

OSHTEMO CHARTER TOWNSHIP BOARD
7275 West Main Street
Kalamazoo, MI 49009
269.375.4260

October 27, 2020

Refer to www.oshtemo.org home page for Virtual Meeting Information

PUBLIC COMMENT SESSION

6:00 p.m.

AGENDA

- A. Call to Order
- B. Public Comment
- C. Presentation on SAW Grant Report (Sanitary Sewer Asset Management Planning) - Prein & Newhof Consulting Engineers
- D. Other Business

REGULAR MEETING

7:15 p.m.

AGENDA

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Public Comment on Non-Agenda Items
- 4. Consent Agenda
 - a. Approve Minutes – October 20th, 2020 Joint Boards Meeting & October 20th, 2020 Township Board Special Meeting
 - b. Receipts & Disbursements Report
 - c. HIPPA Privacy Officer Appointment
 - d. Child and Adult Foster Care Facilities Zoning Amendments – Second Reading
 - e. Amendment to Interlocal State Construction Code
- 5. Request to Enter into Closed Session Pursuant to Section 8(c) of the Open Meetings Act for Strategy and Negotiation Session Connected with the Negotiation of a Collective Bargaining Agreement
- 6. Other Township Business
- 7. Public Comment
- 8. Board Member Comments
- 9. Adjournment

**Policy for Public Comment
Township Board Regular Meetings, Planning Commission & ZBA Meetings**

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email (oshtemo@oshtemo.org), walk-in visits, or by appointment.

b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)
(revised 5/14/2013)
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. Additionally, questions and concerns are accepted at all hours through the website contact form found at www.oshtemo.org, email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to oshtemo@oshtemo.org and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
Libby Heiny-Cogswell	216-5220	libbyhc@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Grant Taylor	216-5221	gtaylor@oshtemo.org
<u>Trustees</u>		
Cheri L. Bell	372-2275	cbell@oshtemo.org
Deb Everett	375-4260	deverett@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Ken Hudok	548-7002	khudok@oshtemo.org

Township Department Information		
<u>Assessor:</u>		
Kristine Biddle	216-5225	assessor@oshtemo.org
<u>Fire Chief:</u>		
Mark Barnes	375-0487	mbarnes@oshtemo.org
<u>Ordinance Enf:</u>		
Rick Suwarsky	216-5227	rsuwarsky@oshtemo.org
<u>Parks Director:</u>		
Karen High	216-5233	khigh@oshtemo.org
Rental Info	216-5224	oshtemo@oshtemo.org
<u>Planning Director:</u>		
Iris Lubbert	216-5223	ilubbert@oshtemo.org
<u>Public Works:</u>		
Marc Elliott	216-5236	melliott@oshtemo.org

Zoom Instructions for Participants

Before a videoconference:

1. You will need a computer, tablet, or smartphone with a speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. If you are going to make a public comment, please use a microphone or headphones with a microphone to cut down on feedback, if possible.
3. Details, phone numbers, and links to videoconference or conference call are provided below. The details include a link to “**Join via computer**” as well as phone numbers for a conference call option. It will also include the 11-digit Meeting ID.

To join the videoconference:

1. At the start time of the meeting, click on this link to [join via computer](#). You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to [join.zoom.us](#) on any browser and entering this **Meeting ID: 897 9161 9970**

If you are having trouble hearing the meeting or do not have the ability to join using a computer, tablet or smartphone then you can join via conference call by following instructions below.

To join the conference by phone:

1. On your phone, dial the toll-free teleconferencing number: **1-929-205-6099**
2. When prompted using your touchtone (DTMF) keypad, enter the Meeting ID number: **897 9161 9970#**

Participant controls in the lower-left corner of the Zoom screen:

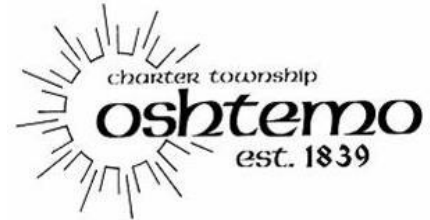


Using the icons at the bottom of the Zoom screen, you can (some features will be locked to participants during the meeting):

- Participants – opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand. **This will be used to indicate that you want to make a public comment.**
- Chat – opens pop-up screen that allows participants to post comments during the meeting.

If you are attending the meeting by phone, to use the “Raise Hand” feature **press *9 on your touchtone keypad.**

Public comments will be handled by the “Raise Hand” method as instructed above within Participant Controls.



