THE REGULAR MEETING of the Lincoln Charter Township Board of Trustees was called to order on January 19, 2019 at 7:00 p.m. by Dick Stauffer, Supervisor, in the Municipal Building, 2055 W. John Beers Road, and Stevensville.

BOARD MEMBERS PRESENT: Marc Florian, Stacy Loar-Porter, Tom Norbey, Deb Peterson, Terrie Smith, Richard Stauffer and Rick Stone.

BOARD MEMBERS ABSENT: None.

ALSO PRESENT: Township Attorney Scott Dienes.

The PLEDGE OF ALLEGIANCE was given.

PRESENTATION.
Oath of Office and Pinning of Township Fire Fighter.
Clerk Loar-Porter issued the Oath of Office to new Fire Fighter Christian Nitz. His wife affixed his pin. The Board welcomed Christian to the department.

ADJUST AGENDA. None.

PUBLIC COMMENT ON AGENDA ITEMS. None.

CORRESPONDENCE.
1. Correspondence regarding lack of sidewalks.

APPROVAL OF CONSENT AGENDA. MOTION CARRIED. Stauffer moved, seconded by Stone to approve the consent agenda.

1. Regular Minutes of the December 11, 2018 meeting
2. Approval of reappointments to boards, commissions, township engineer, planner, building official and mechanical, plumbing and electrical inspectors. Attachment A.
3. Approve the 1/7/19 and 12/28/18 bills from the following funds.
   General Fund $ 238,122.38
   Parks Fund 5,092.17
   Parks Capital Improvement 10,547.05
   Cemetery Fund 199.45
   Building Fund 4,539.30
   Township Improvement Fund 0.00
   Police Fund 21,331.29
   Police Drug 0.00
   Police Capital Improvement 1,309.39
   Sewer Enterprise
     Sewer Operating 42,500.05
     Sewer Replacement 16,350.97
     Sewer Improvement 0.00
   Water Enterprise
     Water Operating 22,466.62
LIBRARY REPORT. Library Director Jessica Enget reported the library is back to their regular program schedule. She updated on upcoming events, reminding patrons that the classes on Cyber Security benefit individuals and business owners. The library has used the Happy or Not survey system for 4 months, they have logged approximately 4,000 responses and the average is 96% positive. The suggestion box will be returning, she encouraged patrons to place their ideas and/or comments in the box.

NEW BUSINESS. None.

SUPERVISOR’S REPORT.

Drain Commission
Drain Commissioner Chris Quattrin made a presentation on work that needs to be done on the Newman Drain. The tile pipe that runs from Shiawasse Lane to Pawnee Path needs to be replaced, this will lower the water table and should alleviate flooding in homes.

Resolution for Newman Drain. Motion Carried. Peterson moved, seconded by Norbey, to approve a Resolution of Maintenance and Improvement of the Newman Drain expenses not to exceed $150,000, the Township’s portion will be $30,000. Ayes: Florian, Loar-Porter, Norbey, Peterson, Smith, Stauffer and Stone. Resolution # 19-02. Attachment B.

Loar-Porter asked why there was not a board of determination, he stated due to resident request on the work he is able to determine the work is necessary without a Board of Determination, holding a Board of Determination increases the expense of the assessment.

Heyn Drain. Quattrin stated there is work that needs to done on the Heyn Drain, the expense is $10,600, and it does not exceed the $5,000 per mile so he does not need a resolution from the board, but wanted the board to be informed. The new repair request is to replace a 60ft concrete pipe that has collapsed. Loar-Porter asked why this was not included in the work that was completed in June with the approved Resolution for the commission to spend $30,000 on the Heyn Drain as requested by the Drain Commission. Quattrin said the original $30,000 repair was upstream from the current work that needs to be done now.

Drain by the Chalet. Florian stated Quattrin approached the board at the January 9, 2018 board meeting about issues with flooding in the Chalet area, there was supposed to be a meeting with the Drain Commission and Trustees Florian and Norbey. The meeting was never held. Smith commented that there is now a petition that has been filed by the landowners at the request of the Drain Commissioner. Quattrin stated he would contact Florian and Norbey to setup a meeting.

Hickory Creek Assessment District. Loar-Porter asked if he had a response to the letter the Board of Trustees authorized Stauffer to send to him in November requesting the current district be reviewed as Lincoln and Baroda are being assessed a much larger share than normal and a disproportionate amount on the assessment roll. Quattrin stated he has not worked on this yet at this time.

ROAD DEPARTMENT.
Stauffer reported TwinCats proposed 2020 project to widen shoulders on Marquette Woods from Roosevelt to Cleveland, this would include widening of the bridge.

Litigation Update.
Attorney Dienes reported that he needed to add the allegations to evidence to the suit filed against 1473 Glenwood. He stated he also needs a resolution to authorize the civil infraction. Loar-Porter apologized to the neighbors that this was not completed last month when it was reported that suit had been filed.

**Resolution to Commence Legal Action. Motion Carried.** Stauffer moved, seconded by Stone, to approve a resolution determining the unreasonable and abnormal accumulation of litter and debris at 1473 Glenwood Dr. and authorize the Supervisor and Building Official to commence whatever legal action is necessary to abate all ordinance violations on the property. Ayes: Florian, Loar-Porter, Norbey, Peterson, Smith, Stauffer and Stone. *Resolution # 19-03. Attachment C.*

Attorney Dienes stated that the next step is for the infraction to go before a judge, since we have been unsuccessful in locating the homeowners, we will need the judge to issue a default judgement.

