

LINCOLN CHARTER TOWNSHIP
BERRIEN COUNTY, MICHIGAN
SPECIAL NOON MEETING
July 14, 2009

A SPECIAL MEETING OF THE LINCOLN CHARTER TOWNSHIP BOARD OF TRUSTEES WAS CALLED BY SUPERVISOR DICK STAUFFER FOR THE PURPOSE OF REVIEWING THE AGENDA OF THE REGULAR MEETING OF JULY 14, 2009.

Notice was posted July 14, 2009.

THE SPECIAL MEETING of the Lincoln Charter Township Board of Trustees was called to order by Supervisor Dick Stauffer on July 14, 2009 at 11:36 a.m. at the Municipal Building, 2055 W. John Beers Road, Stevensville.

BOARD MEMBERS PRESENT: Florian, Loar-Porter, Peterson, Norbey, Smith, and Stauffer.
BOARD MEMBERS ABSENT: Gillette.

ALSO PRESENT: Engineer Austin, Attorney Dienes.

Stauffer presented the plans for the MDOT carpool lot resurfacing and expansion on I-94BL at I-94.

Dienes gave the board an update on litigation and various projects:

- * U.S. Supreme Court denied Valerie Grosse's petition for writ of certiorari and the time to file for reconsideration has lapsed. The case is closed.
- * Reid case is in the Court of Appeals, the briefing is done. We are waiting for a notification date.
- * Meijer continues to progress. They are close to getting EPA approval, then Brownfield action will commence.
- * Sharon Vargo from Plante & Moran was scheduled to be an expert witness in the Village of Stevensville case. Sharon incurred over \$2,000 in research fees for the Township, of which she is not going to bill the Township for.
- * AEP Franchise Agreement, Barry Visal is getting back to Dienes on some of the questions presented by the Board.

Planning Commission.

Extension of Alabaster Estates IV. Motion Carried. Florian moved, seconded by Smith, to approve the extension of Alabaster Estates Phase IV subdivision tentative preliminary plat for two more years from June 12, 2009 to June 12, 2011 as recommended by the Planning Commission.

Florian reported on the finding of the planner, Lynee Wells, on three issues:

Height restrictions in a PUD. The Planning Commission is reviewing whether or not to consider action, they continue to dialogue.

Loop hole with PUD calculation of open space. The Planning Commission is reviewing if a developer could use already deemed open space as part of the calculation on required open space for a PUD. If required the developer must use developable land only in the calculation. Planning Commission recommends moving forward with changes.

Dienes stated that there should be a footnote , if a developer is able to utilize the area then it should count as open space and be included in the calculation, i.e., if the developer puts a walking path through a wetland area. Cases of wet land drying up in 5 years or if the area becomes unregulated also needs to be taken into consideration.

The Board requested that Dienes be involved in the process of the changes being made. Florian will have the planner contact Dienes.

Wind Energy. Planning Commission is reviewing whether to allow or not to allow wind energy, height is a big issue. The Township ordinance is more restrictive than most. There will be ongoing discussion.

Berrien County Drain Commission.

Schultz Drain. Ray Mak gave a presentation on the Schultz Drain that runs by the water tower on Jericho Rd. The approximate cost is \$13,000 of which BCDC will pay \$5,000.

Schultz Drain Resolution. Motion carried. Stauffer moved, seconded by Loar-Porter, to approve authorizing the Drain Commissioner to exceed in excess of \$5,000 per mile to maintain and repair Schultz Drain. *Resolution # 09-14. Attachment A.* Roll Call Vote: Ayes: Florian, Loar-Porter, Peterson, Norbey, Smith, and Stauffer. Nays: None.

Fire Board/Department.

Peterson stated the Fire Board questioned if the Board would consider allocating the funds that are remaining in their budget at the end of the fiscal year as a result of expenses covered by a cost recovery ordinance for the purchase of a new truck in the future.

Fire Board is still reviewing the burn ordinance and addressing manufactured fire pits.

Discussion was held on paying firefighters to weed around hydrant. It was decided that if the grass around the hydrant is not being maintained that it should be reported to the ordinance enforcement officer so that the proper steps and notices are taken to remedy the problem.

Norbey left at 12:42 p.m.

Discussion was held on providing lights for the fire department officers to utilize at a scene for safety. There are many pros and cons. Discussion will continue with the Fire Board. Dienes suggested that we look at policy about lights and personal vehicles at scenes.

Discussion was held on how to eliminate paper usage for the board packets.

There being no further business, the Clerk adjourned the meeting at 12:52 p.m.

Stacy Loar-Porter

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