

THE CHARTER TOWNSHIP OF OSHTEMO
Township Board Meeting
January 10, 2017

The Oshtemo Township Board work session was held at the Township Hall. Supervisor Heiny-Cogswell called the meeting to order at 6 p.m.

PRESENT:

Supervisor Libby Heiny-Cogswell
Clerk Dusty Farmer
Treasurer Nancy Culp
Trustee Deb Everett
Trustee Zak Ford
Trustee Dave Bushouse
Trustee Ken Hudok

Also present were Township Attorney James Porter, Public Works Director Marc Elliott, Lt. Troy Faulk, Maintenance Supervisor Rick Everett, and 3 interested individuals. There was no public comment

Kalamazoo County Commission- Commissioner Julie Rogers provided a County update and information to the Board:

- Commissioner Dale Shugars elected as Chair of the County Commission
- Tracy Moored is the new Kalamazoo County Administrator
- There will be a May election for 911 Consolidated Dispatch
- Strategic county planning will begin in March and Township will receive more information soon
- Commissioner Rogers also reminded the Board that she will continue holding quarterly community coffees to provide the community with county updates

Kalamazoo County Sheriff's Department- Lt. Faulk provided the 2016 Annual Oshtemo Police Report and other recent activities in the Township.

Resolution to enter closed session- Motion by Culp, second by Ford to enter closed session to discuss the sale of township property. Roll call: Hudok-yes, Farmer-yes, Heiny-Cogswell-yes, Culp-yes, Everett-yes, Ford-yes, Bushouse-yes. Resolution adopted 7-0.

Motion by Culp, second by Ford come out of closed session.

The Board work session adjourned at approximately 7:09 p.m.

Supervisor Heiny-Cogswell called the regular meeting to order at 7:13 p.m.

PRESENT

Supervisor Libby Heiny-Cogswell
Clerk Dusty Farmer
Treasurer Nancy Culp
Trustee Deb Everett
Trustee Zak Ford
Trustee Dave Bushouse
Trustee Ken Hudok

Also present were Township Attorney James Porter, Public Works Director Marc Elliot, Planning Director Julie Johnston, and approximately 10 interested people.

PUBLIC COMMENTS

There was no public comment.

CONSENT AGENDA

Items on the consent agenda:

- a. Minutes: December 13, 2016 Regular meeting, and December 29, 2016 Special Meeting
- b. Receipts & Disbursements Report
- c. Transfer of KABA Building Permit Fee Funds to SMBA
- d. Consideration of Rezoning request 3989 N. 3rd St.-Second Reading

Motion by Ford, second by Culp to approve the consent agenda as presented. Carried 7-0.

TOWNSHIP ROAD POLICY AMENDMENTS

Public Works Director Marc Elliot proposed to modify and update the Township roadway assessing policy to align with the Board's 2016-2017 capital needs discussion and the adopted 2017 budget. Treasurer Culp inquired as to whether property owners will pay frontage assessments. Elliot replied that the money will come from the General Fund budget, unless they are requesting a higher grade of work. In response to an inquiry from Trustee Ford, Elliot verified that the recently completed 10th St. project was designed using this policy. Motion to adopt the road policy amendments by Heiny-Cogswell, second by Ford. Roll call: Bushouse-yes, Hudok-yes, Culp-yes, Heiny-Cogswell-yes, Farmer-yes, Everett-yes, Ford-yes. Resolution adopted 7-0.

COUNTRY DANCING IN KALAMAZOO NON-PROFIT RECOGNITION

Country Dancing in Kalamazoo (CDK) requests to be recognized as a non-profit in the community as a step required for the CDK to become a "qualified organization" by the Michigan Charitable Gaming Division. A representative from CDK, Tom Hayes, spoke in favor of the request. Motion by Bushouse, second by Everett. Roll call: Everett-yes, Heiny-Cogswell-yes, Culp-yes, Bushouse-yes, Ford-yes, Hudok-yes, Farmer-yes. Resolution adopted 7-0. Bushouse

asked if the problem with granular material left on the floor had been resolved. Heiny-Cogswell confirmed that it had not been a problem for years.

CONDITIONAL REZONING 3000 S. 11TH ST - FIRST READING

Planning Director Julie Johnston presented a request from Jean Burns to conditionally rezone from the R-2: Residential District to the R-3: Residence District to specifically allow for the development of office uses. Johnston shared that there had been resident objections to this rezoning, as recorded in the Planning Commission meeting minutes. She also clarified that this rezoning would be limited to office space use under the requirements of the R-3 district. In response to a question from Culp, Johnston explained that the Township can revoke the rezoning if the conditional use is abandoned, or the owner can request to revert to the previous zoning. Heiny-Cogswell commented that it seemed to make sense given the vision of the Master Plan, but still had concerns about the impact on neighboring residents regarding sign lighting at night, traffic screening/car lights, etc. She asked as to whether current landscape and sign ordinances appropriately address the issues. Johnston replied that she believes they do, and that issues with enforcement had more to do with the ordinance being followed, rather than the ordinance alone.

