

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
May 14, 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, Township Engineer Marc Elliott, and 7 interested people.

Discussion – Ad Hoc Citizen Police Protection Sub-Committee – Discussion was held regarding the Ad-Hoc Committee's findings regarding the level of service needed for police protection in the Township. Supervisor Heiny-Cogswell noted previous discussions had resulted in a consensus of the Board to accept the committee's recommendation on level of service needed and to consider means of funding. Attorney Porter presented scenarios including adding commercial and multi-family parcels to the current special assessment district at 2.5 mills, increasing the special assessment rates for commercial and multi-family properties in the current district, or increasing the rates for all properties in the current districts Township wide. He noted the data studied by the ad-hoc committee shows that the commercial/multi-family areas of the Township use approximately 65% of the police service compared to the residential areas. He noted any increase in the assessment rates would have to be defensible to the Tax Tribunal. There was consensus that two levels of assessment would be the best approach, with Trustee Bushouse not in agreement. Mr. Bushouse commented he felt the assessment rate should be uniform Township wide, at 2.5 mills, as it is for the Fire Department. Lengthy discussion ensued regarding how the assessment process should be administered. Attorney Porter advised the Board, if so inclined, should first decide if any changes will be made to the current district(s), then hearings would be required to set the special assessment amount; this could be done during the budgeting process in the fall.

Motion by Bushouse to assess 2.5 mills Township wide and provide an education/information process. Motion died for lack of a second.

Motion by Farmer, second by Carr to expand the 2004 district to include the commercial and multi-family properties as shown on the proposed map. Carried.

Environmental Legal Counsel – Supervisor Heiny-Cogswell advised the Township's current special legal counsel regarding the KL Landfill is now also representing the City of Kalamazoo in action taken by the Kalamazoo Regional Water & Wastewater Commission, of which the Township is a member, resulting in what she feels is a conflict of interest. She is recommending the firm of Miller, Johnson be appointed special legal counsel regarding the KL Landfill.

Motion by Bushouse, second by LHC to appoint the firm of Miller Johnson as the Township's special legal counsel regarding the KL Landfill. Carried.

The Board work session adjourned at approximately 7:00 p.m.

Supervisor Heiny-Cogswell called the regular meeting to order at approximately 7:10 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, Township Engineer Marc Elliott, Planning Director Greg Milliken, Deputy Fire Chief Rick Griffin, and 9 interested people.

CONSENT AGENDA

Minutes of the April 23rd regular meeting.
Receipts & Disbursements Report.
Request for variance from Park rules for "Movies in the Park"
Approval of revised public comment policy.
Motion by Larson, second by Farmer to approve the consent agenda. Carried.

CITIZENS COMMENTS ON NON-AGENDA ITEMS

None.

TAVERN LICENSE REQUEST – MARTA'S FINE FOODS

The public hearing rescheduled from April 9th for the tavern license application from Marta Parilli, owner of Marta's Fine Foods at 6541 Stadium Drive was held. Attorney Porter advised he had been told by an employee at the Michigan Liquor Control Commission that a license would not be granted if a church within 500 feet raised an objection, as the Oshtemo Methodist Church had at the April 9th meeting. He further advised that thanks to the media coverage, he was contacted by a director at the MLCC and was advised this was not the case, the MLCC would hold a hearing if the church objected but they consider all factors including other establishments nearby that serve or sell liquor.

Supervisor Heiny-Cogswell commented she would support the application and feels this is an opportunity to promote a small business in the Downtown Development Authority (DDA).

Trustee Farmer commented she recognizes the church's issues and appreciates Ms. Parilli's willingness to be closed on Sundays and during the times the church hosts AA meetings.

Trustee Bushouse commented he would be voting no on the application due to concerns of the business being located in a leased building which he understands is for sale, it does not have a commercial kitchen but a residential stove with no hood, looking at the business as a whole feels there is not enough business or potential and would prefer to grant the license to a larger operation.

In response to board member questions, Attorney Porter advised should the business close; an agreement is in place that would require the license to remain in the Township.

