

LINCOLN CHARTER TOWNSHIP
BERRIEN COUNTY, MICHIGAN
REGULAR MEETING
April 8, 2008

THE REGULAR MEETING of the Lincoln Charter Township Board of Trustees was called to order on April 8, 2008, at 7:00 p.m. by Dick Stauffer, Supervisor, in the Municipal Building, 2055 W. John Beers Road, Stevensville.

BOARD MEMBERS PRESENT: Marc Florian, Deb Peterson, Dick Stauffer, Sharon Geisler, Brian Jewell, and Al Pscholka

BOARD MEMBERS ABSENT: Terrie Smith – Arrived at 8:20 p.m.

The PLEDGE OF ALLEGIANCE was given.

CHANGES TO AGENDA. None.

Public Hearing for “Safe Routes to Schools”. Supervisor opened the public hearing at 7:20 p.m. Parent/resident Megan Green presented the plans for “safe routes to schools” – sidewalks on north side of El Dorado, east side of S. Roosevelt to Hidden Pines, south side of John Beers between Ponderosa and Wyndstone, lighting at crosswalks, zebra stripes at crosswalks, flashers, safety instruction, and moveable radar box. The grant is being applied for by the schools with township cooperation. The Berrien County Road Commission, Police Chief, township engineer, township treasurer, school representatives, and concerned residents participated in the project. The grant is 100% federal funds with no local match. Surveys indicated many more students would be allowed to walk or bike to school if there weren't safety concerns.

Paul Schmitt, 1789 El Dorado – will lose ½ of his front yard; doesn't want to be responsible for anyone hurt on his sidewalk; doesn't think its right he would have to pay 50% of repair cost when everyone else would be using them; why not widen El Dorado for a pathway; there was never any problem with traffic and kids when his children were young.

Megan Green – The Road Commission and State are not in favor of walkways connected to the street for safety reasons, and want a separation between them; a sidewalk does not have any bearing on liability; in a perfect world there would not be issues with drivers, but that is not how it really works.

Larry Stehle, 1805 El Dorado – has same concerns; many more cars; not many walk; need more police patrols.

Megan Green –our engineer will consider trees when preparing the plans; grants will be announced sometime in May, then there is 6 month for paperwork, work would probably be started in 2009.

Jenny Johnson, 1761 El Dorado – concerned if there is enough room for a 5' sidewalk in the right-of-way; doesn't want her tree removed; concern with driveways; is grade affected; mothers drive 35 - 40 miles per hour, so they are the problem; the only traffic is during school time; doesn't think a sidewalk will solve the problem.

Tim Pullins, 2086 John Beers – doesn't feel there is a problem; should lower the speed limit; power lines would have to be moved and they would practically be on his house; sidewalk should be on north side.

Megan Green – when considering the long range projection, it tipped the scale to have the sidewalk on the north side if there is a traffic light at Roosevelt. Don't want a separation between the crosswalk and the light; grant included funds for moving utilities; trying to do what is best and consider the concerns of the property owners and the safety of the children.

Ed Chuss, 1795 Hacienda – walks and bikes with children to school sometimes, and if there were a sidewalk on El Dorado, would use it much more frequently; good idea, good program, cost is free, and supports the program.

Loren Gerber, 1668 Bonny Bruce – Township should have plans to take care of sidewalks, it isn't fair to residents on the street when everyone in the subdivisions benefit.

Al Pscholka thanked Megan for working on this project for 10 months as a concerned resident and mom

for the safety of the children. Our long range plans include sidewalks for this square and he supports the program.

Supervisor closed the public hearing at 8:00 p.m.

Letter of Support. Motion Carried. Stauffer moved, seconded by Pscholka, to authorize the supervisor to sign the Letter of Support of Safe Routes to Schools. **Attachment A.**

Set Public Hearing. Motion Carried. Stauffer moved, seconded by Florian, to set a public hearing for 7:05 p.m. on May 13, 2008, on the zone change in the new Zoning Ordinance, as requested by some Locust Lane residents.

CORRESPONDENCE.

Stauffer reported, letters from residents on Locust Lane regarding their rezoning in the proposed new Zoning Ordinance and a letter from the Berrien County Planning Commission recommending approval of the new ordinance; letter from MI State Police thanking Dan Sullivan and Ron Burkett for last minute help in relocating to the LCT Fire Station for officer training.

