

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

September 14, 2021

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

REGULAR MEETING
6:00 P.M.
AGENDA

1. Call to Order
2. Roll Call & Remote Location Identification
3. Pledge of Allegiance
4. Public Comment on Non-Regular Session Items

WORK SESSION ITEMS

5. Discussion on 2022 Budget & Capital Improvement Plan (Continued)
6. Other Updates & Business

BREAK (Time Permitting) – 7:05 P.M.

REGULAR SESSION ITEMS – 7:15 P.M.

7. Consent Agenda
 - a. Approve Minutes - August 24th Regular Meeting
 - b. Receipts & Disbursements Report
 - c. Sidewalks 57.90 Zoning Text Amendment – Second Reading
 - d. Job Description for Public Works Project Manager Position
8. Presentation on Public Transit
9. Consideration of Ordinance 176 Anti-Noise Ordinance Amendment – First Reading
10. Consideration of Planning Consultant(s) - Master Plan Update
11. Consideration of Subdivision, Site Condominium and Land Division (Ordinance 585) Amendment – First Reading
12. Consideration of Southwest Michigan Building Authority Amended and Restated Interlocal Agreement and Amendment of State Construction Code (Ordinance 530) – First Reading
13. Consideration of 2021 Budget Amendments
14. Other Township Business & Question Updates
15. Public Comment
16. Board Member Comments
17. 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>		
Clare Buszka	216-5260	cbuszka@oshtemo.org
<u>Trustees</u>		
Cheri L. Bell	372-2275	cbell@oshtemo.org
Kristin Cole	375-4260	kcole@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Kizzy Bradford	375-4260	kbradford@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: 812 9168 9587**

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 teleconferencing number: **1-929-205-6099**
2. When prompted using your touchtone (DTMF) keypad, enter the Meeting ID number: **812 9168 9587#**

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



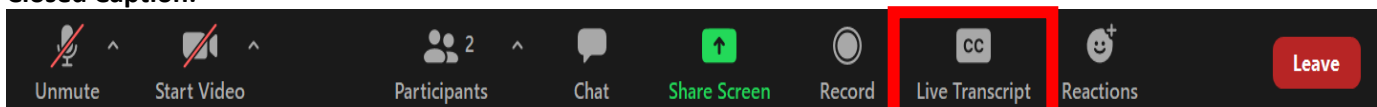
Using the icons at the bottom of the Zoom screen, you can (some features will be locked to participants during the meeting):

- 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.

Closed Caption:



Turn on Closed Caption:

Using the icons at the bottom of the Zoom screen:

1. Click on the “Live Transcription” button.
2. Then select “Show Subtitle”.



August 25, 2021

Mtg Date: September 14, 2021
To: Oshtemo Charter Township Board
From: Iris Lubbert, AICP, Planning Director
Subject: Second Reading: Section 57.90 Sidewalks (**revised**)

Objective:

Consideration of a revised amendment to Section 57.90 Sidewalks for second reading and adoption. The first reading of the proposed ordinance occurred on August 24, 2021 at which the Township Board approved the first reading and moved for second reading unanimously.

Background:

Oshtemo Township continues to grow and, simultaneously, the Township is hearing community requests for a quality of life that is connected by sidewalks and paths. Over the years the Township has adopted several policies and ordinances to establish a physical and cultural environment that supports and encourages safe, comfortable, and convenient ways for a diverse population of pedestrians and bicyclists to travel throughout the Township and into the surrounding communities. The most recent of which was through the *Go!Green Oshtemo – 5 Year Parks and Recreation Master Plan*. Part of the plan included an action strategy to continue to require provisions for nonmotorized transportation facilities with site plan reviews. The Zoning Ordinance language that continues to implement this action strategy is Section 57.90, language provided below.

“For those uses requiring Site Plan review under this ordinance, an internal sidewalk network (including connection to and establishment of a sidewalk in the right-of-way of any arterial, collector, or local road indicated on the Non-motorized Facilities Map abutting the site) shall be required within public street rights-of-way and/or private street easements unless the reviewing body grants a deviation from this provision. Deviation may be considered if the street is a cul-de-sac, or if there are constraints as the result of severe topography or natural features.” (57.90 Sidewalks)

In essence, Section 57.90 does three things: 1) when a site plan is submitted to the Township the nonmotorized facilities shown on the adopted Nonmotorized Facilities Map needs to be installed as part of the site plan review and approval process, 2) a sidewalk network is required within the site itself (including a connection from the proposed development to the adjacent nonmotorized path), and 3) the reviewing body can grant a deviation if warranted.

What exactly that deviation can be was not specified in the code. As such, the Township’s reviewing bodies have over the years waived the requirement to install sidewalk with a number of different approaches. Most recently by requiring the applicant to sign a sidewalk SAD agreement. It has also become common practice that if the property in question cannot directly connect to an existing nonmotorized facility a deviation is granted so to avoid “sidewalks to nowhere”.

The Township Board discussed this section of the code and the Township’s current sidewalk policies at their March 9th, 2021 regular meeting. At that meeting the Board agreed that sidewalks should be installed more aggressively in urbanized areas of the Township, the “sidewalks to nowhere” argument is no longer a valid

reason for a deviation in those urbanized areas, and this section of the code needs to be revisited and refined.

Staff presented the Township Board's request to the Planning Commission at their regular March 25th meeting for an initial discussion to guide the direction of an Ordinance amendment. At their regular April 8th and May 27th meetings, the Planning Commission reviewed multiple versions and discussed various directions for the amendment. Ordinance Section 64 Site Plan Review and Section 294 Non-Motorized Facilities/Sidewalks as well as the Kalamazoo Area Transportation Study Metropolitan Planning Organization's (KATS MPO) Urbanized area map and Oshtemo's adopted nonmotorized plan were referenced in those discussions and in drafting the amendment. A Public Hearing for the proposed text was held on June 24th, 2021. During the Public Hearing one public comment was received with a request that sidewalk SADs still be allowed to be considered. The Planning Commission unanimously motioned to forward the proposed amendment to the Township Board for consideration with a recommendation of approval.

This item was reviewed by the Township Board at their July 13th meeting at which a question was asked as to how the proposed text amendment would affect 'change in use' site plans. Upon closer review it was found that that portion of the proposed text did not clearly capture the intent of the amendment and was open to interpretation. At the July 27th Township Board meeting, with staff's recommendation, the Township Board referred the proposed text amendment to Section 57.90 back to the Planning Commission in order to address the 'change in use' language. The Planning Commission reviewed and altered the text in question at their August 12th regular meeting to address this issue and unanimously motioned to forward the revised proposed amendment to the Township Board for consideration with a recommendation of approval.

It should be noted that when comparing the KATS MPO Urbanized area map to Oshtemo's adopted nonmotorized plan it was found that almost all of Oshtemo's identified desired nonmotorized facilities were within the identified urbanized boundary. As such, both the Planning Commission and staff felt it was unnecessary to distinguish between urban and non-urban areas within the proposed amendment.

Proposal:

The proposed amendment to Section 57.90 of the Ordinance addresses the Township Board's concerns regarding the installation of nonmotorized facilities in connection to site plan reviews, provides clear direction to both staff and developers, and makes this section consistent with other existing sections of the ordinance.

The amendment consists of some clarifying language and three major changes, described below.

1. A clear direction for a deviation is provided. The reviewing body can approve an Escrow agreement in Lieu of requiring the nonmotorized facility to be installed. Through the Escrow agreement the developer would give the Township the funding needed to install the sidewalk at a later date. This deviation approach is consistent with Section 294: Non-Motorized Facilities and Sidewalk Ordinance of the General Ordinance.
2. Clear reasons for granting a deviation are outlined. The Planning Commission may grant the deviation if there is a demonstrated, extraordinary difficulty that the site presents or the Township has plans to install sidewalk along the property in question in the next five years or in coordination with an anticipated project.

3. The proposed ordinance recognizes that this approach may not be appropriate for all site plan reviews. The amendment outlines specific types of smaller site plan reviews where requiring a sidewalk installation would be disproportionate to the work being proposed. These site plans would be exempt from this section.

Attachments: Proposed 57.90 Text Amendment Document - Proposed changes are shown in red and the red highlighted text is the newly proposed language to clarify the 'change in use' site plans that are to be exempt from this section; Excerpt from Ordinance Section 64; Excerpt from Ordinance Section 294; Adopted Nonmotorized Plan; Illustration overlaying the ACUB area onto the Oshtemo nonmotorized plan.

57.90 Sidewalks and Non-motorized Facilities.

For those uses requiring Site Plan review under this ordinance, an internal sidewalk network (including connection to and establishment of a sidewalk or shared use path in the right-of-way of any arterial, collector, or local road indicated on the Non-motorized Facilities Map abutting the site) shall be required to be constructed within public street rights-of-way and/or private street easements. ~~unless the reviewing body grants a deviation from this provision. Deviation may be considered if The street is a cul-de-sac. there are constraints as the result of severe topography or natural features.~~ Sidewalk easements on private property may be entered into and utilized if determined appropriate by the Township Engineer.

However, unique circumstances may exist such that the installation of non-motorized facilities in compliance with this article may not be appropriate at the time of development. Accordingly, the property owner may in lieu of constructing the required non-motorized facility, request to enter into an Escrow Agreement with the Township as outlined in the Non-Motorized Facilities/ Sidewalk Ordinance. The reviewing body is authorized to approve an Escrow Agreement in lieu of the required non-motorized facility in the following instances:

1. Where strict application would result in extraordinary difficulty, including, but not limited to, severe variations in topography, unsuitable soils, or difficulty in providing safe separation between pedestrian and vehicular traffic due to site location, layout, or existing building arrangements.
2. The Township has plans to install sidewalk along the property in question in the next five years or in coordination with an anticipated project.

The following Site Plan reviews are exempt from this Section:

1. Uses requiring site plan review that entail an alteration or expansion to an existing building involving less than 2,000 sq. ft.
2. Uses requiring site plan review that fall exclusively into the categories of 'Accessory Structures and Site Improvements' or Administrative Review in 'Change in Use' in the Table under Section 64.20 Applicability.

ZONING ORDINANCE ARTICLE 64

64 – SITE PLAN REVIEW

64.20 APPLICABILITY

- A. Prior to the establishment of a use, addition to an existing use, or the erection of any building, a Site Plan shall be submitted to and approved by the Township in accordance with the procedures of this Article, and the development requirements of this and other applicable ordinances.
- B. The Township shall not approve the issuance of a building permit until a Site Plan, where required, has been approved and is in effect. Obtaining Site Plan approval does not guarantee issuance of a building permit.
- C. No grading, removal of trees or other vegetation, landfilling, installation of utilities, or other construction improvements shall commence for any development which requires Site Plan approval until a Site Plan is approved and is in effect, except as permitted by this ordinance or by Section 56.30.
- D. Site Plan review shall be required for the activities or uses listed in the table below. The Planning Commission, Zoning Board of Appeals, or Planning Department through Administrative Approval shall have the authority to review and to approve, approve with conditions, or deny Site Plan applications as provided in this Article, in accordance with the table below. If all Site Plan application requirements are met, the Site Plan shall be approved, approved with conditions, or denied within 60 days of receipt of the completed application.
- E. The Planning Director shall have the discretion to forward any Site Plan submitted for administrative approval to the Zoning Board of Appeals for final determination.
- F. If administrative approval is denied, the applicant may appeal the decision to the Zoning Board of Appeals.
- G. Single-family and two-family dwellings are exempt from these requirements.

