

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A VIRTUAL MEETING HELD JULY 30, 2020

Agenda

PUBLIC HEARING: SPECIAL USE: JIFFY LUBE MULTICARE – MEIJER OUTLOT TRADITIONAL BRAND DEVELOPMENT PARTNERS, LLC, WITH CONSENT FROM MEIJER CORPORATION, WAS SEEKING SPECIAL USE AND SITE PLAN APPROVAL TO CONSTRUCT A 3,020 SQUARE FOOT JIFFY LUBE VEHICLE SERVICE FACILITY NORTH OF THE EXISTING MEIJER GAS STATION WITHIN THE MEIJER PARKING LOT AT 6660 W. MAIN STREET, WITHIN THE C: LOCAL BUSINESS DISTRICT.

A virtual meeting of the Oshtemo Charter Township Planning Commission was held Thursday, July 30, 2020, commencing at approximately 6:00 p.m.

ALL MEMBERS

WERE PRESENT: Bruce VanderWeele, Chair
Dusty Farmer
Micki Maxwell, Vice Chair
Mary Smith
Anna Versalle
Chetan Vyas

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney, and Martha Coash, Meeting Transcriptionist.

Guests present were Christopher Eberhart, Traditional Brand Development Partners, LLC and Andrew Berenberg, Engineer.

Call to Order and Pledge of Allegiance

Chairperson VanderWeele called the meeting to order at approximately 6:00 p.m. He invited those in attendance to join in reciting the Pledge of Allegiance.

Following the Pledge, the group observed a moment of silence in remembrance of Mr. Ron Commissaris, Planning Commission member, who passed away recently. The Chair recognized his service to the Commission noting his thoughtful consideration and comments as a Commissioner and said he will be missed.

Approval of Agenda

Hearing no suggestions for change, Chairperson VanderWeele let the agenda stand as presented.

Approval of the Minutes of the Meeting of July 16, 2020

The Chair asked if there were additions, deletions or corrections to the Minutes of the Meeting of July 16, 2020. Hearing none, he asked for a motion.

Mr. Vyas made a motion to approve the Minutes of the Meeting of July 16, 2020 as presented. Ms. Versalle seconded the motion. The motion was approved unanimously by roll call vote.

Chairperson VanderWeele moved to the next agenda item and asked Ms. Lubbert for her presentation.

PUBLIC HEARING: SPECIAL USE: JIFFY LUBE MULTICARE – MEIJER OUTLOT TRADITIONAL BRAND DEVELOPMENT PARTNERS, LLC, WITH CONSENT FROM MEIJER CORPORATION, WAS SEEKING SPECIAL USE AND SITE PLAN APPROVAL TO CONSTRUCT A 3,020 SQUARE FOOT JIFFY LUBE VEHICLE SERVICE FACILITY NORTH OF THE EXISTING MEIJER GAS STATION WITHIN THE MEIJER PARKING LOT AT 6660 W. MAIN STREET, WITHIN THE C: LOCAL BUSINESS DISTRICT.

Ms. Lubbert explained Traditional Brand Development Partners, with the consent from Meijer Corporation, was seeking Special Use and Site Plan approval from the Planning Commission to construct a Jiffy Lube MultiCare vehicle facility within 6660 W. Main Street, just north of the existing Meijer Gas Station at the W. Main and 9th Street intersection.

She said 6660 W. Main Street is currently owned by Meijer Corporation. The proposal entails splitting 1.4 acres from the site to construct a roughly 3,000 square foot facility. The proposed use falls under the vehicle service facility definition as a special use within the Commercial zoning district in which this property is located. As a special use and new construction, the proposal requires review and approval from the Planning Commission.

She said when considering this request, two sections of the Township's code needed to be considered: Site plan review, and the Requested Special Use. She said she would walk through the requirements of each section, focusing on highlights. A full analysis is available starting on page 11 of the staff report that was part of the Planning Commission packet.

