

LINCOLN CHARTER TOWNSHIP
BERRIEN COUNTY, MICHIGAN
REGULAR MEETING
October 13, 2009

THE REGULAR MEETING of the Lincoln Charter Township Board of Trustees was called to order on October 13, at 7:00 p.m. by Dick Stauffer, Supervisor, in the Municipal Building, 2055 W. John Beers Road, Stevensville.

BOARD MEMBERS PRESENT: Kevin Gillette, Stacy Loar-Porter, Tom Norbey, Deb Peterson, Terrie Smith and Dick Stauffer.

BOARD MEMBERS ABSENT: Marc Florian.

ALSO PRESENT: Attorney Scott Dienes and Attorney Richard Wendt.

The PLEDGE OF ALLEGIANCE was given.

CHANGES TO AGENDA. None.

PRESENTATIONS.

Mike Kinstel, Vice President Realtor for Meijer, gave a brief description of the Meijer project, stating they are hoping to begin the project this year, starting construction in the spring of 2010 with an opening in the spring of 2011.

Susan Padley, attorney for Leco and Meijer, explained the Brownfield project being recommended. She explained that the Brownfield uses collected tax increments to reimburse Meijer and eventually Leco for remediation of the property.

The Brownfield is for a 30 year capture period. It is estimated that Meijer reimbursement should be completed in approximately 23 years then reimbursement will begin from local tax increments only to Leco. Meijer will also receive 6% interest on payback on funds expensed on cleanup which is funded through the tax increments collected as well.

PUBLIC HEARING. Opened

Stauffer opened the Public hearing for the recommended Brownfield Plan for the Meijer Store at 7:06 p.m.

Gillette commented that the total increment available is approximately \$11,220,993 and the estimated cost for cleanup is \$8.8 million. He questioned the local increment amounts that will be applied to the reimbursement.

Padley stated amounts are projected at \$100,000 for county, \$53,000 for township and \$11 million for the schools, however, the schools are reimbursed their funding through the state.

Gillette questioned if Leco was responsible for payback of the funds received during their active Brownfield now that the plan will be terminated. Padley stated repayment of approximately \$87,000 from Leco will be returned to the Township.

PUBLIC HEARING. Closed

Stauffer closed the public hearing at 7:12 p.m.

Gillette questioned the effective date being used for the base amount; tables show a date of 12/31/2009.

There was discussion held on the effective date and when the distributions would begin.

Padley stated the base tax year will be set as 12/31/2009, using the taxable value set as of 12/31/2009 as the base amount.

The base tax year will be 12/31/2009. The Taxes collected in 2010 will be distributed to the municipality and local taxing units. The first distribution date for the Brownfield will be in September 2011 and March 2012 and will be based on the difference between the base amount and the taxable value as of 12/31/10. The taxes collected on the base amount will always be distributed to the municipality and local taxing units.

Board requested corrected charts with the correct distribution.

Smith stated it be made clear the 6% interest payable to Meijer on eligible expenses does not include the Brownfield Loans. Wendt stated the 6% interest is only payable on item F on table 1, which is Additional Response activity, as outlined in Work Plan attached at Tab 3.

Meijer Brownfield Plan. Motion Carried. Stauffer moved, seconded by Smith, to approve the resolution approving the Meijer Brownfield Plan and terminating the Leco Brownfield Plan and the Leco Agreement. *Resolution # 09-21. Attachment A.* Roll Call Vote: Ayes: Loar-Porter, Norbey, Peterson, Smith and Stauffer. Nays: Gillette. Absent: Florian.

CORRESPONDENCE. Two letters from Comcast; one announcing their Customer Service Guarantee Program and the second stating a \$1.99 per month increase on Expanded Basic Service.

APPROVAL OF CONSENT AGENDA. MOTION CARRIED. Gillette moved, seconded by Loar-Porter, to approve the consent agenda as presented.

1. Minutes of the 9/8/09, special noon, regular meeting
2. Minutes of the 9/29/09 special meeting.
2. Approve the 10/14/09 and 9/24/09 bills from the following funds.

General Fund	\$ 131,101.72
Parks Fund	5,347.60
Parks Capital Improvement	-0-
Cemetery Fund	1,740.95
Building Fund	12,592.12
Township Improvement Fund	56,500.73
Police Fund	96,648.57
Police Drug	-0-
Police Capital Improvement	-0-
Sewer Enterprise	
Sewer Operating	94,164.47
Sewer Improvement	-0-
Water Enterprise	

Water Operating	24,900.18
Water Improvement	-0-
TOTAL	422,996.04

UNFINISHED BUSINESS. None

NEW BUSINESS.

P.A. 116 Application. Motion Carried. Gillette moved, seconded by Smith, to approve the PA 116 Farmland and Open Space Preservation Program application # 33 by Totzke Farms, LLC for 99.14 acres, parcel # 11-12-0036-0004-03-0, for 10 years. Roll Call Vote: Ayes: Gillette, Loar-Porter, Norbey, Peterson, Smith and Stauffer. Nays: None.

SUPERVISOR'S REPORT.