Activity/Use	Administrative Review	Zoning Board of Appeals	Planning Commission	Township Board
NEW CONSTRUCTION				
Open Space Developments			Approve	
Planned Unit Developments (PUD)			Approve	
Multi-Family Developments/Buildings		Approve in R-4 District	Approve in R-3 District	
Mobile Home Community			Recommend	Approve
Any Nonresidential Building, Structure or Use (unless Special Use)		Approve		
Special Uses			Approve	

EXPANSION/MODIFICATION TO EXISTING BUILDINGS				
Alteration or expansion involving less than one-fourth of the floor area of an existing structure or is no greater than 2,000 sq. ft. whichever is less	Approve			
Alteration or expansion involving more than one-fourth of the floor area of an existing structure or is greater than 2,000 sq. ft.		Approve		
Expansion/Intensification of a Special Use			Approve	
CHANGE IN USE				
Reuse of an existing building where no building expansion is proposed, if the Planning Director determines the new use is similar or less intense in terms of parking, traffic generation, drainage, utility needs, noise, aesthetics and other external effects	Approve			
Change of land or building to a more intensive use, as determined by the Planning Director, that may involve substantial change in parking, traffic flow, hours of operation, public services, effluent discharge, or substantial alteration of the physical character of the site		Approve		
Change to a Special Use			Approve	
Temporary uses, buildings and structures	Approve			
Change of use/occupancy of an individual suite within a Commercial Center	Approve			
ACCESSORY STRUCTURES AND SITE IMPROVEMENTS				
Accessory structures/buildings that are one-fourth the size of the principal building or less and does not affect other Zoning requirements	Approve			

Accessory structures/buildings that are more than one-fourth the size of the principal building and/or affect other Zoning requirements		Approve		
Outdoor storage, sales and display for more than one day			Approve	
Modification or expansion of existing off-street parking, stacking spaces or loading and unloading areas	Approve			
Construction, relocation or erection of signs, screening walls, fences, waste receptacles, sidewalks, lights, and poles	Approve			
Modifications to comply with accessibility requirements	Approve			

294.000 - NON-MOTORIZED FACILITIES/SIDEWALKS

294.005 - Construction regulations.

Sec. V.

- A. Sidewalks/Multi-purpose Paths/Facilities Required - All developers shall, upon development of, **or major improvement to**, real property, construct a sidewalk or non-motorized multi-purpose path/facility in accordance with the Township's Zoning Ordinance and/or Subdivision/Site Condominium Ordinance, as guided by the Township's Master Land Use Plan.
- B. Sidewalk/Multi-purpose Path/Facility Construction Standards - All sidewalks or non-motorized paths/facilities shall be constructed in accordance with the design and construction standards which shall be approved, from time to time, by the Township Board.
- C. Permit Required - No sidewalk or other non-motorized path/facility shall be constructed without application for, and issuance of, a permit from the Township, in addition to any other state or local permits which may be required. The developer shall pay a permit application fee in accordance with the schedule adopted by the Township Board by resolution.
- D. Construction Plan Review - No sidewalk or other non-motorized path/facility shall be constructed, and no permit issued for same, prior to the review and approval of construction plans for same by the Township's Planning Department, the Township Engineer and any other required review body, including the Kalamazoo County Road Commission, or Michigan Department of Transportation, if applicable. The developer shall pay a fee for plan review in such amount as may be adopted by the Township Board by resolution from time to time. This fee may be in lieu of, or in addition to, any escrow fees, site inspection fees or certificate of occupancy inspection fees paid by developer, as determined by Township.
- E. Sidewalk Completion - All sidewalks or other non-motorized paths/facilities shall be constructed, inspected and approved by the Township prior to occupancy of a building on a site or in the case of a subdivision, prior to final plat or site condominium approval except as may be allowed in Paragraph G below.
- F. Inspection Required - The construction of the sidewalk or other non-motorized path/facility shall be inspected by the Township prior to the Township's approval thereof. The developer shall pay a fee for inspection in such amount as may be adopted by the Township Board by resolution from time to time. This fee may be in lieu of, or in addition to, any escrow fees, site inspection fees or certificate of occupancy inspection fees paid by developer, as determined by Township.
- G. Performance Guarantee - If weather or other unanticipated conditions prohibit completion of a sidewalk or non-motorized path/facility prior to Certificate of Occupancy issuance, prior to recordation of a final plat or prior to site condominium final approval, the developer/owner may provide the Township with a performance guarantee in an amount equal to the cost of the construction of the sidewalk or non-motorized path/facility system. The cost figure shall include the costs of site preparation, construction, site restoration and site inspection, and shall be based upon the construction plans as reviewed and approved by the Township. The performance guarantee provided to the Township shall be valid for the

entire completion period allowed for sidewalk or non-motorized path/facility installation, inspection and approval.

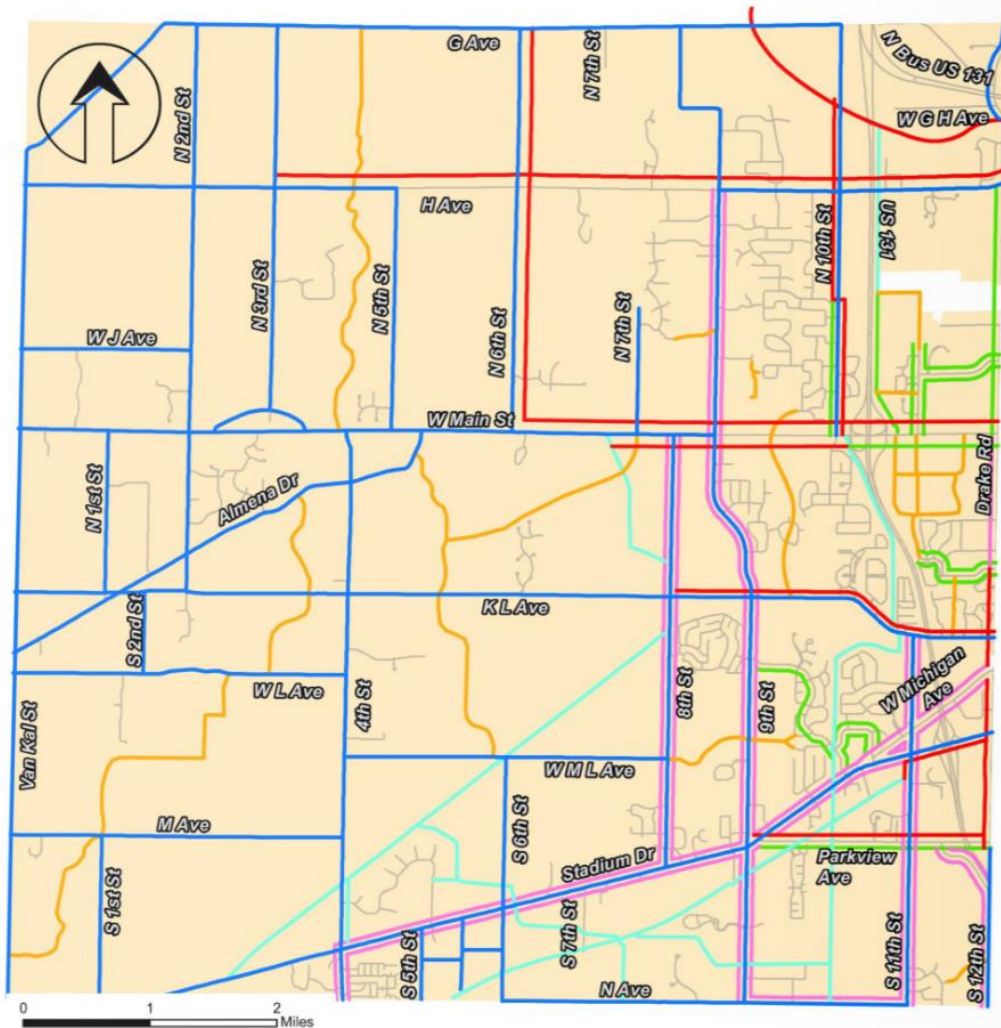
H. Escrow Agreement - When the Township determines it is in the Township's best interest to delay construction of sidewalks, the developer/owner of the real property may pay the cost of construction of the sidewalk (as determined by the Township Engineer) to the Township and shall execute the Township's standard escrow agreement to guarantee completion of the sidewalk or non-motorized path/facility, pursuant to all Township standards and requirements. The cost figure shall include the costs of design, site preparation, construction, site restoration and site inspection.

(Amended: Ord. No. 559, § I, 2-24-2015)

Nonmotorized Transportation Implementation

The Nonmotorized Transportation Network Map provides both multi-use paths and sidewalks that follow roadways, as well as ideas for off-road connections intended throughout the Township. This is a long-range plan of existing and envisioned facilities that will connect the entire Township. The intent of the future nonmotorized efforts is to create a network of links to adjacent jurisdictions, provide access to destinations within and around the Township, and ensure a system of “loop connections” throughout the community.

Nonmotorized Transportation Network



- Road Network
- Facility Type**
- Conceptual Nonmotorized Link
- Connector Trail
- Paved Shoulder/Bike Lane
- Sidewalk
- Six Foot Shared Use Path
- Ten Foot Shared Use Path