A resident asked if the judgement would include cleaning up the in-ground pool and trimming the trees. Dienes stated yes he would include both in the suit, but the judge may limit us to only addressing items of safety concern. The pool is definitely a safety concern.

**Other Items.**

**Marihuana Discussion.**

Attorney Dienes discussed the original plan to place a moratorium in place for Recreational Marihuana in the Township, however he feels that now that LARA has stated they are still working on the process for the licenses it is not as urgent to complete the moratorium.

Stauffer presented the board with the Michigan Township Association’s draft ordinance for opting-out. After some discussion it was the consensus of the board to hold a workshop with Board of Trustees, Planning Commission and Zoning Board of Appeals. Attorney Dienes will make a presentation on the new laws, options and what the Township is allowed to do or not do. The workshop will be held 1/24/2019 at 6:00 pm at the Township Hall.

**2045 Twin City Study.** The 2048 Twin Cities Area Transportation Study is available to review and is located in the supervisor’s office.

**Pier Ave. Revetment.** Stauffer reported on the revetment work by properties on Grand Mere & Pier Ave road end. The residents near this work expressed their concern to Berrien County Road Department. Pier Ave provides public lake access and is under the jurisdiction of the BCRD which includes a ramp for this access.

**Pier Ave Ramp ownership. Motion Carried.** Stauffer moved, seconded by Loar-Porter, referencing the Edgewater Resources drawing entitled “Proposed Ramp Section C-C (revised 12/21/18)” numbered 6/6 in the Corps of Engineer dated December 6, 2018, Lincoln Charter Township reaffirms that “if ramp to be used as public access, ramp shall be maintained by owner (BCRD) as needed. Attachment F

**CLERK’S REPORT.**

**Budget Adjustments. Motion Carried.** Loar-Porter moved, seconded by Stone, to approve the budget adjustments as presented.

**Budget Adjustments 1/7/2019**

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Board of Trustees Regular Meeting January 8, 2019

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**December balances.**

- General: $1,399,202.03
- Police: $328,301.70
- Cemetery: $35,242.61
- Building: $412,399.55
- Township Improvement: $78,841.93
- Police Improvement: $593.85
- Sewer Operating: $1,708,582.25
- Sewer Improvement: $426,732.81
- Water Replacement: $1,589,816.63
- Trust & Agency: $24,951.36
- T&A Delinquent Tax: $598.16
- Police Bond T & A: $508.70
- Road: $206,672.70
- Parks: $32,21.61
- Street Lighting: $41,995.04
- Police Drug: $883.09
- Fire Dept. Improvement: $24,022.88
- Park Improvement: $169,786.09
- Sewer Replacement: $2,861,069.79
- Water Operating: $167,322.62
- Water Improvement: $5,844,121.49
- Tax Collection: $2,336,641.32
- Flex Spending: $6,472.16

**Summer Tax Collection. Motion Carried.** Loar-Porter moved, seconded by Peterson, to approve the resolution to collect summer tax for Lakeshore, St. Joseph and Bridgman Public Schools, Lake Michigan College, and Berrien RESA. *Resolution 19-01. Attachment D.* Roll Call Vote: Ayes: Florian, Loar-Porter, Norbey, Peterson, Smith, Stauffer and Stone. Nays: None.

**TREASURERS REPORT.** Smith reported interest earned YTD is $127,079.23.

**PLANNING COMMISSION REPORT.** No meeting.

**ZONING BOARD OF APPEALS REPORT.** No meeting.

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

**Approve 2019 Federal Poverty Guidelines and Asset test. Motion Carried.** Loar-Porter moved, seconded by Peterson, to approve the 2019 Federal Poverty Guidelines and Asset test. *Attachment E.*

**Appeal property assessments by Mail. Motion Carried.** Loar-Porter moved, seconded by Peterson, to approve allowing property owners to continue to appeal their 2019 property assessments by mail.

**BUILDING DEPARTMENT REPORT.** One single family residential permits was issued in December. There have been 37 single family residential permits issued year-to-date.

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

**FIRE REPORT.** Assistant Chief Chiarello provided the board with a report on fire calls and activity by the department for the month.

**POLICE DEPARTMENT REPORT.** Distributed to the board by e-mail, which included the year-end
activity report.

**PARKS REPORT.**

**North Lake.** Loar-Porter stated she should be receiving the final report on the insurance claim and the amount we will be reimbursed.

**Public Comments for items not on agenda.**

Tony Dlouhy requested a copy of the correspondence the Township received regarding the need for sidewalks. Stauffer stated he will make him a copy. He spoke in opposition to the non-motorized path. He stated he feels there are other areas in the Township that should have more priority for the need of walking paths.

Owner of the strip stores located on John Beers that contains, Lakeshore Liquor, Hong Kong Kitchen and The Flour Shop addressed the board concerning an ordinance violation letter he received. The violation was for his non-conforming pole sign, the pole sign needs to be removed to correct the violation. The owner did not understand why he has to change the pole sign. Florian explained that according to the Township’s sign ordinance when the use of a business changes the non-conforming sign must be removed and replaced with a monument sign that meets the ordinance requirements. The Owner felt it was unfair that he did not know this prior to having new skins put on the sign. The board explained the ordinance changed over a year ago, there were 2 public readings held and the Township held an informational public survey meeting as well to gather what the residents and business owners thought about how signage in the Township could be made better, the overwhelming majority wanted to see pole signs be phased out of the township and lower/monument signs replace them.

A resident asked if there was recourse for a home that sits vacant for a long period of time. Attorney Dienes stated a vacant home is not unlawful.

**ADJOURN.** There being no further business, the chair adjourned the meeting at 9:12 pm.

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Stacy Loar-Porter, Clerk

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