Overall, she indicated the submitted site plan met the requirements of the code. However a number of details still need to be finalized. The proposal is for, roughly, a 3,000 square foot vehicle service facility which is permitted as a special use within the Commercial zoning district. The lot that is being proposed has adequate road frontage, in this case is along N. 9th Street, and meets the size requirements for commercial lots. If approved, its parent lot also remains in compliance. The proposed building and modifications to the site will mostly occur within the existing paved area of this site, with

a small encroachment into the existing grass buffer between the parking lot and the road. The required setbacks for the building within the district are met.

She said, In terms of access, no new curb cuts were being proposed along N. 9th Street. The site will be accessed using the existing shared access drives that are currently utilized by Meijer and the other existing commercial uses within this development. With the proposal of a new parcel and increased usage, the Township will require an update to the pavement markings in these access drives to help with traffic control and safety. Our township engineer has requested that the outside right turn lane be turned into a right or through lane.

Our Fire Marshal needs to do a final confirmation that the required 30/50 turning radius for our fire trucks has been met, but access and vehicular movement throughout the site looks good.

The site is adequately parked. Per our code, 19 parking spaces are permitted for this site. 19 spaces are being proposed – two of which are ADA spaces.

Ms. Lubbert said one bigger item that will be a wonderful improvement for not only this site but the entire development relates to sidewalk. Per Section 57.90 sidewalks indicated on the Township's Non-motorized Plan shall be installed by the developer when properties adjacent to planned nonmotorized facilities receive site plan approval from the municipality. The Township's adopted Non-Motorized Plan shows a 6-foot-wide path along this section of N. 9th Street. With staff oversight, the applicant is currently coordinating with Meijer to come up with a plan to install sidewalk not only in front of this property but to provide a complete sidewalk connection along N. 9th Street from W. Main Street to Meijer's building entrance to the north. Meijer has already installed a sidewalk section along their gas station property. Staff is currently working with the applicant and Meijer to complete plans for the sidewalk connection so that it meets ADA standards.

She reported the proposed facility does not introduce any significant impact to the storm water runoff in this area, as the proposed facility will be built almost entirely over already existing pavement. However, the existing storm water basin that services this site has failed and needs to be addressed. Staff is currently working with Meijer and the applicant to address this issue. At this time the agreement is that a legal agreement between the different parties will be submitted and approved by the Township that outlines how this problem will be addressed.

Both a Landscaping and Photometric Plan have been submitted, however there are some insufficiencies in both of these documents and updated plans that meet code standards will need to be provided and reviewed prior to building permit issuance.

Again overall the proposed site plan meets standards but there are a few details that still need to be buttoned up.

She noted exterior materials proposed for the building include EIFS with a Colonial style stone design, sand pebble fine finish painted EIFS, Centria Meal Vertical Rib Panel, with various medium bronze finishes. Overall, it is a very attractive new facility. Some minor inconsistencies with what is shown on the site plan and landscaping plan will need to be updated.

When reviewing a special use request there are a number of criteria that need to be met. Overall the proposal meets these standards. It is consistent with the current zoning and what the future land use map shows this area as being, general commercial.

In terms of Impact, she said there are already two vehicle service facilities established in the area (AutoZone Auto Part + Bell Tire,) and with this use being in accordance with both the Master Plan and the Zoning Ordinance, staff has no concerns that the proposed use will negatively affect neighboring uses.

She noted it could be argued the proposal will positively impact the area if approved. The site in question is currently a portion of Meijer's parking lot which rarely sees use. To build this site Meijer will give up 114 stalls. Currently the Meijer site has 1,456 stalls – 119% of the minimum parking space requirement per code. If the proposed site plan is approved Meijer would have 1,342 stalls remaining – 107% of the minimum parking space requirement. Our code, in order to minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of storm water runoff, only allows parking lots to have parking spaces totaling no more than 110% of the minimum parking space requirements, unless otherwise approved by the reviewing body. This proposal would bring Meijer into compliance with the current parking code and improve on the aesthetics of the area by utilizing an underutilized section of the development.

