_____	<u>\$ 20,000.00</u>
Funds requested from: (description and GL number)	<u>490-000-40100</u>	Carryover	<u>\$ 20,000.00</u>
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	<u>\$ 20,000.00</u>

Explanation of request:

Part 1 of 2 (Funds 490 & 493)  
 On October 20th, upon recommendation of the Public Works Director, the Board did return to the 490 Sewer Fund Carryover/Reserves an amount of \$470,000, which had been assigned to 493 Fund Phase 2 sewer engineering design costs. As we approach year-end, the referenced estimated reduction was about 5% over-generous. This recommended budget adjustment is therefore a return of \$20,000 to the engineering costs anticipated to be incurred during the remainder of FY 2020.

Supervisor Review:  11-19-20  
(pending or date reviewed)

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

# BUDGET AMENDMENT REQUEST

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

Date: 11/19/2020

Department Head Name: M Elliott (Public Works)

Fund Name: 493 USDA Sewer Phase 2

		Amount	
Additional Funds Request for: (description and GL number)	493-000-82000	Engineering Fees	\$ 20,000.00
			\$ 20,000.00
Funds requested from: (description and GL number)	493-000-67800	Transfer From Sewer (490)	\$ 20,000.00
			\$ 20,000.00

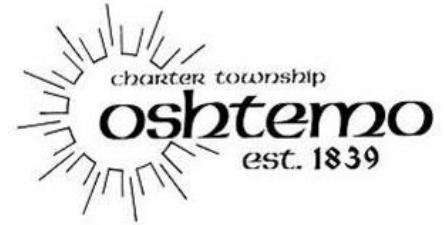
Explanation of request:

Part 2 of 2 (Funds 490 & 493)  
 On October 20th, upon recommendation of the Public Works Director, the Board did return to the 490 Sewer Fund Carryover/Reserves an amount of \$470,000, which had been assigned to 493 Fund Phase 2 sewer engineering design costs. As we approach year-end, the referenced estimated reduction was about 5% over-generous. This recommended budget adjustment is therefore a return of \$20,000 to the engineering costs anticipated to be incurred during the remainder of FY 2020.

Supervisor Review:  11-19-20  
 (pending or date reviewed)

Board Authorization:   
 (pending or date authorized)





# Memorandum

**Date:** 24 November 2020  
**To:** Township Board  
**From:** Josh Owens, Assistant to the Supervisor  
**Subject:** Employee Handbook Amendments

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**Objective**

Board consideration of proposed amendments to the Employee Handbook.

**Background**

Staff was recently tasked with reviewing the Township Employee Handbook to ensure that it is both up to date and consistent across the various employee types within the organization. Staff identified three (3) policies that could be added to the Employee Handbook; Funeral Leave, Maternity/paternity Leave, and Paid Time Off allotment.

The Table below shows the proposed change/addition to the Employee Handbook:

Policy Name	Current Policy	Proposed Policy
9.8: Funeral Leave	B. Full-time employees shall be granted one-half (½) day paid leave in the event of the death of any other relative of the employee. Other relatives shall be aunts, uncles, cousins, nieces and nephews.	Full-time employees shall be granted <del>one half (½) day</del> <b>one (1) day</b> paid leave in the event of the death of any other relative of the employee. Other relatives shall be aunts, uncles, cousins, nieces and nephews.
Maternity/Paternity Leave	None	<p>Full-time employees will be allowed paid maternity/paternity leave for the birth of a child, adoption of a child, or placement of a foster child as follows:</p> <ul style="list-style-type: none"> <li>• Full-time employees will be allowed 40 hours paid leave.</li> <li>• Leave must be taken/finished within six (6) months of birth, adoption or placement.</li> </ul>

<p>Paid Time Off (App. B)</p>	<p>E. PTO benefits shall accrue in the following manner:        Days/hours will be granted based on years of service:        0-6 months = 5 days / 40 hours        6 months – 1 year = 9 days / 72 hours        1 year – 5 years = 21 days / 168 hours        6 years – 14 years = 26 days / 208 hours        15 years+ = 31 days / 248 hours</p>	<p>E. PTO benefits shall accrue in the following manner:        Days/hours will be granted based on years of service:        0-6 months = 5 days / 40 hours        6 months – 1 year = 9 days / 72 hours        1 year – 5 years = 21 days / 168 hours        6 years – 14 years = 27 days / 216 hours        15 years+ = 32 days / 256 hours</p>
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**9.8 Funeral Leave:**

- A. Full-time employees shall be granted three (3) days paid leave in the event of the death of a member of the employee's immediate family. For this policy, immediate family shall be defined to include someone's spouse, parents and grandparents, children and grandchildren, brothers and sisters, mother-in-law and father-in-law, brothers-in-law and sisters-in-law, daughters-in-law and sons-in-law. Adopted, half, and step members are also included in immediate family.
- B. Full-time employees shall be granted one-half (~~1/2~~1) day paid leave in the event of the death of any other relative of the employee. Other relatives shall be aunts, uncles, cousins, nieces and nephews.
- C. Part-time employees working a minimum of twenty (20) hours per week may have one-half (1/2) of the funeral leave of full-time employees as set forth above.
- D. At the discretion of the Township Personnel Director, additional time may be granted.



**9.8 Funeral Leave:**

- A. Full-time employees shall be granted three (3) days paid leave in the event of the death of a member of the employee's immediate family. For this policy, immediate family shall be defined to include someone's spouse, parents and grandparents, children and grandchildren, brothers and sisters, mother-in-law and father-in-law, brothers-in-law and sisters-in-law, daughters-in-law and sons-in-law. Adopted, half, and step members are also included in immediate family.
- B. Full-time employees shall be granted one (1) day paid leave in the event of the death of any other relative of the employee. Other relatives shall be aunts, uncles, cousins, nieces and nephews.
- C. Part-time employees working a minimum of twenty (20) hours per week may have one-half (½) of the funeral leave of full-time employees as set forth above.
- D. At the discretion of the Township Personnel Director, additional time may be granted.

**A. Leave of Absence:**

- A1. The Township Supervisor, as Personnel Director, may allow employees to take unpaid leaves of absence for reasonable purposes.
- B2. During the period in which the employee is off the payroll on a leave of absence, the Township will pay the employee's benefits until the next billing period. If the leave of absence extends beyond that date, the employee must reimburse the Township for all premiums to keep all benefits in effect.
- C3. In addition, employees do not accrue vacation, sick, personal or other leave while on unpaid leave of absence.

**B. Parental Leave:**

- 1. The Township will provide eligible employees with additional Paid-Time Off (PTO) to allow the employee to bond with a new child. Parental Leave will be granted to employees who meet the following conditions:
  - a) The employee is classified as a Full-Time Employee (this definition does not include independent contractors, contracted workers, or seasonal employees);
  - b) The employee has been employed by the Township for at least six (6) months prior to the start date of the requested Parental Leave;
  - c) Parental Leave must commence within six (6) months of a qualifying event: the employee (a) has given birth to a child, (b) is the spouse or committed partner of a woman who has given birth to a child, or (c) has had a child under the age of 17 placed for adoption, foster care, or legal guardianship within the employee's home; and
  - d) The employee notifies the Township, through his or her Department Head, of the need for Parental Leave as soon as practicable after the need becomes apparent, and in any event at least thirty (30) days prior to the requested start date of the Parental Leave unless such advanced notice is impractical.

Benefits granted to the employee will remain the same when an employee is on Parental Leave as if the employee were using regular PTO time.

- 2. Time Granted.

Full-Time Employees will receive an additional forty (40) hours of PTO for each birth (multiple births per pregnancy, or adoption/foster/guardianship of multiple children, will not increase the amount of Parental Leave time granted to the employee) or placement of a child for adoption, foster care, or legal guardianship within the employee's home at the employee's straight weekly, or hourly, pay rate.

3. Limitations.

- a) Parental Leave must be used within six (6) months of a qualifying event.
- b) The Township may require an employee who requests Parental Leave under this policy to provide supporting information regarding the employee's eligibility for leave. If the employee is taking FMLA leave for the care of the child, the employee may be required to use his or her Parental Leave concurrently with such FMLA leave.
- c) Parental Leave will only be granted to an employee once per twelve (12) month period.
- d) Upon termination of employment from the Township, Parental Leave time will not be considered part of the employee's PTO balance for the purposes of any payouts allowed under Township policies.
- e) Employees covered by a collective bargaining agreement should consult their contract regarding other eligibility requirements for leave.

*Revised - Effective 02/28/17*  
*Revised Sec. 9.15- Effective 11/ /20*

## 9.15

### A. Leave of Absence:

1. The Township Supervisor, as Personnel Director, may allow employees to take unpaid leaves of absence for reasonable purposes.
2. During the period in which the employee is off the payroll on a leave of absence, the Township will pay the employee's benefits until the next billing period. If the leave of absence extends beyond that date, the employee must reimburse the Township for all premiums to keep all benefits in effect.
3. In addition, employees do not accrue vacation, sick, personal or other leave while on unpaid leave of absence.

### B. Parental Leave:

1. The Township will provide eligible employees with additional Paid-Time Off (PTO) to allow the employee to bond with a new child. Parental Leave will be granted to employees who meet the following conditions:
  - a) The employee is classified as a Full-Time Employee (this definition does not include independent contractors, contracted workers, or seasonal employees);
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  - c) Parental Leave must commence within six (6) months of a qualifying event: the employee (a) has given birth to a child, (b) is the spouse or committed partner of a woman who has given birth to a child, or (c) has had a child under the age of 17 placed for adoption, foster care, or legal guardianship within the employee's home; and
  - d) The employee notifies the Township, through his or her Department Head, of the need for Parental Leave as soon as practicable after the need becomes apparent, and in any event at least thirty (30) days prior to the requested start date of the Parental Leave unless such advanced notice is impractical.

Benefits granted to the employee will remain the same when an employee is on Parental Leave as if the employee were using regular PTO time.

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*Revised - Effective 02/28/17  
Revised Sec. 9.15- Effective 11/\_\_/20*

**APPENDIX B:**

PAID TIME OFF (PTO)

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

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

0-6 months	5 days / 40 hours
6 months – 1 year	9 days / 72 hours
1 year – 5 years	21 days / 168 hours
6 years – 14 years	<del>26</del> 7 days / <del>216</del> 08 hours
15 years +	<del>32</del> 4 days / <del>256</del> 48 hours

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

**APPENDIX B**

- ~~Revised Title, Paragraphs A,B,D,E Effective 01/01/08~~
- ~~Revised Paragraphs B & C Effective 10/08/13~~
- ~~Revised Paragraph B Effective: 06/24/14~~
- ~~Revised Paragraph E Effective: 01/29/19~~
- ~~Revised Paragraph A & E Effective: 03/26/19~~

- F. Employees working less than 40 hours per week but more than 20 hours will receive PTO calculated at their Full Time Employee equivalent, but not less than 40 hours of PTO per year.

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

**APPENDIX B**

~~*Revised Title, Paragraphs A,B,D,E, F,G,H,I, J, K - Effective 01/01/08*~~  
~~*Revised Paragraph F - Effective 03/25/08*~~  
~~*Revised Paragraph F - Effective 10/13/09*~~  
~~*Revised Paragraphs B & C - Effective 10/08/13*~~  
~~*Revised Paragraph B – Effective: 06/24/14*~~  
~~*New Paragraph H & Relabel Remaining Paragraphs - Effective 06/26/18*~~  
~~*Revised Paragraph E & F – Effective: 01/29/19*~~  
~~*Revised Paragraph A, E & F – Effective: 03/26/19*~~  
~~*Revised Paragraph E- Effective: 11/ /20*~~  
~~*Revised Paragraphs F,G,H,I – Effective 01/01/08*~~  
~~*New Paragraphs J,K – Effective 01/01/08*~~  
~~*Revised Paragraph F – Effective 03/25/08*~~  
~~*Revised Paragraph F – Effective 10/13/09*~~  
~~*New Paragraph H & Relabel Remaining Paragraphs – Effective 06/26/18*~~  
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- C. Department Heads must ensure appropriate coverage for their Department. When scheduling conflicts occur, employees with greater length of service will be given preference for vacation dates.
- D. PTO will be at the employee's current regular rate of pay.
- E. PTO benefits shall accrue in the following manner:

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

0-6 months	5 days / 40 hours
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- F. Employees working less than 40 hours per week but more than 20 hours will receive PTO calculated at their Full Time Employee equivalent, but not less than 40 hours of PTO per year.
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- H. When taking unscheduled PTO for illness or injury, employees are required to notify their immediate supervisor within one (1) hour of their regular starting time. Illnesses lasting more than 5 calendar days may require a doctor's slip before returning to work. An inordinate use of unscheduled PTO or failure to provide the required notice may subject the employee to discipline.
- I. Total PTO at the beginning of any year cannot exceed 1½ times the annual allotted time. (50% of total days/hours granted can be carried over)
- J. If time off is needed/wanted, and the employee has no PTO in his/her bank, the time off, if approved, will be taken without pay.
- K. If an employee terminates his/her employment with the Township, he/she will be paid for 50% of any accrued PTO.

**APPENDIX B**

*Revised Title, Paragraphs A,B,D,E, F,G,H,I, J, K - Effective 01/01/08*

*Revised Paragraph F - Effective 03/25/08*

*Revised Paragraph F - Effective 10/13/09*

*Revised Paragraphs B & C - Effective 10/08/13*

*Revised Paragraph B – Effective: 06/24/14*

*New Paragraph H & Relabel Remaining Paragraphs - Effective 06/26/18*

*Revised Paragraph E & F – Effective: 01/29/19*

*Revised Paragraph A, E & F – Effective: 03/26/19*

*Revised Paragraph E- Effective: \_\_/\_\_/20*

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## Emergency Response

### 301.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure a safe and appropriate response to emergencies while maintaining the safety of department members and the public by requiring operators of department vehicles to conform to applicable Michigan laws and regulations during an emergency response.

#### 301.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized emergency vehicle** - Fire department vehicles, ambulances, and privately owned vehicles of volunteer or paid members if authorized by the chief of an organized fire department (MCL 257.2).

**Emergency response** - Any call for service or assistance involving fire, explosion, or violent rupture; human rescue; human entrapment; illness or injury; hazardous materials release or threat of contamination; flooding; threatened or actual acts of violence; any explosive, bomb, or threatened bombing; any act of terrorism; any natural disaster; or any other circumstance that presents a threat to life-safety or to property.

### 301.2 POLICY

It is the policy of the Oshtemo Fire and Rescue Department to appropriately respond to all emergency calls.

### 301.3 EMERGENCY CALLS

Fire personnel dispatched to an emergency shall proceed immediately, shall continuously operate emergency lighting equipment and shall sound the siren or other lawful audible device as may be reasonably necessary (MCL 257.603).

Responding with emergency lights and siren or other lawful audible device does not relieve personnel of the duty to continue to drive with due regard for the safety of all persons. The use of any other warning equipment without a red light and siren or other lawful audible device does not provide any exemption from the Michigan Vehicle Code.

Personnel should only respond with emergency lights and siren or other lawful audible device when dispatched to an emergency or when circumstances reasonably indicate an emergency response is required.

Personnel not authorized to respond with emergency lights and siren or other lawful audible device shall observe all traffic laws and proceed without the use of emergency lights and siren or other lawful audible device.

### 301.4 MULTIPLE EMERGENCY VEHICLE RESPONSES

When more than one apparatus responds to an emergency, emergency vehicle operators should remain alert to the presence of other emergency vehicles and exercise due caution. Personnel

# Oshtemo Fire and Rescue Department

## Policy Manual

### *Emergency Response*

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must further exercise due caution in recognizing that traffic yielding to one emergency vehicle may not expect other emergency vehicles to follow.

#### **301.5 INITIATING AN EMERGENCY RESPONSE**

If a work supervisor believes an emergency response to any call is appropriate, that work supervisor shall ensure Kalamazoo County Consolidated Dispatch Center is immediately notified.

#### **301.6 RESPONSIBILITIES OF RESPONDING PERSONNEL**

Emergency vehicle operators shall exercise sound judgment and care, with due regard for life and property, while operating a vehicle en route to an emergency response (MCL 257.632).

In addition, emergency vehicle operators shall reduce speed at all street intersections and should come to a complete stop at all blind street intersections or intersections where there is either a red light, a flashing red light, or a stop sign. Emergency vehicle operators should also come to a complete stop at intersections whenever they reasonably believe they cannot account for traffic in approaching lanes or when vehicles have not yielded the right-of-way. After coming to a complete stop, emergency vehicle operators should only proceed when it is safe to do so.

The decision to continue an emergency response is at the discretion of the work supervisor. If the roadway conditions or traffic congestion do not permit such a response without unreasonable risk, the response may be continued without the use of red lights and siren at the legal speed limit. In such an event, the work supervisor should ensure Kalamazoo County Consolidated Dispatch Center is promptly notified. Personnel shall also discontinue the emergency response when directed by any supervisor.

#### **301.7 FAILURE OF EMERGENCY EQUIPMENT**

If the emergency equipment on the vehicle should fail to operate, the vehicle operator must terminate the emergency response and respond accordingly. In all cases, the work supervisor shall notify Kalamazoo County Consolidated Dispatch Center of the equipment failure so that another apparatus may be assigned to the emergency response.

## Permits

### 401.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for issuing permits that are required by local ordinance 256.050 Open Burning.

### 401.2 POLICY

In order to provide for the safety of the community, it is the policy of the Oshtemo Fire and Rescue Department that permit requirements are appropriately observed and enforced.

### 401.3 PERMIT PROCESS

The Department shall provide adequate guidance to assist the public in obtaining approval for this permit.

A permit does not constitute authority to violate, cancel or set aside any of the provisions of the ordinance..

#### 401.3.1 PERMIT APPLICATIONS

Applications for permits should be submitted to the Oshtemo Fire and Rescue Department and shall include adequate documentation of the intent to comply with the ordinance.

#### 401.3.2 PERMIT ISSUANCE

A permit may be issued for a specific period of time, depending on the circumstances. A permit may be extended upon showing good cause if the permittee applies for an extension. A permit is not transferable. Any change in ownership, operation, occupancy, or use shall require a new permit.

### 401.4 SUSPENDED OR REVOKED PERMITS

Permits may be suspended or revoked any time it is determined that:

- The permit is being used by someone other than the person who was issued the permit.
- The permit is being used at a location other than the permitted location.

# Oshtemo Fire and Rescue Department

## Policy Manual

### *Permits*

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- Any condition of the permit has been violated.
- The permit was obtained by the use of false statements on the application.
- The issuance of the permit was an error or in violation of a regulation, code, or law.

# Patient Medical Record Security and Privacy

## 803.1 PURPOSE AND SCOPE

The purpose of this policy is to establish appropriate administrative, technical and physical safeguards for patient medical records and to provide reasonable safeguards against prohibited uses and disclosures of protected health information (PHI) in accordance with federal and state law, to include the following:

- Health Insurance Portability and Accountability Act (HIPAA) (42 USC § 201 et seq.)
- Freedom of Information Act (MCL 15.231 et seq.)

### 803.1.1 DEFINITIONS

Definitions related to this policy include:

**Health information** - Any information, whether oral or recorded in any form or medium, that is created or received by the Department and relates to a person's past, present or future physical or mental health or condition, or past, present or future payment for the provision of health care to a person (45 CFR 160.103).

**Individually identifiable health information** - Health information, including demographic information, created or received by the Department that relates to an individual's past, present or future physical or mental health or condition, the provision of health care to the individual, or the past, present or future payment for the provision of health care to an individual, that can either identify the individual or provide a reasonable basis to believe the information can be used to identify the individual (45 CFR 160.103).

**Limited data set** - PHI that excludes the following direct identifiers of an individual or of relatives, employers or household members of the individual (45 CFR 164.514(e)):

- Names
- Postal address information, other than town or city, state and zip code
- Telephone or fax numbers
- Email addresses
- Social Security numbers
- Medical record numbers
- Health plan beneficiary numbers
- Account numbers
- Certificate or license numbers
- Vehicle identifiers and serial numbers, including license plate numbers
- Device identifiers and serial numbers

# Oshtemo Fire and Rescue Department

## Policy Manual

### *Patient Medical Record Security and Privacy*

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- Web Universal Resource Locators (URLs)
- Internet Protocol (IP) address numbers
- Biometric identifiers, including finger and voice prints
- Full-face photographic images and/or any comparable images

**Patient medical records** - Department records or data containing any information identifying a patient.

**Protected Health Information (PHI)** - Individually identifiable health information that is created or received by the Department. Information is protected whether it is in writing, in an electronic form or communicated orally (45 CFR 160.103).

**Protected Personal Information (PPI)** - Information that includes, but is not limited to, PHI, pictures or other forms of voice or image recording, patient address, telephone numbers, Social Security number, date of birth, age or any other information that could be reasonably used to uniquely identify the patient or that could result in identity theft if released for unauthorized purposes or to unauthorized personnel.

**Privacy officer / Custodian of Records** - These titles are synonymous in this policy.

#### **803.2 POLICY**

It is the policy of the Department to reasonably safeguard PHI and comply with HIPAA and the implementing regulations through the use of policy and procedures, system access security and passwords and limited physical access to hard copy files (45 CFR 164.530(c)).

#### **803.3 RESPONSIBILITIES**

Members shall protect the security, confidentiality and privacy of all patient medical records in their custody at all times.

Possessing, releasing or distributing PPI, including for unauthorized purposes, is prohibited and may violate HIPAA and/or other applicable laws. Members who have not received department training on the proper handling of these records shall not access patient medical records.

Members with occupational access to patient medical records shall be trained in the proper handling of PHI in accordance with the Health Insurance Portability and Accountability Act (HIPAA) Training Policy and shall reasonably ensure that no unauthorized person shall have access to PHI without the valid authorization of the patient, except as provided by law (45 CFR 164.530(b); 45 CFR 164.512).

#### **803.4 PRIVACY OFFICER**

The Fire Chief is the privacy officer who is responsible for all matters relating to the privacy of patient medical information, including PHI. The privacy officer shall (45 CFR 164.530):

- (a) Identify who may have access to PPI and PHI.
- (b) Resolve complaints under HIPAA.

