

LINCOLN CHARTER TOWNSHIP  
BERRIEN COUNTY, MICHIGAN  
REGULAR MEETING  
May 13, 2008

THE REGULAR MEETING of the Lincoln Charter Township Board of Trustees was called to order on May 13, 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.

The PLEDGE OF ALLEGIANCE was given.

CHANGES TO AGENDA. None.

Several members of the Miss Stevensville Court introduced themselves.

Stauffer noted the Michigan Public Service Commission will hold a hearing on 5/15/08 at 9:00 a.m. to consider the application of Indiana Michigan Power Co. to reconcile its 2007 power supply cost recovery costs and revenues for the 12 month period ending December 31, 2007, and roll-in of the overrecovery.

**Public Hearing for "New Zoning Ordinance"**. Stauffer moved, seconded by Pscholka, to open the public hearing on the new zoning ordinance at 7:07 p.m. **Motion Carried.** A three minute time limit was set. Township Planner Lynee Wells presented a brief history of the zoning rewrite process which began in November 2005. Several workshops were held with input invited from the residents. There were several deficiencies in the old ordinance and there are several advantages of having a new ordinance and zoning map.

*John Nelson, 6515 Niagara Circle* – doesn't like the proposed zoning change of the property to the south from Industrial to Community Residential, which allows duplexes, and questioned why other properties were not changed to Community Residential. His property is currently zoned R2, for duplexes, but he doesn't want any duplexes in his backyard so he wants their area to be changed to Low Density, which doesn't allow duplexes. *Neil Colley, 6567 Niagara Circle, and Narayan Sedalia, 6575 Niagara Circle,* agree with him.

*Catherine Kaufman, Troff Petzke, 811 Ship Street, Suite 202, St. Joseph, representing Rita Reid, 4508 Red Arrow Highway* – the property is currently split to residential and commercial, and wants the property changed to commercial or commercial mixed use, and they have submitted a zone change to the Planning Commission.

*Larry Merritt, 4568 Red Arrow Highway and 2700 Southfork Woods Path* – requests his Red Arrow property be changed to Commercial because that is how it has been used for 17-18 years. He also requests the 1<sup>st</sup> reading start over and every home be sent a letter.

*Loren Gerber, 1668 Bonny Bruce Drive* – the realtors hired a lawyer to review the ordinance, and they submitted a letter with 35 issues, but we only made 17 changes, and is concerned some of our wording is not legal. He is also concerned with the amount of our legal expenses. Pscholka noted the legal review was from the realtor's organization.

*Gerry Heppler, 2833 Lakeshore Drive, St. Joseph* – owns property on Locust Lane. The master plan is only a guide, and he doesn't agree with the Community Residential zoning and wants it to remain Residential.

*James Peterson, 2540 Locust Lane* – agrees with Heppler, although the lot sizes are non-conforming, they are legal, and he doesn't want the zoning changed. Are there other non-conforming lots that don't meet

size requirements and were they changed? Lynce didn't know how many other lots there were. Dienes stated there were also other reasons for the change.

*Pam Quandt, 6582 Fredonia Circle* – doesn't want property behind her zoned for duplexes, and what can they do to get it changed?

*Florian* responded the property behind her is Industrial, and the change was made to give them more protection. We need more area for small type housing. The zoning across the street was changed to Low Density because everything around it was zoned that way. There was some confusion if, under the new ordinance, a home or business could be rebuilt if it didn't conform to the specified zoning requirements. He suggested these requested changes be referred to the Planning Commission for their review. Stauffer moved, seconded by Pscholka, to close the public hearing at 8:10 p.m. Motion Carried.

**Comments Referred Back to Planning Commission. Motion Carried.** Stauffer moved, seconded by Peterson, to send these comments back to the Planning Commission for further review.

**No Action** was taken on the second reading of the Zoning Ordinance.

**CORRESPONDENCE.**

Stauffer reported, letter from resident on Locust Lane objecting to the rezone notification procedure; letter from local contractor requesting information on commercial rehabilitation tax abatements; and letter from Sable Shores Condominiums regarding Glenlord Park.

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

- 1. Minutes of the 4/08/08, special noon and regular meetings.
- 2. Approve the 4/15/08 and 4/30/08 bills from the following funds.

General Fund	\$ 170,107.39
Parks Fund	12,818.09
Parks Capital Improvement	12,668.46
Cemetery Fund	4,025.62
Building Fund	23,702.55
Township Improvement Fund	25,210.58
Police Fund	97,912.58
Police Drug	-0-
Police Capital Improvement	-0-
Sewer Enterprise	
Sewer Operating	145,909.60
Water Enterprise	
Water Operating	20,846.74
Water Improvement	-0-
TOTAL	513,201.61

**UNFINISHED BUSINESS.** None

**NEW BUSINESS.** None

**SUPERVISOR'S REPORT.**

**Drains.** Received Notice of Review of Apportionments for the Gaul and Echo Ridge South drains; BCDC has received \$315,000 grant for enhancement of Hollywood Road Storm Water Detention Basin.

**Appointments. Motions Carried.** Stauffer moved, seconded by Geisler, to reappoint Tony Korican to the Southwest Michigan Regional Sanitary Sewer and Water Authority for four years expiring 6/30/12. Stauffer moved, seconded by Jewell, to appoint Terrie Smith to the Lake Michigan Shoreline Water and Sewage Treatment Authority for a four year term expiring 6/30/12.

**NPDES.** The DEQ toured the township as part of the process to request permit termination.

**Ordinance Enforcement.** Received update.

**Rental Ordinance. Motion Carried.** Stauffer moved, seconded by Peterson, to adopt at its second 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 A.** Roll Call Vote: Ayes: Florian, Peterson, Smith, Stauffer, Geisler, Jewell, and Pscholka. Nays: None.

