

**MINUTES  
LAKE CHARTER TOWNSHIP  
BOARD MEETING  
August 15, 2005  
7:00 p.m.**

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

The meeting was called to Order by Supervisor John Gast at 7:00 p.m. The meeting opened with the Pledge of Allegiance to the Flag.

**ROLL CALL**

Clerk Payne called the roll. Board members present were John Gast, Supervisor; Gloria Payne, Clerk; Betty Korcek, Treasurer; Terry Eichler, Trustee; William "Bill" Geukes, Trustee; Fritz Wolf, Trustee and Trustee Tom Carson. Forty-five visitors were present in the audience.

**APPROVAL OF AGENDA & AGENDA AMENDMENTS**

It was moved by Eichler seconded by Geukes to approve the agenda with one addition. All ayes, motion carried.

**APPROVAL OF MINUTES**

Minutes - Regular Board Meeting July 18, 2005. It was moved by Korcek seconded by Carson to approve the July 18, 2005 board meeting minutes. All ayes, motion carried.

Minutes - Special Meeting July 28, 2005. It was moved by Wolf seconded by Korcek to approve the July 28, 2005 special board meeting minutes. All ayes, motion carried.

**PUBLIC COMMENT**

There was none.

**APPROVAL OF BILLS**

It was moved by Carson seconded by Geukes to approve the July 2005 bills totaling \$227,633.57. All ayes, motion carried.

**COMMUNICATIONS/CORRESPONDENCE PACKET**

The following information was included in board members packets: MTA Faxes; Lake Township Water Filtration Plant monthly report; Lake Charter Township Utility Board meeting minutes; Lake Charter Township Planning Commission minutes; Lake Michigan Mailers postage savings statement; Galien River Sanitary Sewer District Authority meeting minutes, project status update; Lake Township Fire and Rescue meeting minutes; a listing of Lake Charter Township Fund Balances.

Letter from Lincoln Township of their intent to update the current Township Master Plan; Letter from the Berrien County Road Commission regarding resurfacing of Date Road from Lemon Creek to Hinchman Road; Letter from Miss Bridgman Queen Committee; a meeting notice from Bridgman Schools regarding tennis court project; Michigan Association of Governmental Computer Users 2005 Annual Conference and a letter from Peerless-Midwest regarding a proposal for a water plant booster station.

**REPORTS**

*B. Supervisor's Report*

Supervisor Gast reported as follows:

- a. Held Board of Review;

- b. Attended Berrien County Chapter Michigan Township's Association picnic;
- c. Attended the Galien River Sanitary District Authority meeting;
- d. Attended Medic One meeting;
- e. Attended Special Board of Trustees meeting;
- f. Attended Utility meeting;
- g. Attended the Parks Committee meeting;
- h. Attended Library Board meeting;
- i. Attended Chamber of Commerce meeting;
- j. Attended Special Board meeting of the Galien River Sanitary District Authority.

B. Clerk's Report

Clerk Payne reported as follows:

- a. Attended Berrien County Chapter Michigan Township's Association picnic;
- b. Met with Worker's Compensation on the 2004 payroll audit;
- c. Met with 5/3rd Bank regarding banking issues;
- d. Attended Chamber of Commerce meeting;
- e. Attended Growth Alliance meeting;
- f. Attended Special Board of Trustees meeting.

C. Treasurer's Report

Treasurer Korcek reported as follows:

- a. Attended Berrien County Chapter Michigan Township's Association picnic;
- b. Met with 5/3rd Bank regarding banking issues;
- c. Attended Chamber of Commerce meeting;
- d. Attended Community Growth Alliance meeting;
- e. Attended Special Board of Trustees meeting.

D. Planning Commission Report

Trustee Wolf reported the Planning Commission called for a public hearing on a rezoning request.

E. Water Superintendent's Report

Water Superintendent Beach reported nine water main breaks occurred to the water plant system. Solicited bids from two firms for water plant operation assessment and possible micro filtration to improve plant capability to process water.