Memorandum

Date: 21st October 2020
To: Township Board
From: Libby Heiny-Cogswell, Supervisor
Subject: Oshtemo Charter Township – HIPPA Privacy Officer

OBJECTIVE

Township Board consideration to appoint Sara Feister, HR/Benefits, to the position of Oshtemo Township HIPPA Privacy Officer, effective November 30th, 2020.

BACKGROUND

Per the Society of Human Resource Management (SHRM) online resources, “The HIPAA (Health Insurance Portability and Accountability Act) Privacy Officer will develop, manage, and implement processes to ensure the organization’s compliance with applicable federal and state HIPAA regulations and guidelines, particularly regarding the organizations access to and use of protected health information (PHI).”

This Fall Sara Feister joined the Township in the HR/Benefits position. Sara will assume the HIPPA Privacy Officer role from the current Officer, Deb Everett, because she is retiring November 30th, 2020. This appointment continues the ongoing and smooth transition in HR for this important role for Employees.



October 21, 2020

Mtg Date: October 27, 2020
To: Oshtemo Charter Township Board
From: Iris Lubbert, AICP, Planning Director
Subject: Child and Adult Foster Care Facilities – Second Reading

Objective:

Consideration of the Child and Adult Foster Care Facilities ordinance language for Second Reading and adoption. The first reading of the proposed ordinance occurred on October 20, 2020 at which the Township Board approved the first reading and moved for second reading unanimously.

Background:

Township Planning Department staff have recently been approached about the possibility for a foster care facility to house 8-10 refugee children under the age of 18. Examining the Township's Zoning Ordinance, staff found that no such use is identified as allowable in any zoning district in Oshtemo. A general tenant of local zoning is that no reasonable use of land can be outright prohibited in any community and must be allowed somewhere. In the interest of adhering to accepted legal convention, good planning practice, and the preservation of Township residents' property rights, staff worked with legal counsel to draft language for an amendment to the Zoning Ordinance to address this gap in the code. State Law MCL 722.111, which outlines the requirements for foster care organizations in Michigan, was used as a guide. The drafted code amendment was presented to the Planning Commission at their regular August 27th meeting. After discussion the Planning Commission unanimously motioned to forward the proposed language to a Public Hearing.

A notice for a Public Hearing was published on Tuesday, September 8, 2020. A Public Hearing was held at the September 24th Planning Commission meeting. There was no public comment. The Planning Commission unanimously motioned to forward the proposed Child and Adult Foster Care Facilities language to the Township Board with a recommendation of approval.

Summary of Proposed Amendments:

The goal of the proposed amendments is to appropriately allow for various foster care facilities within the Township while ensuring that State housing regulations are met. Overall, the amendments can be grouped into four categories, outlined below.

1. The addition of six new definitions to Section 2.20 of the Code that define the various levels or intensities of foster care facilities. These definitions were taken from MCL 722.111.
2. Adding 'Adult Foster Care Facilities' and 'Foster Family Homes' as Permitted Uses in all Oshtemo residential districts, including AG-Agricultural. These two uses allow for the care of up to four foster children or adults. It should be noted that these two uses are already permitted in these districts by State Law.
3. Adding the other four defined foster care facilities, group under the term 'Larger Facilities for Child and Adult Foster Care', as Special Uses to the R-3, R-4, and 9th Street and West Main Overlay zones. These three zoning districts allow for higher density residential development; the four 'Larger Facilities for Child and Adult Foster Care' follow the intent of those districts. By having these facilities

placed under the Special Use category additional criteria can be considered in their review and the Planning Commission will review these cases on a case-by-case basis.

4. The addition of Special Use requirements to Section 49 for the Larger Child and Adult foster Care Facilities. The Special Use requirements were modeled after MCL 722.111.

Attachments: Proposed Amendments

The following definitions are proposed to be added to 2.20 Definitions

Adult Foster Care Facility- a State certified facility housing at least one but not more than four adults that receive benefits from community mental health service programs. Shall not be signed.

Adult Foster Care Small Group Home – a State certified facility hosting at least three but not more than 12 adults that receive benefits from community mental health service programs.

Adult Foster Care Large Group Home – a State certified facility hosting at least thirteen but not more than 20 adults that receive benefits from community mental health service programs.

Child Caring Institution - A State certified care facility which allows more than four, but less than 13 minor foster children on a 24-hour basis.

