

LINCOLN CHARTER TOWNSHIP
BERRIEN COUNTY, MICHIGAN
REGULAR MEETING
August 12, 2008

THE REGULAR MEETING of the Lincoln Charter Township Board of Trustees was called to order on August 12, 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, Terrie Smith, Dick Stauffer, Sharon Geisler, Brian Jewell, and Al Pscholka

BOARD MEMBERS ABSENT: None.

ALSO PRESENT: Attorney Dienes and Planner Lynee Wells.

The PLEDGE OF ALLEGIANCE was given.

CHANGES TO AGENDA. None

Set Public Hearing. Motion Carried. Stauffer moved, seconded by Pscholka, to set a public hearing for streetlight special assessments for Forest Brook Subdivision for 7:03 p.m. on September 9, 2008.

CORRESPONDENCE.

Stauffer reported on a letter from Comcast regarding channel line-up changes; petition from residents of Harmony Path and Paulmar Ave. requesting approval of Lakeside Beach Club PUD; letter from resident opposing Lakeside Beach Club; and letter from resident opposing Lake Pines Drive as access to Lakeside Beach Club.

Geisler requested removal of the appointment of John Olson to the Brownfield Redevelopment Authority from the consent agenda.

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

1. Minutes of the 7/08/08, special noon, closed session, and amended regular meeting.

2. Approve the 8/15/08 and 7/30/08 bills from the following funds.

General Fund	\$ 188,635.57
Parks Fund	6,798.25
Parks Capital Improvement	-0-
Cemetery Fund	1,659.45
Building Fund	11,390.39
Township Improvement Fund	1,400.00
Police Fund	77,432.85
Police Drug	-0-
Police Capital Improvement	-0-
Sewer Enterprise	
Sewer Operating	58,179.72
Sewer Improvement	46,706.50
Water Enterprise	
Water Operating	4,043.05
Water Improvement	-0-
TOTAL	396,245.78

3. Reappoint Barb Cheek to the Brownfield Redevelopment Authority for a one year term to expire 10/1/09.

4. **Reappoint John Olson. Motion Carried.** Geisler expressed concern that John Olson was not a Township resident, however, he is knowledgeable and is willing to serve. Pscholka moved, seconded by Peterson, to reappoint John Olson to the Brownfield Redevelopment Authority to a two year term to expire 10/1/10.

UNFINISHED BUSINESS. None

NEW BUSINESS. None

SUPERVISOR'S REPORT.

Appointments. Motion Carried. Stauffer moved, seconded by Peterson, to appoint Ralph Bansen to the Brownfield Redevelopment Authority for a two year term from 10/01/08 to 10/01/10 .

Ordinance Enforcement. Received update.

Litigation – Parks Commission Appeal. MTA will continue to assist us in the Risk/Tucker litigation.

Lakeshore Boosters Fireworks Permit Application. Motion Carried. Pscholka moved, seconded by Peterson, to approve the fireworks permit issued to Melrose Pyrotechnics, Inc. for displays at Lakeshore High School Football Field on 8/20/08, 8/28/08, 9/19/08, 9/26/08, 10/3/08, and 10/24/08. Certificate of Liability insurance has been furnished.

CLERK'S REPORT.

Book Balances at 7/31/08 are as follows: \$994,288.76 in the general fund; \$892,229.04 in police; \$28,228.79 in parks; \$104,616.93 in cemetery; \$33,920.09 in building; \$324,306.53 in township improvement; \$15,912.24 in police capital; \$70,769.51 in parks capital; \$2,090,959.24 in sewer operating; \$1,957,379.44 in sewer replacement; \$294,256.94 in sewer improvement; \$2,229,538.66 in water operating; \$705,500.18 in water replacement; \$4,568,772.95 in water improvement; \$1,256.30 in trust & agency; \$74.84 in Glenlord sidewalk special assessment; \$438.77 in DeFay Rd. special assessment; and \$78,902.81 in street lighting. We also have funds in T & A delinquent taxes \$11,770.26; tax account \$411,595.68; fire station debt \$77,674.19; library bond \$154,914.74; flex spending \$3,962.89. All balances have been verified with the treasurer's records.

Budget Adjustments. Geisler reported several budget adjustments were approved at the noon workshop meeting to accommodate the decreased building fund income; among the changes were the elimination of the fall trash days and the fall newsletter.

TREASURER'S REPORT. Investment report was distributed to the board. Current interest rate is 2.4% compared with 5.4% last year.

PLANNING COMMISSION REPORT.

