

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
September 12, 2006

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

PRESENT:

Supervisor John VanDyke
Clerk Deb Everett
Treasurer Nancy Culp
Trustee Grace Borgfjord
Trustee Dave Bushouse
Trustee Stan Rakowski
Trustee Neil Sikora

Also present were James Porter, Township Attorney, Marc Elliott, Township Engineer, and Planner Mary Lynn Bugge.

Street Light Policy – Discussion was held concerning current policy for requirement of and assessing for street lights. Treasurer Culp and Attorney Porter will prepare policy revisions for Board consideration. The Road Committee will provide input regarding where street lights may be needed.

Letter from Resident – Clerk Everett advised a letter had been received from Gerald Hawkins, 6345 Maple Leaf regarding moving a shed on his property that was found to be in violation of setback requirements. Supervisor VanDyke will prepare a reply.

Heritage Pines Bike Path – David DiStefano, developer of Heritage Pines Plat asked the Board to reconsider the required bike path as a condition of approval for the plat. He noted the Kalamazoo County Road Commission has scheduled Almena for paving in 2008 which will include a 3 foot paved and three foot gravel shoulder. Consensus was to obtain estimated cost from the Road Commission for a four and/or five foot shoulder and accept an escrow for that amount if agreeable to Mr. DiStefano.

Oshtemo Historical Society Update – President Kay Oppliger presented an update of the group's activities regarding the Drake House reporting that the public tour held in July had approximately 250 attendees and raised \$1,477.00. She further advised the group will be investigating other fund raising methods, and seeking bids for repair/replacement of the mechanical systems in the house.

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

Supervisor VanDyke called the regular meeting to order at 7:05 p.m.

Also present were James Porter, Township Attorney, Bob Snell and Marc Elliott, Township Engineers, Planning Director Jodi Stefforia, and 7 interested people.

Motion by Culp, second by Rakowski to approve the August 22nd regular meeting minutes.
Carried.

Income to the General and Fire Funds of \$64,898.66 and disbursements of \$212,124.43 were reported. Motion by Rakowski, second by Sikora to accept the receipts and disbursements report.
Carried.

CITIZENS COMMENTS

None.

HERITAGE PINES – NON-MOTORIZED PATH

Supervisor VanDyke advised this item had been discussed at the work session and therefore removed from the regular agenda.

SEASONAL AGRICULTURAL DIRECTIONAL SIGNS – SECOND READING

A recommendation from the Planning Commission for approval of text amendments to allow for Seasonal Agricultural Directional Signs was before the Board for Second Reading.

Planning Director Stefforia advised the proposed text amendment would provide definition of a seasonal agricultural directional sign, allow 12 directional signs with a maximum display area of 6 square feet, maximum height of 4 feet, could be displayed no more than 65 days per calendar year and erected only as long as commodities or products identified are available, a sign permit would be required, and signs could be located adjacent to a lot line and within the right of way so long as they would not interfere with the clear vision area for traffic.

Clerk Everett noted a letter supporting the proposed ordinance had been received from Scott Husted.

Trustee Bushouse commented while he understands the need for advertising he felt there were other options available and provisions allowed for one business could set a precedent.

Motion by Culp, second by Sikora to adopt the text amendments. Roll call showed Borgfjord-yes, Bushouse-no, Culp-yes, Everett-yes, Rakowski-yes, Sikora-yes, VanDyke-yes.

QUAIL MEADOWS CONDOMINIUM – PHASE VI

Planning Director Stefforia presented a recommendation from the Planning Commission for approval of Quail Meadows Phase VI condominium, part of their Planned Unit Development. She advised Phase VI will contain 146 dwelling units in two, three and four unit buildings along with a clubhouse and pool; the overall PUD complies with density requirements, the project will be served with public water and sewer, streets will be privately maintained and sidewalks provided along interior streets and along Quail Run Drive.

In response to Board members and questions from the Engineer, Ms. Stefforia advised a sign will be placed at the boulevard entrance from 9th Street, sidewalk plans will be reviewed by the Engineer and while the master deed and bylaws would be reviewed the underlying zoning would limit occupancy to two unrelated persons per dwelling.

