

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

THE REGULAR MEETING of the Lincoln Charter Township Board of Trustees was called to order on February 12, 2008, at 7:05 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.

The PLEDGE OF ALLEGIANCE was given.

CHANGES TO AGENDA. None.

**PUBLIC PRESENTATION. Land & Water Conservation Fund Grant Application for 80 Acre Park.** The following information was presented by Dave Austin, Township engineer.

- This is a public meeting to make a presentation on a proposed grant application to the Land and Water Conservation Fund for the construction of a new restroom facility at the 80 Acre Park and to seek input from the citizens of Lincoln Township.
- This meeting is required as a part of the application process. In addition, after the presentation, the Township Board will consider taking formal action to support the submittal of the application and to provide the required matching funds.
- The project involves the installation of a new restroom facility with a concession area to be placed on the south – central end of the park. This improvement was originally contemplated in the Townships 5 year Community Recreation Plan that was adopted in 2004. In that plan, the addition of a restroom on this area was listed as a high priority project.
- The entire project will include the restroom building and the extension of existing water and sanitary sewer service from the north end of the park.
- The proposed restroom location is to be adjacent to the new playground equipment that was installed last year. The restroom will be connected to the playground area, the picnic area and the parking lot area with a 10 foot wide paved path that is being installed separately by the Township this spring.
- The proposed building is to be a block building that is consistent in style with other buildings in the park, namely the baseball/softball facilities to the north. The footprint of the building includes separate facilities for men's and women's restrooms with 2 stalls in each. The proposed building includes a small storage area and a separate janitor's closet. A concession area is included that will have water and electric available with a roll-up door at the counter. There will be a roof overhang at the concession area.
- The building will be ADA compliant and will need to incorporate sustainable design features wherever possible to maximize grant eligibility. For instance the use of recycled building materials, energy saving lighting and low water use fixtures will be incorporated in to the design. Sky lights can be installed to assist with lighting.
- The project needs to not only meet the ADA guidelines, but should exceed them and be "universally accessible" for all users, not just those with disabilities. This can not be a single use facility, but should be available for use by all the park areas.

- The estimated cost for the project is \$150,000 which is also the maximum project amount allowed under this grant program. The Township must commit, by resolution, to providing 50% matching fund which amounts to \$75,000.
- The applications are due March 1st. The MDNR should have a recommendation by the end of June. If approved, it still has to go to the National Park Service for approval, so the earliest time we can expect the moneys will be in September of 2008. Most likely, this project will be completed in 2009.

### Questions from the audience and responses from Dave Austin

1. **Can the restroom be sized larger? Is it adequate for this use?** – The restroom was sized for normal use of this facility and to fit within the allowable budget constraints. We could provide more restrooms, but would have to eliminate/reduce storage and concession area space. We will look at options during design. It is not intended to be sized to handle peak uses like soccer tournaments. We would expect that when those events occur, “porta-potty” facilities will have to be brought in to supplement the restroom.
2. **Can we save room by having a unisex toilet?** We could add a unisex stall, but the best accessibility will be for both the men’s and women’s sides to be fully accessible.
3. **What is the source for the matching funds?** It is my understanding that the Township will use funds on hand in the General Fund, and the water and sewer fund.
4. **Can we contribute to the cause?** The Township can accept donations and commitments to donate cash, labor and materials, but in order to qualify for the grant, firm commitments in writing acceptable to the MDEQ will be required to be submitted with the application.
5. **People outside of the Township use this facility. Can we count them in the population?** Yes. We were planning on including an allowance for those non-Township residents who use the facility. If you have specific information (numbers and addresses/zip codes) regarding this that may be helpful for the submittal. Please submit it to the Township Treasurer as soon as possible.
6. **What is the schedule for the grant?** As I stated earlier, the application is due March 1<sup>st</sup> and we expect an answer from MDNR by the end of June.
7. **What are our chances in getting the grant? How many communities are applying?** I don’t have an exact count of applicants of course, but with the way the economy is, I suspect they will certainly receive dozens of applications. Our job is to make the application competitive, but it will be a tough sell with the competition. I understand that this program is funded this year so the moneys are in place.
8. **What do you mean by universally accessible?** - The project can’t just meet the ADA guidelines, but has to exceed them. In addition, the facility isn’t to be designed just to serve persons with disabilities, but to serve all potential users.
9. **What if they only give us \$100,000?** - It is my understanding that there are no partial grants; they will either award the entire \$75,000 or nothing
10. **Do we get all the money upfront or is this a reimbursement program?** – It is a reimbursement program, so you will be required to provide the moneys up front.
11. **How long do we have to spend the money?** – I believe it is two years.
12. **When do we have to have the funds?** –Geisler noted we have the funds, but they are not specifically budgeted for this use at this time so a budget adjustment will be necessary at some point.

