



CHARTER TOWNSHIP OF TEXAS BOARD MEETING, JANUARY 10, 2022

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Supervisor Loeks called the meeting to order at 6:00 p.m. and asked everyone to join Trustee Mazer in the Pledge of Allegiance.

ROLL CALL

Clerk Beutel called the roll, and the following board members were present: Trustee Don Boven, Trustee Barbara Hammon, Trustee Linda Kerr, Trustee Wendy Mazer, Treasurer Trish Roberts, Supervisor Nick Loeks, and Clerk Emily Beutel. Also attending were Superintendent Julie VanderWiere, Deputy Superintendent Brooke Hovenkamp, Interim Planner Julie Johnston, Engineer Tom Wheat, Fire Chief Chad Tackett and four members of the public.

PUBLIC COMMENTS ON AGENDA AND NON-AGENDA ITEMS

Tom Hackley, 6540 Misty Lane, asked about a housing equity ordinance being proposed by the Housing Task Force which is attempting to get all municipalities to consider such an ordinance. He encouraged the Board to consider it in our Township. Kalamazoo Climate Crisis Commission is asking municipalities to consider passing a climate crisis declaration/resolution, and he asked the Board to consider it as well. These conversations are happening county-wide, and he'd like us to be part of the conversation as well.

PRESENTATION/PUBLIC HEARINGS/COUNTY COMMISSIONER

Planner Report

Interim Planner Johnston updated the Board on several projects in the Township. December was a quieter month, but two applications were considered at the January Planning Commission meeting. Calvary Reformed Church's addition was approved, but the Wedel's rezoning application was tabled and has not been resubmitted at this time. The Marshes is requesting an amendment to reduce the front-yard setbacks of two lots due to flooding and high water table, which will be reviewed on January 25 at the Planning Commission meeting. She also reported that several other ordinance updates are working their way through as well.

SUPERINTENDENT REPORT

Superintendent VanderWiere updated the Board on the following items:

Administration

- 10 applications received for Planner/Zoning Administrator position have been received with varying levels of experience.
- The Deputy Treasurer position was posted, with resumes and cover letters due January 14.
- Kalamazoo County Health Department released new guidance for COVID-19 isolation and quarantine periods, which have been implemented in the office.

Information

- The "Make a Splash" campaign has received several donations in the last month, and the fundraising goal is very close.
- Plumbing inspections have started in the Building Department.
- The Phase II ESA for Township Hall property still in progress.

Flood Mitigation

- The Township continues to work to obtain the last few easements for the project.
- Engineers Smith and Wheat are working with EGLE staff to determine what additional information is required and to provide that to EGLE to consider the application complete.
- The next Task Force meeting is scheduled for Thursday, January 27 at 10:30 a.m. by Zoom.

ADOPTION OF MEETING AGENDA

Motion by Boven, seconded by Beutel, motion carried, to adopt the meeting agenda as presented.

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APPROVAL OF GENERAL CONSENT AGENDA

Motion by Kerr, seconded by Mazer, motion carried, to approve the General Consent Agenda, as submitted, consisting of:

- Approval of December 13, 2021 Meeting Minutes and December 22, 2021 Special Meeting Minutes, and December 22, 2021 Closed Session Meeting Minutes
- Approval of Bills for \$211,261.59
- Payroll \$44,640.60, \$24,450.00 and \$74,705.96
- November 2021 Building Report

BUSINESS

Tabled

There was none.

New

Resolution #22-01 to Adopt Ordinance #364

Planner Johnston reviewed Ordinance #364, which includes amendments to yard sales, site plan review, mechanical equipment screening, ordinary water elevation, and some definitions.

Motion by Boven, seconded by Hammon, motion carried, to adopt **Resolution #22-01, which adopts Ordinance No. 364, and directs the Township Clerk to publish the final notice of adoption.**

Roll Call Vote: Ayes - Boven, Hammon, Kerr, Roberts, Loeks, Mazer and Beutel. Nays – None. Absent – None

Applegate Pines Step 3 Approval

Planner Johnston reviewed a request from Westview Capital, LLC for final approval of the Applegate Pines site condominium, which was previously called Phase 2 of Applegate Woods. This project is located on a 15.50-acre parcel located east of South 10th Street and south of Texas Drive, contains 18 new single-family building sites and a private road. Each building site meets the frontage requirements and setbacks of the R-2 District, and sidewalks have been planned on both sides of the road and between building sites 11 and 12, which will connect this development with Applegate Woods. Outstanding items include utilities, sidewalks in front of common element (storm water basin), monuments, and a remaining escrow balance.

Kerr asked about a buffer between the storm water basin and Lot 18, as she felt the basin was too close to the lot line. Pat Flanagan, Civil Engineer at Ingersoll, Watson & McMachen, stated that part of the easterly bank was on Lot 18, but it was designed so that way so the water wouldn't collect on Lot 18. There is a 15-foot wide easement for that basin in the plan. Planner Johnston said that as a site condominium, the Planning Commission and Township Board have some power to ask for these types of adjustments if they desire. However, there was not consensus to add trees or a buffer as a requirement.