#### **CLERK'S REPORT.**

**Book Balances** at 3/31/08 are as follows: \$1,231,733.57 in the general fund; \$1,241,162.25 in police; \$51,007.96 in parks; \$113,719.72 in cemetery; \$64,375.44 in building; \$489,682.98 in township improvement; \$15,900.81 in police capital; \$83,819.55 in parks capital; \$2,128,048.62 in sewer operating; \$1,955,983.79 in sewer replacement; \$296,259.28 in sewer improvement; \$2,179,951.40 in water operating; \$705,004.21 in water replacement; \$4,564,619.59 in water improvement; \$783.00 in trust & agency; \$3.80 in Glenlord sidewalk special assessment; and \$77,838.65 in street lighting. We also have funds in T & A delinquent taxes \$10.00; fire station debt \$192,460.62; library bond \$391,058.82; flex spending \$2,488.02. All balances have been verified with the treasurer's records.

**Book Balances** at 4/30/08 are as follows: \$1,223,195.68 in the general fund; \$1,155,766.10 in police; \$45,570.72 in parks; \$116,464.91 in cemetery; \$61,461.88 in building; \$489,696.71 in township improvement; \$15,901.99 in police capital; \$94,401.72 in parks capital; \$2,062,678.42 in sewer operating; \$1,956,123.15 in sewer replacement; \$296,266.13 in sewer improvement; \$2,177,804.90 in water operating; \$705,049.63 in water replacement; \$4,564,621.11 in water improvement; \$44,180.81 in trust & agency; \$3.83 in Glenlord sidewalk special assessment; \$0.15 in DeFay Road special assessment; and \$77,844.63 in street lighting. We also have funds in T & A delinquent taxes \$10.00; fire station debt \$77,072.02; library bond \$153,903.33; flex spending \$2,284.25. All balances have been verified with the treasurer's records.

**Police Operating Millage Renewal. Motion Carried.** Geisler moved, seconded by Pscholka, to approve resolution to adopt police operating millage renewal of 1.5 mills. *Resolution 08-09. Attachment B.* Roll Call Vote: Ayes: Peterson, Smith, Stauffer, Geisler, Jewell, Pscholka, and Florian. Nays: None.

**Parks Capital Millage Request. Motion Carried.** Geisler moved, seconded by Jewell, to approve the resolution to adopt parks capital millage for development and fixed assets of .20 mill. Pscholka noted that although it is a bad time to ask for a millage increase, he supports a millage to develop the parks. *Resolution 08-10. Attachment C.* Roll Call Vote: Ayes: Smith, Stauffer, Geisler, Jewell, Pscholka, Florian, and Peterson. Nays: None.

**TREASURER'S REPORT.** Investment reports for year end 3/31/08 and 4/30/08 were distributed to the board. Interest earned for 2007-2008 was \$696,124.63.

**Disapprove Transfer of Liquor License. Motion Carried.** Smith moved, seconded by Stauffer, to

**disapprove** the resolution to transfer the Liquor License in escrow at 4296 Red Arrow (Fireside) to SEP-12, L.L.C., Steven L. Dornbos, Traverse City. *Resolution 08-11. Attachment D.* This is the license Smith has repeatedly called the State about and was informed it had been sold (without our knowledge). The current owner of the Fireside had tried to transfer this license. Our Township needs our licenses for any restaurant that might want to locate here. Roll Call Vote: Ayes: Stauffer, Geisler, Jewell, Pscholka, Florian, Peterson and Smith. Nays: None.

**PLANNING COMMISSION REPORT.** Florian reported three public hearings have been scheduled for their June meeting.

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

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

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

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

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

**Fire Department Officers. Motion Carried.** Jewell moved, seconded by Peterson, to approve the following officers: assistant chief – Randy Fletcher; captain – Scott Wiederwax; lieutenant – Chris Malich; and secretary/treasurer – Chad Gatchell.

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

**LIBRARY REPORT.** None, director on medical leave.

**PARKS REPORT.**

**ADA Pedestrian Path at Soccer Field. Motion Carried.** Smith moved, seconded by Jewell, to award the contract to the local contractor, Nitz Excavation, in the amount of \$33,871.31, which was only \$1,012.31 higher than the low bid.

Smith reported dugouts are ready for metal roofs and benches have been received; in about three weeks we should know the status of the restroom grant; have received letter commending the maintenance department on the condition of the soccer fields – they are the best they have ever been; two picnic tables have been ordered for North Lake – Rotary is purchasing one of them; and “Safe Routes” review board has asked us to remove \$200,000 from our application so more grants can be given.

Board approved Smith and Peterson to work with Lakeshore Schools to get excess dirt and sod from the football field for our rocket football area.

**LMSWSTA (water authority).** Pscholka stated the water tower is now at 100' and they are looking for ideas on decorating the tower.

**Amendment to Communication Tower Ordinance. Motion Carried.** Pscholka moved, seconded by Stauffer, to adopt at its second 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. **Ordinance 08-04. Attachment E.** Roll Call Vote: Ayes: Geisler, Jewell, Pscholka,

Florian, Peterson, Smith, and Stauffer. Nays: None.

**Closed Session. Motion Carried.** Stauffer moved, seconded by Florian, to go into closed session at 9:10 p.m. for labor negotiations. Roll Call Vote: Ayes: Jewell, Pscholka, Florian, Peterson, Smith, Stauffer and Geisler. Nays: None.

Stauffer moved, seconded by Geisler, to come out of closed session at 9:43 p.m. **Motion Carried.**

**Public Comment.** None.

ADJOURN. There being no further business, the chair adjourned the meeting at 9:44 p.m.

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Sharon Geisler, Clerk

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