

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
January 8, 2013

Township Board work session was held at the Township Hall. Supervisor Heiny-Cogswell called the meeting to order at 5:00 p.m.

PRESENT:

Supervisor Libby Heiny-Cogswell
Clerk Deb Everett
Treasurer Nancy Culp
Trustee Dave Bushouse
Trustee Nancy Carr
Trustee Dusty Farmer
Trustee Lee Larson

Also present were Township Attorney James Porter, Ordinance Enforcement Officer Rick Suwarsky, and 10 interested people.

KCSD Activity Report – Sgt. Todd Meyers provided information on recent activity in the Township. Capt. William Timmerman advised the central dispatch feasibility study is in progress, and the new jail addition is expected to be completed in February.

Discussion – Noise Complaints Related to Firearms Discharge

Ordinance Enforcement Officer Suwarsky provided information regarding complaints regarding gunfire noise, most due to the duration of the noise. There was discussion regarding possible amendments to the Township's noise ordinance and State laws addressing discharge of firearms. Supervisor Heiny-Cogswell advised there will be further discussion at the Board work session on February 12th.

Discussion – DDA Interest Regarding 9th Street Rear Access from Atlantic Avenue

Downtown Development Authority (DDA) Vice-Chair Terry Schley presented information regarding the study/discussion that has been ongoing regarding a rear access drive to the properties on South 9th Street between Atlantic Avenue and Stadium Drive. He advised the DDA met with all the property owners, except one who they had been unable to reach, consensus was they do not wish to relinquish any property for the access drive, the DDA is seeking a partnership with the Township and requesting the drive be installed on Township owned property behind the Community Center which extends to Atlantic Avenue, the DDA would fund construction of the drive and agree to consider it a temporary fixture if future area development determined it should be closed. He advised he was seeking sentiment from the Board as to whether the DDA should continue to pursue this project considering these factors. DDA member Fred Gould was also present and commented the drive is needed to further the Village Theme Development Plan and Village Form Based Code which was developed after many hours of consideration in an effort to provide the tools to redevelop this area.

There was lengthy discussion as to whether the Township should relinquish the property; Trustees Larson, Carr, Treasurer Culp and Supervisor Heiny-Cogswell were in favor, Clerk Everett and Trustee Farmer felt the other property owners should be willing to share the contribution but would support using the Township's property, Trustee Bushouse was opposed to relinquishing Township property. In light of the consensus to move forward, the DDA can proceed; any agreement will require Board approval.

The Board work session adjourned at approximately 6:55 p.m.

Supervisor Heiny-Cogswell called the regular meeting to order at approximately 7:00 p.m.

PRESENT:

Supervisor Libby Heiny-Cogswell
Clerk Deb Everett
Treasurer Nancy Culp
Trustee Dave Bushouse
Trustee Nancy Carr
Trustee Dusty Farmer
Trustee Lee Larson

Also present were Township Attorney James Porter, Planning Director Greg Milliken, Fire Chief Mark Barnes, 18 members of the Fire Department, and 7 interested people.

Motion by Culp, second by Larson to approve the December 11th regular and December 18th special meeting minutes. Carried.

Trustee Carr noted there were items voted on at previous meetings for which she intended to vote “no”. A list provided to Clerk Everett was for the following:

December 18th – additional police protection requested through December 31st.

December 11th – property and liability insurance, data back-up system, field tablet purchase, and Trustee appointment.

Income to the General, Building, Fire, and Sewer & Water Funds of \$47,992.68 and disbursements of \$366,926.84 were reported. Motion by Culp, second by Larson to accept the receipts and disbursements report. Carried.

CITIZENS COMMENTS ON NON-AGENDA ITEMS

Lou Conti, Alamo Township Supervisor introduced himself and commented he was looking forward to working with Oshtemo Township.

FIRE DEPARTMENT PROMOTION

A ceremony was held promoting Firefighter Tom Fletcher to Lieutenant. Chief Barnes noted there were three department applicants for the promotion process.

PARK ORDINANCE AMENDMENTS – SECOND READING

A recommendation from the Park Committee to amend the Parks Ordinance was before the Board for Second Reading. The proposed changes would amend the park rules to add no smoking on park property, no discharge of fire arms, no fires except in grills, require pet clean up, make parks available on a first come, first served basis except the large pavilion at the Township Park which can be reserved, change park hours to sunrise to half an hour after sunset, prohibit motor vehicles outside parking lots without prior approval, prohibit damage or removal of trees or vegetation, provide that pedestrians have the right of way on paths, prohibit disturbing the peace and quiet of others, require gatherings of 200 or more to provide notice to the Township Office, provide that the Park Committee may adopt policies to facilitate the use of the parks, and require rules be posted at the Township Park and Flesher Field.

Motion by Everett, second by Larson to adopt the ordinance amendments. Carried.

FIRE PREVENTION CODE UPDATE – SECOND READING

An ordinance to adopt the National Fire Protection Association (NFPA 1) Fire Code 2012 Edition was before the Board for Second Reading.

In response to Board Members questions, Chief Barnes provided information comparing NFPA to the International Fire Code (IFC) with a recommendation to adopt the NFPA as the Township’s Fire Code, noting a change in codes in not being requested; NFPA is currently being enforced, the recommendation is to adopt the updated NFPA 2012 edition, the IFC refers to the NFPA in many instances.

Trustee Larson advised he would be voting no commenting he feels in light of what is being attempted with KABA to have consistency in codes, the IFC should be adopted.

Trustee Bushouse commented he understands Trustee Larson’s comments; historically the NFPA standards were used when an official code did not exist, it cannot be more restrictive than the State Construction Code, but he felt the NFPA provides the most up to date and best standards.