# Oshtemo Fire and Rescue Department

## Policy Manual

### *Patient Medical Record Security and Privacy*

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- (c) Mitigate, to the extent practicable, any harmful effects known to the Department regarding any use or disclosure of PHI in violation of this policy or the HIPAA regulations.
- (d) Ensure members are trained in the proper handling of PHI in accordance with the Health Insurance Portability and Accountability Act (HIPAA) Training Policy.
- (e) Ensure technical and physical safeguards are implemented to maintain security and confidentiality of PHI and to allow access to PHI only to those persons or software programs that have been granted access rights.

#### **803.5 PROCEDURE**

Records containing PHI or PPI, including Patient Care Records (PCRs), shall be kept out of view unless the report is being completed during an incident, during input of information into the National Fire Incident Reporting System (NFIRS) or during processing or review at Oshtemo Fire and Rescue Department facilities by authorized personnel (45 CFR 164.530(c)).

#### **803.6 SECURITY**

All patient records containing PHI or PPI shall be kept secure at all times whether the record is in written, verbal, electronic or any other visual or audible format (45 CFR 164.306(a)).

Documents provided by a patient or caregiver will receive the same level of confidentiality and security as department records during the time department personnel retain possession of the documents.

No patient record, including documents and electronic images containing PHI, shall be visible to the public.

Only Administrative personnel who need to provide medical information shall have access to the patient care records. Once these records have been uploaded to the state, only Chief Officers can access the records for investigative purposes.

##### **803.6.1 ELECTRONIC PHI SECURITY**

All computer workstations and servers within the Department shall require appropriate security measures, such as user identification and login passwords, to access electronic documents, including electronic PHI (45 CFR 164.308(a)(5)).

Members with access to electronic data shall lock their workstations when left unattended and shall shut down their workstations when leaving for the day to prevent unauthorized access to electronic PHI (45 CFR 164.310; 45 CFR 164.312).

Remote access to department computer workstations requires that appropriate security measures be provided for access to PHI (45 CFR 164.312).

PHI may be transmitted electronically, provided the transmission occurs through a secure process that allows end-to-end authentication and the recipient is authorized to receive the information.



# Oshtemo Fire and Rescue Department

## Policy Manual

### *Patient Medical Record Security and Privacy*

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Electronic transmission consists of email, file transfer protocol, Internet web posting and any configurable data stream. End-to-end authentication is accomplished when the electronic referral does not leave a secure network environment and the recipient is known, or when encryption and authentication measures are used between sender and recipient, thus verifying full receipt by the recipient. Any electronic PHI traveling outside a secure network environment, via the Internet, requires encryption and authentication measures (45 CFR 164.312(e)).

#### 803.6.2 HARD COPIES

Hard copies of PCRs shall be kept in a secured area when unattended by authorized personnel. An area of the Department is considered unattended when members are physically outside of the area and unable to maintain record security. This includes, but is not limited to, breaks, lunch or meetings outside the Department.

Hard copies of PCRs (field notes) shall be destroyed after the report has been entered electronically.

Patient records shall not be removed from the Department without express authorization from the Fire Chief.

#### **803.7 PHI RECORD REQUESTS**

The following procedures apply to PHI record requests:

- (a) Requests and subpoenas for copies of patient records shall be processed by the Custodian of Records.
- (b) The Custodian of Records shall not release records containing PHI without a properly completed authorization to release medical records that is signed by the patient or legal representative of the patient.
  1. Verification that the person completing the authorization is the patient or the legal representative of the patient shall be made with government-issued identification and documentation (45 CFR 164.508(c)).
- (c) Unless the request for records is from the patient or the parent of a minor patient, PHI shall be redacted from the record. A photocopy of the record shall be distributed to the requestor.
- (d) Requests for records via a valid subpoena do not require that PHI be redacted.
- (e) Fulfilled records requests shall be placed in a sealed envelope for release to the requestor.
- (f) A full copy of the valid subpoena or authorization to release medical records form shall be maintained in the file with the PCR.

##### 803.7.1 PROHIBITED DISCLOSURES OF PHI AND PPI

The Department shall not use or disclose PHI or PPI without authorization. Prohibited disclosures include any form of communication, except as permitted in this policy, including, but not limited to (45 CFR 160.103):

# Oshtemo Fire and Rescue Department

## Policy Manual

### *Patient Medical Record Security and Privacy*

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- (a) PHI or PPI contained in email or other forms of written communication.
- (b) Sharing of PHI or PPI on any website, blog or other form of social or public media.
- (c) Verbal discussions.
- (d) The use of any imaging device capable of capturing and storing still or moving images, such as digital or other cameras, video cameras, cellular telephones with picture-taking or video-recording capability, or any other device with picture-taking or video-recording capability while engaged in patient care, while at the scene of a medical emergency or hospital, or at any time when such use could reasonably be expected to result in the inappropriate capture of PHI or PPI.

#### 803.7.2 PERMITTED DISCLOSURES OF PHI AND PPI

The Custodian of Records may release records containing PHI or PPI without authorization from the patient under any of the following circumstances:

- (a) For the department's use to carry out treatment, payment or health care operations (45 CFR 164.506).
- (b) Where the PHI is requested pursuant to a valid subpoena or court order (45 CFR 164.512(e)).
- (c) Where the PHI is part of a limited data set (45 CFR 164.514(e)).
- (d) Where the PHI is used for public health activities authorized by law, including when the information is necessary to report child abuse or neglect (45 CFR 164.512(b)).
- (e) Where the PHI is disclosed to a government authority because the person is believed to be a victim of abuse, neglect or domestic violence (45 CFR 164.512(c)).
- (f) To law enforcement as provided in this policy (45 CFR 164.512(f)).
- (g) Where the Department believes that disclosure of the information is necessary to avert a serious threat to the health or safety of a person or the public (45 CFR 164.512(j)).
- (h) Where the PHI is required for worker's compensation purposes (45 CFR 164.512(l)).

#### 803.7.3 REQUIRED DISCLOSURES

The Department must disclose PHI when:

- (a) The PHI is requested by and provided to the individual to whom the PHI belongs (45 CFR 164.502(a)(2)).
- (b) The information is required by the U.S. Secretary of Health and Human Services to investigate compliance with HIPAA (45 CFR 164.502(a)(2)).

#### 803.7.4 SUBPOENAS

Records containing PHI or PPI will be disclosed only if one of the following is present (45 CFR 164.512(e)(1)):

# Oshtemo Fire and Rescue Department

## Policy Manual

### *Patient Medical Record Security and Privacy*

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- (a) A court order or subpoena signed (or stamped) by a judge that requires no additional assurances or notification to the individual whose records are requested
- (b) A subpoena or discovery order signed by an attorney which requires additional proof of service that written notification has been given to the individual whose records are requested. In such a case, the subpoena or discovery order must be accompanied by a declaration by the requesting party showing that reasonable efforts have been made to ensure that notice has been provided to the individual whose records are being requested, or that there is a qualified protective order. No records relating to the person named in the notice will be produced until the time to respond to the notice has lapsed and no objections to the production of the materials requested have been made. If written notification to the individual is not provided, the declaration must establish all of the following:
  - 1. The requesting party has made a good faith effort to provide written notice to the individual.
  - 2. The notice includes sufficient information about the litigation or proceeding for which the PHI is requested to allow the individual to raise an objection.
  - 3. The time for the individual to raise objections to the court or tribunal has elapsed.
  - 4. No objections were filed or all objections have been resolved.
  - 5. In lieu of a declaration, records may be released if there is a court order or a stipulation by the parties to the litigation that both:
    - (a) Prohibits the parties from using or disclosing the PHI for any purpose other than the litigation or proceeding for which such information was requested.
    - (b) Requires the return to the Department or destruction of the PHI (including all copies made) at the end of the litigation or proceeding.

#### 803.7.5 RELEASE OF PHI TO LAW ENFORCEMENT

The release of PHI to a law enforcement agency is permitted under the following circumstances:

- (a) In response to a law enforcement officer who completes the department's release of PHI to law enforcement form and requires the PHI (45 CFR 164.512(f)(1)):
  - 1. To report certain types of wounds or other physical injuries.
  - 2. In compliance with a court order or court-ordered warrant, subpoena or summons, a grand jury subpoena or an administrative request.
- (b) In response to a law enforcement officer who completes the department's release of PHI to law enforcement form for the purpose of identifying or locating a suspect, fugitive, material witness or missing person. In such a case, the Department may only disclose the following PHI (45 CFR 164.512(f)):
  - 1. Name and address

# Oshtemo Fire and Rescue Department

## Policy Manual

### *Patient Medical Record Security and Privacy*

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2. Date and place of birth
3. Social Security number
4. ABO blood type and Rh factor
5. The character and extent of injuries
6. Date and time of treatment
7. Date and time of death, if applicable
8. A description of distinguishing physical characteristics

#### **803.8 INDIVIDUAL RIGHTS**

The privacy officer is responsible for ensuring the Department complies with all of the following rights of patients:

- (a) The right to request restrictions on certain uses and disclosures of PHI (45 CFR 164.522(a))
- (b) The right to receive their PHI confidentially (45 CFR 164.522(b))
- (c) The right to inspect and copy their PHI (45 CFR 164.524)
- (d) The right to request amendments to their PHI (45 CFR 164.526)
- (e) The right to receive an account of disclosures of PHI (45 CFR 164.528)

##### **803.8.1 PHI AMENDMENT REQUESTS**

Patients have the right to review their PHI records and, if necessary, to request that amendments be made. A patient must make a request in writing to have his/her medical record amended. Included in the request must be the patient's account of the incident and what specific amendment is being requested (45 CFR 164.526(b)(1)).

The privacy officer has the authority to deny the request for amendment where the PHI (45 CFR 164.526(a)(2)):

- (a) Was not created by the Department.
- (b) Is not part of the designated record.
- (c) Is not available for inspection by the requestor pursuant to 45 CFR 164.524.
- (d) Is accurate and complete.

Within 60 days of receipt of the request for amendment, the privacy officer must provide the basis for denial in writing or, in the case that the request is approved, provide notice of approval (45 CFR 164.526(b)(2)).

The time for response may be extended for up to 30 days with a written statement to the requestor identifying the reasons for the delay and the date by which the action will be completed (45 CFR 164.526(b)(2)).

# Michigan Occupational Safety and Health Administration (MIOSHA) Inspections

## 901.1 PURPOSE AND SCOPE

This policy establishes guidelines and responsibilities for Oshtemo Fire and Rescue Department members to follow in the event that a Michigan Occupational Safety and Health Administration (MIOSHA) inspector requests access to department property or work operations (MCL 408.1029).

This policy does not address those inspections requested by the Oshtemo Fire and Rescue Department as part of a consultation service by MIOSHA.

## 901.2 POLICY

It is the policy of the Oshtemo Fire and Rescue Department for a chief officer, or in their absence, an FTE Captain be responsible for facilitating a MIOSHA inspection. An adequate number of representatives shall be designated to accommodate the needs of the MIOSHA inspector without excessive delays. Designated representatives shall make every reasonable effort to promptly meet with the MIOSHA inspector once he/she has arrived (MCL 408.1029).

Department members should work cooperatively with any MIOSHA inspector to provide access to all necessary areas, equipment and records to facilitate a cohesive inspection process. Failure on the part of the Department to begin the inspection in a timely manner could result in the MIOSHA inspector obtaining an inspection warrant to enter department property. This could unnecessarily create an adversarial relationship and should be avoided if at all possible.

## 901.3 PROCEDURE

The MIOSHA inspections may be unannounced (MCL 408.1029). Typically inspections occur when there has been a serious accident, serious injury or occupational fatality; when a member has charged that a serious safety violation exists; or at a work site where an imminent danger has been identified.

Upon entering the department work site, the inspector will present his/her identification and will ask to meet with the department representative. There will usually be an initial meeting during which the inspector will:

- Explain the nature and scope of the inspection.
- Request that a member/representative accompany the inspector.
- Ask to review appropriate safety records, plans and documentation.

The MIOSHA inspectors are, by law, permitted to interview members in private, take photographs, conduct tests and collect environmental samples.

Department representatives should make reasonable accommodations to provide inspectors access to available members and materials required to complete the inspection. Any statements

# Oshtemo Fire and Rescue Department

## Policy Manual

### *Michigan Occupational Safety and Health Administration (MIOSHA) Inspections*

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made to inspectors are admissible in judicial hearings. Questions of a sensitive nature or to which the member is unsure of how to respond may be referred to the person at the Department who is the subject matter expert on the topic (MCL 408.1029).

At the conclusion of the inspection, the MIOSHA inspector will hold a closing meeting with the department representative to discuss any alleged safety standard violations and any requirements for abatement.

Any time there is a MIOSHA inspection, violation and/or citation, the Fire Chief shall ensure that notifications are made to the Township Supervisor and/or Human Resource and legal counsel, and that the Department conducts an appropriate internal investigation and adequately addresses all MIOSHA findings.

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## High-Visibility Safety Vests

### 904.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the guidelines to protect members who may be exposed to hazards presented by passing traffic, construction vehicles, and disaster recovery equipment and to comply with applicable safety regulations including requirements contained in the federal Manual on Uniform Traffic Control Devices for Streets and Highways pursuant to 23 CFR 655.601 and Michigan law.

### 904.2 POLICY

It is the policy of the Oshtemo Fire and Rescue Department that all members shall wear class II high-visibility safety vests in addition to required personal protective equipment (PPE) whenever the emergency scene is located on or near a roadway where members are subject to the hazards of moving traffic, construction vehicles, or disaster recovery equipment. Members who are working on roadways and are not directly exposed to fire, flame, excessive heat, or hazardous materials are expected to wear a high-visibility vest. This includes pump operators, support personnel, and command officers. When it is anticipated that the emergency scene will be located on a roadway, high-visibility safety vests should be donned along with other appropriate PPE at the time of dispatch.

High-visibility vests should also be worn any time a member or a supervisor believes increased visibility would improve safety or efficiency.

### 904.3 PROCEDURE

Although the high-visibility safety vests that are currently available are fire resistant, they do not meet the same fire resistant standards set by the National Fire Protection Association (NFPA). Therefore, members who are directly engaged in fire suppression activities on or near roadways should not wear the vest over their PPE. Once the situation is under control, personnel can then don a vest for the remainder of the incident.

Should the need arise, other department personnel on-scene could easily remove (tear-away) the vest in reaction to unusual circumstances or to render assistance with direct firefighting.

#### 904.3.1 ASSIGNMENT OF HIGH-VISIBILITY SAFETY VESTS

High-visibility vests shall be assigned to members or apparatus as follows (Mich. Admin. Code, R 408.42223):

- (a) Vests will be assigned to each member.
- (b) Four vests will be assigned to each apparatus.

# Oshtemo Fire and Rescue Department

Policy Manual

## *High-Visibility Safety Vests*

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### 904.3.2 STORAGE AND CARE

High-visibility safety vests are part of the standard issue PPE and should be stowed so they are readily available for immediate use. Should cleaning be necessary for routine soiling, follow the manufacturer's care instructions or the guidelines in the Personal Protective Equipment Policy.



## Roadway Incident Safety

### 918.1 PURPOSE AND SCOPE

The purpose of this policy is to set forth department Fire Chief responsibilities for development of practices used by members who are engaged in any operations occurring on roadways.

### 918.2 POLICY

It is the policy of the Oshtemo Fire and Rescue Department to provide traffic incident management (TIM) practices for the protection of members, personnel responding from other agencies, and victims operating on roadways.

### 918.3 FIRE CHIEF RESPONSIBILITIES

The Fire Chief should ensure that the Department adopts TIM procedures. Procedures should include but not be limited to:

- Use of the Incident Command System at all roadway incidents.
- Coordination and cooperation with law enforcement on-scene, including establishing a unified command, depending on the location, size, and complexity of the incident.
- Scene identification and size-up.
- Establishing a temporary traffic control zone including:
  - Placement of apparatus.
  - Use of traffic control devices.
  - Personnel assigned to TIM duties.

#### 918.3.1 MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD)

Procedures should also include any requirements in the manual of uniform traffic control devices adopted by the state, including but not limited to the following (Mich. Admin. Code. R 408.2209):

- Use of emergency vehicle lighting
- Safe positioning of emergency vehicles
- Use of traffic flaggers

# Memo



**To:** Oshtemo Charter Township Board

**From:** James W. Porter

**Date:** November 19, 2020

**Subject:** Position Descriptions – Assistant Supervisor and Deputy Supervisor

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## **OBJECTIVE**

To change the job description, for what used to be referred to as the "Assistant to Supervisor," to "Assistant Supervisor" and add "Deputy Supervisor." **This is not a new position, merely a change in job title to better reflect the role- no additional funding is requested, or required, for this change.**

## **BACKGROUND**

In order to maintain continuity in the Supervisor's Office, just as what was done in the Clerk's Office and the Treasurer's Office, the Supervisor's Office is proposing to create an "Assistant Supervisor" position, as well as a "Deputy Supervisor" position. The "Assistant Supervisor" would be an administrative position that would continue to be filled as part of the administrative offices of the Supervisor. The "Deputy Supervisor" would be appointed by the Supervisor, which could change after an election.

## **INFORMATION PROVIDED**

We are attaching both the draft of the "Assistant Supervisor" position and the "Deputy Supervisor" position.

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

Asking the Board to approve the job descriptions for "Assistant Supervisor" and "Deputy Supervisor."

## CHARTER TOWNSHIP OF OSHTEMO

### POSITION DESCRIPTION

**Position Title:** ASSISTANT ~~TO~~ SUPERVISOR

**General Summary:**

Under the direct supervision of the Township Supervisor, performs a variety of Township management 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. Provide research and analysis on projects as requested by the Supervisor.

2. Assists in fiscal aspects of the Township, including the preparation and administration of the annual Township budget and quarterly budget analysis.
3. Attends a variety of commission, board, committee, staff, citizen and other meetings where Township business is conducted or where the welfare and interest of the Township may be affected, as a back-up for attendance as requested by the Supervisor.
4. Assists with oversight of service contracts with businesses and other governmental agencies and administration of their implementation to ensure compliance.
5. Assists with development and implementation of purchasing procedures.
6. Performs other related administrative and management functions as necessary.

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:**

Degree in public administration desirable. Financial analysis and reporting ability; budgeting ability.

Strong interpersonal communication skills.

Effective Date: ~~12/14/10~~ 11/\_\_\_/2020

## CHARTER TOWNSHIP OF OSHTEMO

### POSITION DESCRIPTION

**Position Title:** ASSISTANT SUPERVISOR

**General Summary:**

Under the direct supervision of the Township Supervisor, performs a variety of Township management 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. Provide research and analysis on projects as requested by the Supervisor.

2. Assists in fiscal aspects of the Township, including the preparation and administration of the annual Township budget and quarterly budget analysis.
3. Attends a variety of commission, board, committee, staff, citizen and other meetings where Township business is conducted or where the welfare and interest of the Township may be affected, as a back-up for attendance as requested by the Supervisor.
4. Assists with oversight of service contracts with businesses and other governmental agencies and administration of their implementation to ensure compliance.
5. Assists with development and implementation of purchasing procedures.
6. Performs other related administrative and management functions as necessary.

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:**

Degree in public administration desirable. Financial analysis and reporting ability; budgeting ability.

Strong interpersonal communication skills.

Effective Date: 11/\_\_/2020

## CHARTER TOWNSHIP OF OSHTEMO

### POSITION DESCRIPTION

**Position Title:**        ~~ASSISTANT TO DEPUTY~~ SUPERVISOR

**General Summary:**

~~Under the direct supervision of~~ Appointed by, and serves at the pleasure of, the Township Supervisor, performs a variety of Township management 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. Provide research and analysis on projects as requested by the Supervisor.~~
- ~~2. Assists in fiscal aspects of the Township, including the preparation and administration of the annual Township budget and quarterly budget analysis.~~
- ~~3. Attends a variety of commission, board, committee, staff, citizen and other meetings where Township business is conducted or where the welfare and interest of the Township may be affected, as a back-up for attendance as requested by the Supervisor.~~
- ~~4. Assists with oversight of service contracts with businesses and other governmental agencies and administration of their implementation to ensure compliance.~~
- ~~5. Assists with development and implementation of purchasing procedures.~~
- ~~6. Performs other related administrative and management functions as necessary.~~

The information provided in this section above statements are is intended to describe the general nature ~~and level~~ of work being performed by the individual filling this position. ~~They are not to be construed as~~ an exhaustive list of all duties performed.

Provide services in the Township Supervisor's office, or as directed by the Township Supervisor, and/or in the Supervisor's absence.

**Desired Qualifications:**

Degree in public administration desirable. Financial analysis and reporting ability; budgeting ability.

Strong interpersonal communication skills.

Effective Date: ~~12/14/10~~ 11/\_\_\_/2020



## CHARTER TOWNSHIP OF OSHTEMO

### POSITION DESCRIPTION

**Position Title:** DEPUTY SUPERVISOR

**General Summary:**

Appointed by, and serves at the pleasure of, the Township Supervisor, performs a variety of Township management 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:**

The [information provided in this section is] ~~above statements are~~ intended to describe the

general nature and level of work being performed [by the individual filling this position, not].  
~~They are not to be construed as an exhaustive list of all duties performed.~~

Provide services in the Township Supervisor's office, or as directed by the Township Supervisor, and/or in the Supervisor's absence.

**Desired Qualifications:**

Degree in public administration desirable. Financial analysis and reporting ability; budgeting ability.

Strong interpersonal communication skills.

Effective Date: 12/\_/2020

November 18, 2020



**Mtg Date:** November 24, 2020

**To:** Oshtemo Charter Township Board

**From:** Colten Hutson, Zoning Administrator

**Applicant:** Kevin Oliver, Oliver Architecture

**Owner:** Storage Rentals of America

**Property:** 1515 S 11<sup>th</sup> Street, Parcel Number 05-24-452-020  
Unaddressed S 11<sup>th</sup> Street, Parcel Number 05-24-452-010

**Zoning:** C: Local Business District

**Request:** Rezone to I-1: Industrial District

**Section(s):** Section 18: C: Local Business District  
Section 27: I-1: Industrial District

**OBJECTIVE:**

Consideration to rezone 1515 S 11<sup>th</sup> Street and Parcel Number 05-24-452-010 from C: Local Business District to I-1: Industrial District, for first reading.

**PROPOSAL:**

Storage Rentals of America is requesting to rezone 1515 S 11<sup>th</sup> Street and Parcel Number 05-24-452-010 from C: Local Business District to I-1: Industrial District. The two parcels under consideration are outlined in light blue on the map to the right. Between the two parcels, the site has a combined area of approximately 12.53 acres. Storage Rentals of America currently utilizes both sites for their self-storage facility. As part of this review, a land combination application will be required. A land combination application has been submitted and approved; however still needs to be recorded.

