

**THE CHARTER TOWNSHIP OF OSHTEMO**  
**Township Board Meeting**  
**June 25, 2013**

The Oshtemo Township Board public comment session was held at the Township Hall. Supervisor Heiny-Cogswell called the meeting to order at 6:00 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 was Township Attorney James Porter, Township Engineer Marc Elliott, and 1 interested person.

**Annual Audit Review** – Auditors Joe Walls and Steve Bryer from Siegfried, Crandall PC were present to review the various funds, revenues and expenditures for the 2012 budget year.

The public comment session was adjourned at approximately 6:45 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 was Township Attorney James Porter, Township Engineer Marc Elliott, Fire Chief Mark Barnes and approximately 70 interested people.

**CONSENT AGENDA**

Minutes of the June 11<sup>th</sup> regular meeting.

Receipts & Disbursements Report.

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

**CITIZEN COMMENTS**

None.

**UPDATE – TOWNSHIP ISO RATING**

Fire Chief Barnes advised the Insurance Service Office (ISO) rural score has been improved to a 7 as a result of a series of drills conducted with neighboring departments. He noted the improvement should provide a decrease in insurance premiums for most homeowners in the rural areas of the Township.

**UPDATE – KALAMAZOO COUNTY HAZARDOUS MATERIALS TEAM – ANNUAL REPORT**

Fire Chief Barnes provided the 2012 annual report for the Kalamazoo County Hazardous Materials Team outlining training and responses conducted.

**UPDATE – FIRE DEPARTMENT ACTIVITIES – JUNE 12<sup>TH</sup> HIGH WIND EVENT**

Fire Chief Barnes provided information of the department's activities during the high wind event on June 12<sup>th</sup> noting numerous calls for trees and electrical lines down. He advised they assisted with removing 16 trees or large limbs from roadways to provide emergency access.

## **DISCUSSION - GLBT POLICY/ORDINANCE**

Supervisor Heiny-Cogswell advised discussion regarding a non-discrimination ordinance began with a letter from Kalamazoo 10 Theatre which prompted the Board to request Attorney Porter conduct research into the Township's authority to enact such an ordinance.

Attorney Porter advised his research which included looking at the State Constitution, information from the Michigan Civil Right Commission and an opinion from the Attorney General's Office, led him to the opinion that the Township does not have the authority to adopt a non-discrimination ordinance; currently discrimination claims are handled by the Michigan Civil Rights Commission through authority granted them by State law, however, current law does not list the LGBT community as a protected class. He advised the Township could take other steps including supporting the expansion of Federal, State and local legislation to address discrimination based on sexual orientation and gender identity/expression, advocate that the State Legislature address the issue, further the Township's internal understanding of LGBT issues, amend the Employee Handbook to address sexual orientation and gender identity/expression, and develop a Township policy and/or resolution in support of all persons regardless of their sexual orientation and gender identity/expression. He further noted if the Board chooses to proceed with an ordinance, he will draft one, however, if challenged the Township would likely encounter the preemption issue raised by the Attorney General's Office.

Mark Miller, Kalamazoo Township Trustee advised they will be reviewing a draft ordinance; the Township is welcome to borrow it, and he is not aware of any recent similar ordinances being challenged.

George Meyer, commented he has concerns regarding how an ordinance would be enforced; how would discrimination complaints be verified.

Jim Rodbard, 3705 Glengarry, commented he disagreed with Attorney Porter's opinion; he feels the Board can act to adopt an ordinance, if not specifically prohibited by State law; the Board should consider forming a committee to study the issue.

Molly Williams, 2716 North 9<sup>th</sup> Street, commented she is a 45 year resident of the Township, she has experienced work place discrimination and while attitudes have changed, one group remains unprotected, Oshtemo is a leader, she would like to see a non-discrimination ordinance passed.

Elizabeth Candido, 6216 Old Log Trail, commented she wants her children to live in a world where all have the same opportunities.

Maxwell Issac, Oshtemo resident, commented without an ordinance the GLBT community will be neglected, all humans deserve rights.

Julie Rogers, Kalamazoo County Commissioner, commented it is important to listen to and consider residents' comments.

Lori Owen comments she works in the Township; wants where she works to stand up and welcome all people.