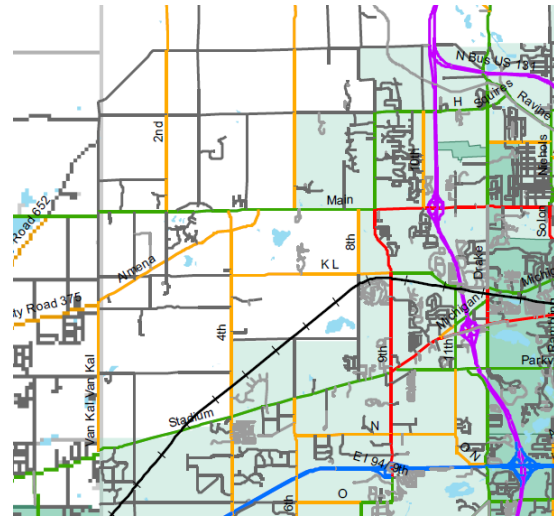


Oshtemo Nonmotorized Network Plan



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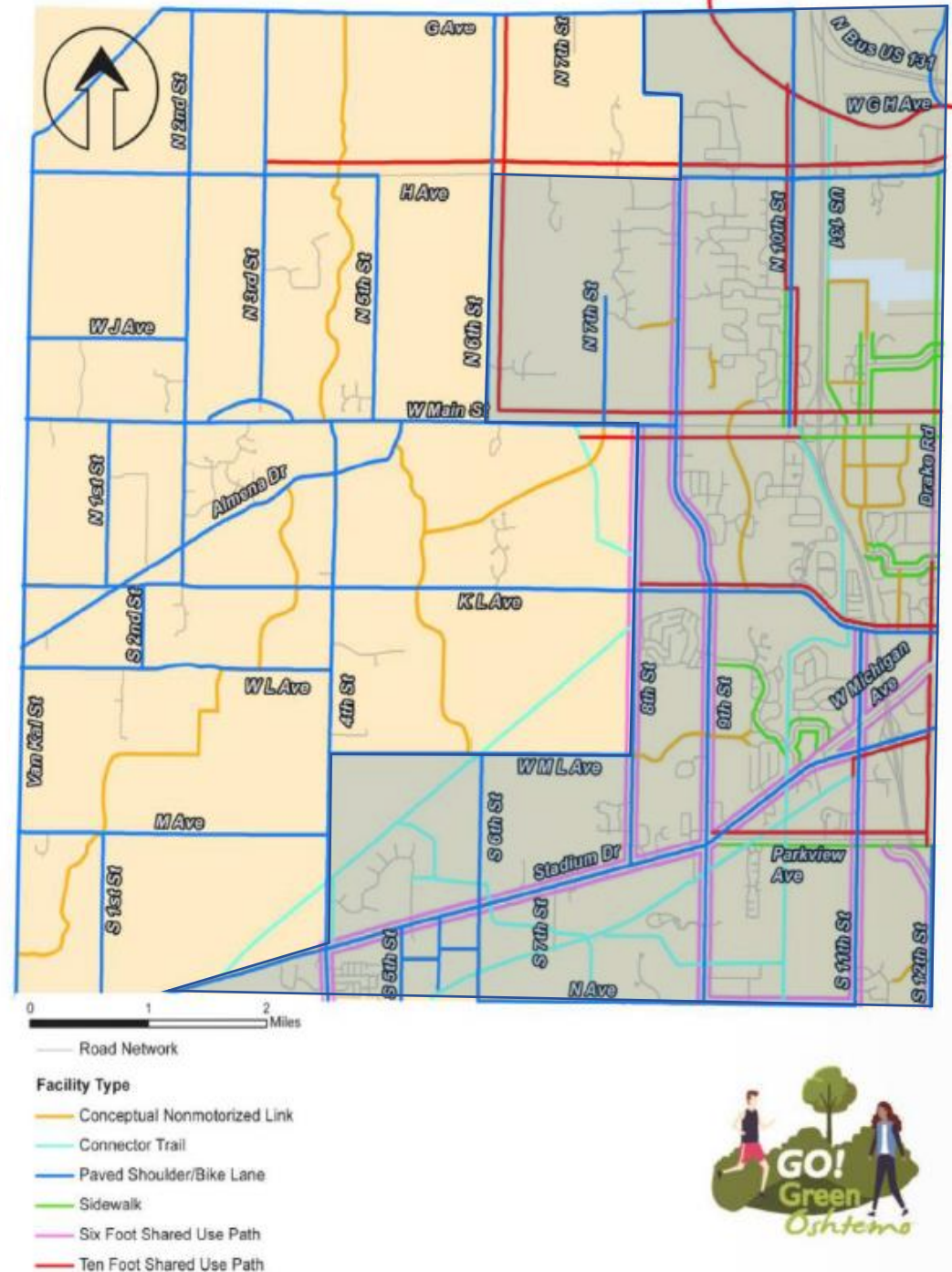
KATS MPO map with Urbanized Area (excerpt)



ACUB (Adjusted Census Urban Boundary)

+

Nonmotorized Transportation Network



OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. _____

Adopted: _____

Effective: _____

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Zoning Ordinance, Article 57: Miscellaneous Protection Requirements, Section 57.90: Sidewalks. 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 57:
MISCELLANEOUS PROTECTION REQUIREMENTS, SECTION 57.90:
SIDEWALKS. Article 57, Section 57.90 is hereby amended to read as follows:

ARTICLE 57: MISCELLANEOUS PROTECTION REQUIREMENTS

57.90 SIDEWALKS AND NON-MOTORIZED FACILITIES

For those uses requiring Site Plan review under this ordinance, an internal sidewalk network (including connection to and establishment of a sidewalk or shared use path in the right-of-way of any arterial, collector, or local road indicated on the Non-motorized Facilities Map abutting the site) shall be required to be constructed within public street rights-of-way and/or private street easements. Sidewalk easements on private property may be entered into and utilized if determined appropriate by the Township Engineer.

However, unique circumstances may exist such that the installation of non-motorized facilities in compliance with this article may not be appropriate at the time of development. Accordingly, the property owner may in lieu of constructing the required non-motorized facility, request to enter into an Escrow Agreement with the Township as outlined in the Non-Motorized Facilities/ Sidewalk Ordinance. The reviewing body is authorized to approve an Escrow Agreement in lieu of the required non-motorized facility in the following instances:

1. Where strict application would result in extraordinary difficulty, including, but not limited to, severe variations in topography, unsuitable soils, or difficulty in providing safe separation between pedestrian and vehicular traffic due to site location, layout, or existing building arrangements.
2. The Township has plans to install sidewalk along the property in question in the next five years or in coordination with an anticipated project.

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2. Uses requiring site plan review that fall exclusively into the categories of 'Accessory Structures and Site Improvements' or Administrative Review in 'Change in Use' in the Table under Section 64.20 Applicability.

SECTION II. 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 Township Board

From: Anna Horner, Sara Feister, & Supervisor Heiny-Cogswell

Date: 09/10/21

Re: Public Works Project Director Position Description and 2021 Budget Amendment Request

OBJECTIVE:

Consideration of a position description for the Public Works Project Manager position. Also, budget amendment request for November & December 2021.

BACKGROUND:

The Township Board discussed staffing with Public Works on August 23rd. Prior, Supervisor and HR Board Work Group discussed staffing needs in the Public Works Department. The current Public Works Director will retire this Fall. He will continue in a flexible, very limited, part time role with the Township, and for this we are grateful.

The new Public Works Director, currently the Deputy Director, provided a vision for the Department future staffing to the Board August 23rd. The vision includes redescription of the current Technical Specialist position to a Project Manager position. The recommended Project Manager position description is provided.

The 2022 draft budget includes the changed Public Works position. The 2021 budget does not, and a budget amendment is therefore requested. For the approximately two months in 2021, a total of \$13,709 is requested, and the breakdown for requested changes is as follows:

General Fund Public Works = \$9,011
Water = \$4,698

This is what is needed to amend the 2021 budget to accommodate the upgraded position and is what is recommended by the Township Supervisor, HR, & Public Works.

CHARTER TOWNSHIP OF OSHTEMO
POSITION DESCRIPTION

Position Title: PUBLIC WORKS PROJECT MANAGER

General Summary:

The Public Works Department is responsible for oversight of the planning, engineering, and construction of public infrastructure projects in Oshtemo Township. Oshtemo Township Public Works Department is responsible for management of the local road network, associated storm water systems and drainage, sanitary sewer, lift stations, water main installations, and non-motorized facilities.

Under the direct supervision of the DIRECTOR OF PUBLIC WORKS, and general direction of the Township Supervisor, this position performs project management and advanced administration duties for public infrastructure.

Physical Requirements:

Physical requirements described herein are representative of those requirements which must be met by an employee to successfully perform the essential job functions of this job. Reasonable accommodations may be made upon request to enable an individual with a disability to perform these essential job functions.

The employee must be able to drive to visit properties and project sites within the Township.

Property visits will be required to assist in evaluating development projects, site design, water run-off, water retention, compliance with construction plans and design, etc. While on site the employee must be able to traverse rough terrain to complete on-site inspections and bend and lift to inspect conditions and report as necessary.

The ability to operate a computer, copy machine, and answer the telephone is required.

The ability to communicate the goals of the Township, attend necessary public meetings, prepare reports and analyses and recommendations for the Capital Improvements Committee, Planning Commission, Zoning Board of Appeals, Township Board, orally and in writing, in English, is required, using a computer and/or a projector system

Typical Responsibilities:

Performs project management and comprehensive administrative type work necessary to manage departmental operations and provide oversight of public infrastructure projects including sanitary sewer, water, and storm water, sidewalk, path, and roads, for the Township.

Using excellent customer service skills, establishes and maintains effective working relationships with other employees, officials, and all members of the public. Answers department related questions and provides information to the public.

The employee must be able to meet with outside agencies, residents and businesses and other stakeholders when assigned by the DIRECTOR OF PUBLIC WORKS and provide professional and technical project information and updates.

Ensures project coordination with consultants, private contractors, Township departments and outside agencies for capital improvement projects. Participates in oversight of plans and contracts for public works projects, including bidding, bid openings, tracking critical path, and construction administration ensuring guidelines and requirements are enforced.

Provides staff assistance to the Capital Improvements Committee on behalf of project goals, long range planning and implementation. Participates in the development of the Five-Year Capital Improvement Plan in terms of project priority recommendations, coordination efforts and cost estimating.

Assist in completion of funding applications for Federal, State and County capital improvement projects. Subsequently, manages state/federal grants requirements and compliance on all assigned projects.

Participates in the development of the Five-Year Capital Improvement Plan in terms of project priority recommendations, coordination efforts and cost estimating.

Conduct inventory and assessment of public infrastructure. Maintain, access and extract infrastructure and public works records in a variety of formats such as MS Office digital documents, hard copy plan sheets, scanned records, database files and spatial records in a geographic information system (GIS).

Support easement acquisition(s) for public works projects by meeting with property owners, negotiating work to accurately reflect exchange of property, verifying easement descriptions, and assist in recording of documents.

The above statements are intended to describe the general nature and level of work to be performed. They are not to be construed as an exhaustive list of all job duties.

Employment Qualifications:

The Public Works Project Manager must also be able to visually review schematic drawings, permit applications, site plans and related documents.

The employee must have excellent verbal and written communication skills, problem-solving and decision-making abilities, and exhibit strong attention to detail and organizational skills.

Education/Experience: Similar or equivalent experience....

Bachelor's degree in Project or Construction Management, Civil Engineering, or related field.

Experience with public water, sewer and roads, minimum four years.

Experience with government agencies, funding, and organization.

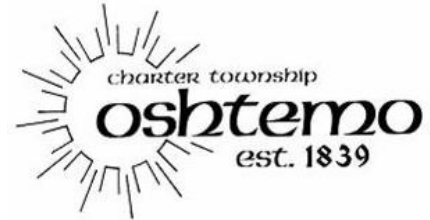
Experience with typical responsibilities listed above.

DRIVER'S LICENSE REQUIREMENT:

Must maintain a current Michigan motor vehicle operator's license without restrictions (other than corrective lenses).

These qualifications represent guidelines; alternative qualifications may be substituted if sufficient to perform duties required by position.

Effective Date: 09/06/2021



Memorandum

Date: September 9, 2021
To: Oshtemo Township Board
From: Rick Everett
Subject: Purchase of a skid-steer (Bobcat) for winter walkway maintenance considerations.

Objective: Approved in the 2021 budget is equipment for the expanding winter maintenance of our walkways in the township. We now do approximately 5 miles of walkways and in the future, it appears that this will be increasing, one of the pieces of equipment will be a Bobcat vehicle with a snow blower.

Summary: When building the plan, my thoughts were to fulfil this need with used equipment as our workload needs would be less than what a construction type business requires. In my research I find it difficult to find a used unit and when found the price is very high and located halfway across the country. I visited the local dealer to ensure I was looking for the correct type of equipment and to see if he had any used sources. They had no different sources than what I could find and then what happens at a dealer – I priced out a new unit. As a government entity and a member of MiDeal (State purchasing plan) I was quoted a price that is less than a decent used unit that I had found (in South Dakota). Because of the purchasing plan I have decided to go with the new unit and get the updated technology; a new vehicle warranty; attachments included and other safety upgrades. This purchase will be approximately \$48,500 and is covered in the already approved 2021 budget.

Action: No action is required by the board. This memo is just for notification of planned major purchases and the background for the decision-making process.

Core Values Recognized:

Public Service (the value to our Township and residents.)

Sustainability (Meet the needs of the present without compromising future generations.)

Innovation (Providing the best value-conscious technology currently available. Leverage new technologies and ways of doing business to increase accessibility and improve services.)