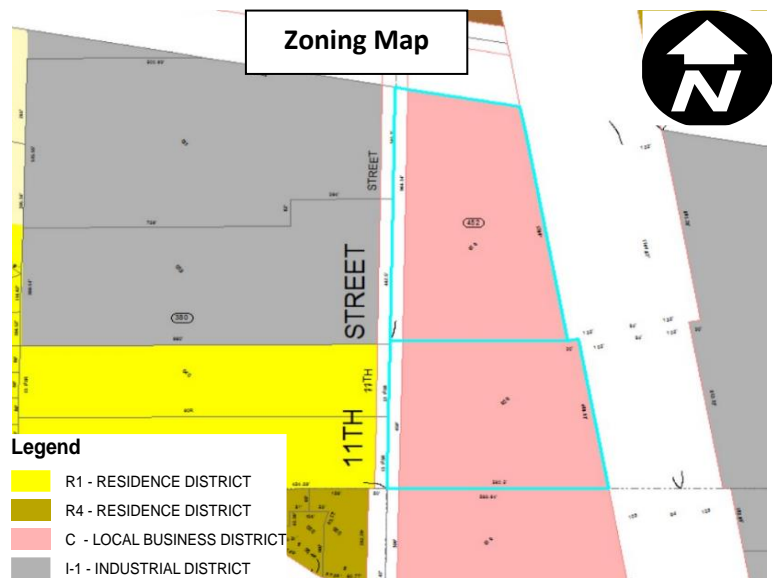


The self-storage facility was first constructed in 1975. In July of 2000, the zoning ordinance was amended so that mini warehouses and storage buildings are no longer a special use under C: Local Business District and are now only permitted with Planning Commission approval as a Special Use in the I-1: Industrial District. As such, the self-storage facility at this location is a legal- nonconforming use. The requested rezoning of 1515 S 11<sup>th</sup> Street and Parcel Number

05-24-452-010 would make the existing self-storage facility a legal conforming use. It should be noted that the applicant has indicated an interest in expanding the self-storage facility in the future by adding possibly one or two more storage buildings; however, since the request is for a rezoning, such material shall be considered at time the applicant submits a site plan for modifying the special exception use.

**OVERVIEW:**

Currently zoned C: Local Business District, Storage Rentals of America is located on the east side of S 11<sup>th</sup> Street, between KL Avenue and W Michigan Avenue. The self-storage facility abuts US 131 to its east and railway to its north. Adjacent to the west are zoning districts for R-1: Residence District and I-1: Industrial District. Adjacent to the south is zoned C: Local Business District. Designated wetlands are situated within the northern section of the property. There are 15 one-story self-storage buildings on site along with one single story office building. The two subject properties are outlined in light blue in the Zoning Map on the right.



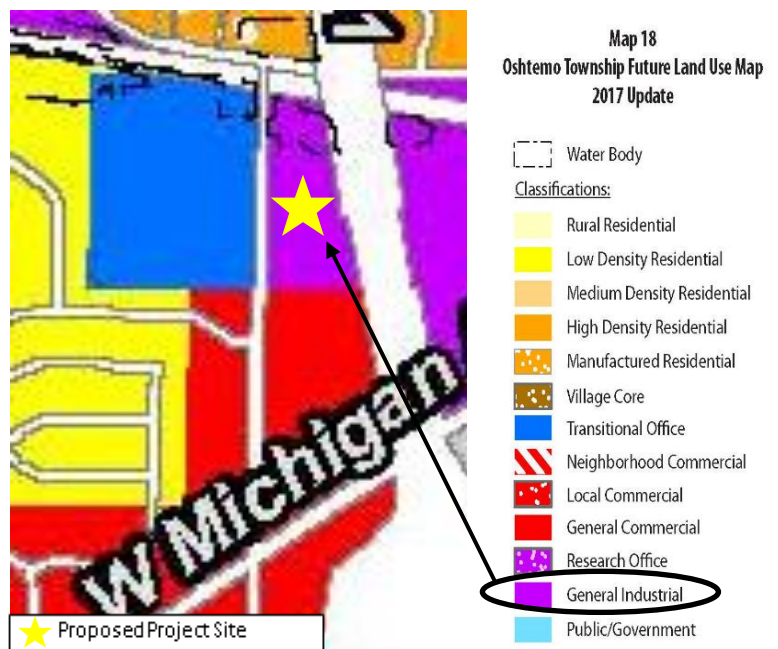
A public hearing for this rezoning request was held at the Planning Commission’s November 12, 2020 regular meeting. Public notice for the meeting was published on October 20, 2020. No comments from the public were received. After discussion, the Planning Commission made an unanimous motion to recommend its approval of this rezoning request to the Township Board.

**CONSIDERATIONS:**

The Zoning Enabling Act, which allows Townships to zone property, does not provide any required standards that a Planning Commission must consider when reviewing a rezoning request. However, there are some generally recognized factors that should be deliberated before a rezoning decision is made. These considerations are as follows:

1. Master Plan Designation

The Township’s Future Land Use Plan categorizes this area—east of S 11<sup>th</sup> Street, west of US 131, south of W KL Avenue, and north of W Michigan Avenue as *General Industrial*, a category intended for manufacturing and other industrial development to create job opportunities and increase



wages. The designation includes both light and general industrial uses, warehouse and distribution facilities, heavy commercial, and *storage facilities*. Mini warehouses and storage buildings are permissible with Special Use approval from the Planning Commission under the I-1: Industrial District. From a zoning perspective, the present land use would be consistent with the site's current activity Future Land Use Map, and the Township's Zoning Ordinance. Should approval for the rezoning be granted, it would follow the Township's vision in terms of land use for this area.

2. Consistency of the Zoning Classification in the General Area

Rezoning 1515 S 11<sup>th</sup> Street and Parcel Number 05-24-452-010 to I-1: Industrial District would be consistent with current zoning in nearby parcels. The site is currently adjacent to two other industrial uses. These uses include West Side Beer Distributing and a Consumer's Energy Company substation.

3. Consistency and Compatibility with General Land Use Patterns in the Area

A pattern already exists west of S 11<sup>th</sup> Street on the south side of W KL Avenue, where numerous industrial facilities have been established, increasing in consistency and intensity westbound while approaching S 9<sup>th</sup> Street. With there being properties to the south zoned as C: Local Business District, the existing commercial uses will act as a buffer to the properties south and west of the site. Due to there being industrial users already established in the area, and this use being in accordance with the Future Land Use map, the rezoning will allow the property to match the established character of the area.

4. Utilities and Infrastructure

Public water and sewer are available at 1515 S 11<sup>th</sup> Street and Parcel Number 05-24-452-010. Any future development on the subject site that requires such public infrastructure needs will be mandated to pay the appropriate water and sewer fees and physically connect to these systems prior to a certificate of occupancy. Regarding the transportation network, the intersection to the north at W KL Avenue and South 11<sup>th</sup> Street is well controlled by a traffic signal. The intersection to the south where S 11<sup>th</sup> Street crosses W Michigan Avenue is also controlled by a traffic signal. This section of 11<sup>th</sup> street already supports several commercial and industrial uses; staff is of the opinion that if this rezoning is approved, and any other potential industrial use follows, it will not negatively affect the area. Furthermore, the Township's Non-Motorized Transportation Plan does identify a 6 Ft wide Shared Use Path adjacent to the subject site. It should be noted that such facility shall be installed in accordance with Township Sidewalk/Shared Use Path Construction Standards if any expansion is proposed in the future. 3 Ft wide bike lanes have already been established in both northbound and southbound directions in this portion of S 11<sup>th</sup> Street.

5. Reasonable Use under Current Zoning Classification

Both 1515 S 11<sup>th</sup> Street and Parcel Number 05-24-452-010 were once regulated as a special exception use under the C: Local Business District zoning classification. However, mini warehouses and storage facilities such as this do not bring any retail value or other common business characteristics or activity you would typically find in a commercial establishment. The Township identified that mini warehouses and storage facilities were no longer suitable in the C: Local Business District zoning classification as self-storage facilities have been categorized as an industrial use for the past 20+ years. Through the rezoning, the applicant is making efforts to eliminate the legal non-conforming use and make the site comply with the Township's Zoning

Ordinance and Future Land Use Plan. The rezoning achieves the Township's goals and also fits the applicant's vision for the site.

6. Effects on Surrounding Property

Rezoning these two properties to the I-1: Industrial District will not have a negative effect on the surrounding properties. The applicant has indicated that the site's use will not be modified in a significant way in the foreseeable future and rezoning the property will allow for further compatibility in terms of development for surrounding properties. The gradual shift from commercial to industrial from the northern portion of S 11<sup>th</sup> Street to the south side of W KL Avenue (directly west of S 11<sup>th</sup> Street) is becoming prevalent. With there being an existing pattern of industrial character and uses in the area, the rezoning would complement adjacent zoning districts.

RECOMMENDATION:

The Planning Commission and Planning Department staff recommend that the Township Board approve the rezoning of the subject properties from the C: Local Business District to the I-1: Industrial District with the following stipulation:

1. The Approval for Land Combination and related documents shall be recorded with the Kalamazoo Register of Deeds by 12/31/2020. A copy of the recorded documents will be provided to the Planning Department.

Attachments: Application, Property Survey, Signed Land Combination Approval, Section 27 of the Ordinance (I-1: INDUSTRIAL DISTRICT), Draft 11-12-2020 PC Minutes Excerpt





7275 W. Main Street, Kalamazoo, Michigan 49009-9334  
Phone: 269-216-5223 Fax: 269-375-7180

**PLEASE PRINT**

**PROJECT NAME & ADDRESS** SROA Self-Storage Kalamazoo, 1515 South 11th St, Kalamazoo, MI 49009

**PLANNING & ZONING APPLICATION**

Applicant Name : Kevin Oliver  
Company Oliver Architecture  
Address 7100 Euclid Ave, Suite #200  
Cleveland, OH, 44103  
E-mail kevin@oliverarchitect.com  
Telephone (216) 245-2661 Fax \_\_\_\_\_  
Interest in Property Architect

THIS  
SPACE  
FOR  
TOWNSHIP  
USE  
ONLY

**OWNER\*:**

Name Storage Rentals of America  
Address 342 Datura St. #338  
West Palm Beach, FL, 33401  
Email sean@sroa.com  
Phone & Fax (561)763-1147

Fee Amount \_\_\_\_\_  
Escrow Amount \_\_\_\_\_

**NATURE OF THE REQUEST:** (Please check the appropriate item(s))

- |   |   |
|---|---|
| <input type="checkbox"/> Planning Escrow-1042                 | <input type="checkbox"/> Land Division-1090           |
| <input type="checkbox"/> Site Plan Review-1088                | <input type="checkbox"/> Subdivision Plat Review-1089 |
| <input type="checkbox"/> Administrative Site Plan Review-1086 | <input checked="" type="checkbox"/> Rezoning-1091     |
| <input type="checkbox"/> Special Exception Use-1085           | <input type="checkbox"/> Interpretation-1082          |
| <input type="checkbox"/> Zoning Variance-1092                 | <input type="checkbox"/> Text Amendment-1081          |
| <input type="checkbox"/> Site Condominium-1084                | <input type="checkbox"/> Sign Deviation-1080          |
| <input type="checkbox"/> Accessory Building Review-1083       | <input type="checkbox"/> Other: _____                 |

**BRIEFLY DESCRIBE YOUR REQUEST** (Use Attachments if Necessary): We request to rezone the  
site from C-Local Business District to I-1-Industrial in order to make the current non-conforming  
self-storage use of the site conform.

**LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):**

Please Find Title Legal Description in the top right corner of the attached survey document

**PARCEL NUMBER:** 3905- 24452010

**ADDRESS OF PROPERTY:** 1515 S 11th St., Kalamazoo, MI 49009

**PRESENT USE OF THE PROPERTY:** 15 1-story self storage buildings, and 1 1-story office building

**PRESENT ZONING** C-Local Business District **SIZE OF PROPERTY** +/- 11.53 Acres

**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS  
HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

Name(s)

Address(es)

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

**SIGNATURES**

*I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.*

Owner's Signature (\* If different from Applicant)

9/29/2020

Date

Applicant's Signature

09/29/2020

Date

- Copies to:
- Planning -1
- Applicant -1
- Clerk -1
- Deputy Clerk -1
- Attorney-1
- Assessor -1
- Planning Secretary - Original

\*\*\*\*

**PLEASE ATTACH ALL REQUIRED DOCUMENTS**



**ZONING INFORMATION**

STATUS	PROPERTY IS CURRENTLY ZONED: C, LOCAL BUSINESS DISTRICT		
	REQUIRED	ITEM	REQUIRED
PERMITTED USE	STORAGE BUILDINGS AND MINI-WAREHOUSES	PARKING REGULAR	N/A
MIN. LOT AREA	50,000 SF	PARKING HANDICAP	N/A
MIN. FRONTAGE	200 FT	PARKING TOTAL	6
MAX. BLDG COVERAGE	N/A		
WIDTH OF LOT	120 FT		
MIN. DISTANCE BETWEEN BUILDINGS	30 FT		
FLOOR SPACE AREA	N/A		
MIN. SETBACKS FRONT	70 FT		
MIN. SETBACKS SIDE	SEE NOTES		
MIN. SETBACKS REAR	SEE NOTES		
MAX BUILDING HEIGHT	N/A		

**FLOOD ZONE**

A FIELD SURVEY WAS NOT CONDUCTED TO DETERMINE THE FLOOD ZONE AREAS. ANY FLOOD ZONE LINES DISTINGUISHING BETWEEN FLOOD AREAS ARE GRAPHICALLY PLOTTED FROM FEMA FLOOD INSURANCE RATE MAPS (FIRM). A FLOOD ELEVATION CERTIFICATE MAY BE NEEDED TO DETERMINE OR VERIFY THE LOCATION OF THE FLOOD AREAS. THE SUBJECT PROPERTY'S COMMUNITY DOES PARTICIPATE IN THE PROGRAM. IT IS DETERMINED THAT THE SUBJECT PROPERTY RESIDES IN THE FOLLOWING FLOOD ZONE "X" AS DETERMINED BY OR SHOWN BY FIRM COMMUNITY PANEL NO. 2607700175D DATED 02/17/2010 AND IS NOT IN A FLOOD ZONE AREA. THE FLOOD INSURANCE RATE PROGRAM WAS CONTACTED ON 4/2/2019 BY TELEPHONE OR EMAIL (www.fema.gov)

**MISCELLANEOUS NOTES**

- N1** BEARINGS BASED ON GRID NORTH FOR MICHIGAN COORDINATE SYSTEM, SOUTH ZONE, NAD83.  
LATITUDE = N42°16'31.62", LONGITUDE = W85°39'28.07"  
CONVERGENCE ANGLE = N 0°52'43" E  
DISTANCES SHOWN ON PLAT ARE GRID.  
COMBINED SCALE FACTOR (GRID TO GROUND) = 1.00007322257244
- N2** THE TABLE BELOW DESCRIBES THE TYPE AND NUMBER OF PARKING STALLS ENTIRELY WITHIN PROPERTY BOUNDARY. STALLS THAT ARE PARTIALLY WITHIN BOUNDARY ARE LISTED UNDER THE HEADING "PARTIAL". PARTIAL STALLS ARE NOT COUNTED IN THE TOTAL
- | PARKING |          |         |         |       |
|---------|----------|---------|---------|-------|
| REGULAR | HANDICAP | TRAILER | PARTIAL | TOTAL |
| 8       | 1        | 0       | 0       | 9     |
- N3** THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
- N4** THERE WERE NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES, IF SUCH INFORMATION IS MADE AVAILABLE TO THE SURVEYOR BY THE CONTROLLING JURISDICTION. THERE WAS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
- N5** THE NEAREST STREET INTERSECTION, THAT OF S 11TH ST AND W K-L AVE, LIES APPROXIMATELY 190' AWAY FROM THE NW CORNER OF THE SUBJECT PROPERTY.
- N6** THE SUBJECT PROPERTY HAS DIRECT PHYSICAL ACCESS TO S 11TH ST, A PUBLICLY DEDICATED RIGHT-OF-WAY.
- N7** AT THE TIME OF THE ALTA SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A CEMETERY, ISOLATED GRAVE SITE OR BURIAL GROUNDS.
- N8** THE SUBJECT PROPERTY FORMS A MATHEMATICALLY ENCLOSED FIGURE AND IS CONTIGUOUS AND CONTAINS NO GAPS, CORES AND/OR OVERLAPS.
- N9** THERE IS EVIDENCE OF WETLAND AREAS, SHOWN ON THE U.S. FISH & WILDLIFE SERVICE NATIONAL WETLANDS INVENTORY WEBSITE ONLY. NO MARKERS FROM A FIELD DELINEATION OF WETLANDS CONDUCTED BY A QUALIFIED SPECIALIST WERE OBSERVED DURING THE COURSE OF THE ALTA SURVEY.
- N10** THE SUBJECT PROPERTY ABUTS SOUTH 11TH STREET WITH NO GAPS OR GORES.
- N11** AT THE TIME OF THE ALTA SURVEY, THERE WAS NO ABOVE-GROUND EVIDENCE OF WATER UTILITIES, AND THERE WAS ABOVE-GROUND EVIDENCE OF NATURAL GAS, TELEPHONE AND STORM WATER DRAINAGE UTILITIES.

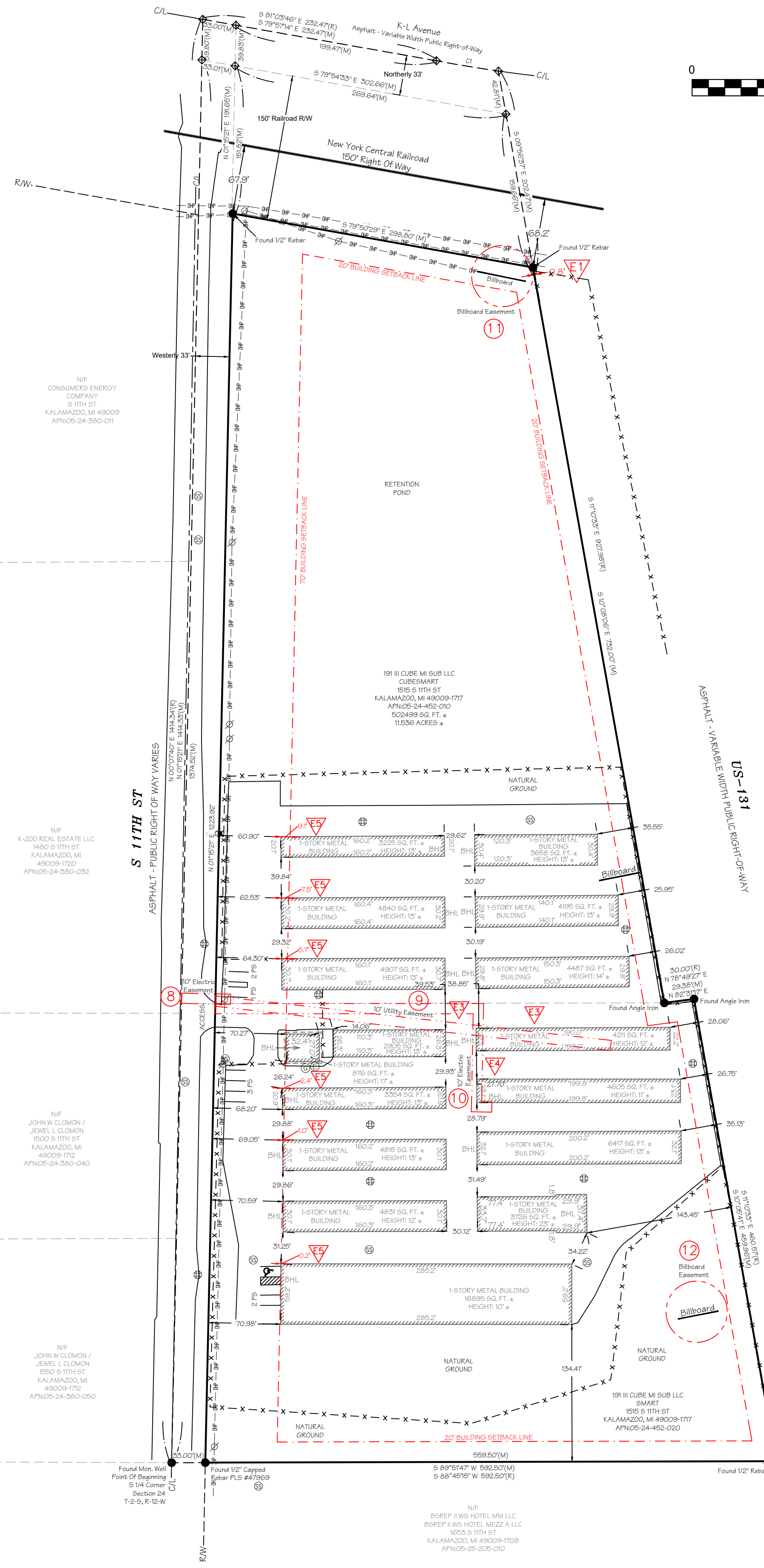
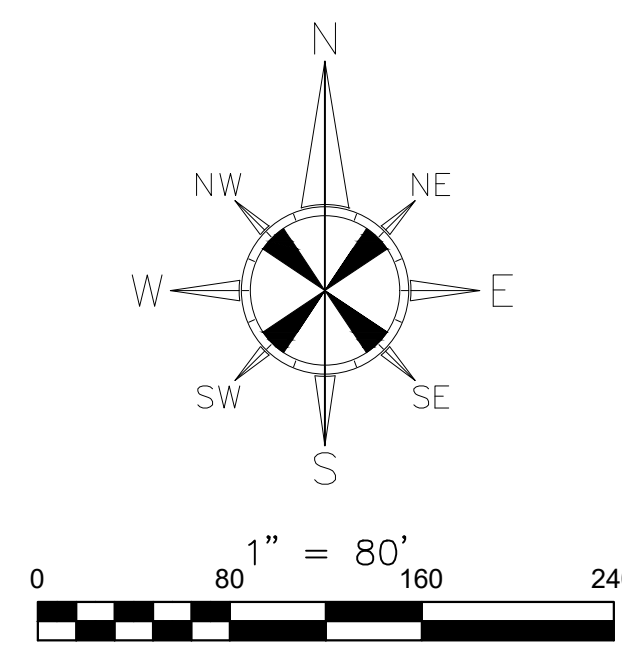
SURVEY PREPARED BY:  
BLEW & ASSOCIATES, P.A.  
3825 N. SHILOH DRIVE  
FAYETTEVILLE, AR 72703  
479-443-4506  
EMAIL: SURVEY@BLEWINC.COM  
SURVEYOR REF. NO.: 19-1152  
DRAWN BY: TG