However, she said, it should be noted that due to the nature of the proposed use, oils and fluids from the serviced automobiles will need to be drained and stored onsite. The proposal is not to dispose of the oil and other fluids on the land, but rather that these substances be stored in a steel tank until a truck picks up the waste and removes it - estimated to be done monthly. Oils and fluids from automobiles are considered hazardous. An Environmental Permits Checklist and the Hazardous Substance Reporting Form is required from the applicant.

She said as noted in the site plan, the proposed project area is already mostly paved, and no natural features will be disturbed as a part of these modifications.

Ms. Lubbert explained this property is already adequately served by public utilities and the proposed expansion would add little to no burden to the system. However, the retention pond that currently services Meijer and to which this development would connect, has failed and needs to be fixed. Township staff members are currently working with the applicant and Meijer to come up with a solution to address the situation.

She said the last requirement of this section is to refer to Article 49 of the code, which points to specific special use requirements. In this case there are none so this item does not apply.

Ms. Lubbert said the proposal meets the requirements for site plan review and special use. As described, there are a number of details that need to be finalized before construction of the project can begin. All these items are minor or staff is confident they can be handled administratively.

Ms. Lubbert recommended the Planning Commission approve the proposed Special Use and Site Plan for the Jiffy Lube Multicare with the conditions outlined below. The applicant is aware of and has agreed to address these items.

1. A land division application shall be submitted and approved *prior to a building permit being issued.*
2. The existing retention pond has failed and needs to be fixed. An agreement with a plan on how to address this issue shall be submitted, reviewed and approved by the Township Engineer, and entered into *prior to a building permit being issued.*
3. Environmental Permits Checklist and the Hazardous Substance Reporting Form shall be submitted to Planning Department and approved *prior to a building permit being issued.*
4. Copies of the necessary recorded easements (for the public sidewalk and traffic circulation) shall be provided to Planning Department *prior to occupancy being issued.*
5. An updated Planning and Zoning Application shall be provided *prior to a building permit being issued.*
6. An updated Site Plan shall be submitted to the Planning Department *prior to a building permit being issued* with the following information.
 - a. The pavement markings for the two existing driveways to N 9th Street will be modified to help with traffic control and safety - the outside right turn lane turned into a right or through lane.
 - b. Final plans for the 6-foot-wide concrete sidewalk to run along this section of N 9th Street.
 - c. An update to the location/zoning map marking the specific location of the site plan being reviewed.
 - d. Show the proposed setbacks of the building on the plans.
 - e. Show the location of where the above ground and underground storage tanks will be on site.
 - f. The applicant shall address the following items with the Township Fire Marshal:
 - i. One key box shall be required for this facility.
 - ii. A 30/50 turning radius throughout the site will be provided/confirmed.
 - iii. Emergency Responder Radio Coverage in New and Existing Buildings shall be provided in all buildings in accordance with

Section 510 of the International Fire Code and Michigan Building Code 2015 section 916. Update plans to include.

7. Updated Architectural Plans shall be provided to the Planning Department *prior to a building permit being issued*.
8. An updated Photometric Plan shall be provided to and approved by Planning Department *prior building permit issuance*. Current insufficiencies include:
 - a. No cut sheets provided for the proposed lighting fixtures
 - b. The symbology is not constant with the provided schedule.
 - c. A photometric plan showing foot-candle readings every ten feet within the subject site and ten feet beyond the property lines is needed, including lighting ratios.
9. An updated Landscaping Plan shall be provided to and approved by the Planning Department *prior building permit issuance*. Current concerns include:
 - a. A total of 10 canopy trees, 20 understory trees, and 4 shrubs are required. The number proposed far exceeds this and will be very costly to plant and maintain over time on this limited site (25 canopy trees, 29 understory trees, 82 shrubs, and hundreds of one gallon pots of groundcover). Please be aware that all landscaping shown on the approved plan must be installed before a certificate of occupancy is granted. It must be maintained in order to stay in compliance. It may be preferable to submit a landscape plan that meets the minimum requirements then add more landscaping later if desired.
 - b. Our ordinance has the following provision regarding monocultures: "The use of a single species is prohibited to increase the rate of plant survival. Except for plantings used for evergreen screening, no one species of tree or shrub may make up more than 50% of the total amount within each Plant Material Type." Based on the number of trees required (not proposed) no more than 5 of the canopy trees can be maples and no more than 10 of the understory trees can be paw paws. Other canopy tree species to consider are oak, basswood, or hackberry. Other understory tree species to consider are serviceberry, American hornbeam, or redbud.
 - c. Minimum sizes at planting must be revised as follows: canopy trees – 2" caliper, understory trees – 8' height.