Foster Family Group Home - A State certified care facility which allows more than four, but fewer than seven minor foster children on a 24-hour basis.

Foster Family Home – A private home of a State certified caregiver that allows one, but not more than four minor foster children on a 24-hour basis. Shall not be signed.

The addition of the following uses, outlined by zoning district, are being proposed.

AG: AGRICULTURAL DISTRICT

4.20 Permitted Uses

Adult Foster Care Facility
Foster Family Home

RR: RURAL RESIDENTIAL

5.20 Permitted Uses

Adult Foster Care Facility
Foster Family Home

R-1: RESIDENCE DISTRICT

6.20 Permitted Uses

Adult Foster Care Facility
Foster Family Home

R-2: RESIDENCE DISTRICT

7.20 Permitted Uses

Adult Foster Care Facility
Foster Family Home

R-3: RESIDENCE DISTRICT:

8.20 Permitted Uses

Adult Foster Care Facility
Foster Family Home

8.40 Special Uses

Larger Facilities for Child and Adult Foster Care, including: Child Caring Institutions, Foster Family Group Homes, Adult Foster Care Small Group Home, and Adult Foster Care Large Group Home

R-4: RESIDENCE DISTRICT:

9.20 Permitted Uses

Adult Foster Care Facility
Foster Family Home

9.40 Special Uses

Larger Facilities for Child and Adult Foster Care, including: Child Caring Institutions, Foster Family Group Homes, Adult Foster Care Small Group Home, and Adult Foster Care Large Group Home

R-5: RESIDENCE DISTRICT

10.20 Permitted Uses

Adult Foster Care Facility
Foster Family Home

9TH STREET AND WEST MAIN OVERLAY ZONE:

35.40 Special Uses

Larger Facilities for Child and Adult Foster Care, including: Child Caring Institutions, Foster Family Group Homes, Adult Foster Care Small Group Home, and Adult Foster Care Large Group Home

The following review criteria are being proposed to be added to Section 49 – Requirements for Special Uses

Larger Facilities for Child and Adult Foster Care:

1. Shall not be located closer than 1,500 feet to any of the following:
 - a. Another licensed group childcare home or Child Caring Institution;
 - b. An adult foster care small group home or large group home;
 - c. A facility offering substance use disorder services to seven or more people;
 - d. Community correction center, Half-way house, or similar facility
2. Outside play or social areas are appropriately fenced for the safety of the residents.
3. The residential character of the property shall be preserved and maintained. Any building must be compatible in size, height, external design, landscaping, and surrounding open space as other residential buildings in the area.
4. No signs are permitted.
5. One parking space, in accordance with Article 52, shall be provided for each non-resident employee working on site at any one time.

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. _____

Adopted: _____, 2020

Effective: _____, 2020

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Zoning Ordinance, Article 2 Construction of Language and Definitions, by the addition of the definitions of Adult Foster Care Facility, Adult Foster Care Small Group Home, Adult Foster Care Large Group Home, Child Caring Institution, Foster Family Group Home and Foster Family Home and to permit Child and Foster Care Facilities within the Township. This Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

SECTION I. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 2: CONSTRUCTION OF LANGUAGE AND DEFINITIONS, SECTION 2.20 DEFINITIONS. Article 2: Construction of Language and Definitions, Section 2.20 is hereby amended to add the following:

ARTICLE 2: CONSTRUCTION OF LANGUAGE AND DEFINITIONS

2.20 DEFINITIONS

Adult Foster Care Facility- a State certified facility housing at least one but not more than four adults that receive benefits from community mental health service programs. Shall not be signed.

Adult Foster Care Small Group Home – a State certified facility hosting at least three but not more than 12 adults that receive benefits from community mental health service programs.

Adult Foster Care Large Group Home – a State certified facility hosting at least thirteen but not more than 20 adults that receive benefits from community mental health service programs.

Child Caring Institution - A State certified care facility which allows more than four, but less than 13 minor children on a 24-hour basis.

Foster Family Group Home - A State certified care facility which allows more than four, but fewer than seven minor children on a 24-hour basis.

Foster Family Home – A private home of a State certified caregiver that allows one, but not more than four minor children on a 24-hour basis. Shall not be signed.

