

Ontwa Township Board of Trustees Meeting Minutes

February 12, 2024

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Call to Order: The regular monthly meeting of the Ontwa Township Board was called to order by Supervisor Jerry Marchetti at 7:00pm on February 12, 2024.

Pledge of Allegiance:

Roll Call: Supervisor Marchetti, Clerk VanBelle, Treasurer Leist, Trustees Stutsman, Bolock, Kozinski were present. Trustee Christensen was absent.

Approval of Agenda: Trustee Stutsman made a motion to approve the agenda, second by Trustee Kozinski. All in favor, motion passed.

Public Comment: John Brandt, 68441 Channel Parkway, spoke against the request to have a sewer rate study done. Pat Matthews of Eagle Ridge Capital LLC, let the Board know approvals for Eagle Ridge Subdivision have been received. Brigid Forlenza, Wastewater Administrator for Ontwa Township, explained the justification for a rate study. Richard Yoder, 70852 Deer Cove rose to speak on the proposed Market Park but was asked by Supervisor Marchetti to hold his comments for the public hearing comment period.

Trustee Bolock, Zoning and Code Administrator for Ontwa Township, recused herself from the public hearing, and removed herself from the meeting room, because of her interaction with Brian Shier. Supervisor Marchetti introduced Catherine Kauffman, attorney for Ontwa Township, as being on the dais.

Public Hearing 1: Trustee Kozinski made a motion to open the public hearing #1, second by Trustee Stutsman. All in favor, motion passed. Public Hearing #1 opened at 7:10pm. This hearing is a request to rezone parcel #14-090-007-001-01 and parcel #14-090-006-015-04 from AG to C2- General Commercial. The applicant is Eddies Market Park, LLC.

- **Applicant may make a presentation.** Ms. Emily Palacios, of Miller Johnson representing Brian Shier, addressed the Board. The request is for 16 acres to be rezoned as multifamily and 19 acres to be rezoned as C2 commercial because C2 allows for a drive through restaurants. At this time there are no specific plans for the commercial development. She stated that multi family is consistent with the Master Plan. Rob Nicholes of Abonmarche presented a traffic analysis. He stated MDOT says a single point access is acceptable. Any modifications will be paid for by Mr. Shier. There were no questions from the Board at this time.
- **Interested parties may comment – 3 minutes.** Jerry Duck of 69943 Christiana Creek Drive spoke against the rezoning. Will Beadenkopf of 68074 Beebe Road spoke against the rezoning. Gordon Carr 26919 Church Street spoke against the rezoning. Brenda Beadenkopf 68074 Beebe Road spoke against the rezoning. Kay Lane of 27268 Edgewater Drive spoke against the rezoning. Betsy Carls of 29360 US Highway 12 spoke against the rezoning. Tracey Konopka of 66748 Conrad Road spoke against the rezoning. Ed Patzer 23383 Lakeview Drive spoke against the rezoning. Scott McCall, of Leonard Ct. Mason Township, spoke against the rezoning. At this point Catherine Kauffman stated that a site plan is not required for C2. Lynn Schantz of 29353 Pokagon Hwy spoke against the rezoning. Lisa Smith of 69483 Conrad Road spoke against the rezoning. William

Galdeski 69258 Rylynn Lane spoke in favor of rezoning. Letters of support were received by the Clerk's office from Paul Rifenberg of 721 E. Main St, Niles and a letter signed by Nick, Chelsea, Charlotte & Ava Yoder of 69662 Knottingham Lane and Kenneth & Melinda Aven of 25900 May St.

- **Board Consideration and Action of Zoning Application:** Supervisor Marchetti asked for additional comments, having no response Trustee Stutsman made a motion to close public hearing #1, second by Trustee Kozinski. All in favor, motion passed. Public hearing #1 closed at 8:06pm. Rob Nicholes addressed a couple of concerns brought up at public comment: It is not specified yet how the turn lane will be built, and yes there will be a signal light. Ms. Palacios spoke on the impact on services, stating additional monies would be brought in by mills assessed on commercial properties. Those properties allowed will be in line with those allowed by ordinance. They will have approval by the Planning Commission and the Board of Trustees. Katherine reminded the Board to consider the Master Plan and services impacted by rezoning. Following discussion by the Board Trustee Stutsman made a motion to deny, second by Treasurer Leist. Clerk VanBelle suggested the request be tabled to allow more time to review and consider. Trustee Kozinski spoke in favor of the project stating it would be in line with the Master Plan and an investment in the community. Supervisor Marchetti disagreed with Trustee Kozinski. Trustee Stutsman called for a vote. On a roll call vote, the motion to deny passed. Four ayes (Clerk VanBelle, Trustee Stutsman, Treasurer Leist, Supervisor Marchetti) One nay (Kozinski.) Trustee Christensen was absent.

Public Hearing 2: Trustee Stutsman made a motion to open the public hearing #2, second by Trustee Kozinski. All in favor, motion passed. Public Hearing #2 opened at 8:28pm. This hearing is a request to rezone parcel #14-090-006-015-05 from AG to MFR-Multi-family Residential Conditional Rezoning. The applicant is Eddies Market Park, LLC.