F. GRSD Sewer Authority Report

Supervisor Gast reported the sewer expansion project is 81% complete. The system is scheduled to go on-line September 29, 2005. Payment #17 in the amount of \$524,243.69 was approved.

A special meeting was held regarding the unionization of the employees. Tom Fette has been retained as attorney for the GRSD, and is writing the contract wording for the authority.

G. Police Department

Trustee Eichler reported the police department had no meeting.

H. Fire Department/Fire Chief

Trustee Eichler reported the Fire Department new air paks were delivered Wednesday. Truck #26 will be at the Berrien County Youth Fair for fire coverage. Twenty-five fire calls were dispatched in July with a response time of 5.88 minutes.

VIII. Park Report

Trustee Wolf reported the disc golf course has been installed. A map of the course layout was included in board members packets. Water and Sewer were installed in the maintenance building.

J. Library Report

In the absence of Lillian Svitil and Carol Siewert, Supervisor Gast reported the roof situation is continuing in litigation. The 2005/06 budget is being drafted. The Township uses the library more than the City. Meeting rooms are available to the public free of charge. The parking lot needs finishing.

K. Utility Committee Report

Supervisor Gast reported Larry Merritt made recommendation to conduct a water plant assessment. This would accomplish the task of identifying the needs and improvements to increase the filtration capabilities of the water plant. Thermals continue to be a problem, the system is thirty years old, and it is becoming increasingly difficult to stay ahead of the maintenance issues.

**AGENDA ITEMS**

Berrien County Tool and Die Coalition Renaissance Zone Request

Supervisor Gast introduced Cindy LaGrow of the Berrien County Tool and Die Coalition. Since Ms. LaGrow had been before the Lake Township Board for the last two months, she limited her comments to include the fact that Lincoln Township, Village of Stevensville, Benton Charter Township, Coloma Township and Sodus Township all had approved the Renaissance Zone request.

Supervisor Gast turned the floor over to Lake Charter Township Treasurer Betty Korcek who indicated that with regard to Accu Die & Mold, Inc., the total amount abated would be \$8,083.06. A \$687.01 loss to Lake Township based on the 2004 tax year. For Dura Mold, Inc., the total amount abated would be \$13,575.20. A \$1,369.42 loss to Lake Township based on the 2004 tax year.

Supervisor Gast reiterated, the program consists of 20 Tool & Die Renaissance Recovery Zones, 100% abatement for up to fifteen years. There are certain criteria that tool and die companies must meet before they are awarded a renaissance recovery zone designation. First, they must employ 50 people or less, second they have to have a North American Industrial Classification System Code of 333511, 333512, 333513, 333514 or 333515 and already operate a facility within a renaissance zone and finally, enter into a collaborative agreement with other companies with the NAICS code.

Companies located in a recovery zone do not pay single business tax, 6-mill state education tax, local personal property tax, local real property tax and local income tax. Taxes still due are those mandated by the federal government, local bond obligations, school sinking fund or special assessments. The Michigan Department of Treasury reimburses intermediate school districts, local school district, community college districts and public libraries.

Supervisor Gast read the Resolution and the memorandum of understanding. He reiterated that ultimately the Michigan Tax Tribunal decides whether to approve the Renaissance Recovery Zone.

Dan Reifschneider of Accu-Die commented that he appreciates Lake Charter Townships efforts in the past and knows that our decision does not guarantee an award, but "it is a weapon in our arsenal" to fight against jobs being lost overseas.

Accu Die employs 39 individuals and Dura Mold employs 34.

After discussion, it was moved by Payne seconded by Geukes to approve the Lake Charter Township Resolution requesting the State of Michigan designate Accu-Die & Mold, Inc., a Renaissance Recovery Zone under Public Act 376 of 1996 for a duration of up to fifteen (15) years subject to and

conditioned upon Accu-Die & Mold, Inc., executing the Memorandum of Understanding. Roll Call Vote; Carson no; Eichler no; Wolf yes; Payne yes; Geukes yes; Korcek yes; Gast yes. Motion carried.