Cindy Ortega, attorney with Miller Johnson on behalf of the applicant, commented that she believes our current ordinance provides protection for residents regarding lighting, parking, and landscaping.

Millard Loy, resident, said he thinks Crystal Lane is a good dividing line, and the Township does not need to rezone this area just because it is transition use. He states that he and other residents have already had problems in the area with another business, and progress should be slowed. We don't have to rezone just because someone asks.

David Dolph, 3037 Vienna St, commented that he believed his privacy would be hurt with this area going to commercial.

Seeing and hearing no other public comment, Supervisor Heiny-Cogswell closed public comment and opened board deliberation. Bushouse commented that he thought longtime residents should be protected from zoning changes. Attorney Porter replied that the Master Plan does not support limiting the area to residential. Heiny-Cogswell commented that she understands the concerns and agrees that Crystal Lane would be a logical dividing line. Farmer agreed that Crystal Lane would be a logical dividing line, but commented that the township does not have language for Transitional Mixed Use and did not set the division prior to this application, to which Heiny-Cogswell replied that she would be inclined to wait until that language is developed. Everett commented that she believes current language would include this limited type of commercial use. Ford and Everett agreed that the type of conditional rezoning before the Board offers more protection for residents than regular commercial zoning. Motion by Farmer, second by Culp, the Motion passed 5-2 with Bushouse and Heiny-Cogswell in opposition.

AUTUMN GROVE SITE CONDOMINIUM PRELIMINARY PLAN – STEP ONE

Planning Director Julie Johnston presented the preliminary plan for the Autumn Grove Site Condominium on 9th St., noting that the plan has been recommended by the Planning Commission. Planning staff further recommends approval be conditioned so that the existing 12 inch trees found along the north and west property boundaries, which are located within the setbacks of the individual building sites, be preserved. Ford asked if we can require sidewalks. Johnston replied that sidewalks had not been pursued because of the small frontage, but yes. Heiny-Cogswell said she supports sidewalks. Farmer and Hudok agreed. Heiny-Cogswell asked if curbs would be appropriate for ADA compliance in the future. Johnston said that she believed this would be curbed. Hudok asked if we could require LED lighting, Culp responded that she is currently looking at cost, referencing Ford's previous request that the Township change to all LED street lights. No public comment. Motion by Farmer, second by Culp, including recommendations from Planning Commission and Planning staff, and the additional requirement that there will be no opposition to an SAD for sidewalks in the future. Motion carried 7-0.

2017 ROAD MAINTENANCE PROJECTS

Public Works Director Marc Elliot asked the Board to consider authorizing the Supervisor to execute contracts with the Road Commission of Kalamazoo County (RCKS) for the proposed 2017 roadway maintenance projects to match the RCKS's offered PAR funding amount of \$201,852.72. This is within the Township's adopted 2017 budget for roadways. Motion by Culp, second by Ford. In further discussion, Farmer said that she does not support the specific projects and would like to see the list reevaluated, but supports the amount. Bushouse and Hudok agreed. Motion passed 4-3 with Farmer, Bushouse and Hudok in opposition.

PMN AMENDMENT TO AGREEMENT OF BYLAWS

Attorney Jim Porter recommended approval of the Amendment to the urban Cooperation Act Agreement Establishing the Public Media Network and Revisions to the Board of Directors Bylaws in that it will significantly impact the proportional level of representation to the townships in Kalamazoo County. Bushouse, Board representative to PMN, supports the agreement, but noted that it was not well received by the members who do not pay dues. Grant Taylor, citizen representative to PMN, also shared his support for the agreement. Motion by Everett, second by Bushouse. Roll call: Everett-yes, Ford-yes, Farmer-yes, Hudok-yes, Culp-yes, Bushouse-yes, Heiny-Cogswell-yes. Resolution adopted 7-0.

OTHER BUSINESS

Supervisor Heiny-Cogswell shared that the grievance filed by KABA against the township has been discredited and the case has been closed by the Grievance Commission. She also shared that the newly bound hard copies of the 2017 budget were completed and ready to be returned to Board members.

BOARD MEMBER COMMENTS

There was no further business and the meeting was adjourned at approximately 9:13 p.m.

Dusty Farmer
Township Clerk

Attested: **Elizabeth Heiny-Cogswell**
Supervisor