SECTION II. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 4: AG: AGRICULTURAL DISTRICT, SECTION 4.20 PERMITTED USES. Article 4: AG: AGRICULTURAL DISTRICT,
Section 4.20 is hereby amended to add the following:

ARTICLE 4: AG: AGRICULTURAL DISTRICT

4.20 Permitted Uses

Adult Foster Care Facility
Foster Family Home

SECTION III. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 5: RR: RURAL RESIDENTIAL DISTRICT, SECTION 5.20 PERMITTED USES. Article 5: RR: RURAL RESIDENTIAL DISTRICT,
Section 5.20 is hereby amended to add the following:

ARTICLE 5: RR: RURAL RESIDENTIAL DISTRICT

5.20 Permitted Uses

Adult Foster Care Facility
Foster Family Home

SECTION IV. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 6: R-1: RESIDENTIAL DISTRICT, SECTION 6.20 PERMITTED USES. Article 6: R-1 RESIDENTIAL DISTRICT, Section 6.20 is hereby amended to add the following:

ARTICLE 6: R-1: RESIDENTIAL DISTRICT

6.20 Permitted Uses

Adult Foster Care Facility
Foster Family Home

SECTION V. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 7: R-2: RESIDENTIAL DISTRICT, SECTION 7.20 PERMITTED USES. Article 7: R-2 RESIDENTIAL DISTRICT, Section 7.20 is hereby amended to add the following:

ARTICLE 7: R-2: RESIDENTIAL DISTRICT

7.20 Permitted Uses

Adult Foster Care Facility
Foster Family Home

SECTION VI. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 8: R-3: RESIDENTIAL DISTRICT, SECTIONS 8.20 PERMITTED USES AND 8.40 SPECIAL USES. Article 8: R-3 RESIDENTIAL DISTRICT, Sections 8.20 and 8.40 are hereby amended to add the following:

ARTICLE 8: R-3: RESIDENTIAL DISTRICT

8.20 Permitted Uses

Adult Foster Care Facility
Foster Family Home

8.40 Special Uses

Larger Facilities for Child and Adult Foster Care, including: Child Caring Institutions, Foster Family Group Homes, Adult Foster Care Small Group Home, and Adult Foster Care Large Group Home

SECTION VII. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 9: R-4: RESIDENTIAL

DISTRICT, SECTIONS 9.20 PERMITTED USES AND 9.40 SPECIAL USES. Article 9: R-4

RESIDENTIAL DISTRICT, Sections 9.20 and 9.40 are hereby amended to add the following:

ARTICLE 9: R-4: RESIDENTIAL DISTRICT

9.20 Permitted Uses

Adult Foster Care Facility
Foster Family Home

9.40 Special Uses

Larger Facilities for Child and Adult Foster Care, including: Child Caring Institutions, Foster Family Group Homes, Adult Foster Care Small Group Home, and Adult Foster Care Large Group Home

SECTION VIII. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 10: R-5: RESIDENTIAL

DISTRICT, SECTION 10.20 PERMITTED USES. Article 10: R-5 RESIDENTIAL DISTRICT,

Section 10.20 is hereby amended to add the following:

ARTICLE 10: R-5: RESIDENTIAL DISTRICT

10.20 Permitted Uses

Adult Foster Care Facility
Foster Family Home

SECTION IX. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 35: 9TH STREET AND WEST MAIN OVERLAY ZONE, SECTION 35.40 SPECIAL, PARAGRAPH A RESIDENTIAL. Article 35: 9th Street and West Main Overlay Zone, Section 35.40 Special Uses, Paragraph A Residential is hereby amended to add the following as Paragraph 6:

ARTICLE 35: 9TH STREET AND WEST MAIN OVERLY ZONE

35.40 Special Uses

A. Residential

6. Larger Facilities for Child and Adult Foster Care, including: Child Caring Institutions, Foster Family Group Homes, Adult Foster Care Small Group Home, and Adult Foster Care Large Group Home

SECTION X. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 49: REQUIREMENTS FOR SPECIAL USES, SECTION 49.140. Article 49 Requirements for Special Uses, Section 49.140 Larger Child and Adult Foster Care Facilities is hereby added as follows and remaining sections renumbered:

ARTICLE 49: REQUIREMENTS FOR SPECIAL USES

49.140 Larger Facilities for Child and Adult Foster Care:

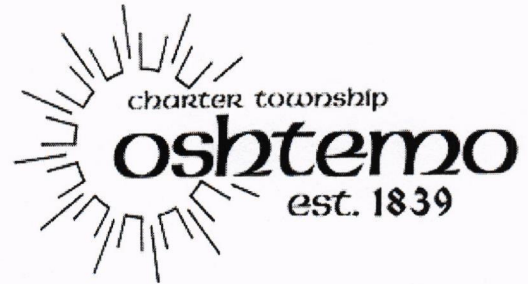
1. Shall not be located closer than 1,500 feet to any of the following:
 - a. Another licensed group childcare home or Child Caring Institution;
 - b. An adult foster care small group home or large group home;
 - c. A facility offering substance use disorder services to seven or more people;
 - d. Community correction center, Half-way house, or similar facility

2. Outside play or social areas are appropriately fenced for the safety of the residents.
3. The residential character of the property shall be preserved and maintained. Any [building](#) must be compatible in size, height, external design, landscaping, and surrounding open space as other residential buildings in the area.
4. No signs are permitted.
5. One parking space, in accordance with [Article 52](#), shall be provided for each non-resident employee working on site at any one time.

SECTION XI. EFFECTIVE DATE AND REPEAL. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed. This Ordinance shall take effect upon publication after adoption in accordance with State law.

DUSTY FARMER, CLERK
OSHTEMO CHARTER TOWNSHIP

Memo



To: Oshtemo Charter Township Board

From: James W. Porter

Date: October 22, 2020

Subject: Amendment to the Interlocal State Construction Code Enforcement and Administrative Agreement with Cooper Charter Township

OBJECTIVE

To amend the Interlocal State Construction Code Enforcement and Administration Agreement.

BACKGROUND

Originally, the two units of government, Oshtemo and Cooper Charter Townships, had paid for the software in order to maintain separate data bases. However, it was determined to be more efficient to have SMBA purchase and operate the software and then have the governmental units which wanted to have their information, have it stripped back out by SMBA when and if necessary.

INFORMATION PROVIDED

An amendment to Section 3, Subsection (15) of the Interlocal State Construction Code Enforcement and Administration Agreement is provided.

STATEMENT OF WHAT YOU ARE ASKING BOARD TO APPROVE

To approve the amendment of the Interlocal State Construction Code Enforcement and Administration Agreement.

DRAFT

AMENDMENT TO THE INTERLOCAL STATE CONSTRUCTION CODE ENFORCEMENT AND ADMINISTRATIVE AGREEMENT

Section 3 (15)

To license, operate and maintain software necessary to meet the operation and informational storage needs of SMBA and its participating local units. All stored data will be made available to the participating local units as necessary to complete all other municipal functions. All data stored shall remain the property of the participating local unit on whose behalf it was created. Should SMBA dissolve as provided for in Section 5.e., SMBA would bear the cost of stripping the data from its database and returning the data to the respective local units. Should a participating local unit withdraw from SMBA as provided for in 5.d., the withdrawing local unit would bear the cost of stripping its data from the database and returning it to the withdrawing local unit.

CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN

**RESOLUTION TO ASSEMBLE IN CLOSED SESSION
NOVEMBER 10, 2020**

WHEREAS, the Oshtemo Township Board of Trustees, as a negotiating party, desires to consult with its attorneys in closed session regarding a negotiation strategy session in connection with the negotiation of a collective bargaining agreement with Oshtemo Charter Township Firefighters Local IAFF #5240.

WHEREAS, the Board of Trustees desires to comply with the Michigan Open Meetings Act, and specifically seeks to assemble in closed session pursuant to the provisions MCL §15.268(c);

NOW THEREFORE, upon motion by _____ and supported by _____, the Board of Trustees of Oshtemo Charter Township resolves to assemble in closed session to consult with its Township attorney and Township labor attorney in connection with the collective bargaining agreement with Oshtemo Charter Township and Firefighters Local IAFF #5240.

	Aye	Nay
Dusty Farmer	_____	_____
Grant Taylor	_____	_____
Libby Heiny-Cogswell	_____	_____
Cheri L. Bell	_____	_____
Deb Everett	_____	_____
Zak Ford	_____	_____
Ken Hudok	_____	_____

The Supervisor declared that the Resolution has been adopted by at least 2/3 of the members of the Board.

DUSTY FARMER, Clerk
Oshtemo Charter Township

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of an Excerpt of the Minutes of a regular meeting of the Oshtemo Charter Township Board, held on November 10, 2020, at which meeting _____ members were present and voted upon the same as indicated in said Minutes; that said meeting was held in accordance with the Open Meetings Act of the State of Michigan.

DUSTY FARMER, Township Clerk