After further discussion, it was moved by Geukes seconded by Wolf to approve the Lake Charter Township Resolution requesting the State of Michigan designate Dura Mold, Inc., a Renaissance Recovery Zone under Public Act 376 of 1996 for the duration of up to fifteen (15) years subject to and conditioned upon Dura Mold, Inc., executing of Memorandum of Understanding. Roll Call Vote; Carson no; Eichler no; Wolf yes; Payne yes; Geukes yes; Korcek yes; Gast yes. Motion carried.

Rezoning Request by H.A.B. Real Estate

Supervisor Gast brought before board members the Petition for Zoning Amendment by H.A.B. Real Estate for Tax Parcel No. 11-11-0136-0011-00-3 from C-1-Res Ag to L-1 Limited Industrial. The Lake Charter Township Planning Commission at their July, 2005 meeting approved the rezoning request. The Berrien County Planning Commission denied the proposed rezoning, citing it is not in compliance with the Township's Master Plan.

It was moved by Eichler seconded by Carson to approve the rezoning request for Tax Parcel No. 11-11-0136-0011-00-3 at 11547 North Hildebrandt Road from C-1-Res Ag to L-1 Limited Industrial for the following reasons:

1. The requested rezoning is not consistent with the Lake Charter Township Master Plan, however, parcels adjacent to the subject parcel have recently been rezoned to L-1. This has set a precedent for the immediate vicinity that the current uses and recent zoning changes are appropriate, despite the current recommendations to the Master Plan.
2. Properties adjacent to the subject parcel are currently zoned as L-1.
3. The subject property is bounded on the east side by the I-94 right-of-way. The proximity of I-94 lends this parcel to being utilized for industrial uses.
4. The Planning Commission will be conducting reviews of the Master Plan, which may result in changes with regard to future land use designations in this area.

All ayes, motion carried.

Great Lakes Staircase Rezoning Request

Supervisor Gast brought before board members the Petition for Zoning Amendment by Howard Klotz and Jim Woodfin for Tax Parcel No. 11-11-0017-0003-04-1 from Res Ag to C-1 Commercial. The Lake Charter Township Planning Commission at their July, 2005 meeting approved the rezoning request.

The Berrien County Planning Commission denied the proposed rezoning, citing it is not in compliance with the Township's Master Plan. Further, the rezoning would constitute "spot" zoning which is creating a small zone of inconsistent use within a larger zone.

Discussions with Williams & Works included rather than changing the zoning, it would be more appropriate in this particular case to allow Great Lakes Staircase, a wood shop, as a special use, rather than changing the zoning to commercial and open the doors for any commercial operation to come in, in the future.

If the applicant would consider another option, such as, requesting a special use, which are available in the residential districts, it would be more appropriate in this particular case to allow a wood shop a special use, then the operation could become legal, and through the special use review process, could enact reasonable controls on the property, such as hours of operation, buffers, traffic, lighting, parking, etc., to ensure that it would remain in harmony with adjacent residential uses. Using this approach, it would save the integrity of the ordinance and likewise give the property owner an avenue to be legal and expand.

It was moved by Payne seconded by Wolf to deny the rezoning request of Great Lakes Staircase for Tax Parcel No. 11-11-0017-0003-04-1 from Res Ag to C-1 Commercial and ask the landowner to explore other options through Lake Charter Township. Lake Charter Township would waive the fee, if any, for such other options. All ayes, motion carried.

#### Park Fencing

Supervisor Gast reported that approximately 240' of fencing at the park is needed along the new driveway and north pavilion. This would ensure added safety since it is enclosing a playground area. Brian Thomas, Park Superintendent, would install the fence and is in need of permission to purchase material not to exceed \$2,300.00. Bids that were received for this project, exceeded that amount.