Lakeside Family Church Rezone Request. Motion Carried. Stauffer moved, seconded by Jewell, to adopt at its 2nd reading an amendment to the Zoning Ordinance to rezone parcel #11-12-0032-0003-01-4 from I-1 Limited Industrial to Low Density, as recommended by the Planning Commission, to allow for a house of worship/place of public assembly with the following conditions: the new Zoning ordinance will apply; the property will only be used for a house of worship/place of public assembly; and if the property is not used as such for a period of six consecutive months, the property will revert back to Limited Industrial. *Zoning Ordinance 08-Z01. Attachment A.* Roll Call Vote: Ayes: Florian, Peterson, Smith, Stauffer, Geisler, Jewell, and Pscholka. Nays: None.

Lakeside Beach Club. No Action Taken. Anthony Perry of A. Perry Designs & Builds P.C., of Libertyville, IL, has applied for a planned unit development for 31.11 acres at 3822 Red Arrow Highway, parcels #11-12-0009-0022-01-4, #11-12-0009-0022-02-2, & #11-12-0009-0022-00-6 for 299 dwelling units and approximately 30% of open space. The project will take 10 to 12 years to complete and includes saving trees, reusing some trees, underground parking, and golf cart path wide enough for fire truck. There will be 9.48 acres of open space, five seven story buildings 1,000' from the highway and not more than 75' in height, 19 single family homes on the lake side of the property, and three commercial buildings on Red Arrow Highway with one building being two stories and having office uses in the second story. Fire Chief Ron Burkett reported he would not have an issue with the 19 homes, but without dimensions, he did not know if our trucks or another municipality's trucks would have access to the back or one side of each of the five condos. A ladder truck requires a certain area of pavement for stability in use. Florian reported the notes on the PUD plan were not in agreement with the requests of the Planning Commission. There were issues other than public safety; building height of 75', which is really 84' to accommodate elevator shaft; rentals are not allowed – PUD note #8 states condos are not apartments but can be rented as allowed under current zoning law; plan note #5 states trees will be replaced with trees that match the total caliper inches of the removed trees; planning commission required all fencing to be resin or wrought iron – note #4 states all new fencing will meet this requirement (reason given to not replace chain link fences on the north and south side of property was removing the fences may destroy the trees and the neighbors want the trees to shield the property.) The review committee had four main issues – height, number of stories, road access from Red Arrow, driveway spacing, and the turn-around had to be agreeable to the fire chief prior to preliminary approval. Stauffer felt the Board needed more information before considering preliminary approval. Florian still feels the project is out of character, Pscholka is even more against now that it is 84', Stauffer and Peterson are concerned with public safety, and Jewell indicated he would not approve anything greater than 75'. Perry indicated he could not change the height on his plan. Planner Lynee Wells pointed out the Planning Commission already had safety concerns and had understood everything had been reviewed by the fire chief.

ZONING BOARD OF APPEALS REPORT. None.

ASSESSOR'S REPORT. Distributed to board.

LIBRARY REPORT. Dina Reilly reported Friends of the Library will have a fall garden tour 9/6. They have another grant for art supplies, they are taking sealed bids for sale of drafting table, books can be renewed online and in the future will be able to pay fines online.

BUILDING DEPARTMENT REPORT. Four single family residential permits were issued in July.

Ordinance to Amend Sections 1-1 and 1-2 of Part 190 of the Compilation of Ordinances. Motion Carried. Stauffer moved, seconded by Pscholka, to adopt at its 2nd reading an ordinance to amend sections 1-1 and 1-2 of part 190 of the compilation of ordinances of Lincoln Charter Township to adopt the 2006 editions of the Michigan Building, Plumbing, Mechanical, Residential (1 & 2 Family Dwellings), Existing Building, The International Energy Conservation, Private Sewage Disposal, Property Maintenance, Fire and Fuel Gas Codes. *Ordinance 08-05. Attachment B.* Roll Call Vote: Ayes: Smith, Stauffer, Geisler, Jewell, Pscholka, Florian, and Peterson. Nays: None.

AIRPORT AUTHORITY REPORT. No report.

FIRE BOARD. Minutes distributed to board. The Fire Board recommends a full time fire chief and would like to discuss the matter in September.

POLICE DEPARTMENT REPORT. Distributed to the board. Stauffer reported a video camera needed to be replaced, and there were funds available. Next years budget will include funds to replace the video cameras in the rest of the police vehicles.

PARKS REPORT.

Smith reported we did not receive the grant so we are proceeding with plans for the restrooms at the soccer fields. We may be short of required funds and may have to make budget revisions.

LMSWSTA (water authority). Pscholka stated the water tower will be delayed about a week because of a shortage of welders, and they will be meeting on the wording on the towers. Cornerstone may supply the funds if they use Michigan's Great Southwest.

Public Comment.

Resident suggested we do a study about a ladder truck, it's a great expense and do we really need it. Concerning calls regarding our parks – Attorney Dienes reported the decision of the Court of Appeals has not yet been entered and won't be until our rights are satisfied with the Supreme Court, and as such all communication needs to be with Township officials or staff.

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

Sharon Geisler, Clerk

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