Motion by Everett, second by Culp, to accept the recommendation of the Fire Chief and adopt the NFPA-1, 2012 Edition as the Township’s Fire Code. Carried with Larson voting no.

SIGN ORDINANCE AMENDMENTS – SECOND READING

A recommendation from the Planning Commission to approve amendments to the Sign Ordinance regarding electronic billboards was before the Board for Second Reading. The amendments include adding a definition for electronic billboard, require electronic billboards meet the same requirements as a traditional billboard, must be static or still images-no animation, image can change at a frequency no greater than once every eight seconds, transition between images must be instant without effects, must have a light monitor to adjust brightness automatically based on ambient light levels, sequential messaging is prohibited, lines and graphics must be at least 12 inches in height, machines must be equipped to freeze and discontinue if they malfunction, the owner shall coordinate with local authorities to display emergency information when appropriate, the brightness level is allowed at 0.3 foot candles above ambient light levels at 150 feet from the screen, in exchange for allowing the replacement of a current standard billboard with an electronic billboard, two other standard billboards must be removed; one may be the one being replaced by the electronic billboard, and changes would require a permit and applicable fees.

Motion by Larson, second by Farmer to adopt the ordinance amendments. Carried.

ZONING ORDINANCE AMENDMENTS – MICROBREWRIES – SECOND READING

A recommendation from the Planning Commission to approve amendments to the Zoning Ordinance regarding microbreweries and other similar uses was before the Board for Second Reading. The amendments include adding brewpub, craft food and beverage production facility, microbrewery, wine tasting room, and winery with all being special exception uses in the C-Commercial, C-R-Commercial Restricted, and VC-Village Commercial districts, wineries and craft food and beverage production facilities would be permitted uses in the IR-Industrial Restricted district, and amend parking requirements to reference these uses. He also noted amendments to the Township Liquor Control Ordinance will be necessary to allow these uses.

Motion by Heiny-Cogswell, second by Larson, to adopt the ordinance amendments. Carried.

SUB DIVISION/SITE CONDOMINIUM ORDINANCE AMENDMENTS – SECOND READING

A recommendation from the Planning Commission to amend the Sub Division/Site Condominium Ordinance to add language requiring a landscape plan was before the Board for Second Reading; this language relates to the recent amendments adopted to the Landscaping Ordinance requiring street trees in new developments.

Motion by Larson, second by Culp to adopt the ordinance amendments. Carried.

COMMITTEE APPOINTMENTS

Supervisor Heiny-Cogswell presenting the following recommendation for Board member and Staff appointments:

911 Regional Committee – Trustee Bushouse, Fire Chief Mark Barnes.

Buildings & Grounds Committee – Supervisor Heiny-Cogswell, Clerk Everett.

Board Appointment Committee – Supervisor Heiny-Cogswell, Clerk Everett & Treasurer Culp.

Capital Improvements Committee – Trustee Bushouse, Supervisor Heiny-Cogswell, Treasurer Culp, from staff, Engineer Mark Elliott and Assessor Cathy Harrell.

Chamber of Commerce Legislative Roll Call – Trustee Carr, primary, Treasurer Culp, alternate.

Council of Governments (COG) – Trustee Larson, primary, Supervisor Heiny-Cogswell, alternate.

Human Resources Committee – Supervisor Heiny-Cogswell, Treasurer Culp, Trustee Larson.

Kalamazoo Area Building Authority (KABA) – Trustee Larson, Township Board liaison,

Kalamazoo Area Transportation Study (KATS) Policy – Supervisor Heiny-Cogswell, primary, Trustee Bushouse, alternate.

Kalamazoo County Transit Authority (KCTA) – Clerk Everett, primary, Treasurer Culp, alternate.

Kalamazoo Regional Water & Wastewater Commission – Supervisor Heiny-Cogswell, primary, Treasurer Culp, alternate.

Metro Transit – Clerk Everett, Primary, Trustee Farmer, alternate.

Parks Committee – Supervisor Heiny-Cogswell, Clerk Everett.

Planning Commission – Trustee Farmer, Township Board Liaison.

Police & Citizens Ad-Hoc Police Committees – Supervisor Heiny-Cogswell, Trustee Bushouse.

Public Media Network (PMN) – Trustee Carr.

Safety Committee – Treasurer Culp, Fire Chief Mark Barnes, Assessor Cathy Harrell, Administrative Assistant Linda Ignasiak.

Zoning Board of Appeals – Trustee Larson, Township Board liaison.

Motion by Everett, second by Farmer to approve the appointments as presented. Carried.

ALCOHOL/LIQUOR CONTROL & LICENSING ORDINANCES AMENDMENTS – FIRST READING

Attorney Porter presented amendments to the Liquor Control & Licensing ordinances noting the needed updates resulting from a review conducted in relation to the new Zoning Ordinance amendments regarding microbreweries and similar uses.

He advised the amendments would add "Alcohol" to the title, update the ordinances to recognize the State Construction Code, clarify the limitation requiring sale of alcohol or liquor be incidental and subordinate to the primary use would not apply to brewpubs, microbreweries, or wine-tasting rooms, recognize the Township's Ordinance Enforcement Officer to enforce the Michigan Liquor Control Act, and authorize the Kalamazoo County Sheriff's Department upon request from the Township to enforce the ordinance.

Motion by Larson, second by Everett to accept the text amendments for First Reading and set Second Reading for February 12th. Carried.

BOARD MEMBER COMMENTS

Supervisor Heiny-Cogswell advised the presentation regarding the work of the Police Ad-Hoc Committee, scheduled for the earlier work session, would be presented at a special meeting on January 15th at 7:00 p.m.

There was no further business and the meeting was adjourned at approximately 8:00 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: LIBBY HEINY-COGSWELL
Supervisor