APPROVAL OF CONSENT AGENDA. MOTION CARRIED. Stauffer moved, seconded by Florian, to approve the consent agenda as presented.

- 1. Minutes of the 3/11/08, special noon, closed session, and regular meetings, and 3/31 special meeting.
- 2. Approve the 4/15/08 and 3/30/08 bills from the following funds.

General Fund	\$ 261,334.49
Parks Fund	4,679.85
Parks Capital Improvement	19,150.67
Cemetery Fund	1,818.92
Building Fund	12,144.00
Township Improvement Fund	-0-
Police Fund	73,940.89
Police Drug	-0-
Police Capital Improvement	-0-
Sewer Enterprise	
Sewer Operating	57,723.09
Water Enterprise	
Water Operating	1,983.35
Water Improvement	-0-
TOTAL	432,775.26

UNFINISHED BUSINESS. None

NEW BUSINESS. None

SUPERVISOR’S REPORT.

Drains. Received Notice of Review of Apportionments for the Heyn and Evans drains; notice of intent to schedule Board of Determination for Zielke’s Vintage Estates No. 2.

NPDES. Engineer working on costs to maintain water on township site.

Ordinance Enforcement. Received update.

Rental Ordinance. Motion Carried. Florian moved, seconded by Stauffer, to introduce for its first reading an ordinance to amend the rental registration and inspection ordinance being part 200 of the compilation of ordinances of Lincoln Charter Township. *Ordinance No. 08-02.* **Attachment B.** Roll Call

Vote: Ayes: Florian, Peterson, Stauffer, Geisler, Jewell, and Pscholka. Nays: None.

CLERK'S REPORT. Geisler reported because of the early date of the board meeting, and the additional time needed to close the year at 3/31/08, the cash balances are not available.

TREASURER'S REPORT.

Amend Liquor Application by Fireside. Motion Carried. Geisler moved, seconded by Peterson, to amend the Liquor Application by Fireside to include music and dancing. **Attachment C.** Roll Call Vote: Ayes: Peterson, Stauffer, Geisler, Jewell, Pscholka, and Florian. Nays: None.

PLANNING COMMISSION REPORT. Florian reported they elected officers.

Zoning Ordinance and Map. Motion Carried. Florian moved, seconded by Jewell, to introduce the first reading of an ordinance to amend the Zoning Ordinance and Map of the compilation of ordinances of Lincoln Charter Township in its entirety including (1) recommendations of the Planning Commission in letter dated April 3 from Township Planner and water access revision approved during April 7 meeting and (2) recommendations from township planner to include changes from new Michigan Zoning Enabling Act under PA 12 of 2008 as recommended by the Planning Commission. The Berrien County Planning Commission has also recommended approval. *Ordinance 08-03.* **Attachment D.** Roll Call Vote: Ayes: Stauffer, Geisler, Jewell, Pscholka, Florian and Peterson. Nays: None.

Smith arrived at 8:20 p.m.

ZONING BOARD OF APPEALS REPORT. None.

ASSESSOR'S REPORT. Distributed to board.

BUILDING DEPARTMENT REPORT. One single family residential permit was issued in March.

AIRPORT AUTHORITY REPORT. Distributed to board.

FIRE BOARD. Minutes distributed to board.

POLICE DEPARTMENT REPORT. Distributed to the board.

LIBRARY REPORT. None, director out of town.

PARKS REPORT. Smith reported the bids for the ADA walkway are due 4/18/08; dugouts have been started; grant has been received by the State, and we should know in June if we were selected.

LMSWSTA (water authority).

Amendment to Communication Tower Ordinance. Motion Carried. Stauffer moved, seconded by Pscholka, to introduce for its first reading an ordinance to amend part 198 of the compilation of ordinances of Lincoln Charter Township, being the communication tower ordinance to add provisions concerning performance guarantee requirements and to regulate the collocation of telecommunication facilities on public water towers. Florian was concerned with height and having cell towers close to it. *Ordinance 08-04.* **Attachment E.** Roll Call Vote: Ayes: Geisler, Jewell, Pscholka, Florian, Peterson, Smith, and Stauffer. Nays: None.

Public Comment. None.

ADJOURN. There being no further business, the chair adjourned the meeting at 8:30 p.m.

Sharon Geisler, Clerk

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