**UTILITY NOTE**

THE SURVEY SHOWS THE LOCATION OF UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTY AS DETERMINED BY OBSERVED EVIDENCE COLLECTED PURSUANT TO ALTA SECTION 5 E IV

**CURVE TABLE**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1(M)	1427.23(M)	61.65(M)	61.65(M)	N 80°54'13" W
C1(K)	N/A	N/A	61.65(K)	S 81°40'48" E

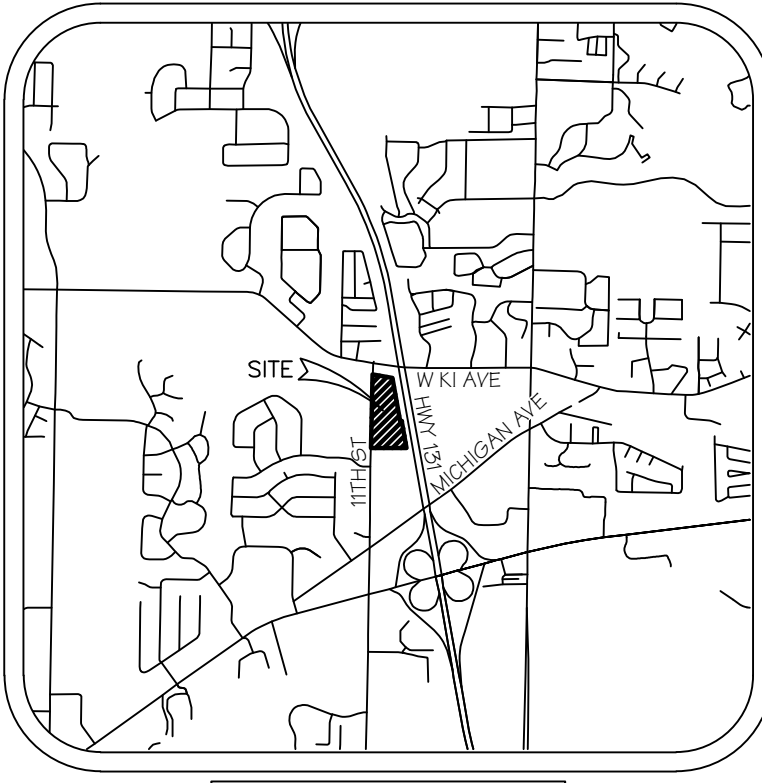


**SURVEY RELATED ITEMS CORRESPONDING TO SCHEDULE B TITLE COMMITMENT**

- 7. COMBINED WITH EXCEPTION 11. MORTGAGE RECORDED IN 2018-014306 IS INTENTIONALLY DELETED.
- 8. EASEMENT IN FAVOR OF CONSUMERS POWER COMPANY AND THE COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN INSTRUMENT RECORDED IN LIBER 990, PAGE 867. (AFFECTS, PLOTTED AS SHOWN)
- 9. EASEMENT IN FAVOR OF CONSUMERS POWER COMPANY AND THE COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN INSTRUMENT RECORDED IN LIBER 919, PAGE 404. (AFFECTS, PLOTTED AS SHOWN)
- 10. EASEMENT IN FAVOR OF CONSUMERS POWER COMPANY AND THE COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN INSTRUMENT RECORDED IN LIBER 990, PAGE 944. (AFFECTS, PLOTTED AS SHOWN)
- 11. TERMS AND CONDITIONS CONTAINED IN GRANT OF SIGNAGE EASEMENT AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 1312, PAGE 646, ASSIGNMENT AND ASSUMPTION OF EASEMENT AGREEMENT RECORDED IN INSTRUMENT NO. 2017-017999, AS AFFECTED BY ASSIGNMENT AND ASSUMPTION OF LEASE AGREEMENT RECORDED IN INSTRUMENT NO. 2017-018000, ASSIGNMENT OF EASEMENT AGREEMENT RECORDED IN INSTRUMENT NO. 2017-023807, AS AFFECTED BY SECOND ASSIGNMENT AND ASSUMPTION OF LEASE AGREEMENT RECORDED IN INSTRUMENT NO. 2017-023808; SECOND ASSIGNMENT OF EASEMENT AGREEMENT RECORDED IN INSTRUMENT NO. 2018-009616, AS AFFECTED BY THIRD ASSIGNMENT AND ASSUMPTION OF LEASE AGREEMENT RECORDED IN 2018-009617. (AFFECTS, PLOTTED AS SHOWN)
- 12. TERMS AND CONDITIONS CONTAINED IN GRANT OF SIGNAGE EASEMENT AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 1312, PAGE 648 AND AS AFFECTED BY THE INSTRUMENT NO. 2000-011737, DEED FOR TRANSFER OF SIGNAGE EASEMENT RECORDED IN INSTRUMENT NO. 2016-034423. (AFFECTS, PLOTTED AS SHOWN)
- 13. TERMS AND CONDITIONS CONTAINED IN MEMORANDUM OF AGREEMENT REGARDING SEWER ASSESSMENT REFUND AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 1312, PAGE 380. (AFFECTS, BLANKET IN NATURE)
- 14. TERMS AND CONDITIONS CONTAINED IN CONDEMNATION AS DISCLOSED BY INSTRUMENT RECORDED IN LIBER 787, PAGE 189. (AFFECTS, CONTAINS NO PLOTTABLE ITEMS)

**LEGEND**

- (M) FIELD MEASUREMENT
- (K) RECORDED MEASUREMENT
- BHL BUILDING HEIGHT LOCATION
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- CL CENTERLINE OF ROAD
- R/W RIGHT-OF-WAY
- FOUND MONUMENT
- SET 1/2" REBAR
- ⊕ COMPUTED POINT
- ⊙ SANITARY SEWER
- ⊙ GAS METER
- ⊙ WATER VALVE
- ⊙ ELECTRICAL METER
- ⊙ ELECTRICAL BOX
- ⊙ GRATED INLET
- ⊙ FIRE HYDRANT
- ⊙ LIGHT
- ⊙ HANDICAP PARKING
- BOUNDARY LINE
- FORTY LINE
- CENTERLINE OF ROAD
- RIGHT-OF-WAY
- FENCE
- EASEMENT
- OVERHEAD POWER LINE



**STATEMENT OF ENCROACHMENTS**

- E1 FENCE APPEARS TO CROSS BOUNDARY LINE BY AS MUCH AS 0.8'.
- E2 FENCE APPEARS TO CROSS BOUNDARY LINE BY AS MUCH AS 0.2'.
- E3 BUILDINGS POSSIBLY ENCROACH IN TO 10' UTILITY EASEMENT.
- E4 BUILDINGS POSSIBLY ENCROACH IN TO 10' UTILITY EASEMENT.
- E5 BUILDINGS APPEAR TO ENCROACH ON TO BUILDING SETBACK BY AS MUCH AS 9.1'.

**TITLE LEGAL DESCRIPTION**

THE LAND IS DESCRIBED AS FOLLOWS: OSHEMO TOWNSHIP, KALAMAZOO COUNTY

A PARCEL OF LAND IN THE WEST 1/2 OF THE EAST 1/2 OF SECTION 24, TOWN 2 SOUTH, RANGE 12 WEST, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH 1/4 POST OF SECTION 24, TOWN 2 SOUTH, RANGE 12 WEST, OSHEMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN; THENCE NORTH 0 DEGREES 07 MINUTES 40 SECONDS EAST ALONG THE QUARTER LINE OF SAID SECTION 24, A DISTANCE OF 1414.34 FEET TO THE CENTER-LINE OF K-L AVENUE; THENCE SOUTH 81 DEGREES 03 MINUTES 46 SECONDS EAST ALONG SAID CENTERLINE A DISTANCE OF 232.47 FEET TO A POINT OF CURVATURE; THENCE EASTERLY ALONG SAID CENTER-LINE ALONG A CURVE TO THE LEFT HAVING A CHORD BEARING SOUTH 81 DEGREES 40 MINUTES 45 SECONDS EAST AND CHORD DISTANCE OF 61.65 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 131 LIMITED ACCESS HIGHWAY; THENCE SOUTH 11 DEGREES 10 MINUTES 33 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 927.98 FEET; THENCE NORTH 78 DEGREES 49 MINUTES 27 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 30.00 FEET; THENCE SOUTH 11 DEGREES 10 MINUTES 33 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 460.57 FEET TO THE SOUTH LINE OF SAID SECTION 24; THENCE SOUTH 88 DEGREES 45 MINUTES 15 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 24, A DISTANCE OF 592.50 FEET TO THE PLACE OF BEGINNING; RESERVING THEREFROM THE WESTERLY 33.00 FEET THEREOF AND THE NORTHERLY 33.00 FEET THEREOF FOR THE PURPOSES OF THE KALAMAZOO COUNTY ROAD COMMISSION AND THE RIGHT-OF-WAY OF THE NEW YORK CENTRAL RAILROAD, BEING 150.00 FEET IN WIDTH.

THE ABOVE DESCRIBED PARCEL IS THE SAME LAND DESCRIBED IN FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO.: 9966-4280113, DATED MAY 1, 2019 8:00 AM.

**ALTA/NSPS LAND TITLE SURVEY FOR CUBE SMART STORAGE**

PARTNER PROJECT NUMBER 19-240776 SITE NUMBER 71

ALTA SURVEY BASED AND RELIED ON FIRST AMERICAN TITLE INSURANCE COMPANY, TITLE COMMITMENT, NUMBER 9966-4280113, CONTAINING AN EFFECTIVE DATE AND TIME OF MAY 1, 2019 AT 8:00 AM.

**CERTIFICATION**

TO: TEACHERS INSURANCE AND ANNUITY ASSOCIATION OF AMERICA, ITS SUCCESSORS AND/OR ASSIGNS; SROA 1515 S. 11TH MI, LLC, A DELAWARE LIMITED LIABILITY COMPANY; 191 III CUBE MI SUB LLC, A DELAWARE LIMITED LIABILITY COMPANY; FIRST AMERICAN TITLE INSURANCE COMPANY; LAND SERVICES USA, INC;

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6A, 6B, 7A, 7B1, 7C, 8, 9, 11(OBSERVED EVIDENCE), 13, 14, 16, 17, 18, 19 & 20 OF TABLE A THEREOF.

DATE OF PLAT OR MAP: 4-17-2019  
PROPERTY ADDRESS: 1515 SOUTH 11TH ST, KALAMAZOO, MI 49009

SURVEYOR: RONALD R. HARRIS  
REGISTRATION NUMBER: 41917  
STATE OF REGISTRATION: MICHIGAN  
FIELD DATE OF SURVEY: 4/2/2019  
LATEST REVISION DATE: 5/24/2019

**PARTNER Engineering and Science, Inc.**

CAXTON BUILDING  
812 HURON RD. SUITE 235  
CLEVELAND, OHIO 44115  
T 440-987-1001  
jdavenport@partneresi.com  
http://www.partneresi.com/  
PAGE 1 OF 1





7275 W. MAIN STREET, KALAMAZOO, MI  
49009-9334  
269-216-5220 Fax 375-7180 TDD  
375-7198  
[www.oshtemo.org](http://www.oshtemo.org)

October 23, 2020


SROA 1515 S 11<sup>th</sup> MI LLC  
324 Datura St #338  
West Palm Beach, FL 33401

RE: Parcel #'s: 3905-24-452-010 & 3905-24-452-020

Dear Taxpayer,

Please find enclosed the Land Combination Approval for the property located in Oshtemo Township. **You will need to record documents with the Kalamazoo Register of Deeds by 12/31/2020 for this Land Division to become effective for 2021.** If the deed is recorded by 12/31/2020 it will be adjusted for the 2021 tax year and will receive a new parcel number. If you have any question, please feel free to call me at (269) 216-5225.

Sincerely,

  
Kristine Biddle, MAAO  
Oshtemo Township Assessor

c: Iris Lubbert, Planning Director

## APPROVAL FOR LAND COMBINATION

Your application has met all requirements for the Land Combination and is approved by Oshtemo Township.

Application Number: 21-14

Approval Date October 23, 2020

Parent Parcel Identification Number: 3905-24-452-010 & 3905-24-452-020

Number of New Parcels: 1

Approved by: \_\_\_\_\_

  
Kristine Biddle, Assessor

October 23, 2020

Date

Approval from the Health Department for on-site water and septic systems is no longer required (by statute) for parcels larger than one acre. This will be required prior to a building permit being issued.



# ZONING ORDINANCE

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## ARTICLE 27

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### 27 – I-1: INDUSTRIAL DISTRICT, MANUFACTURING/SERVICING

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**Contents:**

- 27.10 STATEMENT OF PURPOSE
- 27.20 PERMITTED USES
- 27.30 PERMITTED USES WITH CONDITIONS
- 27.40 SPECIAL USES
- 27.50 DEVELOPMENT STANDARDS

#### 27.10 STATEMENT OF PURPOSE

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This district is composed of certain lands located along State highways, County primary roads, and railroad rights-of-way. The district is designed to provide land for industries of a manufacturing and servicing nature in which all work is carried on within a fully enclosed building and which produces little external effect of an objectionable nature to the surrounding properties.

#### 27.20 PERMITTED USES

---

- A. Any permitted use in the "I-R" Industrial District.
- B. Contractor's services related to the building trades such as electrical, mechanical, plumbing, general building, excavating, and landscaping.
- C. Auto body and paint shops.
- D. Ice and cold storage plant.
- E. Warehouses; fully enclosed.
- F. Automobile repair, service and/or automobile glass repair facilities.
- G. Crematories.
- H. Wholesale and retail lumber yards.
  - I. Laundromats and dry-cleaning establishments providing cleaning services to other laundromat and dry-cleaning establishments.
  - J. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.
- K. Essential services.
- L. Accessory buildings and uses customarily incidental to the foregoing.
- M. Communication towers.

#### 27.30 PERMITTED USES WITH CONDITIONS

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- A. Manufacturing, compounding, assembling or treatment of merchandise.

- B. Temporary outdoor events (not lasting more than one day).
- C. Communication towers.

## **27.40 SPECIAL USES**

---

- A. Farm machinery and other equipment sales lots, subject to the conditions and limitations set forth in Section 49.150.
- B. Office buildings for executive and professional occupations traditionally related to building trades, including, but not limited to, architects, engineers and surveyors subject to the regulations contained in Section 49.120.C–N, where applicable as determined by the Planning Commission in the Special Use review/approval process.
- C. Skating rinks, bowling alleys, indoor recreational facilities and health clubs.
- D. Storage buildings and mini warehouses.
- E. Freestanding office buildings on legal nonconforming substandard parcels subject to the regulations contained in Section 49.120, where applicable, as determined by the Planning Commission in the Special Use and Site Plan review process. For purposes of this section, the term substandard shall apply to a parcel that does not meet the minimum area requirements of Section 50.10.
- F. Kennels for the breeding, raising and/or boarding of dogs or cats.
- G. Veterinary small animal hospitals and dog pounds, including crematories attached thereto.
- H. Temporary outdoor events (lasting more than one day).
  - I. Adult regulated uses.
  - J. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- K. Private streets.
- L. Wind energy conversion systems.

## **27.50 DEVELOPMENT STANDARDS**

---

Outdoor storage in connection with the above permitted uses shall be allowed in the side and rear yard areas except within the area required for setback from side and rear lot lines. Such storage may not exceed 100 percent of the square foot area of the principal building upon the premises. No outdoor storage of damaged or inoperable vehicles or equipment is allowed.

Ms. Lubbert asked that proposed meeting dates for 2021 be added to “Other Updates and Business” for potential adoption. Chairperson VanderWeele amended the agenda with the requested addition.

**Approval of the Minutes of the Meeting of September 24, 2020**

The Chair asked if there were additions, deletions or corrections to the Minutes of the Meeting of September 24, 2020. Hearing none, he asked for a motion.

Ms. Smith **made a motion** to approve the Minutes of the Meeting of September 24, 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: REZONING REQUEST  
STORAGE RENTALS OF AMERICA REQUESTED TO REZONE 1515 S. 11<sup>TH</sup>  
STREET AND PARCEL NUMBER 05-24-452-010 FROM THE C: LOCAL BUSINESS  
DISTRICT TO THE I-1: INDUSTRIAL DISTRICT OF THE OSHTEMO CHARTER  
TOWNSHIP ZONING ORDINANCE.**

Ms. Lubbert explained Storage Rentals of America was requesting to rezone 1515 S 11<sup>th</sup> Street and Parcel Number 05-24-452-010 from C: Local Business District to I-1: Industrial District. Between the two parcels, the site has a combined area of approximately 12.53 acres. Storage Rentals of America currently utilizes both sites for their self-storage facility. As part of this review, a land combination application will be required, was submitted and approved, but still needs to be recorded.

The self-storage facility was first constructed in 1975. In July of 2000, the zoning ordinance was amended so that mini warehouses and storage buildings are no longer a special use under C: Local Business District and are now only permitted with Planning Commission approval as a Special Use in the I-1: Industrial District. As such, the self-storage facility at this location is a legal- nonconforming use. The requested rezoning of 1515 S 11<sup>th</sup> Street and Parcel Number 05-24-452-010 would make the existing self-storage facility a legal conforming use. The applicant indicated an interest in expanding the self-storage facility in the future by adding possibly one or two more storage buildings. Since the request is for a rezoning, such material shall be considered at the time the applicant submits a site plan for modifying the special exception use.

She noted the currently zoned C: Local Business District, Storage Rentals of America is located on the east side of S 11<sup>th</sup> Street, between KL Avenue and W Michigan Avenue. The self-storage facility abuts US 131 to its east and the railway to its north. Adjacent to the west are zoning districts for R-1: Residence District and I-1: Industrial District. Adjacent to the south is zoned C: Local Business District. Designated

wetlands are situated within the northern section of the property. There are 15 one-story self-storage buildings on site along with one single story office building.

Ms. Lubbert referred to the Zoning Enabling Act, which allows Townships to zone property, but does not provide any required standards that a Planning Commission must consider when reviewing a rezoning request. However, there are some generally recognized factors that should be deliberated before a rezoning decision is made. She noted the considerations as follows:

1. Master Plan Designation

The Township's Future Land Use Plan categorizes this area—east of S 11<sup>th</sup> Street, west of US 131, south of W KL Avenue, and north of W Michigan Avenue as *General Industrial*, a category intended for manufacturing and other industrial development to create job opportunities and increase wages. The designation includes both light and general industrial uses, warehouse and distribution facilities, heavy commercial, and *storage facilities*. Mini warehouses and storage buildings are permissible with Special Use approval from the Planning Commission under the I-1: Industrial District. From a zoning perspective, the present land use would be consistent with the site's current activity Future Land Use Map, and the Township's Zoning Ordinance. Should approval for the rezoning be granted, it would follow the Township's vision in terms of land use for this area.

2. Consistency of the Zoning Classification in the General Area

Rezoning 1515 S 11<sup>th</sup> Street and Parcel Number 05-24-452-010 to I-1: Industrial District would be consistent with current zoning in nearby parcels. The site is currently adjacent to two other industrial uses. These uses include West Side Beer Distributing and a Consumer's Energy Company substation.

3. Consistency and Compatibility with General Land Use Patterns in the Area

A pattern already exists west of S 11<sup>th</sup> Street on the south side of W KL Avenue, where numerous industrial facilities have been established, increasing in consistency and intensity westbound while approaching S 9<sup>th</sup> Street. With there being properties to the south zoned as C: Local Business District, the existing commercial uses will act as a buffer to the properties south and west of the site. Due to there being industrial users already established in the area, and this use being in accordance with the Future Land Use map, the rezoning will allow the property to match the established character of the area.

4. Utilities and Infrastructure

Public water and sewer are available at 1515 S 11<sup>th</sup> Street and Parcel Number 05-24-452-010. Any future development on the subject site that requires such public infrastructure needs will be mandated to pay the appropriate water and sewer fees and physically connect to these systems prior to a certificate of occupancy. Regarding the transportation network, the intersection to the north at W KL Avenue and South 11<sup>th</sup> Street is well controlled by a traffic signal. The intersection to the south where S 11<sup>th</sup> Street crosses W Michigan Avenue is also

controlled by a traffic signal. This section of 11<sup>th</sup> street already supports several commercial and industrial uses; staff is of the opinion that if this rezoning is approved, and any other potential industrial use follows, it will not negatively affect the area. Furthermore, the Township's Non-Motorized Transportation Plan does identify a six foot wide Shared Use Path adjacent to the subject site. It should be noted that such facility shall be installed in accordance with Township Sidewalk/Shared Use Path Construction Standards if any expansion is proposed in the future. Three foot wide bike lanes have already been established in both northbound and southbound directions in this portion of S 11<sup>th</sup> Street.

5. Reasonable Use under Current Zoning Classification

Both 1515 S 11<sup>th</sup> Street and Parcel Number 05-24-452-010 were once regulated as a special exception use under the C: Local Business District zoning classification. However, mini warehouses and storage facilities such as this do not bring any retail value or other common business characteristics or activity you would typically find in a commercial establishment. The Township identified that mini warehouses and storage facilities were no longer suitable in the C: Local Business District zoning classification as self-storage facilities have been categorized as an industrial use for the past 20+ years. Through the rezoning, the applicant is making efforts to eliminate the legal non-conforming use and make the site comply with the Township's Zoning Ordinance and Future Land Use Plan. The rezoning achieves the Township's goals and also fits the applicant's vision for the site.

6. Effects on Surrounding Property

Rezoning these two properties to the I-1: Industrial District will not have a negative effect on surrounding properties. The applicant has indicated the site's use will not be modified in a significant way in the foreseeable future and rezoning the property will allow for further compatibility in terms of development for surrounding properties. The gradual shift from commercial to industrial from the northern portion of S 11<sup>th</sup> Street to the south side of W.KL Avenue (directly west of S 11<sup>th</sup> Street) is becoming prevalent. With an existing pattern of industrial character and uses in the area, the rezoning would complement adjacent zoning districts.

