

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
January 13, 2015

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 Nancy Carr
Trustee Dusty Farmer
Trustee Lee Larson
Trustee Grant Taylor

Also present were Township Attorney James Porter, Township Engineer Marc Elliott, Planning Director Greg Milliken, and 3 interested people.

Public Comment - Debra Lindstrom, resident of Country Club Village neighborhood, commented she is concerned about keeping the bus routes in place; they are important to all whether they have a car or not.

Larry Oppliger, 9777 West KL Avenue, commented he is concerned with the precincts opted out of the transit boundary and disappointed he won't be able to drive to Meijer to get the bus.

Update – Kalamazoo County – Commissioner Julie Rogers commented she has received calls from 3 residents regarding the transit issue, the new 911 consolidation committee has met and elected officers, the County Board will be seeking input during the process to select a new County Administrator, and she will be attending the National Association of Counties conference to meet with legislators on issues relevant to the county.

Updates – Various committee updates were shared.

Miss Dig – Supervisor Heiny-Cogswell advised the Kalamazoo Regional Water & Wastewater Commission will be seeking bids on this service for their member jurisdictions.

Capital Improvements Committee (CIC) – Engineer Elliott advised the committee will be meeting this month, he has been working on sewer layouts.

South Drake Corridor Improvement Authority (SoDA) – Goals will be to prioritize projects and develop a 2016 budget.

Brownfield Authority and Wellhead Protection – Township staff/board representative have been attending.

Update – Audio/Visual System Update – Treasurer Culp advised the current system is being reviewed as well as the phone system – the voice mail system has failed.

Discussion – WMU BTR Park – Planning Director Greg Milliken advised Western Michigan University is exploring expanding the BTR Park to the former Colony Farm Orchard at Parkview/Drake, which they now own and would like to discuss with the Township financing options for infrastructure. He reviewed some of the options and will come back to the Board at a later date with a more formal proposal.

Discussion – Regular Agenda Items

Road Projects – Engineer Elliott provided information the list of roads proposed for maintenance in 2015.

FOIA Policy – the Township has always followed State law regarding responding to FOIA requests, the document for Board consideration is to formalize a policy doing so.

Discussion – Board Protocol – Supervisor Heiny-Cogswell commented after the Board discusses an issue and votes, the decision is the reflection of the Board; she specifically addressed an e-mail Trustee Carr sent to staff which she felt was inaccurate; Trustee Carr stated she stands by her comments.

The Board work session adjourned at approximately 6:50 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 Nancy Carr
Trustee Dusty Farmer
Trustee Lee Larson
Trustee Grant Taylor

Also present were Township Attorney James Porter, Township Engineer Marc Elliott, Planning Director Greg Milliken, Fire Chief Mark Barnes, and 15 interested people.

CITIZEN COMMENTS

Allen Sarapu, President of the Quail Meadows Homeowners Association, accompanied by two other residents, Bill Haas and Brenda Harrington, commented on the Township sending out requests for proposals for police protection; they wish to see additional police protection continue regardless of the provider; recent break-ins in their neighborhood were responded to quickly and they appreciate the service received from the Kalamazoo County Sheriff's Department.

CONSENT AGENDA

Items on the consent agenda were:

- a) Minutes of the December 9th regular meeting and December 10th special meeting.
- b) Receipts & Disbursements Report.
- c) Board & Committee Appointments

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

**ORDINANCE AMENDMENT—MEDICAL MARIJUANA PROVISIONING CENTERS
SECOND READING**

An ordinance to prohibit Medical Marijuana Provisioning centers or Safety Compliance Facilities was before the Board for Second Reading.

In response to board members questions, Attorney Porter advised proposed State legislation that would allow for medical marijuana provisioning centers and safety compliance facilities but allows the local jurisdiction to prohibit such if not already established had failed in the last legislative session but will most likely be brought back, the proposed ordinance would not prohibit a patient from receiving medical marijuana as allowed under current State law and the Township's current ordinance, but would prohibit dispensaries.

Motion by Larson, second by Culp to adopt the ordinance. Carried 5-2 with Farmer and Taylor voting no.

CCTA POLICY RESPONSE

A joint draft response with Texas Township regarding the Central County Transportation Authority policy recently adopted regarding the boundaries of the transit authority and availability of service for precincts that were opted out was presented by Supervisor Heiny-Cogswell. She commented she with representatives of Texas Township to request further discussion with the CCTA; the Texas Township Board has approved sending the letter.

Jack Urban, Kalamazoo City Commissioner, urged the Board to table any decision on sending the letter; he commented he speaks for his constituents who depend on the bus service to get to the West Main/9th Street area to work and shop. He further commented since it is likely the millage request for the CCTA will be in August, rather than May, the Township Board still has time to opt in Precincts 3 and 9, the Township benefits from those who ride the bus, he is disappointed the Board only considered Oshtemo residents.

Andrew Alden, 511 South Rose Street, commented he attends Peoples Church, does not understand why Precinct 3 was opted out, West Main is the fourth largest bus route, not everyone can afford a car, and he is concerned for the businesses who need the service.

Lupe Velazquez, franchisee of McDonald's at West Main/9th, commented she has ten to fifteen employees dependent on the bus.

