



CHARTER TOWNSHIP OF TEXAS BOARD MEETING, MARCH 28, 2022

COMMITTEE OF THE WHOLE

Supervisor Loeks commenced the Committee of the Whole at 5:00 p.m. 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 Deputy Superintendent Brooke Hovenkamp and two members of the public.

2022 Community Events Update

Deputy Superintendent Hovenkamp has been working with the Kalamazoo Experiential Learning Center (KELC) to plan the Concert at the Park community event pilot this summer. The date is tentatively set for Saturday, July 19 in the Texas Drive Park beginning with the Kalamazoo Concert Band at 3:00 p.m. followed by Moonshot Band from 4:30 – 6:00 p.m. There has also been discussion with kicking off the Splash Pad Project publicly at this event to recognize the major sponsors for that project.

Residential Building Permit Fee Schedule

As part of the BS&A Building Department.net overhaul, Deputy Superintendent presented the current residential building fee schedule and some proposed consolidations to help make the online permitting process and cost calculations simpler.

Discuss Proposal for Ring Road Funding

Supervisor Loeks disclosed that his employer was working on this project and that he would not be participating in discussion.

The Downtown Development Authority (DDA) discussed Mr. Callander's proposal at its meeting last week, and DDA Board member Larry Loeks stated it had decided to offer its adjacent property to the east of the road spur, which is roughly .6 acres, as a trade for a contribution to help that road be completed. The current value is nearly \$100,000. The full funding request of the proposal is \$270,000, which could come from the Township, DDA or a contribution of the two. The road will be built to RCKC specifications, whether it is a public or private road. Board members discussed the option of contributing funds toward the utility infrastructure (sewer and water). Also discussed was the importance of having connections to the adjacent properties to the west.

Committee of the Whole adjourned at approximately 5:49 p.m.

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 Deputy Superintendent Brooke Hovenkamp, Attorney Michael Homier, and four members of the public in person with two attending virtually via Zoom.

PUBLIC COMMENTS ON AGENDA AND NON-AGENDA ITEMS

Connor McClain, Township resident, thanked the Board for considering his request. He is a small regenerative farmer and would like a micro-business marijuana license. He stated it is difficult for small caretakers to compete with the larger cannabis facilities. He asked the Board to reconsider the recreational marijuana ordinance.

Andrew Smith, Kalamazoo Township resident, stated he is the campaign manager for Thomas Allen, who is running for 8th District Court.

Gayle Walter, City of Kalamazoo resident, stated she's a retired veterinary pathologist and is working on getting the larger Kalamazoo City area to be an Urban Bird Treaty designation. She stated many of the area municipalities have expressed interest and support, and there are currently 15-20 partners involved. This is a non-regulatory, non-binding agreement with the US Fisheries and Wildlife Service with



no financial involvement except what each partner sets for itself. She asked the Board to consider becoming a partner.

PRESENTATION/PUBLIC HEARINGS/COUNTY COMMISSIONER

6th Street Park MDNR Trust Fund Grant Application Public Hearing

Motion by Hammon, seconded by Mazer, to open the public hearing at 6:10 p.m.

Deputy Superintendent Hovenkamp briefly reviewed the grant application request for \$300,000 for construction of a shade shelter/pavilion and play area at the 6th Street Park. This grant requires a 50% match, and the total project cost is estimated at \$600,000.

There were no public comments.

Motion by Beutel, seconded by Kerr, to close the public hearing at approximately 6:12 p.m.

SUPERINTENDENT REPORT

The Board reviewed the Superintendent Report, which highlighted the following items:

Administration

- Two complaints have been received about manufactured home communities being excluded from the Curbside Bulk Item Collection pilot program, which are included as correspondence in the packet.
- Deputy Superintendent Hovenkamp is currently working on the April eNewsletter.

Information

- A community engagement event was held March 15 to garner feedback on the proposed Splash Pad design and features. In addition to the engagement event, a survey was circulated to donors requesting feedback. All comments were shared with the Parks and Trails Committee to make a recommendation to implement some of the suggested features.
- The pickleball courts at 6th Street Park were opened this week, as well as the restrooms at both Texas Drive Park and the Pocket Park.
- The Kalamazoo Public Library (KPL) bookmobile will be making regular visits to the Township, as it was not able to visit the last 18 months due to COVID-19. Dates and times are being advertised on the Township and KPL's websites and social media.
- The 2022 March Board of review began March 14 with 10 appointments, two written appeals, two late personal property statements and 43 veterans' exemptions. Three poverty exemptions were extended for 2022. The 2022 Assessment Roll has been sent and approved by County Equalization.