Motion by Everett, second by Culp to approve Quail Meadows Phase VI condominium. Carried.

PLANNED UNIT DEVELOPMENT/VARIOUS TEXT AMENDMENTS SECOND READING

A recommendation from the Planning Commission for approval of proposed ordinance amendments was before the Board for Second Reading. Planning Director Stefforia advised they included minor changes to the PUD Statement of Purpose and provisions were also proposed to make the language consistent with provisions of the Michigan Zoning Enabling Act. She further advised the proposed text amendments also correct various typographical errors in the Ordinance.

Motion by Culp, second by Rakowski to adopt the text amendments. Roll call showed Bushouse-yes, Culp-yes, Everett-yes, Rakowski-yes, Sikora-yes, VanDyke-yes, Borgfjord-yes.

REZONING 8TH STREET – FIRST READING

A recommendation from the Planning Commission to approve the rezoning of six acres of a 10 acre parcel located on the west side of South 8th Street immediately behind the development known as Emberly Acres from “C” Local Business to “R-2” Residential was before the Board for First Reading.

There was discussion that any development in the area will further affect the drainage problems in the area and close attention will need to be given.

Motion by Everett, second by Sikora to set the rezoning for Second Reading on September 26th. Carried.

SIGN ORDINANCE TEXT AMENDMENTS – FIRST READING

A recommendation from the Planning Commission for approval of text amendments to the Sign Ordinance was before the Board for First Reading. Planning Director Stefforia advised the amendments would include increasing wall height sign from 25 to 30 feet for commercial buildings and establishments. She noted this item was returned to the Planning Commission in March when the proposed change was from 25 feet to 35 feet. Ms. Stefforia also advised the recommendation included modification of the definition of sign area so as not to include the architecture of the building wall behind the sign toward wall sign area when that area is blank. She advised the language “When a sign consists solely of individual letters painted or mounted on a wall, any blank area which is more than 10% of the area of the sign as otherwise computed shall be disregarded.” is proposed to be added at the end of the definition.

Motion by Everett, second by Borgfjord to set the text amendments for Second Reading on September 26th. Carried.

ZONING ENABLING ACT – FIRST READING

A recommendation from the Planning Commission for approval of text amendments to the Zoning Ordinance necessary to comply with the new Zoning Enabling Act adopted by the State effective July 1st to replace the Township Zoning Act was before the Board for First Reading. Planning Director Stefforia advised the amendments would change references to the former act to the current name throughout the ordinance, establish provisions for Conditional Rezoning, modify criteria of special exception uses to match state law, relocate variance language to Section 80-Zoning Board of Appeals, establish provisions to appoint up to two alternates for the ZBA, and reduce the amount of performance guarantee to 100% of estimated cost.

Trustee Bushouse commented he has concerns regarding deviations being granted by the same body that implements the requirements and feels such requests should be heard by the Zoning Board of Appeals.

Motion by Culp, second by Sikora to set the text amendments for Second Reading on September 26th. Carried.

PROPOSAL FOR TRAFFIC STUDY – SEELYE/BERTOLISSI PUD

Planning Director Stefforia advised development of vacant acreage abutting the County Club Village neighborhood is being proposed and the conceptual layout calls for using outlot E of Country Club Village No. 3. She noted concern expressed by residents of the potential for increased traffic throughout the neighborhood and recommended an independent specialist be hired to perform a traffic study to determine the impact of the proposed public street extension over outlot E and make a recommendation from a public safety standpoint.

Ms. Stefforia advised Wade Trim has been identified as a qualified consultant by the Kalamazoo Area Transportation Study (KATS), the proposal would not exceed \$5,500 and suggested half the cost be paid by the developer and half by the Township given the potential impact on use of outlots.

In response to Board Members questions, Ms. Stefforia advised she had not spoken with the developer regarding paying half the cost of the study, the study would help determine the flow of traffic both in and out of the existing and proposed development, and she felt an outside firm might be accepted as more objective.

Mary Parker, 497 Lodge Lane, commented she appreciates the willingness of the Board to provide the traffic study, traffic will be a problem, the new street would not have a traffic light and traffic from the new development will use Lodge Lane but the residents of Country Club Village would not use the new street. She also expressed concern the study would not show other hazards, and inquired how other factors, i.e., number of children and no sidewalks in Country Club Village would be factored into the numbers of the study.