Fiscal Stewardship (Ensure that taxpayer investments are spent wisely, effectively and efficiently.)

Know the Facts About Renewal



Voter approval sought November 2 for millage to support Metro system in Kalamazoo County.

WHAT IS THE MILLAGE REQUEST?

Voters will be asked to approve a millage of up to 0.3124 mills for five years beginning in 2022 to support the Metro public transportation system, including Metro Connect and Metro Share.

IS THIS A TAX INCREASE?

No. This is the first renewal of this county-wide millage, lower than the renewal passed in 2015 and lower still than the original 2009 millage of 0.40. It is not an increase in taxes.

HOW IS PUBLIC TRANSPORTATION FUNDED?

An important component of public transportation is voter approved millages which currently represent 36% of Metro's operating funds. Millage revenues and fare collection are leveraged to receive state and federal grants.

WHAT IS METRO CONNECT?

Metro Connect provides shared ride origin-to-destination service. Services like trips to medical appointments are provided through Metro Connect.





HOW MUCH WILL THE MILLAGE COST A HOMEOWNER?

The cost of the 0.3124 millage request for a homeowner whose home has a taxable value of \$100,000 (\$200,000 market value) is approximately \$31 a year.

HOW WILL THE COMMUNITY BENEFIT?

Both the economy and the quality of life for people in the greater Kalamazoo community benefit from reliable transportation. Metro operates seven days a week, providing an important mode of transportation for those who can't drive, employers and their employees, seniors and students.

WHO GETS TO VOTE?

Voters throughout Kalamazoo County will be eligible to vote in the November 2 election.

For more information, visit kmetro.com
or call (269) 337 - 8087



MEMORANDUM

To: Township Board
From: James Porter
Date: September 7, 2021
Subject: Proposed Amendment to Ordinance No. 176- Anti-Noise Ordinance

OBJECTIVE:

To amend Township Ordinance No. 176, as amended, (Anti-Noise Ordinance) to ensure consistency in the treatment of “roosters that crow” within the General Township and Zoning Ordinances.

BACKGROUND:

Township Zoning Ordinance Section 57.80-Keeping of Livestock and Honey bees, prohibits in subsection G(3) the keeping of “Roosters that crow.” Township Ordinance No. 176, as amended, under Section 214.003- Anti-noise regulations, currently under “B. Specific violations” subsection 13, provides “Roosters. The keeping of roosters is prohibited except in the Rural Residential and Agricultural Districts.” The proposed amendment to Ordinance 176 will modify the language to refer to “roosters that crow” to mirror the language in the Zoning Ordinance.

INFORMATION PROVIDED:

I have provided a redline copy of the proposed ordinance amendment for the Board’s review and consideration.

STATEMENT OF REQUESTED BOARD ACTION:

My recommendation is that the Board accept the amendment to Ordinance No. 176, Anti-Noise Ordinance, to resolve the inconsistency of terms between the Township Zoning Ordinance Section 57.80 and Section 214.003 of the General Ordinance for second reading.

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. ____

Adopted: _____

Effective: _____

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Anti-Noise Ordinance No. 176, as amended, specifically Section 214.003, to prohibit roosters that crow except within the agricultural district, and to repeal all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

SECTION I. AMENDMENT OF COMPILED SECTION 214.003, PARAGRAPH B(13). Compiled Section 214.003, Paragraph B(13) is amended to read as follows:

Section 214.003- Anti-noise regulations

Sec. III

B(13). Roosters. The keeping of roosters that crow is prohibited except in the ~~Rural Residential and~~ Agricultural Districts.

SECTION II. EFFECTIVE DATE. This Ordinance shall take effect upon publication after adoption in accordance with State law. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

DUSTY FARMER, CLERK
OSHTEMO CHARTER TOWNSHIP

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. ____

Adopted: _____

Effective: _____

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Anti-Noise Ordinance No. 176, as amended, specifically Section 214.003, to prohibit roosters that crow except within the agricultural district, and to repeal all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

SECTION I. AMENDMENT OF COMPILED SECTION 214.003, PARAGRAPH B(13). Compiled Section 214.003, Paragraph B(13) is amended to read as follows:

Section 214.003- Anti-noise regulations

Sec. III

B(13). Roosters. The keeping of roosters that crow is prohibited except in the Agricultural District.

SECTION II. EFFECTIVE DATE. This Ordinance shall take effect upon publication after adoption in accordance with State law. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

DUSTY FARMER, CLERK
OSHTEMO CHARTER TOWNSHIP



September 10, 2021

Mtg Date: September 14, 2021
To: Oshtemo Charter Township Board
From: Iris Lubbert, AICP, Planning Director
Subject: Master Plan Update: Consideration of a Housing Action Plan

Objective:

Consideration of authorization to enter into agreement with the W.E. Upjohn Institute for Employment Research for the development of a Housing Action Plan for Oshtemo Township as part of a Master Plan update. The total cost is not to exceed \$20,000; no budget amendment is needed and the existing Planning Department Consultant budget will be utilized as intended. The Housing Action Plan would take approximately one year to complete.

Background:

The Michigan Planning Act of 2008 defines a master plan as a land use and infrastructure plan that sets forth local goals, objectives, and policies for community growth and/or redevelopment over the next 20-30 years. The Master Plan is an official document authorized by Michigan law serving as a basis for zoning and can be viewed as a blueprint for the community's future. The Planning Commission is tasked to review the Master Plan at least every 5 years and determine whether to 1) re-affirm the existing master plan, 2) amend the existing master plan, including sub area plans, or 3) prepare and adopt a new master plan. It should be noted that sub area plans satisfy the 5-year update requirement.

Oshtemo's current Master Plan and its updates are outlined below with the most recent amendment completed in 2019. These documents can be found at <https://oshtemo.org/master-plan/>.

- 2019 Village Theme Development Plan Update
- 2019 Go!Green Oshtemo
- 2017 Master Plan Update, included:
 - Maple Hill Drive Sub-Area Plan
 - Rural Preservation Strategy
- 2011 Master Plan
 - Genesee Prairie Sub-Area Plan
 - West Main Street Sub-Area Plan
 - 9th Street Sub-Area Plan
 - Century Highfield Sub-Area Plan

Although the Township completed updates to the Master Plan in 2019, large sections of the Township's Master Plan have not been reviewed or updated since 2017 and in some cases 2011. Oshtemo has a population of 23,747 residents and is a rapidly growing community; from 2010 to 2020 the population grew 6.8%. With the Township's growth, national changes to the housing and retail markets, and the diversifying needs of the population it is pertinent to review and update the Master Plan to best serve its residents and Township's interests.

Due to the level of detail and discussion needed, Staff recommends pursuing three separate master planning efforts over the next few years to both bring the Township's Master Plan up to date and create consolidated Master Plan documents. The three proposed master planning efforts are outlined below:

- **Housing Action Plan** – Thriving, inclusive communities have a diverse and affordable supply of housing. For Oshtemo to address the needs of its growing population and housing affordability challenges, a housing action plan is recommended. A housing action plan would ultimately allow the Township to understand community housing needs and translate them into programs and policies.
- **Market Study** – The study would review the supply, demand, and market potential for commercial development in Oshtemo Township. Strategies identified from this study will aim to bridge gaps between the current establishments and the need, while also reflecting the character of the Township. The Township has multiple commercial nodes, this study will help ensure that as the Township continues to grow these areas complement each other.
- **Master Plan Update** - This Master Plan update would focus on consolidating all the Township's various master plan documents for easy use and access for both citizens and Township staff, as well as clarify/eliminate duplications or contradicting recommendations.

Similar to the Planning Commission's role in past Master Plan updates, for each of the above plans the Planning Commission will work with Staff and consultant(s) in the role of 'steering committee.' The Planning Commission will facilitate work to identify expectations, roles, and priorities. All plans will also include community participation and stakeholder group meetings.

Proposal:

At their September 9th regular meeting the Planning Commission discussed and unanimously motioned to recommend approval of the proposal to develop a Housing Action Plan for Oshtemo Township with the W.E. Upjohn Institute for Employment Research for a total cost not to exceed \$20,000. The proposed Housing Plan for Oshtemo consists of four phases: project initiation and establishment of baseline data, building alignment, plan research and design, and lastly plan delivery and dissemination. It is anticipated that the Housing Action Plan will take approximately one year to complete.

It should be noted that the W.E. Upjohn Institute for Employment Research is also engaged with the County to create a County wide housing plan. This is a benefit to the Township as our efforts can be coordinated and there is a cost savings as some of the work already completed for the County can be used to inform the Township's Housing Action Plan.

Attachment: W.E. Upjohn Institute for Employment Research Proposal for the Development of a Housing Plan for Oshtemo Township.

Proposal for the Development of a Housing Plan for Oshtemo Township

Submitted to:
Municipal Leaders of Oshtemo Township

Submitted by:
Lee Adams & Emily Petz

W.E. Upjohn Institute for Employment Research
300 S. Westnedge Avenue
Kalamazoo, MI 49007
269-343-5541

August 6, 2021

Scope of Work

Phase I: Project Initiation and Establishment of Baseline Data

First, the Upjohn Team will help organize a group of local leaders who will serve as the project steering committee (the Committee). The Committee will guide and support the work conducted for this project. To ensure success, the Upjohn Team will work with the Committee to identify expectations, roles, and priorities before initiating any activities.

In this first phase, the Upjohn Team will review existing data and plans to discover the factors that are already positively and negatively impacting housing in the Township, as well as the reasons why these factors persist. Accordingly, the Upjohn Team will use previously collected data and research as well as new research to assess the attributes of the Township's housing ecosystem. The Upjohn Team will borrow from its work towards creating the Kalamazoo County Housing Plan (currently underway) to reduce duplication of data collection. This data collection and research will establish baseline metrics, which are important for measuring the impact of the work conducted under this plan and by other partners. Additionally, a comparison of local data to historical and national data will help the Upjohn Team, the Committee, and stakeholders in the Township understand why the current conditions exist and how the Township compares to its peers. The establishment of baseline data will help the Upjohn Team and the Committee to understand what the most pressing housing needs in the Township and begin to identify strategies that might be appropriately and effectively implemented to address these conditions.

Upjohn Team Activities

Research and Data Collection

- Utilize and supplement the housing data previously collected
 - Data sources:
 - US Census / American Community Survey
 - Census on the Map / Unemployment Insurance Records
 - U.S. Housing Confidence Survey
 - NAHB Housing Market Index
 - Claritas
 - ESRI
 - Infutor
 - Multiple Listing Service (possible, not confirmed)
- Review existing housing plans for all relevant parts of the County
- Examine applicability of the housing feasibility model created by the Upjohn Team
- Develop local intelligence on the County's housing ecosystem
 - Survey a broad group of stakeholders
 - Conduct interviews of, or facilitate group discussions with, key informants
 - Seek access to the Multiple Listing Service database to better understand market trends

Committee Interaction

- Organize the initial meeting of the Committee
 - Help to establish Committee leadership and structure

- Work with the Committee to establish baseline metrics to track progress

Steering Committee Responsibilities

- Help to establish baseline and aspirational metrics to track progress
 - Assist Upjohn Team with procurement of local intelligence
 - Review data assembled by the Upjohn Team
- Assist Upjohn Team in recruiting participants and encouraging meeting attendance

Timeline of Phase I Activities (2021-2022)

Activity	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	July
Baseline Data												
Committee Kickoff												

Phase II: Building Alignment

Alignment is the first step to maximizing the impact of community monetary and organizational resources. Ensuring that all partners and funders focus on using their resources toward common goals helps to ensure that collaboration between those organizations results in improved housing conditions. Alignment also helps to reduce duplication of work, misunderstanding of roles, mission creep, and service coverage gaps, by empowering all actors to do their best and most efficient work.

