



## CHARTER TOWNSHIP OF TEXAS BOARD MEETING, July 10, 2023

### SPECIAL 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 Linda Kerr, Supervisor Nick Loeks, and Clerk Emily Beutel. Trustee Michelle O'Neill was absent. Also attending were Superintendent Erik Wilson, Deputy Superintendent Brooke Hovenkamp, Engineer Tom Wheat, Zoning Administrator John Lovely, and Deputy Treasurer Emily Meinema.

#### Proposed Amendments to ClearZoning Ordinance Sections 36-2.2, 36-3.4, 36-4.1, and 36-5.1

Zoning Administrator Lovely gave an overview of ordinance updates that the Planning Commission has been working on pertaining to front yard sports courts, land divisions, and deck setbacks. Board members discussed and had some concerns about how allowing flag-shaped lots via land divisions impacts density and access of lots in different zones. Also discussed was how to calculate width of lots for zoning purposes in the land division process. Regarding deck setbacks and sports courts, Board members discussed the potential impacts to neighbors, as well as lot coverage.

#### Discuss Planning Department Interim Staffing

With Mr. Lovely's resignation, Board members discussed plans for interim staffing until a new Zoning Administrator can be hired, including engaging CIB to help with ordinance updates and plan review. There was also discussion on what the Township most needs to provide service to residents in the planning and zoning department based on the types and volume of requests received. It was agreed to further discuss at the July 24 Committee of the Whole meeting before posting a job position.

The Committee of the Whole adjourned at approximately 5:56 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 Treasurer Roberts 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, Supervisor Nick Loeks, Treasurer Trish Roberts, and Clerk Emily Beutel. Trustee Michelle O'Neill was absent. Also attending were Superintendent Erik Wilson, Deputy Superintendent Brooke Hovenkamp, Zoning Administrator John Lovely, Engineer Tom Wheat, and approximately 14 members of the public.

### PUBLIC COMMENTS ON AGENDA AND NON-AGENDA ITEMS

Greg Dobson, resident, attended the Committee of the Whole and thanked Board members for having the conversation about land divisions. He spoke in favor of flag parcels as a developer, which he said allow for smart growth and density.

Joe Walters, resident, is in favor of the front yard sports courts and thanked John for his assistance moving the amendment forward.

Luke Siler stated he works for Green Shield Deck Builders in Kentwood and asked the Board to reduce the deck backyard setbacks.

John Brack, resident, asked the Board to consider septic tank inspections instead of mandating connecting to the sewer.

Becky Pollack, resident, also commented on the sewer mandate and asked the Board to extend the septic system life beyond 25 years.

Paulette Brack, resident, read an email from another resident who has already connected and asked the Board to consider changing the 25-year requirement and allow those properties to defer, as well as non-riparian properties close to the lake.

### PRESENTATION / PUBLIC HEARINGS / COUNTY COMMISSIONER

There were none.



## **SUPERINTENDENT REPORT**

Superintendent Wilson shared the Superintendent Report and highlighted Township activities, including progress on the Township Hall and Fire Department renovation projects, Maple Hill Splash Pad construction, 6<sup>th</sup> Street Park Restroom design, Crooked and Eagle Lake level projects, staffing concerns, and other administrative issues. He asked the Board to remove Item 10E from the agenda until further information can be provided.

## **ADOPTION OF MEETING AGENDA**

Supervisor Loeks asked to make the following changes to the agenda: add Item 10C – Resolution 23-08 regarding Sewer Connections; add Item 10G – Resignation of Alex Zabavski from the Part-Time Maintenance Position; and add Item 10H – Authorize the Superintendent to Hire a New Part-Time Maintenance Person.

Motion by Kerr, seconded by Hammon, motion carried, to adopt the meeting agenda as amended.

## **APPROVAL OF GENERAL CONSENT AGENDA**

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

- Approval of June 26, 2023 Regular Meeting Minutes
- Approval of Bills for \$587,341.22
- Payroll of \$85,143.27
- Year 2 Strategic Plan Update
- New Township Hall Change Order #012 and #013
- 2022 Audit Report

## **BUSINESS**

### ***Tabled***

There was no tabled business.

### ***New***

#### **Crooked and Eagle Lakes Normal Lake Level Project Construction Bid**

Engineer Tom Wheat explained that the County approved the bids for the Crooked and Eagle Lakes Normal Lake Level Project, after some delay. The project has received approval from the bond counsel to move forward, pending bond sales scheduled in early August. The construction plan is to begin dredging after Labor Day, construct through fall and winter, and complete the project by July 1 of next year.

The Township was informed that the State budget approved \$2.2 million in funds for the Township flooding projects, but staff is waiting for more information from Representative Christine Morse and Senator Sean McCann on how those funds can be used.

Motion by Roberts, seconded by Beutel, motion carried, to accept the bid from Balkema Excavating, Inc. for construction of the Eagle Lake and Crooked Lake – Lake Level Control Project in the amount of \$4,464,778.00, subject to bonding, and authorize Supervisor Loeks to sign the contracts.

#### **Resolution 23-07 – Second Reading and Adoption of Ordinance 372 (Mandatory Sewer Connection Amendment)**

Treasurer Roberts explained this resolution allows the Board to amend the mandatory sewer connection ordinance so that the Board can allow waivers and deferments.