Dan Thompson, 105 Echo Hills Drive, commented there is a need to look at the big picture, the traffic light on West Main in under MDOT control, the original agreements for use of the outlots in Country Club Village were drafted when West Main was two lanes and 9th Street did not go through as it does now. He further commented he understood the proposed development would be marketed to seniors and felt the traffic would flow to the light using Lodge Lane and the residents in Country Club Village would not use the new street. Mr. Thompson also commented he is not opposed to the study but questioned if it would factor kids, lack of sidewalks, what days of week and how many days would be used, what the reference in the proposal regarding a draft means, who will those conducting the study talk to and would residents have chance to provide input. He further commented that while Country Club Village has had a testy relationship with the Board, he feels concerns have been heard and is appreciative.

It was noted the study would be conducted between September 14th and September 20th, the agreement for the study will be between the Township and Wade Trim.

There was discussion that a larger area should be considered for such a study, i.e., the 9th Street Focus Area as other parcels develop the issue will continually need to be addressed.

Motion by Sikora, second by Bushouse to approve the proposal from Wade Trim for the traffic study with half of the \$5,500 being paid by the developer of the proposed project. Carried.

Motion by Bushouse, second by Sikora to request a proposal for a traffic study to encompass the 9th Street Focus Area. Carried.

ALTERNATE BOARD OF REVIEW MEMBER

A memo from Assessor Cathy Harrell requesting the appointment of an alternate Board of Review member was before the Board. The alternate may be called to perform duties of a regular member in case of absence or when a regular member has abstained for reasons of conflict of interest.

Motion by Bushouse, second by Everett to approve appointment of an alternate member to the Board of Review. Carried.

CLEANING BIDS

Supervisor VanDyke advised cleaning bids had been received from three vendors. It was noted there was still a disparity in the bids and the terms of the contract will include a termination clause.

Motion by Bushouse, second by Sikora to accept the bid from Mr. Janitor in the amount of \$186.00 per time for cleaning of Township facilities. Carried.

RECOMMENDATION FROM PERSONNEL COMMITTEE – FLEX TIME POLICY

A recommendation from the Personnel Committee to add provisions for flex time to the Employee Handbook was reviewed by Attorney Porter. He advised it would allow general salaried employees when working beyond the normal 8-5 work day to accrue flex time, however, would not apply to general hourly or Fire Department personnel, keeping in conformance with the Fair Labors Standard Act requirements. It was noted item 3 should be corrected to “24 hours in any given pay period.”

Motion by Bushouse, second by Culp to adopt a resolution amending the Employee Handbook adding the Flex Time policy. Carried.

FLOOR TILE – TOWNSHIP HALL

Trustee Bushouse presented a proposal for replacing existing floor tile and carpeting in the lobby and hallway of the older section of the Township Hall in the amount of \$13,346. He advised the tile will match that installed in the new corridor area and will be easier to maintain than carpeting.

Motion by Bushouse, second by Rakowski to approve the expenditure as proposed. Carried.

OTHER BUSINESS

FENCING – GENESEE PRAIRIE CEMETERY

Trustee Borgfjord presented three proposals for new fencing at Genesee Prairie Cemetery. She advised the proposals included replacing existing fencing, relocating some trees, brush hogging, stump removal, some tree trimming, and relocating the historic sign.

Ms. Borgfjord was commended for the time she spent on this project.

Motion by Culp, second by Bushouse to accept the proposal from The Post Man for the fencing, with the total project cost at \$28,689.15. Carried.

BOARD MEMBER COMMENTS

Trustee Sikora inquired if a response had been sent to the Planning Commission's letter regarding their work schedule or if it would be discussed at the joint meeting.

Trustee Rakowski advised the ad hoc committee regarding non-motorized facilities will meet October 4th.

Trustee Borgfjord advised some tree work will be done at the Grange Hall.

There was no further business and the meeting was adjourned at approximately 8:50 p.m.

DEBORAH L. EVERETT
Township Clerk

Attested: JOHN VANDYKE
Supervisor