Flood Mitigation

- The next Task Force meeting is scheduled for Thursday, April 14 at 10:30 a.m. by Zoom.

ADOPTION OF MEETING AGENDA

Motion by Loeks, seconded by Kerr, motion carried, to adopt the meeting agenda with the addition of Item 10G – Resolution **22-06 to Authorize MDNR Trust Fund Grant Application.**

APPROVAL OF GENERAL CONSENT AGENDA

Motion by Boven, seconded by Roberts, motion carried, to approve the General Consent Agenda consisting of:

- Approval of March 14, 2022 Regular Meeting Minutes and March 21, 2022 Special Meeting Minutes
- Approval of Bills for \$61,345.63
- Payroll \$44,063.24
- Correspondence – Curbside Bulk Item Pickup; KPL Bookmobile; Urban Bird Treaty

BUSINESS

Tabled

There was none.

New

Discuss Resident Request to Amend Recreational Marihuana Ordinance

A Township resident, Mr. Connor McClain, has spoken during Citizen Comment at two recent Board Meetings expressing a desire to start a Marihuana Micro Business. However, Ordinance #340 Prohibits Marihuana Establishments, including Micro Businesses. The Township opted out of both medical and recreational marihuana establishments, though it was noted the Township does have several caretaker facilities. Mr. McClain shared his business plan and explained that a micro-business license is limited to 150 plants and allows selling to individuals aged 21 and over coming to the business or via delivery but does not allow selling to establishments.

It was discussed that the state does have requirements for security and monitoring etc., and the Township can set other parameters as well, like how many establishments would be permitted and where. Attorney Homier explained that the Township has two considerations – zoning and land use. Board members discussed concerns, including zoning and traffic, as well as the amount of time it would take to get through the process of making an ordinance amendment. After discussion, the Board agreed not to amend Ordinance #340 at this time.

The Board took no action.

Review Bid Proposal for 6th Street Park Restroom

Deputy Superintendent Hovenkamp explained that bid specs for the 6th Street Park Restroom project were distributed on February 16th and closed on March 10th at 2:00 p.m. Unfortunately, only one bid was received for the project, which was significantly higher than what was originally budgeted.

Motion by Loeks, seconded by Boven, motion carried, to reject the bid from Balkema Construction for construction of the restrooms at 6th Street Park and repackaging and distribute the package going out to bid late summer in August or September with intent of the construction being completed by spring of next year.

Downtown Development Authority (DDA) Appointments

Supervisor Loeks stated that three DDA terms expire in April, and one vacancy was created with the resignation of Jeremy Spinney in January. Chad Kerwin, Natalie St. Louis, and Alexandra Copeland have expressed interest in being reappointed for another four-year term, and two applications for appointment to the DDA have been received. Supervisor Loeks recommended appointing Joe Wolf, owner of Louie's Trophy House, to fill the vacancy left by Jeremy Spinney.

Motion by Boven, seconded by Hammon, motion carried, to reappoint Chad Kerwin, Natalie St. Louis, and Alexandra Copeland to the Downtown Development Authority, with terms expiring on April 30, 2026 and to appoint Joe Wolf to the Downtown Development Authority to fill the vacancy with a term expiring December 31, 2024.

Resolution 22-05 to Designate Enforcing Agency for Township Codes

With staffing changes in the Building Department and Fire Department, Deputy Superintendent Hovenkamp stated the Township needs to designate the enforcing agency for Plumbing Code and Fire Code and felt it was best to adopt a new resolution comprehensive of all codes and staff involved in enforcement. Major changes include:

- Designation of Ken Jewell as enforcing agency for Plumbing Code (and backup for mechanical)
- Designation of Artie Wilcox, Garrett Reitenour, and Kevin Cardiff as backup enforcing agency for the Residential Code, Building Code, Existing Building Code, and the Energy Conservation Code
- Designation of John Stubbs and Tony Banas as enforcing agency for Fire Code

Motion by Kerr, seconded by Mazer, motion carried, to adopt Resolution 22-05, designating the individuals within as the enforcing agency for their respective code areas.