Motion by Kerr, seconded by Boven, motion carried, to approve Resolution No. 23-07 to adopt ordinance No. 372, amending Section 32-122 of the Township Code of Ordinances regarding Mandatory Sanitary Sewer Connections.

Roll Call Vote: Ayes – Beutel, Boven, Hammon, Kerr, Loeks, and Roberts. Nays – none. Absent – O'Neill.



### Resolution 23-08 – Criteria

Treasurer Roberts stated Resolution No. 23-08 approves the Waiver, Deferment and Installation Financing criteria related to the Mandatory Sanitary Sewer Connection Ordinance by resolution. She also shared the Special Assessment Petition & Waiver of Rights for Financing.

Board members asked to clarify, under Exceptions 10C, that parcels located in the 10-Year Capture Zone of the Wellhead Protection Area would not be eligible for a waiver or deferral of the connection requirement.

Motion by Kerr, seconded by Hammon, motion carried, to approve Resolution No. 23-08 which details the Criteria for Waivers, Deferments and private installation financing and the Special Assessment Petition and Waiver of Rights Agreement as allowed by Ordinance No. 372, amending Section 32-122 of the Township Code of Ordinances regarding Mandatory Sanitary Sewer Connections, as amended under 10 Exceptions, changing C to say "Parcels located within the 10-Year Wellhead Protection Area."

Roll Call Vote: Ayes – Beutel, Boven, Hammon, Kerr, Loeks, and Roberts. Nays – none. Absent – O'Neill.

### The Sanctuary Preliminary Plat Approval

Zoning Administrator Lovely explained the process for preliminary plat approval, which is the first of three steps in the approval process. American Village Development (AVD) has submitted an application for The Sanctuary plat to include 40 single-family lots, 9 of which are on Eagle Lake and 8 of which are on PQ Ave. Public roads and public sanitary are included in the proposal, as well as private water wells and sidewalks along internal streets. Stormwater will be treated before being discharged into Eagle Lake, per EGLE. The Fire Department and Engineer Wheat have reviewed the preliminary plan and expressed no concerns. Mr. Lovely stated he feels the plan meets the preliminary approval requirements. More detailed plans, showing driveways, sewer, stormwater, etc., will be provided at Step 2 approval.

Jack Gesmundo, AVD, and Paul Schram, Wightman, presented the plan for the property. He stated they met with the Eagle Lake Association members at their annual meeting to answer questions about the development.

Board members reviewed the conceptual plan and expressed some concerns about the wetland area. They also discussed the plat approval process and had some questions and concerns about reviewing the site plan. The current ordinance, which is in the revision process, does not require Planning Commission review, but Board members felt it was an important step.

Motion by Boven, seconded by Loeks, motion carried, to approve the Preliminary Plat subject to the following staff recommended conditions of approval:

1. Confirmation of approval for the proposed public road layout by the Road Commission of Kalamazoo County.
2. Confirmation of street name approval by the county.

Ayes – Loeks, Hammon, Boven, and Beutel. Nays – Kerr, Roberts. Absent – O'Neill.

### Fire Department First Lieutenant and Second Lieutenant Job Descriptions

Supervisor Loeks asked to move this item to the next meeting when additional information would be provided and when Fire Chief Chad Tackett could be present.

Motion by Loeks, seconded by Kerr, to postpone this item until the July 24 meeting.

### Accept Resignation of Zoning Administrator John Lovely

Zoning Administrator Lovely submitted his letter of resignation, effective July 28, 2023. Board members thanked him and wished him luck in future endeavors.

Motion by Loeks, seconded by Hammon, motion carried, to accept the resignation of Zoning Administrator John Lovely, with regrets.

### Accept Resignation of Alex Zabavski

Superintendent Wilson stated that Alex Zabavski has resigned from the part-time Buildings and Grounds position, effective immediately. Staff is working to find a replacement as soon as possible.



Motion by Loeks, seconded by Beutel, motion carried, to accept the resignation of Alex Zabavski.

Authorize Hiring of Part-Time Building and Grounds Maintenance Position

Motion by Beutel, seconded by Boven, motion carried, to authorize Superintendent Wilson to hire a part-time and/or seasonal Buildings & Grounds worker(s) as needed to ensure adequate staffing with an authorized range of \$18-25/hour.

**ZONING / BOARD / COMMITTEE REPORTS / RECOMMENDATIONS**

Planning Department Report

Zoning Administrator Lovely gave his report of planning, zoning and enforcement activities for June. The riparian ordinance survey has received 92 responses from the 600 postcards that were mailed to residents with riparian parcels. There are no pending cases for the August Planning Commission meetings. Trustee Kerr asked Mr. Lovely if he could speak to the Planning Commission about plat review at its next meeting.

**BRIEF PUBLIC COMMENTS ON NON-AGENDA ITEMS**

There were none.

**ATTORNEY'S REPORT**

The attorney was not present.

**BOARD MEMBER COMMENTS**

Treasurer Roberts commented on the Fire Department item and felt there was a lack of communication or clarity on what the Board would like to do moving forward.

Clerk Beutel thanked Mr. Lovely and wished him and his family luck in his next position.

Supervisor Loeks echoed that sentiment.

**ADJOURNMENT**

Motion by Boven, seconded by Beutel, motion carried, to adjourn the meeting. The meeting adjourned at approximately 7:40 p.m.

**SUBMITTED:** July 20, 2023

Clerk Emily Beutel

Attested: Supervisor Nick Loeks

**APPROVED:** July 24, 2023, as presented