Trustee Carr commented she also had concerns related to Health Department approval.

Marta Parilli, owner of Marta's Fine Foods advised she does have Health Department approval for her current operation, she would need to install ventilation should she want a commercial kitchen, she has a three year lease and is not aware of the building being for sale and feels being able to serve a glass of beer or wine would enhance her business.

Motion by Farmer, second by Heiny-Cogswell to adopt a resolution recommending approval of the tavern license for Marta's Fine Foods. Roll call showed Farmer-yes, Larson-yes, Everett-yes, Culp-yes, Carr-no, Bushouse-no, Heiny-Cogswell-yes. Carried 5-2.

SMALL WINE MAKER LICENSE REQUEST

An application requesting recommendation of approval of a small wine maker license for Husted's Farm Market, was before the Board. Attorney Porter noted he and the Planning Department had reviewed the application and found it satisfactory in that the requested uses are extensions of current pre-existing uses.

Scott Husted, owner of Husted's Farm Market commented he would be manufacturing hard cider at 595 North 4th Street and selling the product at the market at 9191 West Main.

Motion by Bushouse, second by Larson, to adopt a resolution recommending approval of the small wine maker license for Husted's Farm Market. Roll call showed Bushouse-yes, Carr-yes, Culp-yes, Everett-yes, Larson-yes, Farmer-yes, Heiny-Cogswell-yes.

FIREWORKS APPLICATION/EVENT – JUNE 29, 2012

Deputy Fire Chief Rick Griffin presented a fireworks permit application from Wolverine Fireworks, Inc. to conduct a fireworks show on June 29th (rain date June 30th) at the Prairies Golf Course on West Main. He noted the application provides for the same event held last year and the Fire Department would be providing the same support with personnel and equipment staged at various locations. It was noted the event is again being sponsored by S2 Games and liability insurance has been provided with the Township named as an additional insured.

Motion by Everett, second by Carr to approve the fireworks permit. Carried.

ZONING ORDINANCE AMENDMENT – FENCES – FIRST READING

A recommendation from the Planning Commission for approval of a Zoning Ordinance amendment regarding fences was before the Board for Second Reading allowing for taller fences in the R-4 and R-5 zoning districts.

Motion by Everett, second by Larson to adopt the text amendments to the Fence Ordinance. Carried.

**FARMLAND & OPEN SPACE PRESERVATION PROGRAM
DEVRIES APPLICATION**

Supervisor Heiny-Cogswell advised the applicant had requested the item be tabled to the June 11th meeting.

Motion by Everett, second by Culp to table the application request to the June 11th meeting. Carried.

AMENDMENT TO MNRTF GRANT AGREEMENT – TOWNSHIP PARK

A memo from Parks Administrator Karen High requested the Board adopt a resolution to extend the filing date to finalize the Township Park grant from May 1st to November 1st, noting the extension is needed in order to complete the park signs.

Motion by Everett, second by Farmer to adopt the resolution. Roll call showed Farmer-yes, Larson-yes, Everett-yes, Culp-yes, Carr-yes, Bushouse-yes, Heiny-Cogswell-yes.

OTHER BUSINESS

Supervisor Heiny-Cogswell provided an update regarding Flesher Field Phase I improvements; the formal agreement from MNRTF has been received and will be brought to the Board on June 11th for consideration.

CLOSED SESSION

Motion by Everett, second by Culp to adjourn to closed session to discuss pending litigation because doing so in open meeting would have a detrimental effect upon the Township's position and could disclose matters protected by attorney-client privilege. Roll call showed Bushouse-yes, Carr-yes, Culp-yes, Everett-yes, Larson-yes, Farmer-yes, Heiny-Cogswell-yes.

The Board adjourned to closed session at approximately 8:05 p.m.

Motion by Everett, second by Culp to return to open session at approximately 9:25 p.m.

Motion by Everett, second by Culp to authorize the Supervisor to proceed as discussed in closed session. Carried.

There was no further business and the meeting was adjourned at approximately 9:25 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: LIBBY HEINY-COGSWELL
Supervisor