**Resolution of Support and Commitment for Local Match. Motion Carried.** Pscholka moved, seconded by Peterson, to adopt the resolution of support and commitment for local match for a Land and Water Conservation Fund Grant application for 80 acre park restroom improvements. *Resolution 08-02. Attachment A.* Roll Call Vote: Ayes: Florian, Peterson, Smith, Stauffer, Geisler, Jewell, and Pscholka. Nays: None. Resolution Declared Adopted.

**Set Public Hearing Street Light Special Assessment District. Motion Carried.** Stauffer moved, seconded by Jewell, to set a public hearing for 7:00 p.m. on March 11, 2008, for a street light special assessment district for Marquette Estates II Subdivision.

**Set Budget Public Hearing. Motion Carried.** Stauffer moved, seconded by Peterson, to set a budget public hearing for 7:05 p.m. on March 11, 2008.

**CORRESPONDENCE.**

Stauffer reported, letters from Comcast announcing new channel lineups; and Curious Kids to the fire department thanking them for plastic firefighter kids' hats.

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

- 1. Minutes of the 1/22/08, special noon, regular, and closed session meetings.
- 2. Approve the 2/15/08 bills from the following funds.

General Fund	\$ 136,230.58
Parks Fund	2,579.42
Parks Capital Improvement	-0-
Cemetery Fund	848.61
Building Fund	9,856.64
Township Improvement Fund	50,385.00
Police Fund	51,788.52
Police Capital Improvement	-0-
Sewer Enterprise	
Sewer Operating	83,774.18
Water Enterprise	
Water Operating	18,107.67
Water Improvement	-0-
TOTAL	353,570.62

**UNFINISHED BUSINESS.** None

**NEW BUSINESS.** None

**SUPERVISOR'S REPORT.**

Drains. Hollywood Consolidated Drain #524 Board of Determination – project needs to be done.

Appointments to TWINCATS. Motion Carried. Stauffer moved, seconded by Geisler, to appoint Terrie Smith to the TWINCATS technical committee and Dick Stauffer as alternate.

Ordinance Enforcement. Received update.

**CLERK'S REPORT.**

**BOOK BALANCES** are as follows: \$726,104.97 in the general fund; \$320,329.47 in police; \$15,719.94 in police capital; \$23,518.17 in parks; \$39,379.15 in parks capital; \$239,578.28 in township improvement; \$2,114,763.92 in sewer operating; \$1,837,720.26 in sewer replacement; \$293,418.39 in

sewer improvement; \$2,484,046.83 in water operating; \$599,041.99 in water replacement; \$4,426,714.68 in water improvement; \$78,674.38 in street light fund; \$67,494.70 in building fund; \$459.00 in Glenlord sidewalk special assessment fund; \$0 in Cleveland Ave. sidewalk special assessment fund; \$2,191.82 in DeFay Road special assessment fund; and \$84,665.13 in cemetery fund. We also have funds in trust & agency \$1,592.00; t & a delinquent taxes \$15,894.79; tax account \$585,260.41; fire station debt fund \$62,971.97; library bond debt fund \$126,286.47; and flex spending account \$2,898.07. All balances have been verified with the treasurer's records as of 1/31/08.

**Budget Adjustment. Motion Carried.** Geisler moved, seconded by Peterson, to approve following budget adjustment:

Department	Budget	Adjustment	Adjusted Budget
<b>General Fund Expense</b>			
Drains	\$38,000	\$15,000	\$53,000
Elections	46,000	1,500	47,500
Fire Department	223,295	36,125	259,420
<b>General Fund Revenue</b>			
State Grants – FireDept.	-0-	34,320	34,320
Reimbursements	100	8,200	8,300
Reimbursements –Schools	12,505	4,100	16,605
Revenue Sharing	810,000	65,000	875,000
<b>Twp Improvement Revenue</b>			
Proceeds from Borrowing	-0-	190,000	190,000
<b>Twp Improvement Expense</b>			
Fire Equipment	-0-	50,385	50,385

**Berrien County Data Processing Contracts. Motion Carried.** Geisler moved, seconded by Smith, to approve the three year agreement with the Berrien County Board of Commissioners for data processing services and the supplemental agreement with the County to provide information for billing and collection of summer school taxes for the years 2008, 2009, and 2010. **Attachment B.**

**Old Hickory Drain. Motion Carried.** Geisler moved, seconded by Peterson, to approve paying the Old Hickory Drain #379 Township at large share of \$5,266.98 by June 1, 2008, to save interest expense.