To bring about reliable alignment for the housing plan, the Upjohn Team will organize initial stakeholder meetings. For long-term success, however, local leaders will need to maintain ongoing meetings with stakeholders. Attendees of these initial meetings will discuss their perceptions of the housing ecosystem in their area of focus, better understand the roles and responsibilities of the organizations working in the housing field, and benchmark any progress made towards shared housing goals.. In order to better understand the issues raised by stakeholders, the Upjohn Team will also interview community members. From this research and community interaction, the Upjohn team will build on existing - or create new - asset maps to help stakeholders and the Committee understand the housing resources dedicated to each area of Oshtemo Township. This understanding will help the Committee clarify the roles of various housing stakeholders, identify gaps, and align their priorities by setting the goals of the housing plan.

Upjohn Team Activities

Research and Data Collection

- Identify key stakeholders and their activities
- Research potential funding resources
- Asset mapping
- Analyze existing housing planning work

Community Interaction

- Organize, host, and facilitate stakeholder meetings
- Conduct focus group discussions and key informant interviews with identified stakeholders
- Conduct follow-up interviews, as needed, based on results of initial interviews

Steering Committee Responsibilities

- Connect the Upjohn Team to key stakeholders
- Encourage stakeholders to participate in meetings
- Review asset map
- Establish long-term goals for the housing ecosystem in the Township

Timeline of Phase II Activities (2021-2022)

Phase II: Building Alignment												
Activity	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July
Research and data collection												
Community Interaction												
Steering Committee Interaction												

Phase III: Plan Research and Design

In the third phase of the project, the Upjohn Team will work with the Committee and local stakeholders to identify implementation strategies that are most likely to be effective and feasible within the Township. The Upjohn Team will help to identify strategies by conducting a gap analysis between the current housing situation and the future housing situation identified in the goals. Strategies identified will aim to bridge gaps while also reflecting the budgetary and political realities existing within the Township.

Once the strategies are identified, the Upjohn Team, the Committee, and local stakeholders will develop a roadmap for implementation, including timelines, stakeholders responsible for specific strategies, expected costs, and key statistical measures.

Upjohn Team Activities

Research and Analysis

- Conduct a gap analysis
- Work with the Committee to determine which strategies best fit the Township’s needs
- Align these identified strategies with action areas identified in the stakeholder meetings
 - Research and quantify the monetary and staffing resources needed to implement the identified strategies
- After discussion with the Committee, refine strategies to those that will positively impact the housing ecosystem in the Township
- Help to identify potential funding sources for the finalized strategies

Community Interaction

- Interview leaders of key local organizations to discuss the feasibility of various strategies
- Interview local and national organizations that are implementing identified strategies to discover best practices
- Establish an accountability system for the housing plan

Steering Committee Responsibilities

- Review and select implementation strategies for the Township
- Help to organize meetings and interviews with local leaders who will identify strategies to be implemented under the housing plan
- Help to establish, and encourage participation in, an accountability system for the housing plan

Timeline of Phase III Activities (2021-2022)

Phase III: Plan Research and Design													
Activity	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
Research and data collection													
Community Interaction													
Steering Committee Interaction													

Phase IV: Plan Delivery and Dissemination

The Upjohn Team will prepare an initial draft of the plan for review by the Committee. After input from the Committee is received, the Upjohn Team will present the final version of the plan. Upon approval of the plan, the Upjohn Team will disseminate and present the plan at the direction of the Committee.

Upjohn Team Activities

Writing and Presenting the Plan

- Write a draft of the plan
- Upon review and feedback from the Committee, finalize the plan
- Draft and finalize a dissemination strategy for the plan with the Committee
- Present the plan at the direction of the Committee

Steering Committee Responsibilities

- Provide feedback on the plan draft
- Identify groups to receive the plan
- Identify meetings at which the plan can be presented

Timeline of Phase IV Activities (2021-2022)

Phase IV: Plan Delivery and Dissemination													
Activity	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	July	Aug
Writing draft of the plan													
Plan review and feedback													
Final plan dissemination													

Total Project Timeline (2021-2022)

Activity	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
Phase I													
Phase II													
Phase III													
Phase IV													

Total Cost: not to exceed \$20,000

MEMORANDUM

To: Township Board

From: James Porter

Date: September 7, 2021

Subject: Proposed revision to the Township Subdivision, Site Condominium and Land Division Ordinance (Ordinance No. 585)

OBJECTIVE:

To amend the Township's Subdivision, Site Condominium and Land Division Ordinance, (No. 585) to add a requirement that grading plans be approved for final floor elevations, lowest opening elevations, and abutting grading elevations for all structures.

BACKGROUND:

The Township adopted Ordinance 585 in July 2017 to repeal and replace the Subdivision/Site Condominium Ordinance (No. 467). Recently, some issues have arisen regarding the installation of sidewalks due to discrepancies between the grading plans and the floor elevations of the structures. This additional requirements of this amendment to Ordinance 585 will ensure proper development in accordance with approved plans.

INFORMATION PROVIDED:

I have provided a draft of the proposed revision to the Subdivision, Site Condominium and Land Division Ordinance, (No. 585) for the Board's review and approval.

STATEMENT OF REQUESTED BOARD ACTION:

My recommendation is that the Board accept the proposed revision to the Subdivision, Site Condominium and Land Division Ordinance, (No. 585) for second reading.

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. _____

Adopted: _____

Effective: _____

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Subdivision, Site Condominium and Land Division Ordinance, Ordinance No. 585, specifically Section 290.007- APPROVAL PROCEDURES, and to repeal all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

SECTION I. APPROVAL PROCEDURES – COMPILED SECTION 290.007, PARAGRAPH C.2(c). Compiled Section 290.007(C)(2)(c) shall read as follows:

290.007 – Approval Procedures.

Sec. VII

Paragraph (C)(2)(c). Finalized grading plan showing proposed and existing elevations, final floor elevations, lowest opening elevations, and abutting grading elevations for all structures as approved by the Township Engineer.

SECTION II. EFFECTIVE DATE. This Ordinance shall take effect upon publication after adoption in accordance with State law. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

DUSTY FARMER, CLERK
OSHTEMO CHARTER TOWNSHIP

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. _____

Adopted: _____

Effective: _____

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Subdivision, Site Condominium and Land Division Ordinance, Ordinance No. 585, specifically Section 290.007- APPROVAL PROCEDURES, and to repeal all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

SECTION I. APPROVAL PROCEDURES – COMPILED SECTION 290.007, PARAGRAPH C.2(c). Compiled Section 290.007(C)(2)(c) shall read as follows:

290.007 – Approval Procedures.

Sec. VII

Paragraph (C)(2)(c). Finalized grading plan showing proposed and existing elevations, final floor elevations, lowest opening elevations, and abutting grading elevations for all structures as approved by the Township Engineer.

SECTION II. EFFECTIVE DATE. This Ordinance shall take effect upon publication after adoption in accordance with State law. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

DUSTY FARMER, CLERK
OSHTEMO CHARTER TOWNSHIP

MEMORANDUM

To: Township Board

From: James Porter

Date: September 1, 2021

Subject: Amended and Restated Interlocal State Construction Code Enforcement & Administration Agreement and proposed Amendment to Township Ordinance 530, as amended, State Construction Code Ordinance

OBJECTIVE:

To request the Board's review and approval of the proposed Amended and Restated Interlocal State Construction Code Enforcement & Administration Agreement with Cooper Township and the proposed revisions to the Township's Construction Code Ordinance regarding the Board of Appeals to harmonize it with the Amended and Restated Interlocal State Construction Code Enforcement & Administration Agreement.

BACKGROUND:

The Board originally entered into an Interlocal State Construction Code Enforcement & Administration Agreement with Cooper Charter Township in 2016. The purpose of the Agreement was to jointly enforce the state construction code. Since 2016 there have been several revisions to the Agreement as well as the need to amend the Board's term of office, and therefore, an Amended and Restated Agreement was prepared for adoption both by Oshtemo and Cooper Townships. This Agreement includes an amendment to the Construction Code Ordinance to provide for a unified Board of Appeals.

INFORMATION PROVIDED:

I have attached the Interlocal State Construction Code Enforcement & Administration Agreement and the proposed revisions to the Township's State Construction Code Ordinance.

STATEMENT OF REQUESTED BOARD ACTION:

I recommend that the Board adopt the Interlocal State Construction Code Enforcement & Administration Agreement and the proposed revisions to the State Construction Code Ordinance.

**AMENDED AND RESTATED INTERLOCAL STATE CONSTRUCTION CODE
ENFORCEMENT AND ADMINISTRATION AGREEMENT**

AGREEMENT to restate and amend the interlocal state construction code enforcement and administration agreement, made this XXth day of Month, 2021, by and between the undersigned local units of government within the County of Kalamazoo, Michigan, (hereafter “Agreement”)

WITNESSETH:

WHEREAS, each of the undersigned local units of government (“Participating Local Unit”) has elected to administer and enforce the Michigan State Construction Code, pursuant to the Stille-Derossett-Hale Single State Construction Code Act, 1972 PA 230, as amended, (hereinafter referred to as the hereafter “Construction Code Act”), for regulating and controlling building construction within each of the Participating Local Units; and

WHEREAS, it is the desire of the Participating Local Units, pursuant to Section 8 of the Construction Code Act and this Agreement to provide for the joint enforcement and administration of said code(s) under the terms and conditions herein contained and in accordance with the provisions of the “Urban Cooperation Act” (1967 PA 7 – MCL § 124.501 *et seq.*) as well as other pertinent laws and statutes in the State of Michigan; and

WHEREAS, it is the desire of the Participating Local Units to restate and further amend the existing agreement.

NOW THEREFORE, in consideration of the premises and the covenants and conditions herein contained, it is hereby agreed by and between the Participating Local Units hereto as follows:

1. **Joint Construction Code Authority**

There is hereby created and established a joint construction code authority, known as Southwest Michigan Building Authority (“SMBA”), which shall be a separate legal entity governed by a Board (“SMBA Board”) established by this Agreement and under Section 7 of the Urban Cooperation Act. SMBA shall be a body corporate with authority as the Enforcing Agency of each Participating Local Unit under Section 8(b) of the State Construction Code Act and is empowered to discharge the responsibilities of the Participating Local Units under the State Construction Code Act to sue and enjoin any violation of the Construction Code or for a fine or the imprisonment of any violator or any additional duty required by law, this Agreement, or **Local** Ordinance.

The SMBA Board shall consist of two (2) members appointed by the governing body of each Participating Local Unit ~~chosen from among the Supervisor, Clerk, or Treasurer~~ for a ~~two~~ **(2) four (4)** year term. **One (1) member shall be chosen from among the Supervisor, Clerk, or Treasurer. The second member may be chosen from among any elected member of its governing body.** ~~However,~~ **In the event an appointed SMBA Board member no longer holds elective office as Supervisor, Clerk, or Treasurer for any reason, then the governing body of the Participating Local Unit shall appoint another member chosen from among the Supervisor, Clerk, or Treasurer to fill the vacancy for the remaining unexpired term.** In addition to regularly appointed members, the governing body of the Participating Local Unit may appoint two (2) alternates selected from any elected member of its governing body to serve on the SMBA Board, but only when either or both of its appointed members cannot attend SMBA Board meetings. Alternates attending SMBA board meetings shall have the same authority, including the right to vote, as the appointed member for whom the alternate is attending.