Chairperson VanderWeele thanked Ms. Lubbert for her report and asked if Commissioners had questions for her.

Ms. Smith said the existing berm along 9th Street hides the parking lot from view and asked if it would remain.

Ms. Lubbert said the berm would remain. Access is being considered to the south of the berm.

Commissioners expressed concern regarding increased traffic impact on ingress and egress from 9th Street in an already congested area and possibly moving the entrance further to the east.

Ms. Lubbert suggested the applicant might better address that concern.

Ms. Maxwell pointed out there are more items than usual still needing to be addressed. She wondered why the project was brought to the Commission at this time.

Ms. Lubbert said in this case the applicant wishes to move forward, the items are relatively minor and are tied to the building permit. They are not significant enough to delay the project.

Ms. Maxwell said it seemed like a lot. She pointed out an error in the written documents referring to an extension of the gas station; Ms. Lubbert acknowledged that was a mistake.

Chairperson VanderWeele agreed the remaining issues were mostly minor except for the Meijer retention basin problem which is significant and has been going on for years.

Ms. Lubbert said basically plans are in place. Plan documents were in place years ago; correction can be done, it is just a matter of timing and method. Meijer is in conversation with another potential party who wishes to develop to the north. They would like to address the retention issue when all entities are included and they can decide how and when to address the problem. She noted when there is heavy rain the church lot floods.

Attorney Porter said work with Meijer and the potential property owner to the north is in process. Most of the area Jiffy Lube will occupy is impervious surface, so should not add to the problem. It will be addressed with Meijer.

Ms. Farmer noted a development further to the east on impervious surface was required to maintain proper drainage.

Attorney Porter said that area feeds into the city system. This area does not feed into the drain area within the city and does not impact the agreement the Township has with the City of Kalamazoo.

Ms. Farmer was concerned about an increase in traffic with another development beyond Jiffy Lube and felt traffic ingress and egress is already dangerous.

Chairperson VanderWeele commented when the credit union headquarters opens and the traffic light is installed there it should take a lot of the traffic out of there and relieve the pressure.

Hearing no further questions, the Chair asked if the applicant wished to speak.

Mr. Andrew Berenberg, Engineer, 2300 Berkshire Lane, Plymouth MN spoke for the plan and the applicant, thanking staff for their assistance and the Commission for offering a virtual meeting option. He noted they are aware of the retention basin issue and will be filling in some areas to increase impervious surface. The new facility will benefit the community by taking something underutilized and make it work for the public. The nine items listed by Staff as conditions for approval are manageable. They are struggling with the crosswalk to make it ADA. They can make it work, but it will be a challenge and may cause some road reconstruction to meet ADA code. It will be a nice development and the beautiful building will be a positive addition to the Township.

Chairperson VanderWeele asked if Commissioners had questions for Mr. Berenberg.

Ms. Smith asked whether moving the entrance opposite the gas station would be a problem.

Mr. Berenberg said it would not be a deal breaker; they just need to be sure emergency vehicles will be able to get through there. He said he actually liked the idea, but noted if it is flipped, it will narrow a lane. If it is moved it would not be as steep as the plan requires now.

Ms. Smith said if it is flipped, it may not show the best side of the building to 9th Street. She did not think Jiffy Lube would cause more right turning traffic.