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



ARPA Letter of Support for RCKC

Supervisor Loeks stated that RCKC is requesting letters of support for applications submitted to Kalamazoo County for ARPA funding. RCKC has submitted two applications for \$5,000,000 for Local Road Program Funding and \$5,000,000 for Non-motorized Master Plan Map Funding

Motion by Roberts, seconded by Hammon, motion carried, to authorize Supervisor Loeks to sign a letter of support for the Road Commission of Kalamazoo County's application for American Rescue Plan Act funding through Kalamazoo County.

Discuss Ring Road Funding Request from Q Corners, LLC

Supervisor Loeks recused himself due to a conflict of interest because the firm he works for is working on this project.

The Board asked Attorney Homier if anything would limit the Township's involvement and contribution with this type of project. Because the contribution would support a public road or public infrastructure, he didn't believe there would be any issues. Board members discussed a preference for funding sewer and water infrastructure, as it has participated in that capacity with other projects. They also preferred a public road, rather than one owned and maintained by the DDA or the Township.

The next step would be for Township, DDA and legal counsel to work on an agreement to accommodate the establishment of a ring road to connect Q Avenue and Texas Drive. Board members agreed that the agreement must make sure that adjacent properties has access to the road.

The timeline for the project was also discussed, as the DDA would like to review an agreement at the April 28 meeting so that it would come to the Township Board on May 9 for approval.

Motion by Roberts, seconded by Boven, motion carried, that the Township administration with counsel and representatives from the DDA move forward to draft an agreement for participation with Q Corners LLC in the construction of the sewer and water infrastructure for the connection from Q Avenue to Texas Drive.

Supervisor Loeks recused himself from voting.

Resolution 22-06 to Authorize MDNR Trust Fund Grant Application

Motion by Loeks, seconded by Beutel, motion carried, to adopt Resolution 22-6 to authorize the MDNR Trust Fund Grant Application for 6th Street Park Improvements.

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

COMMITTEE REPORTS

Fire Department Report

Fire Chief Tackett shared statistics from February 2022, in which the Fire Department responded to 64 incidents, 23 of which were Fire and 64 of which were EMS. Board members asked about electric car fires, which require a different response than traditional car fires. Chief Tackett stated they have not yet had an electric car fire in the Township but are training to respond to such a call. He also updated the Board that he is waiting on the results of the background investigation before coming back to Board for authorization to hire the new full-time firefighter.

Planner Report

Board members reviewed Interim Planner Johnston's Planner Report, which provided an overview of activities and projects being managed by the Planning/Zoning Department for the month of February.

BRIEF PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were none.

ATTORNEY'S REPORT

Attorney Homier stated he was glad to be back at Board meetings in person. He also shared that the Michigan Townships Association (MTA) Conference will be held in Lansing this year, and he and several other Foster Swift attorneys will be presenting there.



BOARD MEMBER COMMENTS

Treasurer Roberts received notification today that the Township's 2021 tax settlement was balanced and accepted by the County.

Trustee Mazer stated the Kalamazoo County MTA Executive Committee met, and it will be offering a scholarship to the MTA Conference.

Trustee Hammon asked about the curbside bulk pickup pilot event and if the Township could do something to support the apartment complexes and manufactured home communities that weren't included to participate.

Clerk Beutel attended her third year of Clerks Institute, hosted by the Michigan Association of Municipal Clerks, and earned her Michigan Public Municipal Clerk (MiPMC) certification. She said she learned a great deal and appreciated the opportunity to network and learn from other Michigan clerks.

Trustee Kerr gave an update on the Farmers' Market Committee meeting stating the market hoped to go back to full vendor capacity after two years of COVID-19. She also said that at the Parks & Trails Committee meeting an idea was brought up to make the remaining acreage on the new Township hall parcel into a dog park.

Supervisor Loeks stated he attended the Kalamazoo County Supervisors meeting recently. Consumers Energy gave a presentation on solar panels, as they are putting in thousands of acres of them across the state, and he advised that Texas Township should consider an ordinance for solar farms. He also stated the County is accepting ARPA grant applications through April 15, and it currently has more than \$78 million in applications so far. The County is also trying to do a broadband study to see where the gaps are. Additionally, he said he was part of the interview panel for three great candidates for the full-time firefighter position.

ADJOURNMENT

Motion by Hammon, seconded by Boven, motion carried, to adjourn the meeting. The meeting adjourned at approximately 7:15 p.m.

SUBMITTED: March 30, 2022

Clerk Emily Beutel

Attested: Supervisor Nicholas Loeks

APPROVED: April 11, 2022, as amended