The SMBA Board members appointed by the governing body of each Participating Local Unit shall, by majority vote, select one additional at-large SMBA Board member, who shall serve a ~~one (1)~~ **four (4)** year term and who shall be a resident of ~~Oshtemo Township or Cooper Township~~ **a Participating Local Unit**. The at-large member shall have all of the Authority as other members of the SMBA Board, except no at-large member shall be permitted to vote on the selection of any subsequent at-large member. The residency of the at-large member shall alternate between ~~Oshtemo Township and Cooper Township~~ **the Participating Local Units** every ~~year~~ **term**. By way of example, if the first at-large member selected by the SMBA Board to serve a ~~one (1)~~ **four (4)** year term is a resident of Oshtemo Township, then the second at-large member selected by the SMBA Board for the next ~~one (1)~~ **four (4)** year term shall be a resident of ~~Cooper Township~~ **a different Participating Local Unit**. ~~and~~ Each subsequent at-large member's residency shall continue to alternate between ~~Oshtemo and Cooper Townships~~ **the Participating Local Units** in the same manner **until every Participating Local Unit has been represented by a duly selected at-large member**. Notwithstanding, any at-large member whose term has expired shall continue to serve until such time as the next duly qualified at-large member is selected by the SMBA Board. However, a hold over at-large member shall not diminish or shorten the term of any selected subsequent at-large member, whose term shall be ~~one (1)~~ **four (4)** years from the date of selection, even if the prior member is a hold over. If the SMBA Board cannot agree on the selection of any at-large member, then selection shall be by lot and all names of potential at-large members shall be written on identical slips of paper (together with the residency of potential at-large members, but only in the case of the selection of the first at-large member) and placed in a hat. An appointed member of the SMBA Board shall draw one (1) name from the hat at a public meeting and that person shall be selected as the at-large member.

2. **Purpose**

The purpose of SMBA shall be, and authorization is hereby given under Section 7 of the Urban Cooperation Act, and Section 8b of the Construction Code Act, to administer and enforce the State Construction Code Act within the boundaries of each such Participating Local Units; to enact administrative rules to carry out its functions; to hire sufficient building inspectors, contract inspectors and other personnel necessary to accomplish the foregoing; and to establish a uniform schedule of fees for the issuance of building permits and inspection of work and materials which bear a reasonable relationship to the cost and expense of the administration and enforcement of said Code(s). In addition, SMBA shall have the power to buy, own, sell or lease real or personal property, seek and receive grants, sue or be sued, invest surplus funds, and any other necessary and proper matters agreed upon by the Participating Local Units. SMBA shall not, however, have the authority to levy any type of tax or assessment against any Participating Local Unit or property therein.

3. **Duties, Functions, and Responsibilities of SMBA**

The following duties, functions, and responsibilities are hereby delegated to SMBA by the respective Participating Local Units and hereby assumed by SMBA for the benefit of said Participating Local Units.

a. *Administrative Functions*

(1) To provide all administrative services necessary to enforce and administer the Construction Code, including the hiring of necessary personnel and staff and the training, employment, replacement, removal, compensation, and fringe benefits thereof.

- (2) To contract for any professional or other services needed to fulfill its duties and responsibilities.
- (3) To maintain books of account and proper accounting records of all funds received and disbursed in accordance with the guidelines herein contained, and to submit to each Participating Local Unit an accounting report of receipts and disbursements and the status of SMBA not less frequently than quarterly.
- (4) To open and administer bank accounts for the receipt and disbursement of funds paid to SMBA to operate in accordance with the budget adopted by the Participating Local Unit as hereinafter described.
- (5) To prepare an annual budget for the anticipated cost of its operation in accordance with the guidelines herein contained and to submit the same to each Participating Local Unit for its approval on or before ~~November~~ **October** 1 of each year and for the funding of its proportional share of said budget which is not covered by fees collected by SMBA for the succeeding calendar year, January 1 to December 31.
- (6) To set and collect all rates, fees, and charges in connection with the functions of SMBA as the enforcing agent for the Participating Local Units and to deposit such funds into appropriate accounts.
- (7) To prepare and have available for use an appropriate application form for all building, mechanical, electrical, and plumbing permits.
- (8) To make all necessary inspections required under the law as the enforcing agency for the Participating Local Units as provided for under Section 8b of the Construction Code Act.

- (9) To review all applications for building, plumbing, electrical, and mechanical permits, as well as any building code enforcement questions, raised by the Participating Local Units.
- (10) To acquire and maintain equipment, tools, and supplies necessary to perform its functions and to provide for reserve funds for future acquisitions, repairs, maintenance, and replacement of the same.
- (11) To comply with all local, state, and federal laws and regulations pertaining to enforcement of the Construction Code.
- (12) To Bond its treasurer and any person having control of any funds in such amounts as will be equivalent to the largest anticipated sum which said person or persons will have within ~~his or her~~ **their** control or possession at any one time.
- (13) To obtain quarters for conducting its operations under lease, purchase, or lease option.
- (14) To perform all obligations and duties required to be performed by it that would otherwise be required by the Participating Local Units under the Construction Code Act.
- (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~~ **shall** bear the cost of stripping the data from its database and returning the data to the respective **Participating** Local Unit(s). Should a Participating Local Unit withdraw from SMBA as provided for in **Section 5(d)**, the withdrawing **Participating** Local Unit(s) would bear the cost of stripping its data from the database and returning it to the withdrawing **Participating** Local Unit.

~~{Section 3(a)(15) inserted by amendment. Adopted by Cooper Charter Township on December 9, 2019; adopted by Oshtemo Charter Township on October 27, 2020}~~

4. **Accounting Responsibility**

SMBA shall maintain books and records of its capital investments, receipts, and disbursements in accordance with acceptable accounting practices.

5. **Obligations of Participating Local Units**

All Participating Local Units shall be obligated and agree as follows:

(a) Participating Local Units shall adopt a State Construction Code Ordinance assuming the responsibility pursuant to the State Construction Code Act for administration and enforcement of said Act, and authorization, pursuant to the Urban Cooperation Act and Section 8b of the State Construction Code Act, to join the Participating Local Units in the joint administration and enforcement of the Construction Code Act and the State Construction Code.

(b) Participating Local Units shall either approve or disapprove SMBA's budget on or before ~~November~~ **October** 1 of each year. If the budget is approved by the governing bodies of all the Participating Local Units, the Participating Local Units shall each be liable to contribute their proportionate share of the approved budget which is not covered by fees collected by SMBA. Such proportionate share shall be determined by the ratio of the dollar value of building permits issued by each Participating Local Unit to the total dollar value of building permits issued in all Participating Local Units for the fiscal year preceding that **year** covered by said budget.

(c) If the proposed budget is not approved by all of the Participating Local Units, the governing body of each Participating Local Unit and the SMBA Board shall meet jointly at a

duly noticed public meeting for the purpose of discussing objections to the proposed budget and developing a budget acceptable to all Participating Local Units. If a budget is approved by the governing bodies of all the Participating Local Units at that meeting, the Participating Local Units shall each be liable to contribute their proportionate share of the approved budget in the same manner and extent as set forth in Section 5(b).

(d) If a majority of the Participating Local Units approve the proposed budget at the joint meeting with the SMBA Board, but not all of the Participating Local Units approve the budget, then those Participating Local Units that do not approve the proposed budget shall be deemed to have withdrawn from SMBA effective the beginning of the next fiscal year and shall not thereafter be entitled to any further administration or enforcement of the State Construction Code by SMBA. The majority of Participating Local Units approving the budget shall each be liable to contribute their proportional share of the approved budget, less any reductions caused by the withdrawal of any Participating Local Units not approving the budget, in the same manner and extent as set forth in Section 5(b).

(e) If a majority of the Participating Local Units cannot agree upon a budget, this Agreement shall terminate as of the beginning of the next fiscal year and SMBA shall be dissolved. After dissolution of SMBA, each Participating Local Unit shall thereafter be responsible for its own enforcement and administration of the State Construction Code.

(f) In either case, withdrawal under Section 5(d) or dissolution under Section 5(e), any undisbursed funds and assets held by SMBA shall be distributed as set forth in Section 10 of this Agreement.

(g) After a budget has been approved, the Participating Local Units that approved the budget shall pay to the ~~Treasurer of SMBA~~ Authority, at the beginning of each quarter, their allocated portions of the approved budget.

(h) All Participating Local Units that have not withdrawn from SMBA shall direct all applications for building, electrical, plumbing, and mechanical permits to SMBA for review and approval.

(i) All Participating Local Units that have not withdrawn from SMBA shall cooperate with SMBA and other Participating Local Units in providing the services and coordination of said services with the Planning, Assessing, and Ordinance Enforcement departments of the respective Participating Local Units.

(j) All Participating Local Units that have not withdrawn from SMBA shall promote compliance with the Michigan State Construction Code.

6. **General Provisions**

(a) Any municipality not herein specifically named shall be permitted to become a Participating Local Unit in SMBA by adopting a resolution to agree to become a party of this Agreement and accept the conditions and obligations of this Agreement and any bylaws adopted by SMBA. In order to become a Participating Local Unit, the municipality must obtain approval of a majority of the Participating Local Units and from the SMBA Board. As a condition of approval and participation in SMBA, any new Participating Local Unit agrees to be bound by all the terms of this Agreement and bylaws adopted by SMBA.

(b) This agreement may be amended at any time by agreement of the governing boards of all of the Participating Local Units, which amendment shall thereafter be binding upon all Participating Local Units.

(c) The term of the Agreement shall be five (5) years and may be extended for successive additional five (5)-year terms by joint resolution of the governing bodies of all of the Participating Local Units or until terminated by dissolution of SMBA or written termination executed by the governing boards of all of the Participating Local Units.

(d) SMBA shall maintain adequate insurance coverage on all equipment and property of SMBA and against any loss or damages resulting from the negligence of its agents or employees.

(e) Any dispute arising out of or relating to this Agreement or its breach that cannot be resolved in the normal course of business will be submitted to mediation under the then-current mediation rules and procedures of Mediation.org, a division of the American Arbitration Association. The parties will be required to engage in a good-faith effort to settle the dispute by mediation as a condition precedent to the institution of arbitration, litigation, or other binding adjudication. The mediation will be confidential. Unless agreed among all of the parties or required to do so by law, the parties and the mediator will not disclose to any person who is not associated with participants in the process any information regarding the process, contents, settlement terms, or outcome of the proceeding.

(f) SMBA shall be audited annually by an independent auditor who shall prepare a written report of the audit and submit the same to SMBA and all Participating Local Units. The audit shall be performed by a certified public accountant selected by SMBA.

7. **Board of Appeals**

A Construction Board of Appeals is hereby established consisting of **not less than five (5) nor more than seven (7) persons members** appointed by the SMBA Board. Members of the Board of Appeals shall be qualified by experience or training to perform the duties of members of the Board of Appeals. The terms of the members of the Board of Appeals shall be two (2) years and until a qualified successor is appointed. **Qualified members shall be: A person who is experienced as a major general contractor; or A person who is experienced in residential construction; or A person who is a registered professional engineer or architect; or A person who is experienced in electrical contracting work; or A person who is experienced in mechanical contracting work; or A person who is experienced in plumbing contracting work; or A person deemed by the Authority to otherwise be qualified by training or experience to perform the duties of a member of the Construction Board of Appeals.**

8. **Authority and Duties of Construction Board of Appeals**

(a) The Construction Board of Appeals shall have such authority, power, rights and duties as are set forth in ~~the uniform~~ ordinances adopted by the Participating Local Units as well as such power and authority as is set forth in the Construction Code Act not inconsistent with the foregoing rights, powers, duties and authority established by local ordinance and the Michigan Construction Code.