Mr. Berenberg said they do not expect more than 1-2 cars at a time to exit Jiffy Lube. The business is not a big traffic generator. 19 parking stalls are probably more than will be needed.

Mr. VanderWeele wondered if the lane could be shifted to the east end.

Mr. Berenberg said no, that was private property. Meijer wants access shared for cross-traffic.

There were no further questions. The Chair opened a public hearing, determined no members of the public were present, and moved to Board Deliberations.

Ms. Smith said her only concern had been removal of the berm; she was happy with the proposal.

Ms. Maxwell asked that, if approved, the plan will not come before the Commission again after all conditions are met.

Ms. Lubbert agreed that was correct. All conditions will need to be met before a building permit is issued.

Hearing no further comments, Chairperson VanderWeele asked for a motion.

Ms. Versalle made a motion to approve the Site Plan and Special Use Request as presented, with these nine conditions recommended by Staff:

1. A land division application shall be submitted and approved *prior to a building permit being issued*.
2. The existing retention pond has failed and needs to be fixed. An agreement with a plan on how to address this issue shall be submitted, reviewed and approved by the Township Engineer, and entered into *prior to a building permit being issued*.
3. Environmental Permits Checklist and the Hazardous Substance Reporting Form shall be submitted to Planning Department and approved *prior to a building permit being issued*.
4. Copies of the necessary recorded easements (for the public sidewalk and traffic circulation) shall be provided to Planning Department *prior to occupancy being issued*.
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 - c. Minimum sizes at planting must be revised as follows: canopy trees – 2” caliper, understory trees – 8’ height.

Ms. Smith seconded the motion. The motion was approved unanimously by roll call vote.

Chairperson VanderWeele moved to the next item on the agenda.

OLD BUSINESS

a. Discussion: Assembly and Convention Halls

Ms. Lubbert reminded the Commission that Township Planning Department staff was approached by a prospective property owner who is interested in establishing a wedding/event venue within the commercial portion of the 9th Street and West Main Zoning Overlay. Examining the Township’s Zoning Ordinance, staff found that no such use is identified as allowable in any zoning district in Oshtemo, despite a handful of such businesses having been located here in the past. In some cases, such as with the Delta Marriott Hotel on S 11th Street, the convention center is considered an accessory element to the primary use of the property. In the case that prompted this proposal, the event space would be the property’s primary use.

She said a general tenet of local zoning is that no reasonable use of land can be

prohibited outright in any community and must be allowed somewhere. In the interest of adhering to accepted legal convention and good planning practice, staff proposed a text amendment to the Zoning Ordinance to allow Assembly and Convention Halls as a Special Use in the C, Local Business District, the 9th Street and West Main Overlay Zone. All three zoning districts are appropriate locations for this use based on their character and intent. In order to mitigate any unforeseen consequences or impacts of this use to nearby properties, staff recommended making Assembly and Convention Halls a Special Use so the Township can impose any necessary restrictions on a case-by-case basis. As the Township gains experience with Assembly and Convention Halls as a primary use, additional criteria can be developed, other zoning districts considered, and the use potentially even transitioned from a Special Use to a Permitted Use with Conditions, which would allow for administrative review and approval.

The Planning Commission initially reviewed the proposed amendment at their regular February 27th meeting. After discussion, the Commission agreed to move forward with the proposed changes to Sections 18.40 and 35.40 and set a Public Hearing for their meeting on March 26th. Due to COVID-19's impact on the Township's ability to hold open meetings, the public hearing needed to be rescheduled to April 30th. At the public hearing the Planning Commission grew concerned when they found that the ordinance does not define Assembly and Convention Halls. There was concern that if no additional guidance was provided, larger Convention Centers (like the Kalamazoo County Expo Center) could accidentally be lumped into the same category. The Planning Commission moved to table the item and asked staff to explore possible definitions that would elevate their concerns and avoid potential future misunderstandings. Staff presented a drafted definition to the Commission at their May 14th meeting as well as discussed the possibility of implementing a maximum capacity or occupancy to be tied to the proposed special use – potentially a different value depending on the zoning district in which the use is allowed. It was agreed that staff would return to the Commission with a revised definition for Assembly and Convention Halls and drafted Special Use requirements.