Gabi Orbe, 527 Lodge Lane, commented for her generation the issue is a no brainer, she is in favor of an ordinance.

John Taylor, 3575 Kenbrooke, thanked the Board for discussing the issue and urged further discussion.

Jonathan Richardson, 7121 Baton Rouge, commented he is a 15 year resident of the Township, plans on staying, and thanked the Board for taking up the issue, and it also makes good business sense.

Mark Orbe, 527 Lodge Lane, commented he is a 14 year resident of the Township, a healthy community has clear equal rights, there are models that could be used and he sees this as moving forward.

Meg Bauer, representing the Kalamazoo Gay and Lesbian Resource Center, advised there are 19 communities who have adopted non-discrimination ordinances, the center serves the population of southwest Michigan, she is not here to speak for residents, they are here to speak for themselves.

Board discussion included consensus that discrimination should not be tolerated, and to review ordinances other communities have adopted. There were also concerns regarding how an ordinance would be enforced. There was also consensus to initiate employee education for internal understanding of LGBT issues and ask the Attorney to prepare a draft resolution for review to be forwarded to the Township's state legislators and the Michigan Townships Association to encourage the State take up the issue of LGBT discrimination.

Motion by Farmer, second by Everett to review a draft non-discrimination policy at the July 9<sup>th</sup> meeting. Carried.

#### **EASEMENT ENCROACHMENT – XTREME CLEAN CAR WASH**

Engineer Elliott advised a utility conflict with the existing public water main located on the Meijer property at West Main and 9<sup>th</sup> Street where development of a car wash facility is underway has been discovered which has resulted in modest revisions to the site plan including a minor encroachment of a partial intrusion over the water main of concrete slabs for a trash receptacle and vacuum equipment. He further advised since it is minor and the developer and property owner have indicated they will indemnify the Township, he recommends the encroachment be permitted.

Motion by Everett, second by Carr to authorize the Supervisor to record an Easement Affidavit allowing the encroachment subject to an instrument of indemnification approved by Attorney Porter. Carried.

#### **SANITARY SEWER ASSET MANAGEMENT**

Engineer Elliott advised the Michigan Department of Environmental Quality (MDEQ) has announced a new grant category for asset management programs for municipal Stormwater and Wastewater (SAW) systems. He advised in order to define the scope of work the Township would request in a grant, an initial appraisal is necessary; Prein & Newhof has prepared a work proposal to complete an initial system appraisal, prepare a preliminary work plan and assist with the grant application.

Motion by Larson, second by Farmer to approve a budget amendment to allocate up to \$5,000 from the Sewer Fund for the asset management appraisal and authorize the Supervisor to execute the contract. Carried.

#### **MDOT COMMUTER LOT LIGHTING**

Supervisor Heiny-Cogswell advised MDOT contacted the Township regarding the proposed commuter lot which will be part of the intersection upgrade at Stadium/131 scheduled for 2014. MDOT will design and build the lot with lighting, however, has asked if the Township will assume lighting maintenance and electrical billing once constructed. She advised according to current billing for street lights, 3 lights would incur a cost of approximately \$600.00 per year. There was discussion whether lights are needed and possible light pollution. It was noted the lighting design would be reviewed by Township staff for ordinance compliance prior to any agreement.

Motion by Heiny-Cogswell, second by Larson to accept maintenance and electrical billing for the commuter lot as discussed subject to design review by Township staff. Carried.

#### **BOARD MEMBER COMMENTS**

Clerk Everett advised she has been working with representatives of Texas, Comstock, and Kalamazoo Townships to design a community survey; there is economy of scale if all units use the same survey.

Supervisor Heiny-Cogswell advised she had failed to mention under the non-discrimination discussion that she received 17 e-mails in support of a non-discrimination ordinance.

Fire Chief Barnes reminded all of the fireworks presented by S2 Games to be held June 29<sup>th</sup>, launched from The Prairies golf course.

Trustee Bushouse commented he was disappointed in the turnout at the public meetings held for the Five Year Parks Plan update.

There was no further business and the meeting was adjourned at approximately at 8:30 p.m.

**DEBORAH L. EVERETT**  
Township Clerk

**Attested: LIBBY HEINY-COSGWELL**  
Supervisor