

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
October 14, 2014

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 – arrived 6:30 p.m.
Trustee Dusty Farmer
Trustee Lee Larson

Also present were Township Attorney James Porter, Township Engineer Marc Elliott, Planning Director Greg Milliken and 1 interested person.

KABA Budget – Executive Director Ed Hellwege reviewed the proposed 2015 KABA budget. He noted KABA now has the ability to provide zoning administration and ordinance enforcement services. This item will be taken up for action on the regular meeting agenda.

Discussion – Central County Transportation Authority (CCTA) – Clerk Everett provided an overview of the survey sent to all Township residents seeking input on public transportation; approximately 12,000 post cards mailed with 304 survey responses. Discussion and board member comments included some in favor of including the entire Township in the authority as a benefit to the community as a whole, concerns about areas that do not have access to service, and precinct lines not being the appropriate method to define the boundaries.

Sean McBride, Executive Director of the Kalamazoo County Transportation Authority (KCTA) and Kalamazoo Metro Transit commented Public Act 196 was amended in 2011 to permit the formation of the proposed transit authority, using precinct lines to establish the boundaries is in the statute.

This item will be taken up for action on the regular meeting agenda.

Discussion – Kalamazoo County Brownfield Authority Request – There was brief discussion of the request for a brownfield agreement at the corner of Drake Road/Stadium Drive including captured revenue can be used throughout the county, and the need to develop a Township policy for considering such applications in the future. This item will be taken up for action on the regular meeting agenda.

The Board work session adjourned at approximately 6:50 p.m.

Supervisor Heiny-Cogswell called the regular meeting to order at 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, Township Engineer Marc Elliott, Planning Director Greg Milliken, and 9 interested people.

CITIZEN COMMENTS

None.

CONSENT AGENDA

Items on the consent agenda were:

- a) Minutes of the September 23rd regular meeting.
- b) Receipts & Disbursements Report.
- c) Frie & Gibbs Plat Amendment – Step 2
- d) Redstone Farms Condominium Amendment

Motion by Farmer, second by Larson to approve the consent agenda. Carried 7-0.

KALAMAZOO AREA BUILDING AUTHORITY (KABA) 2015 BUDGET

Executive Director Ed Hellwege presented the proposed 2015 KABA budget for consideration. In response to board members questions he advised the proposed budget provides for continuing reimbursement of KABA start-up funds to the four original jurisdictions, KABA is paying rent for their office space at Oshtemo Township.

Motion by Everett, second by Farmer to approve the 2015 KABA budget as presented. Carried 7-0.

BROWNFIELD AUTHORITY REQUEST – CORNERS AT DRAKE

A request from the Kalamazoo County Brownfield Authority (KCBRA) to amend the county's Brownfield Plan that would reimburse the developer of the Corner @ Drake property for costs associated with the clean-up and redevelopment was before the Board for consideration. The plan calls for use of tax increment financing (TIF) to capture funds from the taxing entities not already being captured by the South Drake Corridor Improvement Authority (SoDA), in addition, the authority would collect an additional five years of funds to build its revolving fund for use on similar projects throughout the county. Joe Agostinelli, Chair of the KCBRA provided information regarding the plan and possible uses of captured revenue. He advised after the developer's reimbursement is completed, the plan calls for another five years of capture, with a hard cap of ten years overall. The plan's estimated total capture is \$1,337,463 assuming it runs a total of ten years.

Board member comments included this type of program is good for the region, the need for a Township policy recognizing time restraints of this application, the plan will add resources to brownfield revolving fund which could be used throughout the county, there have been difficulties working with the County in recent months to establish a TIF along Drake Road, concerns that the Kalamazoo Public Library and KVCC are affected by the additional five years of capture as they expressed during the Township's TIF process they do not support such but cannot opt out of the brownfield TIF, the Township should receive an annual report with total dollars being recognized from the Township, the local unit must approve the application and can request it be modified.

Motion by Heiny-Cogswell, second by Culp to adopt a resolution to approve the brownfield plan amended with overall revenue capped at \$1,337,463. Carried 7-0. Attorney Porter advised the motion was not in the proper form as the plan must be approved by resolution.

Motion by Heiny-Cogswell, second by Culp to adopt a resolution supporting the brownfield plan amended with a cap of \$1,337,463. Roll call showed Larson-yes, Bushouse-yes, Carr-yes, Culp-yes, Everett-yes, Farmer-yes, Heiny-Cogswell-yes.

CENTRAL COUNTY TRANSPORTATION AUTHORITY (CCTA) ESTABLISH TOWNSHIP BOUNDARIES

The decision to decide which Township precincts should be included in the proposed CCTA boundaries was before the Board. The CCTA proposal is to include all ten precincts. As discussed at the work session, Clerk Everett provided an overview of the survey sent to all Township residents seeking input on public transportation; approximately 12,000 post cards mailed with 304 survey responses. Supervisor Heiny-Cogswell advised consensus was to vote on each precinct individually; the motion to be acted on will be to opt out as required by State statute.

Supervisor Heiny-Cogswell provided a recap of the discussion from the earlier work session; the survey was a good tool, the western portion of the Township is viewed as rural and the survey responses indicated lack of interest in that area, eastern portion of the Township has users and results included statements of need, the middle area of the Township results not as clear. Comments from staff that public transit is an essential infrastructure, millennials want transportation options; it is an investment in the Township for benefit in the long term. Other board member comments included development of the

boundaries should have been phased in, precinct lines are not appropriate boundaries, if a precinct should be divided any millage already being collected would continue for the term of the approved millage, communities pay taxes for other things for the good of the whole, i.e., schools, boundaries should have been based on reasonable access, there has been no plan shared for possible expansion, and no guarantee all areas will receive service.