Ms. Lubbert concluded her presentation with the recommendation that the Planning Commission forward a recommendation of approval to the Township Board for the rezoning of the subject properties from the C: Local Business District to the I-1: Industrial District with the following stipulation:

1. The Approval for Land Combination and related documents shall be recorded with the Kalamazoo Register of Deeds by 12/31/2020. A copy of the recorded documents will be provided to the Planning Department.



Chairperson VanderWeele thanked Ms. Lubbert for her presentation and asked whether Commissioners had any questions for her. Hearing none, he asked whether the applicant wished to speak.

Mr. Kevin Oliver thanked the Commission for considering his request and said he would be happy to answer any questions.

Ms. Maxwell asked if the wetland shown is actually designated as a wetland and wondered whether it could be filled in.

Mr. Oliver said he is not aware of such a designation but the survey is close to complete at which point that will be known.

Ms. Lubbert noted any changes of that nature would first be required to go through site plan review.

Attorney Porter confirmed that any site changes will be carefully looked at during site plan review, but add that this type of details should not be considered with the rezoning request.

Hearing no further comments or questions, Chairperson VanderWeele moved to a Public Hearing. As there were no comments from the public, he moved to Board Deliberations.

Ms. Maxwell wondered why the zoning designation should not just be left as is?

Attorney Porter said there is a downside from a legal standpoint. For instance, if buildings on this site burned down, replacement would be impeded by the zoning ordinance. It makes sense to bring the zoning into compliance with the ordinance.

Ms. Lubbert added that the use under the current zoning designation is 'grandfathered' in so no changes to the existing site layout would be permitted. With the rezoning the use would become compliant and the applicant would be allowed to make modifications to the site.

Hearing no further comments, Chairperson VanderWeele asked for a motion.

Ms. Versalle **made a motion** to forward a recommendation of approval to the Township Board for the rezoning of the subject properties from the C: Local Business District to the I-1: Industrial District based on the staff report and with the following stipulation:

1. The Approval for Land Combination and related documents shall be recorded with the Kalamazoo Register of Deeds by 12/31/2020. A copy of the recorded documents will be provided to the Planning Department.

Ms. Maxwell **seconded the motion. The motion was approved unanimously by roll call vote.**

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

Adopted: \_\_\_\_\_, 2020

Effective: \_\_\_\_\_, 2020

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Zoning Ordinance by the rezoning of the following property, from C-Local Business District to I-1 Industrial District of the Oshtemo Charter Township Zoning Ordinance. This Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN  
ORDAINS:

SECTION I.

AMENDMENT OF LAND SECTION 24. The Oshtemo Charter Township Zoning Ordinance is hereby amended to rezone the subject property in order to conform the current non-conforming self-storage use of the site, consisting of 15 one-story self-storage buildings and 1 one-story office building. The subject property is located at 1515 South 11<sup>th</sup> Street, Parcel Nos. 3905-24-452-010 and 3905-24-452-020, and is more particularly described as follows:

SEC 24-2-12 BEG IN N&S1/4 LI 450 FT NLY OF S1/4  
POST TH S 0DEG07MIN40SC W 450 FT TO S1/4 POST  
TH N 88DEG45MIN15SC E 592.5 FT TH N  
11DEG10MIN33SC W 460.57 FT TH S 78DEG  
49MIN27SC W 30 FT TH W TO BEG \*

AND

SEC 24-2-12 SW1/4 SE1/4 WLY OF US HWY 131 &  
SLY OF NYC RR ROW EXC BEG IN N&S1/4 LI 450 FT  
NLY OF S1/4 POST TH S 0DEG07MIN40SC W 450 FT  
TO S1/4 POST TH N 88DEG45MIN15SC E 592.5 FT TH  
N 11DEG10MIN33SC W 460.57 FT TH S 78DEG49MIN  
27SC W 30 FT TH W TO BEG \*

SECTION II.

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

DUSTY FARMER, CLERK  
OSHTEMO CHARTER TOWNSHIP

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

RECOMMENDATION OF THE OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION RESULTING FROM A PUBLIC HEARING CONDUCTED ON NOVEMBER 12, 2020

The Oshtemo Charter Township Planning Commission hereby recommends APPROVAL of the rezoning of the subject property, from C-Local Business District to I-1 Industrial District of the Oshtemo Charter Township Zoning Ordinance, in order to conform the current non-conforming self-storage use of the site, consisting of 15 one-story self-storage buildings and 1 one-story office building. The subject property is located at 1515 South 11<sup>th</sup> Street, Parcel Nos. 3905-24-452-010 and 3905-24-452-020, and is more particularly described as follows:

SEE ATTACHMENT

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

Date: November 12, 2020

By: 

James W. Porter  
Township Attorney

Final Action by Oshtemo Charter Township Board

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

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

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

ATTACHMENT

Rezoning -- 1515 South 11<sup>th</sup> Street + Unaddressed Parcel, Respectively

SEC 24-2-12 BEG IN N&S1/4 LI 450 FT NLY OF S1/4 POST TH S 0DEG07MIN40SC  
W 450 FT TO S1/4 POST TH N 88DEG45MIN15SC E 592.5 FT TH N  
11DEG10MIN33SC W 460.57 FT TH S 78DEG 49MIN27SC W 30 FT TH W TO BEG  
\*

AND

SEC 24-2-12 SW1/4 SE1/4 WLY OF US HWY 131 & SLY OF NYC RR ROW EXC  
BEG IN N&S1/4 LI 450 FT NLY OF S1/4 POST TH S 0DEG07MIN40SC W 450 FT  
TO S1/4 POST TH N 88DEG45MIN15SC E 592.5 FT TH N 11DEG10MIN33SC W  
460.57 FT TH S 78DEG49MIN 27SC W 30 FT TH W TO BEG \*

November 18<sup>th</sup>, 2020

**Meeting Date:** November 24<sup>th</sup>, 2020

**To:** Oshtemo Charter Township Board

**From:** Iris Lubbert, Planning Director

**Applicant:** Larry Harper

**Owner:** Centerpoint Church

**Property:** 2345 N 10<sup>th</sup> Street, Parcel Number 05-11-280-045

**Zoning:** R-2: Residence District

**Request:** Future Land Use Map Amendment and a Conditional Rezoning to R-3: Residence District

**Section(s):** Article 7— R-2: Residence District  
Article 8—R-3: Residence District  
Article 66 — Conditional Rezoning



## OBJECTIVE

Consideration to conditionally rezone 2345 North 10<sup>th</sup> Street from the R-2, Residence District to the R-3, Residence District and a subsequent change to the Future Land Use Map for first reading.

## OVERVIEW

Centerpoint Church is requesting to conditionally rezone their 21.2 acre property located at 2345 North 10<sup>th</sup> Street, outlined in red on the map to the right, from R-2, Residence District to the R-3, Residence District. For this rezoning to be approved the Township's adopted Future Land Use Map's designation for this property would need to be amended from 'Low Density Residential' to 'Medium Density Residential'.

On April 30<sup>th</sup>, 2020 Centerpoint Church was granted Special Use approval from the Planning Commission to establish a private preschool at 2345 N 10<sup>th</sup> Street. Centerpoint Church is requesting this conditional rezoning in order to have a Child Care Center onsite so to widen their services to care for children under the age of 30 months. If this rezoning is approved, the applicant will need to apply for Special Use approval for the Child Care Center - a Special Use within the R-3, Residence District.

A public hearing for this conditional rezoning request and Future Land Use Map amendment was held at the Planning Commission's November 12<sup>th</sup> regular meeting. Public notice for the meeting was published on October 20<sup>th</sup>, 2020. A number of comments from the public were received both for





and against this request. After discussion, the Planning Commission made a unanimous motion to recommend denial of this rezoning request to the Township Board.

**SUBJECT PROPERTY**

Currently located in the R-2, Residence District, the existing lot has approximately 1,400 feet of frontage on N 10<sup>th</sup> Street. Neighboring this property directly to the West and South-West are a number of Residential Subdivisions, including: West Port, Countrywood Estates, and Meadowbrook Hills. To the North, East, and South East are a number of larger un-platted residential lots as well as other churches that have frontage to this section of N 10th Street, including: The Rock Kalamazoo Church, Immanuel Fellowship Church, Kingdom Hall of Jehovah’s Witnesses, and People’s Church.

**FUTURE LAND USE MAP AMENDMENT**

The Future Land Use Plan and Map were adopted as a part of the 2017 Oshtemo Charter Township Master Plan Update. The Master Plan is a vision for the future of transportation, land use, the economy, environment, and cultural stewardship of our Township. This Plan is revisited at least every five years by the Planning Commission and is the result of countless hours and efforts of residents, business owners, Township Officials and staff, and consultants over the years. The Master Plan, the Future Land Use Plan and Map can be found at <https://oshtemo.org/master-plan/>.

The Future Land Use Plan defines the vision for land development in Oshtemo Township based on sound planning principles and community input. It builds on the historic development patterns of the community, factoring in the objective to preserve unique environmental features and to protect the rural character of the community. At the same time, the Future Land Use Plan provides direction for anticipated development within the Township in appropriate places for growth.

2345 N 10<sup>th</sup> Street, outlined in red in the Future Land Use Map excerpt on the right, is part of the ‘Low Density Residential’ land use category. This designation represents the majority of the neighborhoods in the Township as well as those areas planned for future neighborhood development. The Future Land Use Plan emphasizes this land use category as being primarily single-family residential in nature and notes the desire that existing neighborhoods and residential developments be preserved and protected from incompatible land uses. Oshtemo’s R-1 and R-2 Residence District zones are appropriate zoning districts for this designation.

The R-3, Residence District is defined as a transitional zoning classification; which allows for three to four family dwellings, office buildings, small animal clinics, banks, etc. A complete listing



of allowable uses within the R-3, Residence District can be found in Article 8 of the Townships Zoning Code. Based on the allowed higher intensity of uses, this zoning district is considered to be part of the Future Land Use designation of 'Medium Density Residential'. The West Point Condominium project, highlighted in yellow in the Future Land Use Map excerpt above, is zoned R-3 and is an example of the type of uses permitted within the 'Medium Density Residential' district.

Rezoning 2345 N 10<sup>th</sup> Street to R-3, Residence District goes against the Township's adopted Future Land Use Map and Plan. As such, in order for this rezoning to be approved this lot's designation in the Future Land Use Map would need to be amended to 'Medium Density Residential' – in summary the adopted vision for the future development of this area will need to be changed to allow for a higher density zone. By changing this designation any future development considered 'Medium Density Residential' by the Future Land Use Plan would be permitted on this site.

Creating a pocket of 'Medium Density Residential' in the middle of a 'Low Density Residential' area is not appropriate and goes against the Township's and citizens' adopted vision for the area. The 'Medium Density Residential' areas are intended to be used as a transition or, in other words, a buffer between low density residential uses, i.e single family homes, and commercial zones.

#### **CONDITIONAL REZONING CONSIDERATIONS**

The applicant is requesting a conditional rezoning. This means that Centerpoint Church has offered conditions as part of the request for the rezoning. These conditions are outlined below:

1. Request the conditional rezoning of Centerpoint Church at 2345 North 10<sup>th</sup> Street from the R-2, Residence District to the R-3, Residence District.
2. The facility is currently operating as a Church and a Preschool. The Church in total is 97,000 sqft and the Preschool occupies 9,000 sqft of that space.
3. If rezoned, only the addition of a Child Care Center would be permitted. The Child Care Center would serve children under 30 months of age.
4. The total number of children between the Preschool and Child Care Center will never exceed 110.
5. If approved, the Child Care Center would become part of the Preschool's building footprint; the footprint and infrastructure of the Church will not be expanded or impacted by this use.

Article 66 of the Township Code outlines the process for a conditional rezoning to be considered, which is consistent with Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request. The Zoning Enabling Act, which allows Townships to zone property, does not provide any required standards that a Planning Commission must consider when reviewing a rezoning request. However, there are some generally recognized factors that should be deliberated before a rezoning decision is made. These considerations along with staff's analysis, incorporating the applicant's proposed conditions, are outlined below:

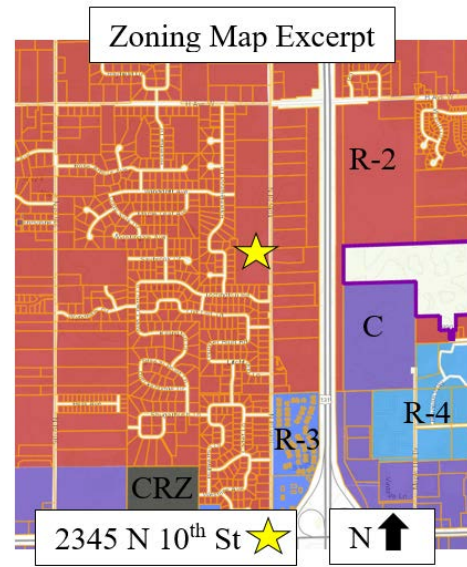
#### **1. Master Plan Designation**

As described in the above 'Future Land Use Map Amendment' section of this report, this rezoning request goes against the adopted Future Land Use Plan for 'Low Density Residential' for this area. Consideration not met.



**2. Consistency of the Zoning Classification in the General Area**

2345 N 10<sup>th</sup> Street is located in the middle of a large span of R-2, Residence District zoning; see Zoning Map Excerpt on the right. Rezoning 2345 N 10<sup>th</sup> Street to the R-3, Residence District is considered ‘spot zoning’. Spot zoning is defined as the process of singling out a small section of land for a use classification completely different from that of the surrounding area for the benefit of the owner of such property that is generally at odds with a municipalities’ Master Plan and current zoning restrictions. The request to rezone this property to R-3, Residence District is not consistent with the Zoning Classification in the General Area. Consideration not met.



**3. Consistency and Compatibility with General Land Use Patterns in the Area**

When a property is rezoned, that property is permitted to have any of the uses outlined in that zoning district as long as it follows appropriate review procedures. By requesting a rezoning that would allow for only one of the outlined particular uses within the R-3, Residence District the applicant seeks to alleviate the concern of what potential higher intensity use would ultimately come forward on the site in question. This approach is uncommon but makes sense accompanied by a site plan in areas of the Township that have a specific adopted vision for development that may not be appropriately captured in the current Zoning Code yet. However, in this case there is a distinctive pattern and established vision for the area under consideration to be ‘Low Density Residential’. This request goes against the adopted vision of the area. The uses permitted in each zoning district of the code were placed there for a reason by Oshtemo’s Planning Commission and citizens in order to control the character and intent of certain areas. If approved, this request would set a precedent that discredits the intent of the Township’s Future Land Use Map and planning efforts. Consideration not met.

**4. Utilities and Infrastructure**

One of the applicants offered conditions is that the Child Care Center that would result from the rezoning would utilize the existing infrastructure and space within 2345 N 10<sup>th</sup> Street – there would be no new building or addition. This would decrease the impact of the use to the surrounding area. Although no operating times were offered for this use, Staff assumes it would operate the same hours as the approved Preschool. The Preschool was approved to operate Monday through Friday offering full day programs for all Preschool age children with a half-day option. Its earliest available drop off time is 8 a.m. with the latest available pick up time of 6 p.m. If this is the case, the traffic generated by the preschool and in effect the Child Care Center would not conflict with, nor be as impactful as, the traffic generated by the Church. It appears that the site has the infrastructure in place to support this use. If the rezoning is approved, this plan can be further analyzed with the required Special Use approval review. Consideration met.

However, it should be noted that a rezoning to a higher density district is equated with higher intensities in both utility and infrastructure use. Staff cautions that if this conditional rezoning is approved and a precedent is set, then other similar conditional rezoning requests might follow that

will put a strain on the utility and infrastructure of the area; which in this case was intended and designed to support only 'Low Density Residential' uses.

**5. Reasonable Use under Current Zoning Classification**

Under the R-2, Residence District zoning the property is currently successfully operating as a place of worship. The owners also recently gained approval to operate a Preschool for up to 110 children from this location. There is reasonable use under the current zoning classification of R-2. 2345 N 10<sup>th</sup> Street does not need to be rezoned to R-3, Residence District in order for it to be reasonably used. Consideration not met.

**6. Effects on Surrounding Property**

Although this specific conditional rezoning tied to a Child Care Center may not have direct negative impacts on surrounding properties, as noted in previous sections of this report, approving this change in the Future Land Use Map and approving this conditional rezoning will set a precedent permitting 'spot zoning' that goes against the intent of the Future Land Use Plan. In essence, it would open the door to other rezoning requests of this nature; not only for other Churches that may want to follow suite and expand their services but also to any property within the Township that wishes to utilize this 'out' from standard zoning practice. Approving this request would in the long term negatively impact Oshtemo as the Planning efforts and vision of the community would be undermined. Consideration not met.

**RECOMMENDATION**

The Planning Commission, Legal Counsel, and the Planning Department recommend that the Township Board deny both the request to amend the Future Land Use Map and the conditional rezoning of 2345 N 10<sup>th</sup> Street from the R-2, Residence District to the R-3, Residence District.

Attachments: Application, Letter of Intent with conditions of rezoning, Article 8 – R-3: RESIDENCE DISTRICT, excerpt from the DRAFT November 12<sup>th</sup> Planning Commission minutes



7275 W. Main Street, Kalamazoo, Michigan 49009-9334  
Phone: 269-216-5223 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS Starting Point Preschool

**PLANNING & ZONING APPLICATION**

Applicant Name : Larry Harper

Company Center Point Church

Address 2345 North 10th St  
Kalamazoo MI 49009

E-mail l.harper@centerpointkzoo.org

Telephone 269-270-6332 Fax \_\_\_\_\_

Interest in Property Director of operations

THIS SPACE FOR TOWNSHIP USE ONLY

**OWNER\*:**

Name Center point Church

Address Same as above

Email \_\_\_\_\_

Phone & Fax \_\_\_\_\_

Fee Amount \_\_\_\_\_

Escrow Amount \_\_\_\_\_

**NATURE OF THE REQUEST:** (Please check the appropriate item(s))

- Planning Escrow-1042
- Site Plan Review-1088
- Administrative Site Plan Review-1086
- Special Exception Use-1085
- Zoning Variance-1092
- Site Condominium-1084
- Accessory Building Review-1083
- Land Division-1090
- Subdivision Plat Review-1089
- Rezoning-1091
- Interpretation-1082
- Text Amendment-1081
- Sign Deviation-1080
- Other: \_\_\_\_\_

**BRIEFLY DESCRIBE YOUR REQUEST** (Use Attachments if Necessary): \_\_\_\_\_

See Attached

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

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

PARCEL NUMBER: 3905- \_\_\_\_\_

ADDRESS OF PROPERTY: 2345 Martin 10th Street

PRESENT USE OF THE PROPERTY: Church / Preschool


PRESENT ZONING R-2 SIZE OF PROPERTY 97,000 sq

NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS  
HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:

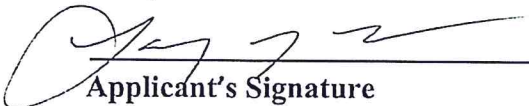
Name(s)	Address(es)
_____	_____
_____	_____

**SIGNATURES**

*I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.*

  
Owner's Signature (\* If different from Applicant)

9-14-20  
Date

  
Applicant's Signature

9/14/20  
Date

- Copies to:
- Planning -1
- Applicant -1
- Clerk -1
- Deputy Clerk -1
- Attorney-1
- Assessor -1
- Planning Secretary - Original

\*\*\*\*  
**PLEASE ATTACH ALL REQUIRED DOCUMENTS**



one church two locations

2345 North 10<sup>th</sup> Street  
Kalamazoo, MI 49009  
(269) 375-4815  
[www.cpkzoo.org](http://www.cpkzoo.org)

326 W. Cork Street  
Kalamazoo, MI 49001  
(269) 344-4120  
[www.cpkzoo.org](http://www.cpkzoo.org)

Starting Point PreSchool is requesting a Conditional R-3 rezoning. We are currently zoned R-2 with a special use approval.

The special use approval is attached.

Multiplying Disciples ~ Multiplying Churches





one church two locations

2345 North 10<sup>th</sup> Street  
Kalamazoo, MI 49009  
(269) 375-4815  
[www.cpkzoo.org](http://www.cpkzoo.org)

326 W. Cork Street  
Kalamazoo, MI 49001  
(269) 344-4120  
[www.cpkzoo.org](http://www.cpkzoo.org)

#### Conditions offered for rezoning

1. We are requested the Conditional rezoning of Centerpoint church at 2345 North 10<sup>th</sup> Street.
2. The Facility is currently operating as a Church and a Preschool.
3. The church in total is 97,000 sf and the Preschool occupies 9,000 sf of the existing space.
4. The request for Conditional rezoning is to incorporate Child Care (Children under 30 months of age)
5. The total number of children between Preschool and Child care will never exceed 110 children. (110 children is the max allowed under our current Special use zoning granted by Oshtemo township)

If the special zoning request is granted the total number of children in the program will never exceed 110 children. We are not requesting to expand the footprint or in any way impact infrastructure of the church or the township. Our request if approved would enable us to serve children under the age of 30 months.

Startingpoint Preschool currently serves 43 families and 57 children and almost half are on scholarship. To be on scholarship you have to be low income or family of first responders. We have families paying as little as a couple dollars per day.

A site plan was submitted with our check and the original Application. If additional site plans are needed please let me know and I will deliver them to the Township offices.

**Multiplying Disciples ~ Multiplying Churches**

Locally. Globally.



7275 West Main Street  
Kalamazoo, MI 49009  
269.375.4260 phone  
269.375.7180 fax  
[www.oshtemo.org](http://www.oshtemo.org)

5/1/2020

Larry Harper  
Center Point Church  
2345 N 10th Street  
Kalamazoo, MI, 49009

On 4/30/2020, the Oshtemo Township Planning Commission unanimously granted special use approval to establish a private preschool for up to 110 children, 30 months to age five, at the existing church facilities located at 2345 N. 10th Street. Per that action, the following are requirements and conditions of approval:

1. Prior to the Certificate of Occupancy, documentation shall be provided to township staff verifying that the proposed preschool's curriculum, construction, staffing etc. have meet Michigan's Licensing and Regulatory Affairs (LARA) preschool standards.
2. The Preschool will run Monday through Friday with the earliest available drop off time of 8 a.m. and latest available pick up time of 6 p.m.

Please feel free to contact me at [ilubbert@oshtemo.org](mailto:ilubbert@oshtemo.org) or 269-375-4260 if you have any questions or concerns. Thank you for choosing to invest in Oshtemo!