Based on the feedback provided by the Commission at the May 14th meeting, Ms. Lubbert presented the following amended definition to consider and discuss.

Assembly and Convention Hall Definition

A room or building for the purpose of hosting a party, banquet, wedding, or any other social or business event. Assembly and Convention Halls can also be called meeting rooms, function halls, reception halls, or banquet halls.

In addition to a general definition, staff drafted the following requirements to be considered for Assembly and Conventions Halls to be placed under Section 49 Requirements for Special Uses.

Assembly and Convention Halls Requirements for Special Uses

- A. Assembly and Convention Halls shall have the following maximum capacities as established by the Township building code if located in one

of the following zoning districts:

- i. 9th Street and West Main Overlay Zone: 200 people
 - ii. C, local business district: 750 people
- B. Assembly and Convention Halls shall allow for both indoor and outdoor event spaces. Permitted maximum capacity of the site, per item A above, shall be considered the sum of the capacities of all indoor and outdoor event spaces. Outdoor event spaces must be approved by the Planning Commission at the time of Special Use and Site Plan approval. The following additional details shall be provided with the submitted site plan for all requests for outdoor event spaces:
- a. A letter of intent, including information on how the outdoor space will be used, the hours of operation, description on what attempts were made to visually shield the proposed outdoor space from the road and neighboring properties, and a breakdown of the site's maximum occupancy capacity for the indoor and outdoor event spaces.
 - b. The outdoor event space clearly delineated on the site.
 - c. Placement of vehicles, trailers, and all other equipment for outdoor events is shown on the plan and placed away from adjoining residentially used properties and complies with all applicable setbacks.
 - d. Restrooms provided (in building or portable facilities).
 - e. Traffic lanes and additional on-site parking to service outdoor event space to be provided at the rate of 1 space for each 3 persons allowed within the maximum occupancy.
 - f. Fire lanes and emergency vehicle turning areas.
 - g. All activity takes place on subject property.
- C. The Planning Commission may impose additional conditions when found reasonable and appropriate to avoid or mitigate adverse impacts on surrounding properties.

Note parking for this use is already addressed in 52.100 Minimum Required parking spaces:

52.100 Minimum required parking spaces

Land Use	Minimum number of spaces per unit of measure
Meeting rooms, Assembly & Convention Halls (without fixed seating)	1 space for each 3 persons allowed within the maximum occupancy load as established by the Township building code

Commissioner said they had reviewed the document and felt Ms. Lubbert did a good job incorporating their suggestions and were pleased with the proposed definition and amendment.

Ms. Lubbert said she will set a public hearing on the amendment, likely at the second regularly scheduled meeting in August.

PUBLIC COMMENT

Chairperson VanderWeele moved to the next agenda item, determined there were no members of the public present, and moved to the next agenda item.

OTHER UPDATES AND BUSINESS

Ms. Lubbert told Commissioners that, by order of the Governor, virtual meetings will continue, at least through mid-September. She will inform them of any changes.

Ms. Farmer reminded everyone that absentee ballots are available and that the Township has temporary hours for election purposes only through Election Day. She said a lot of registrations have been received in the last two weeks and asked them to spread the word to get absentee ballots in and that voters may not split tickets.

Ms. Lubbert said she is exploring the possibility of sharing meeting videos by posting them online and asked them to let her know of any concerns they may have.

Ms. Maxwell asked if the consultant situation had been taken to the Township Board yet.

Ms. Lubbert said funds have been included in the budget, but no proposal or details have been developed yet. She hopes to move forward on that soon.

ADJOURNMENT

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 6:53 p.m.

Minutes prepared:
August 1, 2020

Minutes approved:
August 13, 2020