It was moved by Payne seconded by Korcek to allow Brian Thomas, Park Superintendent, to construct and

purchase material for 240' of fencing at the park, not to exceed \$2,300.00. Six ayes, one nay (Carson). Motion carried.

#### Collection of Personal Property Taxes

Supervisor Gast turned the floor over to Treasurer Betty Korcek who received a request from Bret Witkowski, Berrien County Treasurer. He is asking Lake Charter Township consider passing a Resolution in support of the County Treasurer and its office, in the process of collecting delinquent personal property taxes. Currently, there are \$2,700,000 of uncollected personal property taxes in Berrien County. Lake Charter Township's share is \$105,970.53. Currently the treasurer's office has hired personnel to assist in this process. The collection of unpaid personal property taxes will serve the best interests of the citizens of Berrien County by enabling the effected governmental units to maintain necessary funding for governmental operations.

It was moved by Korcek seconded by Geukes for Lake Charter Township to sign the Resolution of Support for uncollected personal property taxes in Berrien County. All ayes, motion carried.

#### Repair and Sealing of Michigan State Police Post Parking Lot

Supervisor Gast brought before board members two proposals for repair and sealing of the Michigan State Police Post parking lot, as follows: Arnt Asphalt Sealing, Inc. \$3,650.00 and Shembarger Asphalt Sealing \$3,830.00. It was moved by Eichler seconded by Wolf to approve the bid of Arnt Asphalt Sealing Inc., in the amount of \$3,650.00 for repair and sealing of the Michigan State Police Post parking lot. All ayes, motion carried.

#### Fire Department Applicant & Membership

Supervisor Gast asked board members to review the application for firefighter from Michael James Essig. His training and references reflect his abilities, in that he was a firefighter for Lincoln Township. He has moved from Lincoln Township to Lake Township. Even though membership is at 24 which is full membership of the Fire Department, not everyone answers every fire call. Trustee Carson asked why there is a cap on the amount of firefighters. It was moved by Payne seconded by Geukes to accept the application of Michael James Essig for Lake Charter Township firefighter, and, further place on next month's agenda the reasoning behind a cap of 24 firefighters on the roster. All ayes, motion carried.

#### Grass Seeding

Supervisor Gast reported that there is approximately five acres of grass yet to be seeded at the Lake Charter Township Park. In the past, the seed was purchased by Decatur Seed and the labor was done by staff. The cost not to exceed \$1,700.00. It was moved by Payne seconded by Geukes to purchase grass seed, not to exceed \$1,700.00 from Decatur Seed for the five acres at Lake Charter Township Park. All ayes, motion carried.

#### **PUBLIC COMMENT**

Erna Linke commented that there is a grass seed on the market, a special blend, that can grow in sand.

Tom Carson asked why the fuel is being purchased at Baroda Township. The 160 gallon tank developed rust and the gravity flow is a problem.

**ANNOUNCEMENTS**

The next regular meeting is scheduled for September 19, 2005 at 7:00 p.m., Lake Township Hall, Bridgman, Michigan.

Lake Charter Township Planning Commission is scheduled for September 12, 2005 at 7:00 p.m., Lake Charter Township Hall, Bridgman, Michigan.

Lake Charter Township Zoning Board of Appeals is scheduled for September 8, 2005 at 7:00 p.m., Lake Charter Township Hall, Bridgman, Michigan.

Joint City of Bridgman/Lake Charter Township meeting is scheduled for August 29, 2005 at 7:00 p.m. at Lake Charter Township Hall, Bridgman, Michigan.

**ADJOURNMENT**

With no further objection and no further business it was moved by Carson seconded by Wolf to adjourn the meeting. All ayes. Motion carried. Meeting adjourned at 8:40 p.m.

Dated:\_\_\_\_\_

\_\_\_\_\_  
Gloria A. Payne, Clerk

Dated:\_\_\_\_\_

\_\_\_\_\_  
John Gast, Supervisor