Kind regards,

Iris Lubbert, AICP  
Planning Director

To the Oshtemo Township Planning Commission:

My name is Glynis Fenn. My husband, Bill, & I bought our home at 2300 Ramblewood Drive in September of 1994. We fell in love with the Countrywood Estates plat of Westport; it was just what we wanted in a home. It was lovely, quiet, people took great care of their homes, & as one neighbor put it, "We keep an eye out for each other, but no one gets in your business." After 26 years of living here, I feel that Oshtemo Township is more my home than where I was born and raised.

We also loved the fact that there was a large field behind our home. It was a nice green space between Centerpoint Church (then called Third Reformed Church), and us.

Later in the 90s, Centerpoint grew, and added on to its original structure. It wanted to expand the parking lot that was behind our home, bringing it all the way up to our property line. We, and several of our neighbors, attended the Planning Commission meeting to address that issue. None of us wanted asphalt coming up to our back yards. A compromise was made, and Centerpoint expanded their parking lot halfway to our respective property lines. I have never, in my 26 years of living here, seen that parking lot being close to full.

The youth group at Centerpoint liked to shoot off fireworks in the parking lot in the summers, which was fine with us, until a few of them landed on our roof, melting some shingles. Centerpoint's solution to that situation? Offering us a \$25 gift card to Applebee's.

It has now come to my attention that Centerpoint wants to get a conditional rezoning of their property from R-2 Residence District (Low Density Residential) to R-3 Residence District (Medium Density Residential). This is to allow them to have a child care center. While I was very relieved to find that the footprint of their



property would not be altered, and there would be no additional building, I have other concerns:

1. If Centerpoint is granted a zoning change to Medium Density Residential, this could start a domino effect for other churches on North 10th Street, like The Rock, Kingdom Hall of Jehovah's Witnesses, and Immanuel Fellowship Church. It would set a precedent for others to also request a Medium Density rezoning of their property. This would mean much heavier traffic, and more noise, as well as additional construction along that corridor, if the other churches were to follow suit.
2. Centerpoint has indicated that the number of children in their child care center would never exceed 110. Even if COVID-19 wasn't a factor in this day and age, that number seems excessive. While it's admirable of Centerpoint to want to offer child care, 110 children seems excessive, not to mention the vectors in place with regard to possible exposure and transmission of COVID-19 at this time.

Again, Centerpoint's wish to have a child care center is admirable, however, they need to consider someplace off-site that is already zoned correctly for this type of operation.

I thank you for your time in reading this, and for your consideration.

Sincerely,

Glynis Fenn, a happy 26-year resident of Oshtemo Township  
2300 Ramblewood Drive


Charter Township of Oshtemo  
Planning Commission  
Attn: Iris Lubbert, Planning Director

November 12, 2020

Thank you for sending me notice of the Zoning Public Hearing this evening that will consider the re-zoning of property around Centerpoint Church to allow for a preschool and child care center since I own a home and live within 300 feet of the property.

I strongly encourage the Planning Commission to reject this rezoning request. The Centerpoint Church complex is already large enough and the traffic onto 10<sup>th</sup> Street from that church, especially but *not only on* Sundays, is a major disruption and its congregants are disrespectful of the neighborhood. A few years ago the construction of the gravel pit caused a dispute that resulted in new law over truck routes. The trucks traveling to the gravel pits are a small nuisance compared to the Centerpoint Church traffic. I appreciate the importance of development and that Oshtemo is not the small farming community it was decades ago. But the township should also value and preserve its residential neighborhoods, which are the primary tax-payers in the immediate area.

Respectfully,

A handwritten signature in black ink that reads "James Palmitessa". The signature is written in a cursive style with a long, sweeping underline.

James Palmitessa  
2504 Ramblewood Drive  
Kalamazoo, MI 49009

# OSHTEMO ZONING ORDINANCE

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## ARTICLE 8

### 8 – R-3: RESIDENCE DISTRICT

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#### Contents:

- 8.10 STATEMENT OF PURPOSE
- 8.20 PERMITTED USES
- 8.30 PERMITTED USES WITH CONDITIONS
- 8.40 SPECIAL USES

#### 8.10 STATEMENT OF PURPOSE

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This district classification is designed as a transitional zoning classification to permit residential development together with other facilities that do not generate large volumes of traffic, traffic congestion and parking problems, and are designed so as to be compatible with surrounding residential uses.

#### 8.20 PERMITTED USES

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- A. Any permitted use in the "R-2" Residence District.
- B. Accessory buildings and uses customarily incidental to the foregoing.
- C. Family day care home.

#### 8.30 PERMITTED USES WITH CONDITIONS

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- A. Conversion of a residence for offices.
- B. Temporary outdoor events (not lasting more than one day).
- C. Home occupations.

#### 8.40 SPECIAL USES

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- A. Three or four-family dwellings.
- B. Buildings and regulator stations for essential services.
- C. Golf courses, parks, and outdoor recreational areas.
- D. Office buildings.
- E. Veterinary, small animal clinics.
- F. Banks, credit unions, and savings and loan offices.
- G. Public and private schools.
- H. Child care centers.
- I. Group day care home.
- J. Beauty parlors or barber shops.
- K. Temporary outdoor events (lasting more than one day).
- L. Communication towers.
- M. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- N. Wind energy conversion systems.

Chairperson VanderWeele moved to the next agenda item, recused himself due to a relationship with Centerpoint Church, and asked Vice Chairperson Maxwell to chair the meeting for this item.

Vice Chair Maxwell agreed and asked Ms. Lubbart for her presentation.

**PUBLIC HEARING: FUTURE LAND USE MAP AMENDMENT AND REZONING REQUEST**  
**CENTERPOINT CHURCH REQUESTED TO CONDITIONALLY REZONE 2345 NORTH 10<sup>TH</sup> STREET FROM THE R-2: RESIDENCE DISTRICT TO THE R-3: RESIDENCE DISTRICT OF THE OSHTEMO CHARTER TOWNSHIP ZONING ORDINANCE. FOR THIS REZONING TO BE APPROVED THE TOWNSHIP'S ADOPTED FUTURE LAND USE MAP'S DESIGNATION FOR THIS PROPERTY NEEDED TO BE AMENDED FROM 'LOW DENSITY RESIDENTIAL' TO 'MEDIUM DENSITY RESIDENTIAL'.**

Ms. Lubbart explained Centerpoint Church was requesting to conditionally rezone their 21.2 acre property located at 2345 North 10<sup>th</sup> Street, from R-2, Residence District to the R-3, Residence District. For this rezoning to be approved, the Township's adopted Future Land Use Map's designation for this property would need to be amended from 'Low Density Residential' to 'Medium Density Residential'.

She noted on April 30<sup>th</sup>, 2020 Centerpoint Church was granted Special Use approval from the Planning Commission to establish a private preschool at 2345 N 10<sup>th</sup> Street. Centerpoint Church requested this conditional rezoning in order to have a Child Care Center onsite to widen their services to care for children under the age of 30 months. She said if this rezoning was approved, the applicant would need to apply for Special Use approval for the Child Care Center - a Special Use within the R-3, Residence District.

Ms. Lubbart provided the following information for consideration.

**SUBJECT PROPERTY:** Currently located in the R-2, Residence District, the existing lot has approximately 1,400 feet of frontage on N 10<sup>th</sup> Street. Neighboring this property directly to the west and southwest are a number of Residential Subdivisions, including: West Port, Countrywood Estates, and Meadowbrook Hills. To the North, East, and southeast are a number of larger un-platted residential lots as well as other churches with frontage to this section of N. 10th Street, including: The Rock Kalamazoo Church, Immanuel Fellowship Church, Kingdom Hall of Jehovah's Witnesses, and People's Church.

**FUTURE LAND USE MAP AMENDMENT:** The Future Land Use Plan and Map were adopted as a part of the 2017 Oshtemo Charter Township Master Plan Update. The Master Plan is a vision for the future of transportation, land use, the economy, environment, and cultural stewardship of our Township. This Plan is revisited at least every five years by the Planning Commission and is the result of countless hours and

efforts of residents, business owners, Township Officials and staff, and consultants over the years. The Master Plan, the Future Land Use Plan and Map can be found at <https://oshtemo.org/master-plan/>.

The Future Land Use Plan defines the vision for land development in Oshtemo Township based on sound planning principles and community input. It builds on the historic development patterns of the community, factoring in the objective to preserve unique environmental features and to protect the rural character of the community. At the same time, the Future Land Use Plan provides direction for anticipated development within the Township in appropriate places for growth.

2345 N 10<sup>th</sup> Street is part of the 'Low Density Residential' land use category. This designation represents the majority of the neighborhoods in the Township as well as those areas planned for future neighborhood development. The Future Land Use Plan emphasizes this land use category as being primarily single-family residential in nature and notes the desire that existing neighborhoods and residential developments be preserved and protected from incompatible land uses. Oshtemo's R-1 and R-2 Residence District zones are appropriate zoning districts for this designation.

The R-3, Residence District is defined as a transitional zoning classification; which allows for three to four family dwellings, office buildings, small animal clinics, banks, etc. A complete listing of allowable uses within the R-3, Residence District can be found in Article 8 of the Townships Zoning Code. Based on the allowed higher intensity of uses, this zoning district is considered to be part of the Future Land Use designation of 'Medium Density Residential'. The West Point Condominium project is zoned R-3 and is an example of the type of uses permitted within the 'Medium Density Residential' district.

Rezoning 2345 N 10<sup>th</sup> Street to R-3, Residence District goes against the Township's adopted Future Land Use Map and Plan. As such, in order for this rezoning to be approved this lot's designation in the Future Land Use Map would need to be amended to 'Medium Density Residential' – in summary the adopted vision for the future development of this area will need to be changed to allow for a higher density zone. By changing this designation any future development considered 'Medium Density Residential' by the Future Land Use Plan would be permitted on this site.

Creating a pocket of 'Medium Density Residential' in the middle of a 'Low Density Residential' area is not appropriate and goes against the Township's and citizens' adopted vision for the area. The 'Medium Density Residential' areas are intended to be used as a transition or, in other words, a buffer between low density residential uses, i.e. single family homes, and commercial zones.

**CONDITIONAL REZONING CONSIDERATIONS:** The applicant requested a conditional rezoning. This means Centerpoint Church offered conditions as part of the request for the rezoning. These conditions are outlined below:

1. Request the conditional rezoning of Centerpoint Church at 2345 North 10<sup>th</sup> Street from the R-2, Residence District to the R-3, Residence District.
2. The facility is currently operating as a Church and a Preschool. The Church in total is 97,000 square ft. and the Preschool occupies 9,000 square ft. of that space.
3. If the property is rezoned, only the addition of a Child Care Center would be permitted. The Child Care Center would serve children under 30 months of age.
4. The total number of children between the Preschool and Child Care Center will never exceed 110.
5. If approved, the Child Care Center would become part of the Preschool's building footprint; the footprint and infrastructure of the Church will not be expanded or impacted by this use.

Ms. Lubbert noted Article 66 of the Township Code outlines the process for a conditional rezoning to be considered, which is consistent with Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request. The Zoning Enabling Act, which allows Townships to zone property, does not provide any required standards that a Planning Commission must consider when reviewing a rezoning request. However, she said there are some generally recognized factors that should be deliberated before a rezoning decision is made. She listed those considerations along with staff analysis, incorporating the applicant's proposed conditions, as outlined below:

1. Master Plan Designation

As described in the above 'Future Land Use Map Amendment' section of this report, this rezoning request goes against the adopted Future Land Use Plan for 'Low Density Residential' for this area. Consideration not met.

2. Consistency of the Zoning Classification in the General Area

2345 N 10<sup>th</sup> Street is located in the middle of a large span of R-2, Residence District zoning. Rezoning 2345 N 10<sup>th</sup> Street to the R-3, Residence District is considered 'spot zoning'. Spot zoning is defined as the process of singling out a small section of land for a use classification completely different from that of the surrounding area for the benefit of the owner of such property that is generally at odds with a municipalities' Master Plan and current zoning restrictions. The request to rezone this property to R-3, Residence District is not consistent with the Zoning Classification in the General Area. Consideration not met.

3. Consistency and Compatibility with General Land Use Patterns in the Area

When a property is rezoned, that property is permitted to have any of the uses outlined in that zoning district as long as it follows appropriate review procedures. By requesting a rezoning that would allow for only one of the outlined particular uses within the R-3, Residence District the applicant seeks to alleviate the concern of what potential higher intensity use would ultimately

come forward on the site in question. This approach is uncommon but makes sense accompanied by a site plan in areas of the Township that have a specific adopted vision for development that may not be appropriately captured in the current Zoning Code yet. However, in this case there is a distinctive pattern and established vision for the area under consideration to be 'Low Density Residential'. This request goes against the adopted vision of the area. The uses permitted in each zoning district of the code were placed there for a reason by Oshtemo's Planning Commission and citizens in order to control the character and intent of certain areas. If approved, this request would set a precedent that discredits the intent of the Township's Future Land Use Map and planning efforts. Consideration not met.

4. Utilities and Infrastructure

One of the applicants' offered conditions is that the Child Care Center that would result from the rezoning would utilize the existing infrastructure and space within 2345 N 10<sup>th</sup> Street – there would be no new building or addition. This would decrease the impact of the use to the surrounding area. Although no operating times were offered for this use, Staff assumes it would operate the same hours as the approved Preschool. The Preschool was approved to operate Monday through Friday offering full day programs for all Preschool age children with a half-day option. Its earliest available drop off time is 8 a.m. with the latest available pick up time of 6 p.m. If this is the case, the traffic generated by the preschool and in effect the Child Care Center would not conflict with, nor be as impactful as, the traffic generated by the Church. It appears that the site has the infrastructure in place to support this use. If the rezoning is approved, this plan can be further analyzed with the required Special Use approval review. Consideration met.

However, it should be noted that a rezoning to a higher density district is equated with higher intensities in both utility and infrastructure use. Staff cautions that if this conditional rezoning is approved and a precedent is set, then other similar conditional rezoning requests might follow that will put a strain on the infrastructure of the area; which in this case was intended and designed to support only 'Low Density Residential' uses.

5. Reasonable Use under Current Zoning Classification

Under the R-2, Residence District zoning the property is currently successfully operating as a place of worship. The owners also recently gained approval to operate a Preschool for up to 110 children from this location. There is reasonable use under the current zoning classification of R-2. 2345 N 10<sup>th</sup> Street does not need to be rezoned to R-3, Residence District in order for it to be reasonably used. Consideration not met.

6. Effects on Surrounding Property

Although this specific conditional rezoning tied to a Child Care Center may not have direct negative impacts on surrounding properties, as noted in

previous sections of this report, approving this change in the Future Land Use Map and approving this conditional rezoning will set a precedent permitting 'spot zoning' that goes against the intent of the Future Land Use Plan. In essence, it would open the door to other rezoning requests of this nature; not only for other Churches that may want to follow suite and expand their services but also to any property within the Township that wishes to utilize this 'out' from standard zoning practice. Approving this request would in the long term negatively impact Oshtemo as the Planning efforts and vision of the community would be undermined. Consideration not met.

Ms. Lubbert noted the request from Centerpoint Church meets only one of the six considerations and indicated both Legal Counsel and the Planning Department recommended the Planning Commission deny both the request to amend the Future Land Use Map and the conditional rezoning of 2345 N 10<sup>th</sup> Street from the R-2, Residence District to the R-3, Residence District.

She noted that the applicant and other representatives from Centerpoint Church were present and that two letters were received, one from Glynis Fenn and one earlier today from James Palmitessa.

Vice Chairperson Maxwell asked if there were questions for Ms. Lubbert from Commissioners.

Ms. Smith did not understand the need to rezone this property to R-3.

Ms. Lubbert explained that a Child Care Center is not allowed under current zoning.

Hearing no further questions, Vice Chair Maxwell asked if the applicant wished to speak.

Mr. Larry Harper, Director of Operations at Centerpoint, 2345 N. 10<sup>th</sup> Street spoke and said if approved the hours would not change, would stay within current parameters. He said there would be no change in the number of children to be served. 110 children would be the maximum shared between the Private Preschool and Child Care Center and would have the same impact on the infrastructure. The only change would be the ages of the children. They are trying to impact families currently enrolled and noted more than 60 children being served now also have children under 30 months in the home. The change requested would not have additional impacts on the community. The church sees this change as positive for families and the community. He referred to the letter from Glynis Fenn, included in the PC packet, who said 110 children are too many - he noted that number is not changing. He said he understood the need to protect the community and appreciates that as well as the effort that goes into it.



Vice Chair Maxwell asked if there were questions for Mr. Harper from Commissioners. Hearing none she moved to public hearing and asked if there were comments. Several attendees spoke.

Tara (no last name given), a new church staff member, said she was shocked to find daycare could be offered at the church for such a reasonable price. If the request is approved she would be able to take advantage of daycare for her two year old. The available scholarship opportunity that Centerpoint Church is offering is rare. She thanked the Commission for their consideration.

Jill (no last name or address given), a 40+ year resident who lives behind the church, said she would have welcomed daycare in the neighborhood as a young mother rather than having to travel across town for expensive daycare. That Centerpoint wants to control the rate they charge is a wonderful thing as well as their desire to include the neighborhood in their positive vision for the community. They are always trying to reach out to the community and noted the many free meals they have provided to those in need during the pandemic. Providing daycare for younger children is another opportunity for outreach.

Melanie Ahrens, director at the private preschool, noted families with children currently enrolled are inquiring since they also have children younger than 30 months. She said the pandemic has made it more difficult to find childcare. She read letters and comments from several local families who were supportive of the request for rezoning and agreed to provide them to Ms. Lubbert.

James Palmitessa, 2504 Ramblewood Drive, spoke against the proposal. He recapped the comments he provided in his letter, appended to the minutes.

Ms. Lubbert read the letter from Glynis Fenn, 2300 Ramblewood Drive, who also opposed the request for rezoning. Her letter is also appended to the minutes.

Hearing no further comments from the public, Vice Chair Maxwell moved to Board Deliberations.

Ms. Smith said she felt it was wonderful to want to bring daycare into the neighborhood as she knows the problems in finding preschool and daycare, but the Commission has to be careful and thoughtful about what can be done. The considerations for a rezoning are not met by the request. Other properties in the area also must be considered. Spot zoning for one church, no matter how admirable their intentions, is problematic.

Vice Chair Maxwell asked why Child Care is permitted in a different zoning classification than a Preschool.

Ms. Lubbert said the focus of preschool is on education. Child Care is more of a transactional nature. She gave the comparison to an Adult Day Care or Pet Day Care which are also more akin to a commercial/office type of use.

Attorney Porter agreed that is as good an explanation available. The difficulty isn't the use in and of itself, it is that the conditional rezoning request does not meet zoning ordinance requirements and does not fit within the Land Use Plan. If allowed it would require opening the Land Use Plan for changes along 10<sup>th</sup> Street, looking at restructuring on zoning principles.

Vice Chair Maxwell asked whether there might be a different avenue to accommodate including a Child Care in the R-2 zoning, perhaps as a special use.

Attorney Porter said an R-2 ordinance change within the zoning context would be controversial. If it were just the church it would likely go unnoticed, if a standalone private daycare were proposed it could be problematic. It is the Planning Commission's prerogative to request that a study be done by the Planning Department regarding a possible text change for future consideration to accommodate a Child Care without a zoning change.

Ms. Farmer said many people would be happy to have Child Care available in and around the neighborhood.

Vice Chair Maxwell said Child Care is needed where the children are.

Ms. Smith asked what other uses could be allowed if a change was made to R-3.

Attorney Porter listed a number of uses including offices, 3-4 family developments, banks, credit unions, gravel pits and others. He said there are other possibilities even with conditional rezoning. If allowed, what would we tell other property owners?

Vice Chair Maxwell said she understands why we cannot re-zone as requested.

Ms. Farmer thanked everyone for their comments, noting it is important to hear from the community. She said Centerpoint Church is a fantastic partner with the Township, providing excellent services to the Oshtemo community. She completely understands the struggle. If questioned she would say we should allow Child Care, but that is not what is being considered. Everyone understands the need for affordable and trustworthy Child Care, which is a problem country wide. The Planning Commission should be able to consider ways to allow that activity but it cannot be done with the rezoning request before the Commission. Spot zoning is illegal. The Commission has a greater duty to the community than to push it into litigation to create a precedent. The community created the Master Plan. She would like to explore allowing Child Care in the same places that provide education.

Vice Chair Maxwell agreed and suggested the Commission take up that challenge.

Ms. Versalle also agreed that a discussion that might lead to Child Care is extremely important, but she shared the concerns about the can of worms that could be opened regarding the request before them. She would like to look at other ways to support Child Care where educational opportunities are supported.

Hearing no further discussion, Vice Chair Maxwell asked for a motion.

Ms. VerSalle made a motion to deny the request to conditionally rezone 2345 North 10<sup>th</sup> street from the R-2: Residence district to the R-3: Residence district of the Oshtemo Charter Township zoning ordinance and the subsequent change to the Future Land Use Map based on staff and legal counsel's recommendation due to the fact that the request meets only one of the six rezoning considerations. Ms. Smith seconded the motion. The motion was approved 5-0 by roll call vote, with one abstention (VanderWeele).

Ms. Farmer said the motion for denial should not be an indication that this is the end of discussion for Child Care at Centerpoint Church. We should be able to figure this out.

Attorney Porter felt this issue provided a good discussion and that maybe another avenue can be provided. With the Commission's request for an investigation into a possible text change there is no need for the church to initiate a request.

Ms. Farmer said because of the Covid pandemic, the quicker an investigation can be done the better. Since a textual change would not require rezoning or a change to the Future Land Use Map it should be able to be accomplished a little more quickly.

Mr. Harper said he feels great about everything that has been said. Keeping children together in one facility is even more important during a pandemic.

Vice Chair Maxwell said communication will be kept open.

Ms. Lubbert said she had an amendment idea that could address this issue and will talk about it with Attorney Porter.

Ms. Bradford asked how educational criteria would be handled.

Attorney Porter said that Child Care Centers and Preschools are different under state law and tend to line up with zoning classifications. The question is whether to bring them together or allow them in other zones.