Other Board member comments included questioning the need, observation of empty buses, survey comments that residents do not want tax increase, data from KCTA indicates ridership has increased over the last few years, some survey responses of those who never use the service recognize the overall benefit, precincts not included now can be opted in later, not opting all in is a disservice, investment needs to be made in the Township for future growth.

Motion by Everett, second by Farmer to opt out Precinct #1.	Carried 5-2.
Motion by Everett, second by Farmer to opt out Precinct #2.	Carried 5-2.
Motion by Culp, second by Everett to opt out Precinct #3.	Carried 4-3.
Motion by Everett, second by Heiny-Cogswell to opt out Precinct #4.	Failed 0-7.
Motion by Heiny-Cogswell, second by Everett to opt out Precinct #5.	Failed 0-7.
Motion by Heiny-Cogswell, second by Everett to opt out Precinct #6.	Failed 1-6.
Motion by Culp, second by Everett to opt out Precinct #7.	Failed 0-7.
Motion by Everett, second by Culp to opt out Precinct #8.	Failed 0-7.
Motion by Heiny-Cogswell, second by Everett to opt out Precinct #9.	Carried 4-3.
Motion by Everett, second by Culp to opt out Precinct #10.	Carried 4-3.

LIQUOR LICENSE ORDINANCE AMENDMENT – FIRST READING

Attorney Porter presented a recommendation to amend the Liquor License Ordinance noting it was prompted by the Board action on September 9th to grant a license with restrictions to Feed the World Café. He advised the applicants have indicated they did not understand the Board action and upon review he has determined the Board should not have tried to issue a license under the newly acted legislation regarding licenses in DDA's until the current ordinance was amended to address the issues. He advised the approval should be reaffirmed after the ordinance amendments are adopted.

The proposed ordinance amendments would provide that any remodeling or new construction for the use of a general license commence within three months of Board approval, and an agreement restricting transfer of the license outside or within the Township less than five years after issuance. Supervisor Heiny-Cogswell commented there is no restriction on a license being held for five years should a business fail, then sold; consensus was language should be added to provide if a business fails, the license would revert back to the Township.

New language regarding Limited Licenses would address properties located within a Downtown Development Authority (DDA) or Corridor Improvement Authority (CIA) and would grant such licenses for a temporary basis not to exceed five years providing the application meets the requirements of PA 270 of 2014.

Motion by Everett, second by Larson to accept the ordinance amendments for First Reading incorporating the suggested changes. Carried 7-0.

ANNUAL FINANCIAL AUDIT – APPOINT CONSULTANT

Based on previous Board discussion of separation of financial consulting and the annual audit being conducted by the same firm, Siegfried, Crandall, PC, Supervisor Heiny-Cogswell presented proposals from seven firms for the Township's annual financial audit. In response to Board member questions, she advised there would be an increase of approximately \$5,000 by separating the two functions, independence would be achieved which is currently noted as a material weakness in the annual audit, and more financial consulting could be done with Siegfried, Crandall since they would no longer be the auditor.

Motion by Culp, second by Larson to accept the proposal from Seber Tans, PLC for a five year agreement. Carried 6-1 with Carr voting no.

**RESOLUTION OF SUPPORT
KL AVENUE PRESERVE PUBLIC ACCESS**

A resolution of support for a grant application to the Kalamazoo Community Foundation from the Southwest Michigan Land Conservancy for parking lot improvements at the KL Preserve was before the Board for consideration.

Motion by Everett, second by Farmer to adopt the resolution and authorize the Supervisor to send a letter of support. Roll call showed Everett-yes, Farmer-yes, Heiny-Cogswell-yes, Larson-yes, Bushouse-yes, Carr-yes, Culp-yes.

**OTHER BUSINESS
AUTHORIZE SALE OF FIRE EQUIPMENT**

A request from Fire Chief Mark Barnes to dispose of outdated self-contained breathing apparatus (SCBA) equipment was before the Board.

Motion by Farmer, second by Culp to approve the sale in the amount of \$18,100 and authorize the Supervisor to sign the Bill of Sale-Express Disclaimer of Warranties. Carried 7-0.

BOARD MEMBER COMMENTS

Supervisor Heiny-Cogswell commented she neglected to acknowledge County Commissioner Julie Rogers who advocated on the Township's behalf regarding the SoDA and brownfield issues.

The Township's litigation regarding the ITC power line will be before the Court of Appeals on November 4th at 11:00 a.m.

There will be a special Township Board meeting on October 21st at 6:00 p.m. regarding the police protection study.

The November 11th Township Board meeting has been rescheduled for November 18th due to Veterans Day.

The Oshtemo Historical Society will be hosting an open house on October 19th from 2 pm to 4 pm while the Friends of the Parks will be hosting an open house at the Grange Hall with a "color tour" route between the two locations.

Oshtemo Rotary members will be "celebrity servers" at Texas Corral on October 22nd from 5 pm to 8 pm.

There was no further business and the meeting was adjourned at approximately 9:20 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: ELIZABETH HEINY-COGSWELL
Supervisor