Drain Commission. Stauffer reported on the meeting he attended on 9/15/09 concerning Review of Apportionments for Alabaster Estates Drain # 730, Megan Manor # 747 and Maple Drain # 315.

NPDES Phase II.

Stauffer reported DEQ has issued the Township's Certificate of Coverage (COC) which is valid until April 1, 2013.

Berrien County Road Commission.

Storm Drain Repair on Maiden Lane. Stauffer reported in September that a storm drain pipe on Maiden Lane collapsed and caused sink holes in the road. The total cost of the repairs was \$12,000 of which \$3,000 is Township responsibility.

Linco Rd. Paving. Paving has begun on Linco Road and should be completed by November 5th.

Annual Township Meetings. Stauffer reported the Township will have their annual meeting with the BCRC on October 27 at 9:00 a.m. A special meeting notice will be posted.

Stevensville-John Beers Reconstruction. Stauffer reported that the Village of Stevensville is going to apply for a reconstruction project through TwinCats for the reconstruction of John Beers Rd. from St. Joseph Ave to DeMorrow Rd in the 2011 project year. The Township will evaluate the condition of the water and sewer lines at that time and make any necessary repairs or replacements.

Safe Routes to School. At the noon meeting Engineer Austin reported the contractor will be completing the restoration work and final details next week. Discussion was held on putting up some sort of barriers in front of the path by the tennis courts because parents are driving across the path to park for the Rocket football games. The path is non-motorized vehicles could cause damage to the path.

CLERK'S REPORT.

Book Balances at 9/30/09 are as follows: \$816,918.94 in the general fund; \$733,633.72 in police; \$23,326.50 in parks; \$70,933.38 in cemetery; \$39,644.50 in building; \$203,512.62 in township improvement; \$8,020.93 in police capital; \$33,989.66 in parks capital; \$2,113,809.43 in sewer operating; \$1,995,083.58 in sewer replacement; \$275,981.93 in sewer improvement; \$2,162,804.44 in water operating; \$719,057.36 in water replacement; \$4,675,070.42 in water improvement; \$6,084.61 in trust & agency; \$206.00 in Glenlord sidewalk special assessment; \$263.77 in DeFay Rd. special assessment; and \$119,464.27 in street lighting. We also have funds in T & A delinquent taxes \$4,080.92; tax account

\$11,186,448.22; fire station debt \$82,622.08; library bond \$162,567.45; flex spending \$3,439.67.

TREASURER'S REPORT. Smith reported earnings of \$68,304.12 in interest YTD.

PLANNING COMMISSION REPORT. At the November meeting the board will hold the first reading for zoning ordinance text amendment for Article 9 of Special Land Uses Section 230.943B.

ZONING BOARD OF APPEALS REPORT. Stauffer reported that the board is looking for 2 additional members as alternate members as allowed by the zoning statute. Please see Stauffer if you or if you know anyone that may be interested.

ASSESSOR'S REPORT. Distributed to board.

BUILDING DEPARTMENT REPORT. One single family residential permit was issued in September. Year to date there have been five permits for single-family dwellings.

AIRPORT AUTHORITY REPORT. Distributed to board.

FIRE BOARD. Peterson reported that the fire department would like permission to use the house at 6225 Cleveland, which is owned by the Township, for training purposes. There will be no damage done to the building.

Use of 6225 Cleveland House for training. Motion carried. Peterson moved, seconded by Gillette, to approve the use of the house at 6225 Cleveland for training subject to the Building Inspectors approval of safety.

POLICE DEPARTMENT REPORT. Distributed to the board by e-mail.

LIBRARY REPORT. Dina Reilly reported that the library is looking into installing defibrillators at the library. The children's Halloween party will be held October 24th at 3:30 p.m. The teen's Halloween party will be held October 30th, 3:00-4:30 p.m. Teen Food Fear Factor will be held October 21st at 3:30 p.m.

PARKS REPORT. Smith reported the extensions on the Community Center and North Lake Park pavilions have been completed. Another public input meeting for the 5 year Recreation Plan has been scheduled for November 3rd from 7:00-9:00 p.m. at Lakeshore High School LGI room.

Loar-Porter reported that the Lake Michigan Landsharks have adopted the Lincoln Township Beach. They will be testing the water, recording drift patterns and cleaning up annually.

Norbey reported that he would like to post signs stating 'dogs in the park areas must be leashed' and 'please pick up after your dog'. He has a quote for 4 signs for \$80, he is also looking into the cost of having boxes with bags for easier dog waste pickup.

WATER/SEWER AUTHORITY. Stauffer reported effective 7/1/2009 the City had a water rate increase of 4.6%, \$2.13 per quarter for the average user.

The board will be reviewing the sewer rate study that was presented at the noon meeting by Utility

Financial Solutions.

Public Comment. Tony Perry, developer of Lakeside Beach Project, addressed the board and gave an update on the progress of the project.

ADJOURN. There being no further business, the chair adjourned the meeting at 8:12 p.m.

Stacy Loar-Porter, Clerk

Certified Copy