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

RECOMMENDATION OF THE OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION RESULTING FROM A PUBLIC HEARING CONDUCTED ON NOVEMBER 12, 2020

The Oshtemo Charter Township Planning Commission hereby recommends DENIAL of the conditional rezoning of the subject property, from R-2 Residence District to R-3 Residence District of the Oshtemo Charter Township Zoning Ordinance, to allow for a preschool and child care center for up to a maximum of 110 children, which would require a change to the Future Land Use Map from Low Density Residential to Medium Density Residential. The subject property is located at 2345 N. 10<sup>th</sup> Street, Parcel No. 3905-11-280-045, and is more particularly described as follows:

SEE ATTACHMENT

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

Date: November 12, 2020

By: 

James W. Porter  
Township Attorney

Final Action by Oshtemo Charter Township Board

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

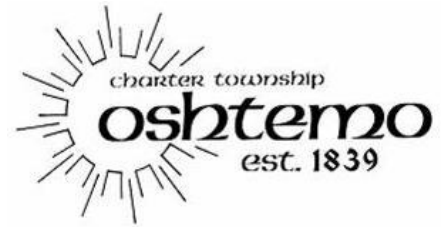
\_\_\_\_\_ DENIED \_\_\_\_\_

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

ATTACHMENT

Conditional Rezoning -- 2345 N. 10<sup>th</sup> Street

SEC 11-2-12 S 757.85 FT E 1/2 E 1/2 NE 1/4 EXC S 182.8 FT OF W 50 FT ALSO NE  
1/4 NE 1/4 SE 1/4\*\* SPLIT 12 2000 FROM 11-280-040 AND 11-430-018 \*\*\*



# Memorandum

**Date:** 20 November 2020  
**To:** Township Board  
**From:** Josh Owens, Assistant to the Supervisor  
**Subject:** Letter of Understanding with Kalamazoo County Sheriff's Office

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## **Objective**

Board consideration of proposed Letter of Understanding with Kalamazoo County Sheriff's Office

## **Background**

During the September 22, 2020 Township Board meeting, amendments to the 2020-2023 Police Protection Agreement was passed unanimously. The caveat to those amendments was a request from the Board for staff to create a Letter of Understanding (LoU) with Kalamazoo County Sheriff's Office (KCSO) to address additional training for Oshtemo deputies in the areas of conflict resolution, de-escalation, and mental health training. The Board also requested that the KCSO requested language regarding the need to hire a Lieutenant and Detective Sargent in the event that Oshtemo request additional deputies in the future also be put into the LoU.

The Police Protection Committee met on November 11, 2020, to discuss the language in the proposed LoU. Attorney Porter has taken the suggestions provided at that meeting and has adapted them to the proposed LoU. The suggested language changes were to allow more flexibility in hiring a Lieutenant and Detective Sargent if the need were to arise and to state that any trainings provided will be based on training availability and KCSO budget.

**CHARTER TOWNSHIP OF OSHTEMO**

**and**

**LOCAL 5240 OF THE INTERNATIONAL  
ASSOCIATION OF FIRE FIGHTERS**

**COLLECTIVE BARGAINING AGREEMENT**

**\_\_\_\_\_, 2020 through January 1, 2023**

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## **AGREEMENT**

THIS AGREEMENT dated \_\_\_\_\_, \_\_\_\_\_, 2020 is between THE CHARTER TOWNSHIP OF OSHTEMO, hereafter referred to as the “Township” or “Employer”, and LOCAL 5240 of the INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, also known as the OSHTEMO PROFESSIONAL FIREFIGHTERS LOCAL 5240, hereafter referred to as the “Union”.

### **ARTICLE I UNION RECOGNITION**

The Township recognizes Union as the exclusive and sole bargaining representative for all full-time fire fighters of the Fire Department excluding: the Fire Chief, paid-on-call fire fighters, clerical employees and all other Township employees. The term “fire fighter”, as used in this Agreement, shall refer to all full-time bargaining unit employees represented by the Union, except where otherwise specified or agreed to by the parties.

For the duration of this Agreement the Township agrees not to bargain with any labor organization other than the Union in regard to wages, hours or working conditions of the employees in this unit.

### **ARTICLE II UNION RIGHTS**

**Union Meetings:** Upon at least one (1) week’s notification to the Chief, the Township will provide the Union with appropriate meeting space – at no charge to the Union - for up to twelve (12) union meetings (each no more than 2 hours in duration) per calendar year (no more than 2 meetings in any 1 month). On duty personnel will be permitted to attend the meeting, provided the meeting does not disrupt the normal functioning of the Township or Fire Department. Upon timely request, and upon mutual agreement of the parties, the Union may be allowed additional meetings and/or may be allowed to extend the duration/length of any of the twelve (12) annual meetings.

**Union Business:** Officers of the Union will be afforded reasonable time during regular working hours to fulfill their Union responsibilities. During such periods of time, the Union Officers shall be considered on duty, and the Township is not obligated to furnish a replacement. It is the parties’ intent that such time will not disrupt the normal functioning of the Township or Fire Department.

### **ARTICLE III TOWNSHIP/MANAGEMENT RIGHTS**

The Township, on its behalf and on behalf of its electors and citizens, has the responsibility and, subject only to the limitations imposed by the express and specific terms of this Agreement, the right to manage, direct and control the Township and its employees and all aspects of the Fire Department and fire operations.

The Township, in the exercise of its sole right to manage the affairs of the Township and Department, may from time to time make reasonable rules and regulations not in conflict with this Agreement.

**ARTICLE IV  
UNION DUES, FEES AND ASSESSMENTS**

Fire fighters may, at any time after being deemed eligible for Union membership, individually and voluntarily sign and deliver to the Township, written assignment signed/executed by the employee authorizing deduction of membership dues, fees and assessments of the Union. The authorization form shall be provided by the Union, but shall be mutually agreed upon (a copy of the agreed-upon form is attached). Such authorization shall continue in effect unless/until such authorization is revoked by the fire fighter, in writing, to the Township Human Resources Director or his/her designee. The Township will thereafter promptly, and in writing, notify the Union President of such revocation.

The Township agrees to deduct, each pay period, dues and assessments in an amount certified to be current by the Secretary-Treasurer of the Union from the pay of those employees who individually request in writing that such deductions be made. The Employer shall remit the total amount of the employee deductions each month to the Treasurer of the Union, or direct deposit those amounts in a designated account.

The Union agrees to indemnify and hold the Township harmless from any action or liability growing out of these deductions and assumes full responsibility for the disposition of all funds turned over to the Union.

The Township will not discriminate against any employee because of membership in the Union. Membership in the Union shall not be denied to any member of the bargaining unit. The Union will not discriminate against any employee who chooses to not be a member of the Union and/or who chooses to not pay Union dues.

**ARTICLE V  
SENIORITY**

**Section 5.01 Probationary Period/Status**

Every full-time bargaining unit member-hired into the Fire Department shall serve a one (1) year (12 months of actual work) probationary period.

The Chief, with the consent and approval of the Township, may waive or reduce the probationary period, giving credit for the amount of Oshtemo Fire Department paid on-call experience.

The probationary period may be extended by the Employer for up to an additional three (3) months with the prior written consent of the Union.

At any time during the probationary period the Township may dismiss/discharge the probationary employee "at will". If the fire fighter is dismissed during the probationary period, the decision of the Township shall be final and binding and not subject to challenge via the grievance procedure.

Any fire fighter dismissed (other than a dismissal for misconduct) before expiration of his/her probationary period shall be paid his or her pro-rated share of unused PTO.

### **Section 5.02 Seniority and Loss of Seniority**

Definition – Departmental Seniority shall mean the status attained by continuous length of service as a full-time firefighter of the Oshtemo Township Fire Department.

- Employees with the same employment date shall be assigned to the seniority list by the greatest length of total service as a paid on-call firefighter of the Oshtemo Township Fire Department. If such service is equal then seniority shall be determined by a blind draw.
- A full-time firefighter will not have seniority during his/her probationary period. Upon successfully completing the probationary period the employee will be placed on the seniority list as of his/her initial hire date as a full-time firefighter with the Department.

Seniority Lists – The Township will maintain two seniority lists: (1) entitled “Township Hire Dates/Years of Service List” showing the date on which each bargaining unit member became a full-time employee with the Township along with the employee’s position/rank; and (2) entitled “Departmental Full Time Seniority List” showing the order of seniority within the department with the person at the top of the list having the most departmental seniority and the person at the bottom of the list having the least departmental seniority. The Township shall furnish a copy of both lists to the Union in January each calendar year.

Application – The Township Hire Dates/Years of Service List shall be referred to for purposes of determining an employee’s compensation and benefits when based on years of service. The Departmental Full Time Seniority list shall be referred to for purposes of layoff and recall, mandatory overtime if required, promotions, and temporary replacements.

Termination of Seniority – seniority shall terminate for the reasons set forth below:

- (a) the employee is absent from work for three (3) consecutive scheduled working days without notifying and receiving permission from the Employer (i.e. “no call, no show”; AWOL), unless due to circumstances beyond the employee’s control;
- (b) the employee is discharged for good or just cause (unless the seniority employee is reinstated through the grievance procedure);
- (c) the employee resigns, quits or retires;
- (d) the employee is on layoff for a period of two (2) years or the length of the employee’s seniority, whichever is less;

## **ARTICLE VI**

## **GRIEVANCE PROCEDURE**

**Section 6.01** A grievance shall be defined as any dispute regarding the meaning, interpretation, application or alleged violation of this Agreement.

**Section 6.02** For purposes of this Article, a “working day” is defined as a week day, Monday through Friday, between 0800 (8:00 am) and 1700 (5:00 pm).

**Section 6.03** It is the parties’ desire that grievances be resolved as quickly as possible. In the event a grievance should arise, the following Steps must be followed:

**Preliminary Step** – the bargaining unit member will first attempt to resolve the issue by discussing the matter with his/her immediate supervisor. If the matter is not resolved the bargaining unit member can proceed to Step 1.

**Step 1** – within fifteen (15) working days of the issue/matter being grieved, or within fifteen (15) working days of when the bargaining unit member knew or should have known about the issue/matter, he/she must submit a written grievance to the Chief or his/her designee. The written grievance must identify the Article(s)/Section(s) in the Agreement that were allegedly violated, must provide a detailed factual explanation/description of the issue/matter being grieved (including relevant dates), must provide a detailed description of the remedy being sought/requested, and must be signed by the grievant and a Union officer.

The Chief or his/her designee will schedule a meeting with the grievant and his/her Union representative at which time the parties will discuss the grievance. The Chief or his/her designee will provide a written Step 1 Answer to the grievant and Union representative/officer within fifteen (15) working days after receiving the Union’s written grievance.

**Step 2** – if the grievant/Union is not satisfied with the Chief’s (or his/her designee’s) written Step 1 Answer, the grievant/Union may appeal to Step 2 within ten (10) working days after receipt of the Chief’s (or his/her designee’s) written Step 1 Answer. The grievant/Union must submit its written Step 2 appeal to the Township Supervisor within ten (10) working days after receiving the Chief’s (or his/her designee’s) written Step 1 Answer. The written Step 2 appeal must include a detailed explanation as to why the Chief’s (or his/her designee’s) written Step 1 Answer is unsatisfactory, plus any new facts the grievant/Union wishes to provide.

The Township Supervisor will schedule a meeting with the grievant and his/her Union representative at which time the parties will discuss the grievance. The Township Supervisor will provide a written Step 2 Answer to the grievant and Union representative/officer within ten (10) working days after receiving the Union’s written Step 2 appeal.

**Step 3** – if the Township Supervisor’s written Step 2 Answer is unsatisfactory, the Union may request arbitration. The request for arbitration must be in writing and must be submitted to the Township Supervisor (and a demand/petition for arbitration submitted to MERC) within ten (10) working days after the Union receives the Township Supervisor’s written Step 2 Answer.

The parties will first see if they can mutually agree upon an impartial arbitrator. If they cannot reach agreement within ten (10) working days after the Union’s written request for arbitration, the parties will promptly request that the Michigan Employment Relations Commission provide a panel/list of impartial arbitrators. If no selection method is provided by MERC the parties will select an arbitrator from MERC’s panel/list by alternately striking names until only one (1) name remains.

The arbitrator shall have no power or authority to alter, amend, modify, add to, or subtract from the terms or provisions of this Agreement. The arbitrator shall have no power or authority to grant any right or relief for any period of time prior to the execution of this Agreement. The arbitrator’s decision shall be final and binding upon the parties and all employees covered by this Agreement.

The arbitration will be held at the Township’s offices. Any filing expenses will be borne by the party requesting arbitration. The expenses of the arbitrator shall be shared equally by the parties. Each party is responsible for its own arbitration expenses, including representation/counsel and witness expenses.

**Section 6.04** The Employer will attempt to schedule grievance meetings during non-working times. If that is not possible, the grievance meeting will be without loss of pay (but will also not result in contractual overtime pay) to the grievant and/or Union representative involved.

The parties agree their primary obligation is to the Township’s citizens’ public safety. Consequently, no grievance proceeding(s) may interfere with this obligation.

**Section 6.05** Probationary employees may be disciplined/discharged at any time prior to completing their probationary period. Such discipline/discharge decisions may not be grieved.

**Section 6.06** The time limits in this Article will be strictly observed and may only be extended upon mutual agreement, in writing, of the parties. The Union may withdraw a grievance at any time. Any grievance not processed by the grievant/Union within the specified time limit will be considered resolved/settled on the basis of the Employer’s last grievance Answer. Any grievance not timely processed by the Employer will be automatically advanced to the next Step.

**Section 6.07** Notwithstanding expiration of this Agreement, any grievance timely filed prior to expiration of the Agreement will be processed to completion.

**ARTICLE VII  
TRADE TIME**

A regular full-time 24-hour shift bargaining unit employee may trade scheduled work time with another regular full-time 24-hour shift bargaining unit employee who is willing to work the agreed-upon hours in exchange for an equal number of hours worked in return. The use of trade time will not result in any economic liability to the Township, including payment of any overtime pay for shift coverage.

The employee will first attempt to request trade time within rank. If no employee of equal rank is able to trade time, the requesting employee may trade time out of rank, provided the trade involves another 24-hour shift bargaining unit employee and both employees are qualified to perform the others duties.

Trade time may consist of any combination of hours between two (2) hours and twenty-four (24) hours. Each employee is responsible for tracking the number of hours traded (i.e. the number of hours they owe another employee, or are owed by another employee).

All trade time requests must be submitted in writing to the Chief or his/her designee at least twenty-four (24) hours prior to the time/date of the proposed trade. All trade time requests must be approved in writing by the Chief or his/her designee. No request for trade time shall be unreasonably denied.

**ARTICLE VIII  
LAYOFF AND RECALL**

**Section 8.01** “Layoff” shall mean the separation of an employee(s) from active work due to lack of work, lack of funds, or reorganization. “Recall” shall mean the return to work of an employee on layoff.

**Section 8.02** The Chief will determine the number of positions within each rank to be laid off. Within rank, the order of layoff(s) will be as follows:

- 1<sup>st</sup> If layoffs are to occur within the full-time firefighter rank, then before the Department lays off any full-time firefighter, the Department will first eliminate the paid-on-call “shift” position(s) in each station.
- 2<sup>nd</sup> Probationary employees within rank (last hired = first laid off, and so on).
- 3<sup>rd</sup> Thereafter, any layoffs will be in accordance with seniority within rank (least senior within rank = first laid off, and so on)

**Section 8.03** A laid off seniority employee may, in lieu of being laid off, exercise his/her Department seniority to bump a lower ranked bargaining unit member, provided the bumping employee is qualified, has previously held regular status in the position, and is capable of performing the duties of the lower ranked bumped employee. An employee who bumps into a

lower ranked bargaining unit position will have the “Right of First Refusal” to return to his/her former pre-bump position.

**Section 8.04** The Employer will provide the Union at least fourteen (14) calendar days’ notice that the decision has been made to lay off bargaining unit employees. During this fourteen (14) calendar day period the parties will meet and, to avoid confusion, discuss which bargaining unit members will be laid off. Those to be laid off will thereafter be given at least five (5) days’ additional written notice.

**Section 8.05** Any laid off seniority employee will be placed on the recall list.

- A. Those on the recall list will be recalled to vacant positions (for which they are qualified) according to their Department seniority (last laid off = first recalled; only if a vacant position cannot be filled via the recall list will it be filled via promotion or outside/new hire).
- B. A laid off employee shall remain on the recall list and will have recall rights for a period of two (2) years or the length of his/her Department seniority, whichever is less.
- C. The Employer will notify the Union when an employee is to be recalled. The Employer will then notify the laid off employee via certified/registered mail (at the individual’s last known address). The recalled employee will be treated as a voluntary resignation unless he/she responds to the Chief (absent extenuating circumstances) and is ready and able to report for work within ten (10) calendar days of the certified mailing date.

**Section 8.06** A layoff will not be considered a “break in service”. A “recalled” employee will retain his/her original Department seniority/hire date (though he/she will not accrue benefits or seniority while on layoff).

## **ARTICLE IX LEAVES OF ABSENCE**

### **Section 9.01 Medical Leave of Absence**

An unpaid medical leave of absence (MLOA) may be requested if legitimate physical or mental conditions necessitate time away from work. You must submit a written request to the Chief or his/her designee, specifying the dates, requested length and other useful information. The Township may require that you provide detailed written information from your treating health care provider regarding any “restrictions” you may have. The Department may attempt to “reasonably accommodate” those restrictions so that you can continue working; if the “restrictions” cannot be “reasonably accommodated,” or if “reasonably accommodating” your “restrictions” would cause the Township/Department “undue hardship”, then you will be considered for an MLOA, provided the MLOA is of “reasonable” duration and would not cause the Township/Department “undue hardship”.

You will be required to use paid time off as part of a MLOA. “Line Personnel” will be required to use all but 24 hours of PTO; “Staff” personnel will be required to use all but 16 hours of PTO). You may also be eligible for workers compensation and/or disability benefits while on MLOA (in which case PTO will supplement disability or workers comp payments in order to provide you 100% income replacement).

If approved for an MLOA you must provide the Chief or his/her designee satisfactory written “return to work” documentation before you’ll be returned to duty.

### **Section 9.02 Family Medical Leave (FMLA)**

The Township complies with the federal FMLA. See the Township’s FMLA policy in the Township’s Employee Handbook for more information about FMLA leave.

You will be required to use paid time off as part of a FMLA leave. “Line Personnel” will be required to use all but 24 hours of PTO; “Staff” personnel will be required to use all but 16 hours of PTO). You may also be eligible for workers compensation and/or disability benefits while on FMLA (in which case PTO will supplement disability or workers comp payments in order to provide you 100% income replacement).

MLOA and FMLA will often run concurrently.

### **Section 9.03 Court Time/Jury Duty Leave**

An employee subpoenaed for jury duty will, upon proof of such duty, be released from work. Written notice of the summons must be provided to the Chief or his/her designee as soon as it is available. You must return to work each day within one (1) hour of being released by the court unless two (2) or less hours remain in your shift. Employees who are summoned for jury duty will be paid their regular wages/salary.

An employee subpoenaed/summoned on his/her off-duty day to testify in a proceeding with a nexus to the employee’s official duties, shall receive 1.5 times his/her regular straight-time hourly pay rate for a guaranteed two (2) hours. If testifying takes more than two (2) hours the employee will be paid 1.5 times his/her regular straight-time hourly pay rate for all hours worked, rounded up to the next highest half hour. The employee will go “on the clock” when he/she is directed to and actually reports to the courthouse.

### **Section 9.04 Military Leave**

An employee who is required to participate in annual military training programs or who is called-up during short term civil or national emergencies, or who leaves work to serve in the military, will be provided time off as required by federal law.



Employees shall receive the difference between their military pay and their normal Township pay, excluding insurances, while on active military duty for up to one (1) year; this excludes normal drill duty weekends and/or the typical two (2) weeks of reservist/guard drills per year.

### **Section 9.05 Funeral Leave**

Line personnel shall be granted forty-eight (48) hours paid leave, and staff personnel shall be granted twenty-four (24) hours paid leave, in the event in the event of the death of a member of the employee's "immediate family."

For purposes of this section "immediate family" shall be defined as the employee's spouse, parents, children (biological, step, adopted), grandparents, grandchildren, brothers, sisters.

Line personnel shall be granted twenty-four (24) hours paid leave, and staff personnel shall be granted eight (8) hours paid leave, for other family, defined as mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law and son-in-law.

The employee may also use paid time off to extend funeral leave.

### **Section 9.06 Maternity/Paternity Leave**

Seniority employees will be allowed paid maternity/paternity leave for the birth of a child, adoption of a child, or placement of a foster child as follows:

- "Line personnel" will be allowed 48 hours paid leave.
- "Staff personnel" and the Deputy Chief will be allowed 40 hours paid leave.
- Only one (1) bargaining unit employee/member on Maternity/Paternity leave at any given time; leave(s) will be staggered as staffing/operations permit.
- Leave must be taken/finished within six (6) months of birth, adoption or placement.

### **Section 9.07 Union Business Leave**

With the Chief's approval (the request should be made to the Chief at least 10 calendar days in advance of the requested time off), and provided staffing/operations permit, the Local 5240 President or his/her designee will be allowed up to 24 hours of paid leave time per fiscal year to attend official union meetings, conventions, seminars, etc.

### **Section 9.08 Benefits**

Employees will accrue benefits and seniority while on FMLA, Court Time/Jury Duty Leave, Military Leave (unless "called-up"/reactivated), Funeral Leave, Maternity/Paternity Leave, Union Business Leave, and while using paid time off during an MLOA (receiving workers comp or disability benefits only is not considered "using paid time off" while on MLOA).

## **ARTICLE X WAGES AND HOURS**

### **Section 10.01 Wages/Scheduling/Work Day**

Work scheduling shall be determined by management in conjunction with employee input and in accordance with the collective bargaining agreement.

- (a) Employees will be paid their applicable bi-weekly salary as set forth in Appendix “A”. All employees will be paid via direct deposit.
- (b) “Line personnel” are Section 207(k) employees and work a fourteen (14) consecutive day work period. They are broken into three shifts (identified as “A”, “B” and “C”) working 24-hour shifts (7:00 a.m. – 7:00 a.m.), followed by 48 hours off, resulting in an average 56-hour duty week schedule. Line personnel are eligible for statutory “overtime”, as well as contractual “overtime” pay as set forth in this Agreement.