**TREASURER’S REPORT.**

**Transfer Liquor License. Motion Carried.** Smith moved, seconded by Peterson. To adopt the resolution to recommend approval of the request from Nacho Papas Grill & Cantina, Inc., to transfer ownership on 2007 Class C licensed business (in escrow) from Pedro’s of Michigan, L.L.C. *Resolution 08-03. Attachment C.* Roll call Vote: Ayes: Peterson, Smith, Stauffer, Geisler, Jewell, Pscholka and Florian. Nays: None.

**PLANNING COMMISSION REPORT.** Florian reported a public hearing on the Zoning Ordinance has been set for 7:05 p.m. on March 3, 2008.

**ZONING BOARD OF APPEALS REPORT.** None.

**ASSESSOR’S REPORT.** Distributed to board.

**Resolution to Allow Property Owners to Protest in Writing. Motion Carried.** Stauffer moved, seconded by Jewell, to adopt the Resolution to Allow Property Owners to Protest in Writing. *Resolution*

08-04. **Attachment D.** Roll Call Vote: Ayes: Smith, Stauffer, Geisler, Jewell, Pscholka, Florian, and Peterson. Nays: None.

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

**Ordinance to Adopt the Michigan Plumbing & Mechanical Codes, 2006 Edition. Motion Carried.** Stauffer moved, seconded by Pscholka, to introduce for its first reading Ordinance 08-01, an ordinance to adopt the Michigan Plumbing and Mechanical Codes, 2006 Editions. **Attachment E.** Roll call Vote: Ayes: Stauffer, Geisler, Jewell, Pscholka, Florian, Peterson, and Smith. Nays: None.

**AIRPORT AUTHORITY REPORT.** Distributed to board.

**FIRE BOARD.** Minutes distributed to board.

**Fire Board Officers. Motion Carried.** Jewell moved, seconded by Pscholka, to approve the following Fire Board Officers. Chairman – Pete Fister, Vice Chairman – Joe Clark; Treasurer – Pat Arter; and Secretary – Darin Jablonski.

**Approve Trial Trainee. Motion Carried.** Jewell moved, seconded by Stauffer, to approve Richard Wing as a trial trainee.

**Computer Recycling. Motion Carried.** Jewell moved, seconded by Peterson, to approve holding the Berrien County computer recycling at Lincoln Charter Township Fire Station and pay the firemen for working. This is our contribution to the community.

**Resolution to Authorize Installment Purchase of Mini Pumper Fire Truck. Motion Carried.** Jewell moved, seconded by Peterson, to adopt the resolution to authorize the execution of an installment purchase agreement to finance the cost of a 2008 KME mini pumper and authorizing the undertaking of all other necessary and required acts in connection with the financing thereof for \$189,475 at 3.38% interest. *Resolution 08-05.* **Attachment F.** Roll Call Vote: Ayes: Geisler, Jewell, Pscholka, Florian, Peterson, Smith, and Stauffer. Nays: None.

**POLICE DEPARTMENT REPORT.** Distributed to the board.

**LIBRARY REPORT.** None.

**PARKS REPORT.** Resident asked if we could ask for a parks millage.

**LMSWSTA (water authority).**

**Operating and Maintenance Services Agreement. Motion Carried.** Pscholka moved, seconded by Smith, to approve the Operating and Maintenance Services Agreement between the Lake Michigan Shoreline Water and Sewage Treatment Authority and the Southwest Michigan Regional Sanitary Sewer and Water Authority. This will allow the new Authority to make certain improvements and operate, maintain and repair the system. The annual percentage for each municipality will be based on water flow and will be reviewed annually. **Attachment G.** Roll call Vote: Ayes: Jewell, Florian, Peterson, Smith, Stauffer, Geisler, Jewell and Pscholka. Nays: None.

ADJOURN. There being no further business, the chair adjourned the meeting at 8:25 p.m.

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Sharon Geisler, Clerk

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