- **Applicant may make a presentation.** Ms. Emily Palacios stated the plan is for four three story buildings with 12 units per building, as allowed in the Master Plan. This parcel is more suited for the proposed project vs other available parcels in the township according to Ms. Palacios. Justin Sprague of CBI (Community Image Builders) spoke on the need for new rental housing within Ontwa Township, based upon the company's review of the available data.
- **Interested parties may comment – 3 minutes.** Scott McCall of Leonard Ct, Mason Township, spoke against the conditional rezoning. Rob Nicholes stated that because there is a concern about additional traffic there would not be a need for a signal if 48 units without the commercial properties was allowed. Ms. Palacios stated that there is very little land in Ontwa Township for MFR. No more than 48 units would be built until approval from the Plann Commission, and this is a prime location because of road infrastructure, utilities, proximity to schools and construction of the new library, and a letter of approval from the school superintendent. An agreement of conditional rezoning would be a recorded document with a time period, to be determined, that would expire if Mr. Shier did not uphold the agreement and the land would revert to current zoning. Gordon Carr of 26919 Church Street spoke against conditional rezoning. Tracy Konopka of 66748 Conrad Road spoke against the conditional rezoning. Lisa Smith of 69483 Conrad Road spoke against the conditional rezoning. Jerry Duck of 69943 Christiana Creek Drive spoke against the conditional rezoning. Kay Lane of 27268 Edgewater Drive spoke against the conditional rezoning. Rhonda Miller of Nappanee spoke against the conditional rezoning. Lynn Schantz of

29353 Pokagon Hwy spoke against the conditional rezoning. Ed Patzer 23383 Lakeview Drive spoke against the conditional rezoning. William Galdeski 69258 Rylynn Lane spoke in favor of conditional rezoning. Richard Yoder of 70852 Deer Cove spoke in favor of conditional rezoning. Julie Roberts of 3378 Tiara Trails spoke against conditional rezoning. Betsy Carls of 29360 US Highway 12 spoke against the conditional rezoning. Written statements of opposition were received by the Clerk's office from Damie Jones of 68475 Lane Rd. and Greg Jones of 68475 Lane Rd. Letters of support were received by the Clerk's office from Paul Rifenberg of 721 E. Main St, Niles and a letter signed by Nick, Chelsea, Charlotte & Ava Yoder of 69662 Knottingham Lane and Kenneth & Melinda Aven of 25900 May St.

Trustee Stutsman made a motion to close Public Hearing 2, seconded by Treasurer Leist. All in favor, motion passed. Public Hearing #2 closed at 9:39pm.

- **Board Consideration and Action of Zoning Application:** Trustee Stutsman made a motion to deny the requested conditional rezoning, seconded by Treasurer Leist. Clerk VanBelle asked that questions brought forward by Scott McCall be addressed. The two questions are have soil samples been done and have water samples been done. Ms. Palacios replied that no soil samples have been taken and the property will be on city water. Trustee Kozinski stated he sees a need for affordable housing. Following discussion a roll call vote was taken. Motin to deny passed, 5 ayes, 0 nays, Trustee Christensen was absent.

Approval of Consent Agenda: Trustee Stutsman made a motion to approve the Consent Agenda, second by Trustee Bolock. Motion passed on a roll call vote, 6 ayes, 0 nays. Trustee Christensen was absent.

Commissioner's Report: Commissioner Marchetti: There are 190 parcels in danger of foreclosure for 2021 and for 2022 the rate is 1,113 delinquent parcels. The Treasurer's office is working with property owners to help them pay their taxes. Clerk McMichael said with the passage of Proposal 2 the cost and work required for the clerks to conduct an election has doubled.

Committee Board Reports: Due to the length of the meeting, there are no committee reports this month.

Old Business:

Elkhart Road Project: Trustee Kozinski made a motion to reapply for the grant, second by Trustee Bolock. Motion passed on a roll call vote, 6 ayes, 0 nays. Trustee Christensen was absent.

New Business:

Eagle Ridge Subdivision: Trustee Bolock made a motion to take some time to review the packet presented by Patrick Matthew, of the Eagle Ridge subdivision, and have this on the agenda for the March Board meeting, second by Clerk VanBelle. All in favor, motion passed.

Bakertilly Rate Study: Trustee Stutsman made a motion to accept the quote from Bakertilly for a sanitary sewer rate study, not to exceed \$14,900., second by Trustee Kozinski. Motion passed on a roll call vote, 5 ayes, 1 nay (Clerk VanBelle) Trustee Christensen was absent.

Detection Instruments Oda-Logger: Trustee Stutsman made a motion to approve at a cost not to exceed \$2,700 to cover cost of second odal logger for end of pipe, second by Trustee Kozinski. Motion passed on a roll call vote, 6 ayes, 0 nays. Trustee Christensen was absent.

Elite Services Lighting Wastewater Building: Trustee Stutsman made a motion to accept the quote from Elite Services at a cost not to exceed \$1,650 replacing and rewiring 3 exterior lights and install a

new dusk to dawn time at the wastewater building., second by Trustee ~~Stutsman~~ Kozinski. Motion passed on a roll call vote, 6 ayes, 0 nays. Trustee Christensen was absent.

IAI-X-Ripper Maintenance: Trustee Stutsman made a motion to approve performing maintenance on the grinder at C1 at a cost not to exceed \$2,925, second by Trustee Kozinski. Motion passed on a roll call vote, 6 ayes, 0 nays. Trustee Christensen was absent.

Resolution to Adjust /Amend the Budget: Clerk VanBelle made a motion to adjust/amend the FY 2023-2024 budget by transferring \$30,646.59 from 101-000-528 ARPA Revenue to 101-651-Ambulance for the purchase of a new ambulance and table and chairs for the ambulance staff living quarters. Second by Trustee Stutsman. Motion passed on a roll call vote, 6 ayes, 0 nays. Trustee Christensen was absent.

Announcements: Next regular Township Board meeting will be March 11th, Ambulance Board cancelled for February, Police Board February 15th, Wastewater Board February 28th
Planning Commission March 6th.

Adjourn: Trustee Stutsman made a motion to adjourn, second by Trustee Kozinski. Meeting adjourned at 10:08pm.

Respectfully submitted:

Tina VanBelle, Ontwa Township Clerk

Date Approved: _____

Linda Weaver, Recording Secretary