Except for responding to/handling emergency calls (and completing attendant paperwork and insuring operational response readiness), the normal duty day for “line personnel” ends at 1700 hours (5:00 p.m.), 1400 hours on Saturday (2:00p.m.). When possible, training will be held during the normal duty day, recognizing that with notice training (particularly POC training), community events, public relations events, etc., may occur between 1700 and 2200 hours (5:00 p.m. and 10:00 p.m.). Recurrent tasks/duties assigned during the normal duty day Monday through Saturday will generally not be assigned during the normal duty day Sundays and recognized Holidays.

- (c) “Staff personnel” are FLSA non-exempt and typically work a forty (40) hour work week (8:00 a.m. – 5:00 p.m.; Monday – Friday) schedule. Staff personnel are eligible for statutory “overtime”, as well as contractual “overtime” pay as/if set forth in this Agreement.
- (d) The “Deputy Chief” position is an FLSA exempt position typically on-duty between the hours of 8:00 a.m. – 5:00 p.m.; Monday - Friday. The Deputy Chief position is not eligible for statutory “overtime”, but is eligible for contractual “overtime” pay as/if set forth in this Agreement.

### **Section 10.02 Statutory Overtime**

“Line personnel” will receive statutory overtime at 1.5 times the employee’s regular base hourly rate of pay for all authorized hours worked in excess of 106 hours per 14 day work period.

“Staff personnel” will receive statutory overtime at 1.5 times the employee’s regular base hourly rate of pay for all authorized hours worked in excess of 40 hours in the 7 day workweek.

Only hours actually worked, not hours paid, will count towards determining statutory overtime owed during the 14 day work period or 7 day workweek. There will be no pyramiding of overtime.

### **Section 10.03 Contractual Overtime for Extra Hours**

If a “line” or “staff” employee is held-over after his/her shift, or is called back to work extra or accepts hours outside of his/her regularly scheduled work hours, the employee will be paid contractual overtime at a rate of 1.5 times his/her regular base hourly pay rate for all additional hours worked (but with a guaranteed minimum of 1 hours pay for a hold-over and 2 hours pay for a call back). Such additional compensation will be paid regardless of whether the employee actually worked more than 106 hours in the 14 day work period or 40 hours in the 7 day workweek. Contractual overtime will not be owed/paid if the Chief/employee agree the hours worked will be offset via “flex time”.

Any time the Department has an emergency response (e.g. fire, EMS, etc.) for “paid on-call” (POC) firefighters, the Department will also contact all regular full-time bargaining unit “line personnel”. Those regular full-time bargaining unit “line personnel” who respond to their station (where his/her turnout gear is located) within twenty (20) minutes of being contacted will be paid as set forth above for a “call- back”.

#### **a. Equalization of Overtime for 24 Hour Line Personnel:**

“Call Back Overtime” shall be defined as the transmittal of a specific request of the Chief or his/her duly appointed subordinate to a line personnel wherein the line personnel is asked to return to duty or held over to assist the department in the handling of an alarm.

“Call-In Overtime” shall be defined as the filling of scheduled vacancies due to vacations, sick leave or other absences covered under this CBA.

In cases of Call-In Overtime, the Township will continue to use its current extra hour’s list (hereinafter referred to as “The Overtime List”). When the Township uses The Overtime List, the Chief will contact and give ‘right of first refusal’ to the employee whose name shows with the lowest number of hours and continue from those on the list down through said list. If an individual on the list declines the offered overtime work, the declination will be charged against (hours added to their total) him/her and the next person on the list will be solicited. If an individual is not contacted on an overtime request, the request for overtime shall not be charged against his/her standing. New bargaining unit members will be added to the bottom of the list and given hours equal to and plus one that of the person on the bottom of the list with the highest amount of hours). Should the list be exhausted the person with the lowest seniority may be ordered to work mandatory overtime as long as it doesn’t violate Public Act 125 of 1925. The overtime list will be carried over from year to year and shall not reset. The list will be posted electronically.

Any overtime incurred by line personnel due to scheduled trainings that are outside of their scheduled duty day will have those hours charged against (added to) their total hours on

The Overtime List. However, the Township will not be required to use The Overtime List when calling employees in for scheduled trainings or conferences.

**Section 10.04 Temporary Replacement Pay**

If a Captain is going to be absent for more than five (5) consecutive twenty-four (24) hour shifts (e.g. vacation, FMLA, etc.), and if the Chief determines the higher ranking employee's position must be filled on a temporary basis, the Chief will assign a lower ranking employee to temporarily fill the higher ranking position. The Chief shall assign the next highest ranking, on-duty, full-time employee, based on time in rank and with the appropriate qualifications for the position, to perform the duties. The lower ranking employee so assigned shall be paid at the starting base pay rate of the higher ranking position for all hours worked (excluding the 5 consecutive 24 hour shifts referenced above; the higher pay rate will be paid starting after the 5 consecutive 24 hour shifts has elapsed) in the higher ranking position.

**Section 10.05 Licenses/Certifications**

The Township will pay for and/or reimburse for all Department required, Department requested or Department approved licenses/certifications. Once a Department required, requested or approved license/certification is attained by the employee, and provided the Department continues to utilize the employee's skills accompanying that license/certification, and provided the Department determines it can afford/budget for the renewal costs, the Department will pay to renew those existing license(s)/certification(s).

**Section 10.06 Payroll/Payday**

Employees will be paid every two weeks. Payday is Wednesday via direct deposit.

**Section 10.07 Food Allowance**

Employees regularly scheduled to work a 24-hour shift will be provided an annual food allowance of \$500.00 to be paid as a separate check along with the first paycheck in the month of January. The food allowance check is a reimbursement for funds already expended and therefore non-taxable.

**ARTICLE XI  
PROFESSIONAL DEVELOPMENT**

**Section 11.01**

The Township and Union recognize the benefits from additional education and/or attendance at conferences, certain meetings, workshops, seminars, etc. The Township will therefore give due consideration to all such requests. In reviewing requests submitted the Township retains complete and total discretion to grant or deny the request, in whole or in part.

## **Section 11.02 Requests**

Whenever possible attendance should take place during off-duty hours; such requests will be given more favorable consideration than requests where attendance would occur during scheduled work hours.

All requests are entirely voluntary.

Regular full-time seniority bargaining unit members may request permission to attend educational classes, conferences, workshops, seminars, certain meetings, etc. The request must be in writing on the appropriate form, be signed by the requesting employee, and be submitted to the Chief as far in advance as possible.

The request must identify the class, conference, workshop, seminar, etc., the location, the days/times when the class, conference, workshop, etc., will meet, the sponsoring organization (if any), provide a description of the class, conference, workshop, seminar, etc., how attending will contribute to the employee's ability to perform his/her job, whether the employee will miss scheduled work hours (and if so, the amount of release time the employee is requesting), and give detailed information as to the amount of reimbursement the employee is seeking/requesting (tuition/registration, books, mileage, parking, lodging, meals, etc.).

## **Section 11.03 Approval**

You must receive written approval from the Chief before attending any class, conference, workshop, seminar, etc., unless you are attending entirely of your own volition, on your own time and expect no reimbursement from the Township.

If approved, you must attend the class, conference, workshop, seminar etc., unless you first notify the Chief or his/her designee and provide a satisfactory explanation as to why you are unable to attend.

You must provide the Chief or his/her designee with a "completion" certificate (for training seminars) or your transcript. Reimbursement for educational classes will be provided as follows:

A+, A, A-, B+, B, B-/4.0 - <2.5	=	100% reimbursement
C+, C, C-/2.5 or less, but > 1.5	=	50% reimbursement
D+, D, D-, E/1.5 or lower	=	0% reimbursement

The Township will not approve time off, nor reimburse for repeated classes, conferences, workshops, seminars, etc.

By making a request the employee and Union agree that if the employee's Township employment terminates prior to successful completion of the class, conference, workshop, seminar, etc., no reimbursement will be paid.

## **ARTICLE XII PROMOTIONS**

The Township will determine when vacant positions need to be filled. Positions (e.g. Captain, Assistant Chief, etc.) are not the same as assignments (e.g. Fire Marshall).

When the Township decides to fill a vacant bargaining unit position above that of full-time firefighter, or if the Township creates a new bargaining unit job classification above that of full-time firefighter, the Township will fill the vacant position as described below.

The position opening will be posted on each station's Union bulletin board for a period of not less than fifteen (15) consecutive calendar days. During the fifteen (15) day posting period any bargaining unit member meeting the eligibility requirements (which will be included on the posting) may submit to the Chief a written request to be considered for the open position. Any bargaining unit member on authorized leave for the entire fifteen (15) day posting period will be notified by both the Union President and the Chief as to the job posting.

Eligibility requirements for potential promotion will be based on the position's job description. Job descriptions will be changed by the Township/Chief only after the proposed changes have been discussed with the Union.

The promotion process may include written examination(s), oral examination(s), etc. The written examination(s), oral examination(s), etc., as well as the appropriate study materials, will be discussed with the Union. After such discussion the types of test(s) to be administered and the appropriate study materials will be included on the vacancy posting. The appropriate study materials will be provided by the Township/Department.

The Chief and Township Supervisor will determine if any of the internal candidates meet the eligibility requirements and, if so, has the candidate "passed" any/all examination(s) administered. If two (2) or more internal candidates meet the eligibility requirements and "pass" any/all administered examination(s), the Township/Chief will select the most senior of the qualifying internal candidates. Unsuccessful candidates will be so notified.

It is the Township's intent that vacant positions, if filled internally, will be filled within sixty (60) consecutive calendar days after the position is first posted.

If no internal candidate meets the eligibility requirements and/or fails to "pass" any/all administered examination(s), the Township may post the position opening externally.

## **ARTICLE XIII INSURANCES**

For the term of this Agreement the Township will provide each bargaining unit member with the same insurances (e.g. health, dental, vision, STD/LTD, life, etc.), and under the same terms (premium co-shares) as the Township provides to all other Township employees. In addition, the Township will pay all premiums to provide bargaining unit members with VFIS insurance.

The Township reserves the right to select or change any or all insurance carriers provided the level of benefits remains substantially equivalent to what is currently offered.

The Township will provide the Union with at least seven (7) days' notice before changing insurance carriers or plans.

#### **ARTICLE XIV HOLIDAYS**

The following are the Township's recognized holidays:

1. New Year's Day
2. Martin Luther King Jr. Birthday
3. Presidents' Day
4. Memorial Day
5. Independence Day
6. Floating Holiday
7. Labor Day
8. Veteran's Day
9. Thanksgiving Day
10. Day after Thanksgiving
11. One-half (½) day before Christmas
12. Christmas Day
13. One-half (½) day before New Year's Day

The Department/Township, with reasonable notice, may combine half-days into a single 24 hour holiday. The floating holiday will coincide with the floating holiday for all other Township employees.

Holiday Pay: 56 hour per week employees will receive 96 hours of holiday pay at the employee's regular base hourly rate of pay (employees in their first calendar year of employment will receive a pro-rata amount of holiday pay) regardless of whether or not they work the holiday. Holiday pay will be paid in the first full pay period in December.

40 hour per week employees will receive 8 hours of holiday pay at the employee's regular base hourly rate of pay (or the employee will receive his/her regular daily salary) and will receive the holiday off.

#### **ARTICLE XV CORRECTIVE ACTION**

Maintenance of discipline is essential to the satisfactory operation of the Fire Department. The Township will discipline/discharge only with "just cause".

Prior to issuing formal disciplinary action the involved employee will be presented with brief written notice of the allegations/charges against him/her. At a meeting with the Chief the involved employee will be given the opportunity to explain the situation/circumstances from the employee's perspective. Upon request the involved employee may have a union representative present during this meeting (upon request the union representative may caucus with his/her member; the union representative will not, however, disrupt/interrupt the meeting). After the meeting concludes (and unless additional meetings are scheduled), the Chief will – within a reasonable period of time - either present the employee with formal written disciplinary action, or will notify the employee that no formal disciplinary action will be taken.

The following corrective actions may (depending on the circumstances) be utilized: documented oral counseling, documented oral warning, written reprimand/warning, suspension with or without pay, demotion, discharge.

When appropriate the Department will use progressive corrective disciplinary action.

**ARTICLE XVI  
PAID TIME OFF**

Full-time employees in the bargaining unit will earn Paid Time Off (“PTO”) instead of paid Vacation time, paid Sick time, paid Personal time, etc. PTO will run from calendar year to calendar year. At an employee's anniversary date (which, for current employees, will be based on the employee's full-time hire date as stated in the agreed-upon seniority list entitled “Township Hire Dates/years of service List”), the increase in PTO earned will be prorated for the balance of the calendar year.

56 hour employees will be granted PTO as follows:

0-6 months	88 hours
6 months – 1 year	96 hours
1 year – 5 years	264 hours
6 years – 14 years	336 hours
15 years +	408 hours

40 hour employees will be granted PTO as follows:

0-6 months	40 hours
6 months – 1 year	72 hours
1 year - 5 years	168 hours
6 years - 14 years	216 hours
15 years +	256 hours

When an employee moves from 56 hour to 40 hour, or 40 hour to 56 hour, PTO will be handled as follows:



- a. When an employee changes from a 40 hour employee to a 56 hour employee, the employee will move to the 56 hour PTO schedule and will be immediately granted additional PTO based on their seniority at the time of the change in the employee's status, which PTO will be prorated for the remainder of the calendar year.
- b. When an employee changes from a 56 hour employee to a 40 hour employee, the employee will have until the end of that calendar year to use the additional PTO granted under the 56 hour PTO schedule. Upon the start of the next calendar year, the employee will be on the 40 hour PTO schedule based on their seniority at that time.

PTO cannot be taken before earned/granted. PTO may be used in one (1) hour increments. PTO will be paid at the employee's then current regular hourly pay rate.

**Planned PTO:** Requests to use planned PTO (e.g. vacation, medical appointments, etc) must be submitted to the Chief for pre-approval at least fourteen (14) days in advance.

- No more than one (1) fifty-six (56) hour employee will be approved for planned PTO at the same time (the Chief or his/her designee may make an exception for compelling reasons). The Department will not cancel an approved planned PTO day(s) off due to another employee's unplanned PTO absence.
- Planned PTO will be approved on a first come first served basis.

**Unplanned PTO:** Requests to use unplanned PTO (e.g. illness, emergency medical appointment, pressing personal business, etc.) must be made via the Department's call-in procedure; the employee must contact his/her immediate supervisor at least one (1) hour prior to his/her regular shift-start time.

Earned and unused PTO hours will carry over from one calendar year to another. However, employees may carry over no more than 50% of the PTO hours granted in a given year and accrue no more than 150% of the total PTO hours allotted for that year. As all excess PTO hours will be forfeited, it is the employee's responsibility to avoid a forfeiture.

Upon separation from the Township/Department (for any reason, except for misconduct [e.g. theft, fighting, lying, etc.]), the employee will be paid 50% of his/her accrued and unused PTO (as of his/her most recent anniversary date).

## **ARTICLE XVII RETIREMENT**

Each year the Township shall contribute an amount equal to 4% of each employee's base pay to a defined contribution 401(a) retirement plan. The employee may contribute voluntary dollars to either a pre-tax 401(a) or a post-tax 457(b) Roth IRA account. If an employee voluntarily contributes dollars into either their 401(a) or 457(b) accounts, the Township will match those voluntary contributions up to 4% of their base pay each year by depositing such amount into the employee's 401(a) account.

The Township will also continue its current practice of making a yearly contribution into the MERS Health Care Savings Program for each full time bargaining unit employee in accordance with the terms of that Program. The amount of the yearly contribution is \$3,600.

## **ARTICLE XVIII MISCELLANEOUS**

### **Section 18.01 Waiver**

This Agreement constitutes the complete understanding of the parties hereto. The Township and Union, for the life of this Agreement, waive and agree the other shall not be obligated to bargain collectively with respect to any subject or matter not specifically referred to or covered in this Agreement. The terms of this Agreement are controlling and shall not be changed during the life of the contract without the mutual consent of the parties.

Insofar as the terms of this Agreement conflict with any personnel policies of the Township, rules of the Fire Department, or resolutions of the Township, this Agreement shall control. Where there is no conflict the personnel policy, rule and/or resolution will apply.

### **Section 18.02 Bulletin Board(s)**

The Employer will provide one (1) union-designated bulletin board (at least 3'x3') in each staffed fire station. The bulletin board may be used by the Union for information concerning union activities, provided that all postings are signed by a responsible Union Officer. The bulletin board will not be used to post derogatory or defamatory material(s) about the Township, Department, or their employees or elected officials.

### **Section 18.03 Obligation for Continuance of Service**

The Union recognizes that the cessation or interruption of services by fire fighters as defined by Section 1 of Public Act 336 of 1947 of Michigan, as amended, is contrary to law and public policy. Accordingly, the Union and fire fighters agree they will not direct, instigate, participate in, encourage, or support any cessation, interruption, or interference of services by any fire fighter or group of fire fighters.

Concerted "sick days", refusal to report to duty because of the existence of pickets involved in other possible disputes with the Township, refusal to honor emergency calls to other nearby communities where labor disputes may exist, refusal to handle equipment produced by manufacturers having labor disputes, or other similar actions, shall all be deemed to be practices prohibited by this Section and subject to penalties to be imposed by the Township.

### **Section 18.04 Residency**

Regular full-time bargaining unit employees shall not reside more than twenty (20) miles (or the distance authorized by State law) "as the crow flies" outside the Township's boundaries.

All new hires shall reside within these limits prior to expiration of the new hire's probationary period.

### **Section 18.05 Successorship**

If the Township changes to another form of public entity (e.g. becomes a city), the successor form of government shall recognize Local 5240 and will assume the existing Township/IAFF Agreement. If the Township decides to merge with another public entity, or decides to transfer responsibility for firefighting and/or EMS to another provider (e.g. county, city, authority, etc.), the Township will notify and engage in effects/impact bargaining with Local 5240.

### **Section 18.06 Gender Neutral**

It is intended that this Agreement be gender neutral. Any inadvertent reference to the masculine gender is intended and will apply equally to the feminine gender, and vice versa.

### **Section 18.07 Personnel Files**

The Township maintains a personnel file/record for each Township employee. It is the employee's responsibility to make sure that the information in the Township's file is "up to date" (e.g. contact information, marital status, etc.).

An employee may view the contents of his/her personnel file/record by making a written request to the Chief. The Chief will, within a reasonable period of time, schedule a meeting at which the employee can review the contents of his/her personnel file/record. The Township will also comply with the Michigan Bullard-Plawecki Employee Right to Know Act.

### **Section 18.08 Union Representatives**

Within ten (10) working days after this Agreement goes into effect, and whenever there is a change thereafter, the Union will provide the Employer with a list of Union officers and up to three (3) stewards, all of whom are authorized to participate in the grievance procedure as Union representatives. The Employer will not discuss grievances with bargaining unit members, other than the grievant and designated Union representatives.

### **Section 18.09 Uniforms/Gear**

The Township shall provide each bargaining unit member engaged in firefighting with OSHA approved turn-out gear/equipment (including extrication gloves), and each bargaining unit member with appropriate dress clothing/uniforms. Though the Township retains the discretion to decide/change what items (and the number of each item) each bargaining unit member is to be provided, the current dress clothing/uniform is as set forth in Appendix "B". The Chief or his/her designee will – at his/her discretion - replace clothing items and/or turn-out gear/equipment that is unserviceable due to work-related damage and/or that is worn/damaged due to normal wear-and-tear.

The standard duty uniform will be determined and posted by the Chief or his/her designee and shall be worn during scheduled working hours. Except for travel to/from work, Township provided clothing will not be worn off duty.

The Township will provide cleaning equipment/supplies/facilities (including ironing) at each station. Bargaining unit members are responsible for cleaning/caring-for/maintaining their Township issued clothing and turnout gear/equipment.

All Township-provided turn-out gear/equipment and clothing remains Township property. Employees must turn-in all Township issued clothing/gear upon termination/separation prior to receipt of final paycheck. Failure to timely return Township property will be considered theft.

**ARTICLE XIX  
DURATION OF AGREEMENT**

All Articles/Sections of this Agreement take effect \_\_\_\_\_, \_\_\_\_\_ 2020.

The Agreement will remain in full force and effect through and will expire/terminate on January 12023. It may extend beyond that date only upon written consent/agreement of the parties.

The Agreement will automatically renew for continuing periods of one (1) year, unless a written notice is served by one party upon the other at least ninety (90) calendar days prior to the expiration date, or ninety (90) calendar days prior to the expiration date of any subsequent automatic one (1) year renewal period, of that party's intent to renegotiate the Agreement.

Authorizing signatures:

For IAFF Local 5240

For Oshtemo Township

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## APPENDIX A WAGE RATES

### FIREFIGHTERS (Hourly Rate)

Upon Ratification in 2020		<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>
	Years of Service:	0-1	1-2	2-3	3+
	Firefighter Line:	16.52	17.35	18.22	19.13
	Firefighter Staff:	23.75	24.93	26.19	27.50

*\*Note, the current Line Firefighter at step 1 will maintain his rate of \$ 16.91 until he reaches step 2.*

1/1/21 (1.0% increase ATB)		<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>
	Years of Service:	0-1	1-2	2-3	3+
	Firefighter Line:	16.69	17.52	18.40	19.32
	Firefighter Staff:	23.99	25.18	26.45	27.78

1/1/22 (1.75% increase ATB)		<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>
	Years of Service:	0-1	1-2	2-3	3+
	Firefighter Line:	16.98	17.83	18.72	19.66
	Firefighter Staff:	24.41	25.62	26.91	28.27

### CAPTAINS (Hourly Rate)

<b>Upon Ratification in 2020:</b>	Captain Line:	21.04
	Captain Staff:	30.25
<b>1/1/21 (1.0% increase ATB):</b>	Captain Line:	21.25
	Captain Staff:	30.55
<b>1/1/22 (1.75% increase ATB):</b>	Captain Line:	21.62
	Captain Staff:	31.08

### ASSISTANT CHIEF (Hourly Rate)

<b>Upon Ratification in 2020:</b>	31.25
<b>1/1/21 (1.0% increase ATB):</b>	31.56
<b>1/1/22 (1.75% increase ATB):</b>	32.11

*\*Note, the current assistant chief will maintain his current rate (31.31) and will receive a 1.0% increase based on that rate at 1/1/21 and a 1.75% increase on 1/1/22.*

### DEPUTY CHIEF (Annual Salary)

<b>Upon Ratification in 2020:</b>	79,903.00
<b>1/1/21 (1.0% increase ATB):</b>	80,702.03
<b>1/1/22 (1.75% increase ATB):</b>	82,114.32