(b) The Construction Board of Appeals shall have the following duties:

(1) To provide for reasonable interpretation of the provisions of the State Construction Code

(2) To hear and decide appeals from and review any order, requirement, decision or determination made by the Authority pursuant to the Construction Code Act, the State Construction Code, and/or local ordinance(s).

- (3) To do acts, make decisions, and make such determinations as are authorized or directed by the Construction Code Act, the State Construction Code, and/or local ordinance(s).
- (4) To grant a specific variance to a substantive requirement of the State Construction Code if the literal application of the substantive requirement would result in exceptional, practical difficulty to the applicant, and if both of the following requirements are satisfied:
- (i) The performance of the particular item or part of the building or structure with respect to which the variance is granted shall be adequate for its intended use and shall not substantially deviate from performance required by the State Construction Code provisions for that particular item or part for the health, safety, and welfare of the people of the State.
 - (ii) The specific condition justifying the variance shall be neither so general or recurrent in nature as to make an amendment of the applicable State Construction Code provision with respect to the condition reasonably practical or desirable.
- (c) The Construction Board of Appeals shall meet at such times as said Board may determine. It may adopt bylaws and rules of procedure covering any matters upon which it may act.
- (d) The presence of a simple majority of duly appointed members shall be necessary to constitute a quorum. A quorum shall be at all times present in order for the Construction Board of Appeals to validly transact its business and to decide upon any question.
- (e) The SMBA Board Secretary shall attend meetings of the Construction Board of Appeals as its Chairperson to organize, facilitate, and record minutes for such meetings as are duly noticed by the Construction Board of Appeals. The Chairperson shall not have the right to vote

upon decisions before the Construction Board of Appeals. Accordingly, the Chairperson shall not be counted as a member when determining whether a quorum exists.

9. **Effect of an Appeal to the Construction Board of Appeals and of a Decision of said Board**

The effect of an appeal to the Construction Board of Appeals and a decision of said Board shall be as set forth in the Construction Code Act and the State Construction Code where the same is effective within the Participating Local Units.

10. **Termination/Withdrawal**

The term of this agreement is five (5) years as provided for in Section 6, provided that it may be extended for successive terms of five (5) years by joint resolution of the governing bodies of all of the Participating Local Units made at any time during the last six (6) months of the term or any extension thereof. Any Participating Local Unit may withdraw from this Agreement pursuant to Section 5(d) and thereby terminate its rights and duties hereunder except for the withdrawing Participating Local Unit's financial obligation, which shall continue until the effective date of withdrawal or at any time during the term of this Agreement, provided the Participating Local Unit gives written notice of withdrawal to the SMBA Board not less than six (6) months in advance of the effective date of withdrawal and the Participating Local Unit remains liable for its financial obligation, which shall continue until the effective date of withdrawal.

If a Participating Local Unit withdraws pursuant to Section 5(d) or provided notice of withdrawal pursuant to this Section, or if this Agreement terminates pursuant to Section 5(e) and SMBA dissolves, the Participating Local Unit(s) shall be entitled to their respective share of any

undistributed funds and assets held by SMBA after all expenses of SMBA have been brought to date in an amount equal to the ratio of the dollar value of building permits issued by the Participating Local Unit to the total dollar value of the building permits issued by all Participating Local Units in the preceding year. Once SMBA is dissolved or a Participating Local Unit Withdraws, each affected municipality shall be responsible for its own enforcement and administration of the Construction Code.

IN WITNESS WHEREOF, the undersigned Participating Local Units have executed this Agreement as of the date and day hereinbefore set forth and in pursuance of a duly-adopted resolution of the governing body of said Participating Local Unit adopted at a duly-called meeting of said governing body on the date set forth opposite said Participating Local Unit.

[Signature page follows.]

OSHTEMO CHARTER TOWNSHIP
Kalamazoo County, Michigan
a municipal corporation

By: _____
Elizabeth Heiny-Cogswell
Its Supervisor

By: _____
Dusty Farmer
Its Clerk

Pursuant to Resolution adopted
Month DD, 2021

COOPER CHARTER TOWNSHIP
Kalamazoo County, Michigan
a municipal corporation

By: _____
Jeffrey R. Sorensen
Its Supervisor

By: _____
DeAnna Janssen
Its Clerk

Pursuant to Resolution adopted
Month DD, 2021

DRAFT

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. _____

Adopted: _____

Effective: _____

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township State Construction Code Ordinance No. 530, as amended, specifically Sections ~~274.005- Construction board of appeals~~, and to repeal all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

SECTION I. AMENDMENT OF COMPILED SECTION V. Compiled Section 274.005 is amended to read as follows:

Section 274.005- Designation of Enforcing Agency

Sec. V.

General. A Construction Board of Appeals is hereby established consisting of not less than five (5) nor more than seven (7) persons members appointed by the SMBA Board. Members of the Board of Appeals shall be qualified by experience or training to perform the duties of members of the Board of Appeals. The terms of the members of the Board of Appeals shall be two (2) years and until a qualified successor is appointed. Qualified members shall be: A person who is experienced as a major general contractor; or A person who is experienced in residential construction; or A person who is a registered professional engineer or architect; or A person who is experienced in electrical contracting work; or A person who is experienced in mechanical contracting work; or A person who is experienced in plumbing contracting work; or A person deemed by the Authority to otherwise be qualified by training or experience to perform the duties of a member of the Construction Board of Appeals. If the Township Board establishes an Authority, the Authority Board shall establish a Construction Board of Appeals (also referred to as a "Building Board of Appeals") of not less than five (5) or more than seven (7) members appointed by the Authority as follows:

~~— A person who is experienced as a major general contractor; or~~

~~— A person who is experienced in residential construction; or~~

~~— A person who is a registered professional engineer or architect; or~~

~~— A person who is experienced in electrical contracting work; or~~

~~— A person who is experienced in mechanical contracting work; or~~

~~— A person deemed by the Authority to be qualified by training or experience to perform the duties of the Construction Board of Appeals.~~

~~If no Authority Board is established, the Township Board shall appoint the representatives of the Construction Board of Appeals.~~

~~A. Authority and Duties of the Construction Board of Appeals. The Construction Board of Appeals shall have the following powers and duties: The Construction Board of Appeals shall have such authority, power, rights and duties as are set form in the uniform ordinances adopted by the Participating Local Units as well as such power and authority as is set forth in the Construction Code Act not inconsistent with the foregoing rights, powers, duties and authority established by local ordinance and the Michigan Construction Code.~~

~~A.B. The Construction Board of Appeals shall have the following duties:~~

1. To provide for reasonable interpretation of the provisions of the State Construction Code.
2. To hear and decide appeals from and review any order, requirement, decision or determination made by the ~~enforeing agency~~ Authority pursuant to the Construction Code Act, the State Construction Code, and/or this Ordinance.
3. To do acts, make decisions, and make such determinations as are authorized or directed by the Construction Code Act, the State Construction Code, and/or this Ordinance.
4. To grant a specific variance to a substantive requirement of the State Construction Code if the literal application of the substantive requirement would result in exceptional, practical difficulty to the applicant, and if both of the following requirements are satisfied:
 - i. The performance of the particular item or part of the building structure with respect to which the variance is granted shall be adequate for its intended use and shall not substantially deviate

from performance required by the State Construction Code provisions for that particular item or part for the health, safety, and welfare of the people of the State.

ii. The specific condition justifying the variance shall be neither so general or recurrent in nature as to make an amendment of the applicable State Construction Code provision with respect to the condition reasonably practical or desirable.

C. ~~Meetings, rules of procedure, quorum.~~ The Construction Board of Appeals shall meet at such times as said Board may determine. It may adopt bylaws and rules of procedure covering any matters upon which it may act.

D. The presence of ~~four~~ a simple majority of duly appointed members shall be necessary to constitute a quorum. ~~The majority of members present shall decide any question~~ A quorum shall be at all times present in order for the Construction Board of Appeals to validly transact its business and decide upon any question.

B-E. The SMBA Board Secretary shall attend meetings of the Construction Board of Appeals as its Chairperson to organize, facilitate, and record minutes for such meetings as are duly noticed by the Construction Board of Appeals. The Chairperson shall not have the right to vote upon decisions before the Construction Board of Appeals. Accordingly, the Chairperson shall not be counted as a member when determining whether a quorum exists.

SECTION II.

EFFECTIVE DATE. This Ordinance shall take effect upon publication after adoption in accordance with State law. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

DUSTY FARMER, CLERK
OSHTEMO CHARTER TOWNSHIP

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. ____

Adopted: _____

Effective: _____

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township State Construction Code Ordinance No. 530, as amended, specifically Section 274.005- Construction board of appeals, and to repeal all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

SECTION I. AMENDMENT OF COMPILED SECTION V. Compiled Section 274.005 is amended to read as follows:

Section 274.005- Designation of Enforcing Agency

Sec. V.

General. A Construction Board of Appeals is hereby established consisting of not less than five (5) nor more than seven (7) members appointed by the SMBA Board. Members of the Board of Appeals shall be qualified by experience or training to perform the duties of members of the Board of Appeals. The terms of the members of the Board of Appeals shall be two (2) years and until a qualified successor is appointed. Qualified members shall be: A person who is experienced as a major general contractor; or A person who is experienced in residential construction; or A person who is a registered professional engineer or architect; or A person who is experienced in electrical contracting work; or A person who is experienced in mechanical contracting work; or A person who is experienced in plumbing contracting work; or A person deemed by the Authority to otherwise be qualified by training or experience to perform the duties of a member of the Construction Board of Appeals.

A. Authority and Duties of the Construction Board of Appeals. The Construction Board of Appeals shall have such authority, power, rights and duties as are set form in the ordinances adopted by the participating local units as well as such power and authority as is set forth in the Construction

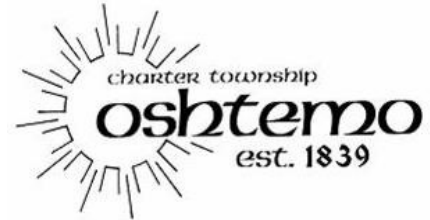
Code Act not inconsistent with the foregoing rights, powers, duties and authority established by local ordinance and the Michigan Construction Code.

- B. The Construction Board of Appeals shall have the following duties:
1. To provide for reasonable interpretation of the provisions of the State Construction Code.
 2. To hear and decide appeals from and review any order, requirement, decision or determination made by the Authority pursuant to the Construction Code Act, the State Construction Code, and/or this Ordinance.
 3. To do acts, make decisions, and make such determinations as are authorized or directed by the Construction Code Act, the State Construction Code, and/or this Ordinance.
 4. To grant a specific variance to a substantive requirement of the State Construction Code if the literal application of the substantive requirement would result in exceptional, practical difficulty to the applicant, and if both of the following requirements are satisfied:
 - i. The performance of the particular item or part of the building structure with respect to which the variance is granted shall be adequate for its intended use and shall not substantially deviate from performance required by the State Construction Code provisions for that particular item or part for the health, safety, and welfare of the people of the State.
 - ii. The specific condition justifying the variance shall be neither so general or recurrent in nature as to make an amendment of the applicable State Construction Code provision with respect to the condition reasonably practical or desirable.
- C. The Construction Board of Appeals shall meet at such times as said Board may determine. It may adopt bylaws and rules of procedure covering any matters upon which it may act.
- D. The presence of a simple majority of duly appointed members shall be necessary to constitute a quorum. A quorum shall be at all times present in order for the Construction Board of Appeals to validly transact its business and decide upon any question.

