

LINCOLN CHARTER TOWNSHIP
BERRIEN COUNTY, MICHIGAN
SPECIAL NOON MEETING
May 12, 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 MAY 12, 2009.

Notice was posted May 6, 2009.

THE SPECIAL MEETING of the Lincoln Charter Township Board of Trustees was called to order by Supervisor Dick Stauffer on May 12, 2009 at 11:35 a.m. at the Municipal Building, 2055 W. John Beers Road, Stevensville.

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

ALSO PRESENT: Engineer Austin, Attorney Dienes, Maintenance Supervisor Gebhard

Closed Session. Motion Carried. Stauffer moved, seconded by Smith, the Board of Trustees to go into closed session as authorized under Sections 8(h) of the Open Meeting Act, MCL 15.268(h) at 11:36 a.m. to discuss a written opinion by legal counsel. Roll Call Vote: Ayes: Florian, Peterson, Smith, Stauffer, Loar-Porter and Norbey. Nays: none.

Close Closed Session. Motion Carried. Stauffer moved, seconded by Florian, to close the closed session at 12:10 p.m. Roll Call Vote: Ayes: Norbey, Loar-Porter, Smith, Stauffer, Florian, and Peterson. Nays: none.

Berrien County Drain Commission. Stauffer reported on the 2008 BCDC Annual report.

Appointment/Reappointments. Motion Carried. Stauffer moved, seconded by Peterson, to appoint Al Pscholka as the Township representative to the Lake Michigan Shoreline Water and Sewer Treatment Authority, term to expire 6/30/2011.

Berrien County Road Commission. Stauffer reported on the 2008 BCRC Annual report. Lincoln Township seal coated 4.07 miles of roads in 2008 to protect the roads and extend their life.

Stauffer reported on water issues at 2254 McCormick Trail. Homeowner requested assistance from the board at the April 14th meeting. Stauffer sent the home owner a letter stating the information that was gathered. Austin sent information about possible basement pumps that would help.

Loar-Porter reported on an outstanding balance for Mega III Investments, Marquette Estates Phase II. A balance of \$ 725.99 in the escrow account has been outstanding since 9/16/2008. Loren Gerber states that the Township owes Mega III Investments for sidewalks that were installed, 210 linear feet, but according to Board of Trustee minutes dated 2/13/2007 the Township agreed to pay for sidewalk installation on the metes and bounds north side of lot # 1, which measures 75 linear feet.

The Board received a packet of information from Mega Investments III concerning the valuation of vacant lots. Geber believes that the township is in error in the way the vacant lots were assessed. Assessor Barb Cheek prepared a rebuttal to the allegations of Mega Investments III. Peterson stated our assessor did everything she was supposed to and the issue was handled correctly. Stauffer stated there is no action we can take. Mega Investments III has appealed with the Michigan Tax Tribunal taking the jurisdiction of the matter out of our hands.

AEP Franchise Agreement. Dienes stated he is still reviewing the agreement. Florian asked if the Township should consider including such things as tree removal, underground utilities, etc. in the renewal of the contract. The board also questioned whether it would be a benefit or not to agree to such a long contract term.

Loar-Porter reported on the May 5th election. The results for the Zoning Amendment Proposal were 1437 yes to 1214 no; there was a 22.93% voter turnout.

Florian requested that as a result of the election the board request the planning commission to look at the height variances.

Planning Commission Review Height Variances. Motion Carried. Florian moved, seconded by Smith, to request the planning commission to look at the results of the election and potential it may have on the PUD section of the zoning ordinance and make any suggestions.

Fox Crossing II Extension. Motion Carried. Florian moved, seconded by Peterson, to approve the extension of the Fox Crossing II Subdivision preliminary plat for two years as recommended by the Planning Commission.

Meijer PUD Extension. Motion Carried. Florian moved, seconded by Peterson, to approve the extension of the Meijer PUD rezone for one year as recommended by the Planning Commission.

Jim Pheifer presented estimates for park projects:

- Extension and pull down doors at North Lake Pavilion including concrete work, roof, beams and truces and 11 doors, estimated total \$ 14,415.
- Extension and pull down doors at Community Center Pavilion including concrete work, roof, beams and truces and 13 doors, estimated total \$ 16,345.
- Well at baseball/softball field- researched types of wells, Pheifer suggested a continuous flow well pump for the sprinkler system. Estimated total \$ 11,300.
- Maintenance Shed/ Building to house equipment, 32 x 48 x 12 estimated total \$ 21,965.

Smith reported an Eagle Scout finished his project. He built 6 new picnic tables and garbage can holders. Another Eagle Scout has a project scheduled to revamp the gazebos at Lincoln Township Beach.

Lakeshore Rotary will be at North Lake Park for their annual park clean up May 20-22, 2009.

Norbey is waiting to hear from the Lakeshore Softball Boosters concerning fixing up the concession

area by the fields they use.

Proceed with park project. Motion Carried. Florian moved, seconded by Peterson, to move forward with most favorable bids for, North Lake expansion, Community Center expansion, well at the baseball/softball fields and maintenance shed/building with the condition that the total expense is not greater than the budgeted amount.

Austin reported that the plans for the soccer field restrooms have been altered; they removed the internal storage area to make room for the concession stand. Should start collecting bids for the project in 30 days.

Norbey presented his suggested by-laws for a parks and recreation committee; the committee would only be advisory and subject to 100% approval by Township Board. The intention of committee is for long term plans and capital improvements.

Dienes stated the committee meetings would be pursuant to the opening meetings act; minutes will be taken and reported to Township Clerk.

Board would like to see the by-laws to include; that the committee serves at the pleasure of the Township Board, by-laws can be changed by Township Board and committee can be terminated by the Township Board at anytime.

Austin stated this is a good idea since the Township is working on the recreation plan, board should coordinate how to work with committee on the plan.

Norbey will make revisions to by-laws and present at the next board meeting.

Safe Routes to School. Austin reported that MDOT will start seeking bids June 5, 2009 and he should have numbers by the next meeting. Construction is set to begin just after the July 4th holiday.

There being no further business, the Supervisor adjourned the meeting at 1:40 p.m.

Stacy Loar-Porter, Clerk

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