Elaine Branch, 7654 West Main, commented she expressed in a letter to the County Board in 2012 that using precinct lines did not make sense, that if the service benefits the entire county, why isn't the cost being spread countywide rather than taxing by precinct; if there is more time for a decision, everyone should be looking for a different way to fund the service.

Board member comments and concerns included this is a difficult issue in having to use precinct lines, it has been under discussion since 2012, public transit is in its infancy, the letter is a request for dialogue, the opted out precincts should be revisited and there should be cooperation.

Motion by Taylor, second by Farmer to table sending the letter. Carried 4-3 with Carr, Everett, and Heiny-Cogswell voting no.

FREEDOM OF INFORMATION ACT (FOIA) POLICY

Attorney Porter advised the Township has always followed State law when responding to FOIA requests but has been advised a written, adopted policy is needed.

Motion by Heiny-Cogswell, second by Farmer to adopt the FOIA policy. Carried 7-0.

PRELIMINARY PLAT APPROVAL – TUSCANY EAST

Planning Director Milliken presented a recommendation from the Planning Commission to grant Tentative Approval of a Preliminary Plat to Tuscany East, a 25 lot residential subdivision located on the south side of L Avenue immediately east of the existing Tuscany subdivision. He noted this first step in the review process is to evaluate the proposal for compliance with ordinance requirements; proposed lots comply with the one unit per acre density limitation and minimum of 100 foot width at building setback line, a public road built to County road standards will be connected to the existing public road in the existing subdivision and extended to the property line to allow for future connections along with a stub street to the east property line, the development will be served by private well and septic systems, sidewalks and street lighting will be included. Mr. Milliken also advised the Fire Department has reviewed the plan with no concerns, the Township Engineer has raised some concerns due to the required grading, clearing and filling in order to achieve the desired layout; these details will be addressed during Step 2, proposed street names have been approved by Kalamazoo County, and approval by the Kalamazoo County Road Commission is anticipated.

In response to board member questions, Mr. Milliken advised approval of septic system locations by Kalamazoo County Environment Health will be addressed in Step 2 of the approval process, and the current Tuscany development has six homes and several active building permits.

Motion by Larson, second by Culp to grant Tentative Approval of a Preliminary Plat to Tuscany East. Carried 7-0.

2015 ROAD MAINTENANCE PROJECTS

Engineer Elliott presented a proposed list of roads/streets for maintenance projects in 2015. He noted the Township has budgeted \$200,000 and anticipate approximately \$176,000 in PAR funds from the Kalamazoo County Road Commission (KCRC). He further advised projects were identified based on road condition and not areas where sanitary sewer projects might be likely in the next few years, property owners on roads scheduled for chip seal projects will be notified they have the option to petition for a special assessment district to add a thin overlay and there may be additional PAR funds available if other jurisdictions choose not to use their full allotment of funds.

Roads on the 2015 list are Promenade Street, Buckham Wood Drive, Wood Hollow Avenue, Caddam Wood Avenue, Laurel Wood Street, Beymoure Street, Chime Street, Erie Street, Old Savannah Drive, Stone Mountain Drive, Mickey's Trail, Belle Street, Mauri's Lane, Lexy Lane, Murphy's Trail, Murphy's Circle, Forest River Way, Venture Court, Venture Park Road, Oshtemo Woods Lane, West Point Drive, Cadet Lane, Nantucket Lane, Bunker Hill Drive, Valley Forge Drive, Westlins Avenue, Old Post Road, Litchfield Lane, Thunder Bluff Road, Twilingate Lane, Bramble Drive, Bay Field Drive, Hollison Drive, Oak Harbor Street, Trayburne Trail, Lindenhurst Lane, Kelfrey Cove, Partridge Lane, Tanager Lane, and Pheasant Lane.

Motion by Heiny-Cogswell, second by Farmer to approve the list of road projects with letters sent to property owners advising of their option to petition for the additional seal coat and also for the Township to notify KCRC by January 20th if there is interest in obtaining any unused PAR funding. Carried 7-0.

UPDATE – POWER LINE APPEAL/CONDEMNATION CASE

Attorney Porter advised the Township's appeal has been filed with the Supreme Court with a decision expected on February 3rd as to whether they will consider the appeal.

He advised the condemnation case appealed to the Court of Appeals was returned to the Circuit Court.

OTHER BUSINESS FIRE DEPARTMENT EXPENDITURE

Fire Chief Barnes requested approval of an expenditure of \$5,820.00 to purchase twelve pagers advising eight new personal have been hired along with a need to have some in reserve as loaners. He advised funding would be from capital reserves.

Motion by Culp, second by Everett to approve the expenditure and amend the budget accordingly. Carried 6-1 with Carr voting no.

USE OF TOWNSHIP PARK AFTER HOURS

Supervisor Heiny-Cogswell presented a request from Oshtemo Friends of the Parks to host a Moonlight Cross Country Ski/Snowshoe event on January 29th at the Township Park; use of the park after posted hours requires Board approval.

Motion by Everett, second by Larson to approve the request subject to consultation with the Township's insurance carrier. Carried 7-0.

BOARD MEMBER COMMENTS

Supervisor Heiny-Cogswell thanked Township staff for their contributions to the annual Township Office Adopt-A-Family event.

She also advised she received a thank you from residents regarding the improvements on Drake Road.

There was no further business and the meeting was adjourned at approximately 8:40 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: ELIZABETH HEINY-COGSWELL
Supervisor