

LINCOLN CHARTER TOWNSHIP  
BERRIEN COUNTY, MICHIGAN  
SPECIAL NOON MEETING  
November 10, 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 NOVEMBER 10, 2009.

Notice was posted November 3, 2009.

THE SPECIAL MEETING of the Lincoln Charter Township Board of Trustees was called to order by Supervisor Dick Stauffer on November 10, 2009 at 11:34 a.m. at the Municipal Building, 2055 W. John Beers Road, Stevensville.

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

BOARD MEMBERS ABSENT: None

ALSO PRESENT: Engineer Austin, Attorney Dienes.

**Holiday and Meeting Schedule. Motion Carried.** Stauffer moved, seconded by Gillette, to approve Holiday Dates and Meeting Calendar for 2009. **Attachment A** and **Attachment B**.

**Planning Commission.** Florian reported the Planning Commission held two public hearings in November. One on an application for a Bed and Breakfast on Waverland Path and the second for proposed text amendment to Zoning Ordinance Article 4. The application for the Bed and Breakfast was postponed until the December meeting. The text amendment for Article 4 was sent back to the planning commission for review of the changes made to the text by the planner and/or attorney. Proposed text amendment for Article 9 will also be sent back to the Planning Commission for text review.

Florian requested that clarification be made on the timing of text review by the planner and attorney at the planning commission level.

**Fire Board.** Chief Ron Burkett presented the Standard Operating Guidelines (SOGs) that have been developed for the use of lights and sirens on personal vehicles. Discussion was held on item # 7; *No LCTFD personnel will respond using lights and sirens if a person(s) under the age(s) of sixteen is in the Personal Emergency Vehicle.* The discussion was on rather the age 16 should be 17 or 18. Board requested that a statement be added to item # 5 stating LCTFD personnel driving records from the state be reviewed on an annual basis.

The SOGs are not subject to approval by the Township Board.

Burkett and Peterson stated that the Fire Board will begin to review the Burn Ordinance and the Cost Recovery Ordinance.

**Ordinance to Adopt the National Electric Code, 2008 Edition.** Stauffer moved, seconded by Gillette, to introduce for its first reading Ordinance # 09-01, to adopt the National Electric Code, 2008 Edition. **Attachment C.** Roll Call Vote: Ayes: Gillette, Florian, Loar-Porter, Peterson, Smith and Stauffer. Nays: None. Absent: Norbey.

**ZBA Alternates.** The Lincoln Township Zoning Ordinance Section 230.107 allows for the appointment of up to two alternate members for the same terms as the regular members. Discussion was held on the validity of appointing Ralph Bansen. Legal counsel's opinion was that he is not considered an employee because the Township Board does not have the authority hire or fire police officers.

**ZBA Alternate Appointment. Motion Carried.** Stauffer moved, seconded by Peterson, to appoint Ralph Bansen as an alternate member to the Zoning Board of Appeals, term to expire 11/30/12. Roll Call Vote: Ayes: Loar-Porter, Norbey, Peterson, Stauffer and Smith. Nays: Florian and Gillette.

**Drain Commission.** Stauffer reported the Township received the invoice for the 2009 Drains at Large the cost is \$26,102.36, \$30,000 was budgeted.

Berrien County is exploring the possibility of placing township drains into a Chapter 20 consolidation. This consolidation would place large amounts of financial and administrative burden on the Township. The Township would be responsible for setting all assessments associated with drain projects, responsible for legal coverage if assessments are appealed and repayment of any approved appeals. Dienes stated the benefit to the county would be, divest drain commissioner of as much power as possible, all expenses would be subject to go through the County Administrator and would move assessment powers from drain commissioner to the townships. Stauffer stated he is not in favor of the Township entering into this consolidation.

**Parks.** Austin reported the recreation plan meeting held on November 3<sup>rd</sup>. They collected very helpful public input. The next step is to meet with the advisory committee and create a draft. The draft will then be available for 30 days for public review, and then brought to the Board of Trustees for approval.

Norbey reported the dog signs have been installed.

Discussion was held on the old ice rink area behind the community center. The area does contain a liner, but it is full of holes and would need to be replaced before filling. Maintenance Supervisor, Kevin Gebhard, suggested filling the tennis court since it has an edge and is fenced in, and using it as an ice rink.

**Sewer infiltration.** Austin reported on an infiltration problem caused by the Spring Lake Mobile Home Park on John Beers Rd. During a rain infiltration from the park's storm water system is being directed into the Township's sanitary sewer system. The Township is paying for the treatment of the storm water. Discussion was held on the options the Township has to correct this problem. Stauffer and Austin will work on a course of action to correct the issue.

**Meijer Brownfield Plan.** Dienes reported that we received an approval of the Brownfield 381 work plan from the state.

There being no further business, the Supervisor adjourned the meeting at 1:08 p.m.

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Stacy Loar-Porter

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