Motion by Loeks, seconded by Boven, motion carried, approve the Step 3 as-built plans and all associated site condominium documents for Applegate Pines and approve the deferment of sidewalks in front of building sites for a two-year period, with the approval conditioned on items one through eight in the packet being completed.

Establish Hiring Committee for Planner/Zoning Administrator Position

Superintendent VanderWiere stated that 10 resumes have been received for the position with a varying level of experience between the candidates. Before interviewing candidates, a hiring committee needs to be established.

Motion by Roberts, seconded by Mazer, motion carried, to establish a Hiring Committee of Trustee Kerr and Supervisor Loeks, in addition to Planning Commission Chairman Mike Corfman, Planning/Building Assistant Jennie Miller and Township Superintendent VanderWiere to review the resumes submitted and interview the qualified candidates and to make a recommendation to the Township Board.



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Design Work for the Splash Pad Project

As the Township has nearly met its fundraising goal for the Texas Drive Splash Pad project, Deputy Superintendent Hovenkamp asked the Board to consider beginning the design portion of the project. She presented a proposal from VIRIDIS Design Group, who has requested a NTE of \$36,067, which would include design start to end of construction. This expenditure would come out of the \$541,000 budgeted for the project.

Motion by Kerr, seconded by Loeks, motion carried, to authorize VIRIDIS Design Group to start the design phase of the Maple Hill Splash Pad project with a NTE of \$36,067.00 for design and construction administration.

Authorization to Post Full-Time Firefighter Position

Fire Chief Tackett requested approval to post and begin the process to fill the open Firefighter/Engine Operator position. He'd like to fill it as soon as possible with the intent of closing applications January 31, then performing interviews on selected candidates, conducting physical agility testing, background investigations, drug screening and medical clearances. The intended start date for the position would be in April.

Motion by Boven, seconded by Hammon, motion carried, to approve the posting for the full-time Firefighter position.

Approve Promotion of Firefighter Whately to Equipment Operator (EO)

Fire Chief Tackett stated that Firefighter James Whately has completed the probationary training packets, and a very extensive EO evaluation process was conducted. He recommended promoting James Whately to the rank of Equipment Operator as he will further be a great asset to the department and will serve the citizens well.

Motion by Roberts, seconded by Mazer, motion carried, to approve the promotion of James Whately to the rank of Equipment Operator

Authorization to Hire Robert Somers as Backup Plumbing Inspector

Superintendent VanderWiere asked the Board to consider hiring a backup plumbing inspector to conduct plumbing inspections when John Dobberteen is out sick or on vacation. She shared Robert Somers' resume and qualifications with the Board. He works with Mr. Dobberteen in other jurisdictions and is licensed as a Plumbing Inspector and Plumbing Plan Reviewer in the state of Michigan, though he resides in Indiana. Rich McGrew, Building Official, has met with Mr. Somers to discuss the position and recommends him for the position.

Motion by Loeks, seconded by Boven, motion carried, to approve the hiring of Robert Somers as the Backup Plumbing Inspector to be utilized when Mr. Dobberteen is sick or on vacation.

As only Board members and invited staff will be allowed in the room for Closed Session discussion, Supervisor Loeks asked the Board to consider moving committee reports and public comments above closed session.

Motion by Loeks, seconded by Boven, motion carried, to move Items 11 and 12 before Item 10H – Closed Session.

ZONING/BOARD/COMMITTEE REPORTS/RECOMMENDATIONS

There were none.

BRIEF PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were none.

Closed Session to Discuss Pending Litigation with Attorney Dangl

Motion by Loeks, seconded by Beutel, motion carried, to enter closed session to consult with legal counsel for the Township regarding trial or settlement strategy in connection with pending litigation



158 in Weitekamp v Texas Charter Township, Case No. 2021-0517-CZ, for the reason that an open meeting
159 would have a detrimental financial effect on the litigating or settlement position of the Township, inviting
160 Interim Planner Johnston, Deputy Superintendent Hovenkamp, and Superintendent VanderWiere.

161 Roll Call Vote: Ayes - Boven, Hammon, Kerr, Roberts, Loeks, Mazer and Beutel. Nays – None.
162 Absent – None

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165 **ATTORNEY’S REPORT**

166 There was none.

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168 **BOARD MEMBER COMMENTS**

169 Trustee Kerr expressed that she was very excited about the Splash Pad and thanked everyone who
170 donated.

171 Clerk Beutel stated there were 52 FOIA requests in 2021. As these requests have increased in
172 number and complexity, she stated she’d like to work with Foster Swift to review FOIA materials and
173 processes to make fulfilling these requests easier and less time-consuming for staff.

174 Supervisor Loeks reported there would be a Road Committee meeting within the next few weeks, as
175 soon as RCKC determines asphalt prices for the year. He also thanked all of the splash pad donors for
176 supporting the project.

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178 **ADJOURNMENT**

179 Motion by Boven, seconded by Hammon, motion carried, to adjourn the meeting. The meeting
180 adjourned at approximately 7:20 p.m.

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182 **SUBMITTED:** January 19, 2022

APPROVED: January 24, 2022, as amended

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186 Clerk Emily Beutel

187 Attested: Supervisor Nicholas Loeks