- E. The SMBA Board Secretary shall attend meetings of the Construction Board of Appeals as its Chairperson to organize, facilitate, and record minutes for such meetings as are duly noticed by the Construction Board of Appeals. The Chairperson shall not have the right to vote upon decisions before the Construction Board of Appeals. Accordingly, the Chairperson shall not be counted as a member when determining whether a quorum exists.

SECTION II. EFFECTIVE DATE. This Ordinance shall take effect upon publication after adoption in accordance with State law. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

DUSTY FARMER, CLERK
OSHTEMO CHARTER TOWNSHIP



Memorandum

Date: September 9, 2021
To: Oshtemo Township Board
From: Rick Everett
Subject: Replacement and Upgrade of Security and Fire Alarm System

Objective: Our current Security and Fire Alarm system has, in recent months, caused much discontent with problems and failures and needed repairs. Along with issues with our local system, AT&T has also notified their customers (us) of the discontinuation of their POTs (Plain Old Telephone) lines and are going 100% fiber optic/ internet services. Per fire alarm code, primary connections must be POTs or cellular infrastructure systems. Our voice phone system is basically voice over internet and is not acceptable for alarm systems. Seeing that POTs will be discontinued, and our current system not being upgradeable to cellular service; a new system must be installed.

Summary: I do not know the age of our current system. I believe it was installed or had a major upgrade when the meeting room was remodeled in 1996. More recently it had a major expansion when the new offices were built in 2006. That denotes most of the system is probably 15 – 25 years old. So in replacing the system, not only do we need new control panels that are cellular network capable, we also need to replace all of the current devices – smoke alarms, heat alarms, pull stations and bring up to current code the warning devices (strobes and horns) of which we will need additional devices. The needs were reviewed, and I have received two quotes. The first quote is from EPS (Engineered Protection Systems) which is our current provider for \$32,817.22. I obtained another quote from CertaSite, which is another local provider for \$43,481.00. I have to recommend the former quote for the cost alone.

Action: Approval of a \$35,000 budget amendment to support installation of the new systems and any incidental additional cost. Approval for the Township Supervisor to approve and sign the corresponding documents and agreements.

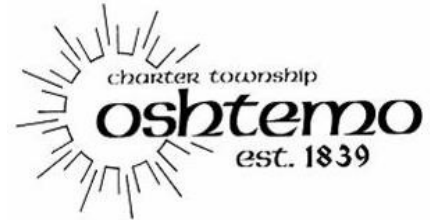
Core Values Recognized:

Public Service (the value to our Township and residents.)

Sustainability (Meet the needs of the present without compromising future generations.)

Innovation (Providing the best value-conscious technology currently available. Leverage new technologies and ways of doing business to increase accessibility and improve services.)

Fiscal Stewardship (Ensure that taxpayer investments are spent wisely, effectively and efficiently.)



Memorandum

Date: September 9, 2021
To: Oshtemo Township Board
From: Rick Everett
Subject: Replacement and Upgrade of Video Surveillance System

Objective: Add camera surveillance to our facility to have better coverage of the lobby area; coverage in the mail room; surveillance of the outdoor drop box area and monitoring of the park drive. We also need to upgrade our current system because it's not large enough for additional cameras and to upgrade the technology to digital from analog.

Summary: It is actually less expensive to replace the system than to try to upgrade what we currently have (\$826 savings). This quote is from our current provider and the same provider of our fire alarm and security system. I obtained a quote in 2019 from another provider that was \$800 higher.

Action: Approval of an \$8,000 budget amendment to support installation of the new system and any incidental additional cost. Approval for the Township Supervisor to approve and sign the corresponding documents and agreements.

Core Values Recognized:

Public Service (the value to our Township and residents.)

Sustainability (Meet the needs of the present without compromising future generations.)

Innovation (Providing the best value-conscious technology currently available. Leverage new technologies and ways of doing business to increase accessibility and improve services.)

Fiscal Stewardship (Ensure that taxpayer investments are spent wisely, effectively and efficiently.)

BUDGET AMENDMENT REQUEST

(Requesting funds for a line item in addition to the approved budget)

Date: 09/09/2021


Department Head Name: Rick Everett

Fund Name: 101 General

		Amount	
Additional Funds Request for: (description and GL number)	Capital Outlay (Fire/Security Alarm)	101 218 97400	\$ 17,500.00
	Capital Outlay (Video Surveillance)	101 218 97400	\$ 8,000.00
			\$ 25,500.00
Funds requested from: (description and GL number)	Capital Outlay (Sanitary Sewer)	101 218 97400	\$ 25,500.00
			\$ 25,500.00

Explanation of request:

Redirect budget line item from Sanitary Sewer which won't be completed this year to needed Fire/ Security alarm system replacement / upgrade due to failing system and technology improvements. Same redirect for Video Surveillance system for expansion (additional cameras for increased surveillance) and upgrading technology. (More cost effective to replace system that to upgrade current system.) General Fund portion of project. See FireMaint BA for Fire portion. No new funds.

Supervisor/Clerk/Treasurer Review: 9/10/2021 

(pending or date reviewed)

Board Authorization: 

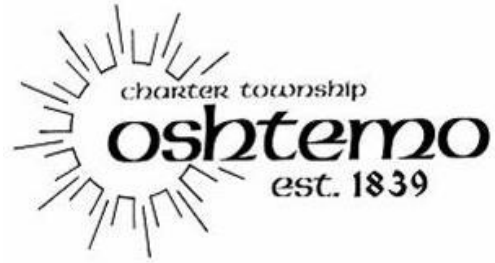
(pending or date authorized)

Memorandum

Date: 9/10/2021

To: Oshtemo Township Board

From: Dusty Farmer, Clerk



Objective:

To approve a budget amendment for \$10,000 for public education 101-249-95700.

Background:

In addition to the Township newsletter, staff has identified additional information to be shared with the public, specifically regarding sewer expansion. Feedback from residents indicates that they would prefer more frequent communication about the proposed projects. These additional dollars will be spent toward direct mailed communication with residents.

BUDGET AMENDMENT REQUEST

(Requesting funds for a line item in addition to the approved budget)

Date: 09/10/2021

Department Head Name: Farmer

Fund Name: 101 General

		Amount	
Additional Funds Request for: (description and GL number)	101-249-95700	Public Education	
			\$ 0.00 \$10,000
Funds requested from: (description and GL number)	101-001-40100	Carryover	
			\$ 0.00 \$10,000

Explanation of request:

See memo.

Supervisor/Clerk/Treasurer Review: DFarmer

Board Authorization:

Memo

To: Oshtemo Township Board

From: Rick Everett, Sara Feister, Supervisor Heiny-Cogswell

Date: 09/10/21

Re: Budget Amendment Request to Accommodate 2021 MERS for Full Time Maintenance Position

OBJECTIVE:

Consideration of a budget amendment for the 2021 MERS payment for a Full Time Maintenance position.

BACKGROUND:

Per the Township Board discussion on August 23rd, the consensus was to work to make the part time maintenance position full time and to bring back the item back to the Board if a budget amendment was necessary. An amendment is not needed for the salary, but an amendment is needed for the retirement health benefit as outlined herein.

In background summary, the maintenance part time position opening has been open more than a year. Multiple attempts to fill the position were not successful. Discussion began Spring 2021 whether there is additional need for maintenance staffing hours. Those involved in multiple discussions included the Facilities Director, Parks Director, HR Board Work Group, HR Benefits Coordinator, Supervisor, and recently the Township Board. After careful review of the work volume, combined with the history of turnover in the position, and, importantly, the need for succession planning, the multiple discussions saw unanimous consensus to upgrade the part time to a full-time position. The Facilities Director reviewed the work load, current tasks, upcoming additional work tasks, and in the Spring concluded the additional hours are warranted.

HR advertised multiple times to fill the open part time position in 2021 yet the position remains open. All listed above recommend the change to full time position, and to advertise to fill the position September 2021. Hiring is needed of at least part time staff to accomplish winter plowing. Since the part time position remained open except very few weeks this year (two hires who remained less than two weeks each, for various reasons), the 2021 budget can support the full-time hire, and the 2022 draft budget includes the full time position. A MERS defined contribution retirement health benefit for this new full-time position is not included in the 2021 budget, and this amendment request is therefore needed to accommodate \$3,600 for the MERS due to the change from part time to full time. Since this is a new full-time position and we have no full-time vacancies, the budget amendment is needed.

BUDGET AMENDMENT REQUEST

(Requesting funds for a line item in addition to the approved budget)

Date: 09/10/2021

Department Head Name: Rick Everett

Fund Name:

		Amount	
Additional Funds Request for: (description and GL number)	<u>101-234-72500</u>	<u>GF Employee Benefits</u>	<input type="text" value="\$ 3,600.00"/>
	_____	_____	<input type="text"/>
	_____	_____	<input type="text"/>
			<input type="text" value="\$ 3,600.00"/>
Funds requested from: (description and GL number)	<u>101-218-97400</u>	<u>Capital Outlay</u>	<input type="text" value="\$ 3,600.00"/>
	_____	_____	<input type="text"/>
	_____	_____	<input type="text"/>
	_____	_____	<input type="text"/>
	_____	_____	<input type="text" value="\$ 3,600.00"/>

Explanation of request:

Budget Amendment request to accommodate 2021 retiree health benefit for full time maintenance position, funded from capital line that will not be fully expended.

Supervisor/Clerk/Treasurer Review:  9/10/2021
(pending or date reviewed)

Board Authorization:
(pending or date authorized)

BUDGET AMENDMENT REQUEST

(Requesting funds for a line item in addition to the approved budget)

Date: 09/09/2021

Department Head Name: Marc Elliott

Fund Name: 101 General

		Amount	
Additional Funds Request for:	<u>101-506-70200</u>	Public Works General Fund	<u>\$ 6,006.00</u>
(description and GL number)	<u>101-506-71500</u>	Public Works Payroll FICA	<u>\$ 3,005.00</u>
			<u>\$ 9,011.00</u>
Funds requested from:	<u>101-218-97400</u>	Capital Outlay	<u>\$ 9,011.00</u>
(description and GL number)			
			<u>\$ 9,011.00</u>

Explanation of request:

\$979.40 needed currently for PWs, plus the position change for the full time Public Works Project Manager position starting 11/01/21.

Supervisor/Clerk/Treasurer Review:  9/10/2021
(pending or date reviewed)

Board Authorization:
(pending or date authorized)

BUDGET AMENDMENT REQUEST

(Requesting funds for a line item in addition to the approved budget)

Date: 09/10/2021


Department Head Name: Marc Elliott

Fund Name:

		Amount	
Additional Funds Request for: (description and GL number)	<u>491-000-70200</u>	Water	\$ 4,698.00
	_____	_____	_____
	_____	_____	\$ 4,698.00
Funds requested from: (description and GL number)	<u>491-000-40100</u>	Carryover	\$ 4,698.00
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	\$ 4,698.00

Explanation of request:

\$2,185.13 for remainder of 2021 plus the position change for full time Public Works Project Manager starting 11/01/21.

Supervisor/Clerk/Treasurer Review: 

Board Authorization: