

**MINUTES
LAKE CHARTER TOWNSHIP
BOARD MEETING
July 17, 2006
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; James Stine, Jr., Trustee and Trustee Tom Carson. Sixteen visitors were present in the audience.

APPROVAL OF AGENDA & AGENDA AMENDMENTS

It was moved by Eichler seconded by Stine to approve the order of the agenda, moving item "g" to "d." All ayes, motion carried.

APPROVAL OF MINUTES

It was moved by Korcek seconded by Geukes to approve the Minutes of the June 19, 2006 Board meeting. All ayes, motion carried.

PUBLIC COMMENT

Mike Jasper noted that the agenda was not posted on the website. Supervisor Gast indicated he would speak with the website administrator.

APPROVAL OF BILLS

It was moved by Geukes seconded by Stine to approve the June 2006 bills totaling \$229,317.25. All ayes, motion carried.

COMMUNICATIONS/CORRESPONDENCE PACKET

The following information was included in board members packets: MTA Weekly Legislative Report; Lake Township Water Filtration Plant monthly report; Medic I Agenda and meeting minutes; Lake Charter Township Planning Commission meeting minutes; Galien River Sanitary Sewer Authority Agenda and meeting minutes; Baroda Township bills; Park Committee Agenda; Lake Township Fire and Rescue meeting minutes; Bridgman Public Library meeting minutes; Twin Cities Transportation Study Policy & Technical Advisory meeting minutes; Election Committee meeting minutes; Bridgman Area Chamber of Commerce meeting minutes.

Copy of check from Bridgman Public Schools for reimbursement of School Board election. Letter from Duane and Betty Harfert thanking water plant employees for their quick service hooking up the water line to their home. Letter from AEP regarding shipment of materials for the overhaul of a new reactor vessel. Letter from Lt. Michael Bradley regarding NIMS compliance.

REPORTS

B. Supervisor's Report

Supervisor Gast reported as follows:

- a. Attended Galien River Sanitary District Authority meeting;
- b. Met with Pearson Construction regarding the Public Safety Building;
- c. Attended Master Plan Update;
- d. Met with Duane Janka and employees regarding Pension Plan proposal
- e. Met with Dave Schaffer regarding 2005 audit;
- f. Attended Board of Determination on a drain in New Buffalo Township;
- g. Attended NRC Public Hearing;
- h. Attended and held the Utility Board Meeting;
- i. Attended NPDES Phase II Storm Water Permit;
- j. Toured Berrien Springs/Oronoko Township Public Safety Building

B. Clerk's Report

Clerk Payne reported as follows:

- a. Attended Growth Alliance special and regular meeting;
- b. Attended Master Plan meeting;
- c. Met with Duane Janka and employees regarding Pension Plan proposal;
- d. Attended Automark Training with Sandi Denman, Election Chair;
- e. Met with Dave Schaffer regarding 2005 Audit;
- f. Took one week vacation.

C. Treasurer's Report

Treasurer Korcek reported as follows:

- a. Met with Dave Schaffer regarding 2005 Audit;
- b. Attended Park Committee meeting;
- c. Attended Growth Alliance special and regular meeting;
- d. Attended Chamber of Commerce Mixer;
- f. Worked at Southwest Michigan Wine Trail;
- g. Met with Duane Janka and employees regarding Pension Plan proposal;
- h. Attended Master Plan meeting;
- h. Attended Utility Meeting.

Earned \$3,090.05 on a Sewer CD in 90 days, earned \$3,195.71 on a General CD, earned \$4,347.24 on a Capital Improvements CD in 60 days and earned \$105.25 and \$1,075.01 on Water accounts.

D. Planning Commission Report

Trustee Geukes reported that the Planning Commission held a Public Hearing regarding the newly enacted Zoning & Enabling Act, which changes the Notice for everything to be fifteen (15) days.

E. Water Superintendent's Report

Water Superintendent Stewart Beach reported the Memcor final proposal will be available soon. The sludge is in the process of being removed at \$20.00 per ton to licensed landfill.

F. GRSD Sewer Authority Report

Supervisor Gast reported the sewer plant expansion project is complete and an Open House is planned for October to include a tour of the facility. Service occurred on Lift Stations 46, 40, 35 and 32.

G. Police Department

Trustee Eichler reported the Police Department received donations from Accu-Die and Underwater Construction which will be used to buy tazer guns. They are currently running the bike Project Child Safe. There were also discussions regarding the Public Safety Building.

H. Fire Department/Fire Chief

Trustee Eichler reported the firefighters helped the Marine Division with the downing victim on July 4, 2006. Training will be held on Wednesday, July 19, 2006 at 6:00 p.m., on the jet skis. The firemen discussed the Public Safety Building as well. Chief Heyn reported ten calls were dispatched, of which nine were medic and one accident.

I. Park Report

Treasurer Korcek reported the moles are gone, the ballfield water connection is waiting on parts. Accu-Die & Mold donated toward the gazebo project, Brian's mower works now and the grill is there and is being used. Bids will be let for work on the dugouts.

J. Library Report

Lillian Svitil reported an Open House was held on July 8, 2006, as well as a celebration at the City Park. \$2,400.00 was raised at the Book Sale, and leftover books were donated to New Troy. The Library will host a "Meet the Candidates" for Lake Charter Township on July 24, 2006. Carol Richardson has been invited to an award's ceremony in November 2006.

K. Cemetery Committee Report

Clerk Payne reported that three burials were conducted in the month of June 2006. Two markers, one of wood and one of PVC pipe have been removed, they are not in accordance with our Ordinance regarding markers.

PUBLIC HEARING

It was moved by Payne seconded by Carson to enter into a Public Hearing. All ayes, motion carried. Supervisor Gast opened the public hearing at 7:22 p.m.

PUBLIC HEARING - ESTABLISHING INDUSTRIAL DEVELOPMENT DISTRICT FOR ST. JOE TOOL COMPANY

Sixteen people attended the public hearing. The issue to be discussed included whether to establish an industrial development district and grant an industrial facilities exemption certificate for St. Joe Tool Company for Parcel A 11521 Red Arrow Highway, Parcel B 11547 North Hildebrandt Road and Parcel C 11587 North Hildebrandt Road, Bridgman, Michigan.

Supervisor Gast introduced Sharon Tyler, Executive Director of Berrien County Manufacturing Council.

Sharon Tyler introduced Henry Braddock, President, of St. Joe Tool Company. The purpose of a public hearing is twofold. First, to establish an Industrial Development District and secondly, to consider a tax abatement. St. Joe Tool Company is a manufacturer of custom precision machine products. The Company straightens and cuts lengths of steel coil. The Company is located in a 35,000 square foot building at 11521 Red Arrow Highway in Lake Charter Township. The exemption is sought for a 24,000 square foot addition to the existing building, 6,000 square foot storage building, paving, furniture, fixtures, machinery and equipment, for a total project cost of \$788,000.00. The company employs 33 full-time and two part-time employees. The Company plans to create five jobs within the next two years.

Public Act 198 of 1974, a tax abatement, is the primary tool local units of government use as an incentive for companies to renovate, expand aging manufacturing plants or build new plants in Michigan. Tax abatements cover both real and personal property and the time period can run up to Twelve (12) years. Industrial plants that primarily manufacture or process goods or materials by physical or chemical change qualify for a tax abatement. The legislative body of the township in which the facility is located grants the tax abatement. Both employer and the community benefit from a tax abatement. The employer benefits by providing the opportunity for employers to remain competitive, continue in business and maintain their local government. It gives the local unit of government the opportunity to reward a company who has been a good corporate citizen.

The community benefits by promoting economic growth and preserve the current local tax base and provides for future tax revenue increases. By adding new and retaining current jobs, revenues continue to flow into the local community.

Stewart Beach asked whether an overhead sprinkler system would be installed. Mr. Braddock indicated it would not.

With no other public comment, and no further comment from board members, the public hearing was closed at 7:27 p.m.

Supervisor Gast asked to forego reading the Resolution Establishing an Industrial Development District by the Charter Township of Lake for St. Joe Tool Company. There were no objections. It was moved by Eichler seconded by Carson to grant establishing an industrial development district for St. Joe Tool Company. Roll Call Vote: All Yes, Motion carried.

PUBLIC HEARING

It was moved by Carson seconded by Geukes to enter into the Public Hearing. All ayes, motion carried. Supervisor Gast opened the public hearing at 7:31 p.m.

PUBLIC HEARING - INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR ST. JOE TOOL COMPANY

Sixteen people attended the public hearing. The issue to be discussed included whether to grant an industrial facilities exemption certificate for St. Joe Tool Company for Parcel A-11521 Red Arrow Highway, Parcel B-11547 North Hildebrandt Road and Parcel C-11587 North Hildebrandt Road, Bridgman, Michigan.

Supervisor Gast turned the floor over to Sharon Tyler, Executive Director of Berrien County Manufacturing Council.

Sharon Tyler reported that St. Joe Tool is seeking a 12-year 50% tax abatement.

Trustee Geukes asked what the savings to Mr. Braddock was and how long Mr. Braddock has been in business? Ms. Tyler reported that \$5,949.69 was the tax savings to St. Joe Tool Company. He has been in business since 1968.

Supervisor Gast asked to forego reading the resolution granting the Industrial Facilities Exemption Certificate. There were no objections.

With no other public comment, and no further comment from board members, it was moved by Stine seconded by Geukes to close the public hearing. The public hearing was closed at 7:39 p.m. All ayes, motion carried.

It was moved by Payne seconded by Carson to grant a 12-year 50% Industrial Facilities Exemption Certificate to St. Joe Tool Company. Roll call vote: All Yes. Motion carried.

AGENDA ITEMS

Resolution Terminating the Development Agreement with Sempra Southshore Power

Supervisor Gast introduced Lake Charter Township Attorney, Scott Dienes of DeFrancesco & Dienes who brought before board members Lake Charter Township Resolution No. 06-05 Resolution Declaring Intent to Rescind Approvals Related to the Sempra Facility. The Resolution has now been changed to include language in bullet point #3. "Nothing in this resolution shall be interpreted to change the zoning district of the property from Industrial District to another district, however, the township reserves the right to change the district as required by law." It was moved by Payne seconded by Geukes to approve the Resolution as presented. Roll Call: All Yes, motion carried.

Water Ordinance Amendment

Supervisor Gast introduced Lake Charter Township Attorney, Scott Dienes of DeFrancesco & Dienes who brought to board members Lake Charter Township Water Ordinance No. 73-1 (Revised 5/99) who discussed the highlighted sections of the ordinances and reported that the only changes are the amounts charged for services and replaced with "as set by the Township Board with Resolution." Therefore, in the future the rate adjustment will not require a three-month process. He further indicated he would draft language for publication, rather than publish the entire ordinance. It was moved by Carson seconded by Eichler to approve the Water Ordinance as amended. Roll Call Vote: All yes, motion carried.

2005 Audit Report

Supervisor Gast apologized for the absence of Dave Schaffer of Schaffer & Layher. Mr. Schaffer will attend the August meeting and go over the intricacies of the 2005 Audit. Supervisor Gast brought board members attention to the Statement of Financial position letter dated June 26, 2006 and the Independent Auditor's Report letter declaring the 2005 financial statements are fairly stated in all material respects and in relation to the financial statements taken as a whole. It was moved by Payne seconded by Geukes to accept the 2005 Audit Report. All ayes, motion carried.

Stahelin Drain #493

Supervisor Gast introduced Roger Zilke, Berrien County Drain Commissioner who reported that the Stahelin Drain #493 is in need of work which exceeds the limit of \$2,500.00, that the County Drain Commissioner can assess. This particular drain has had nine work orders in the last four to five years. The area that has flooding problems is on Gast Road going about 700 feet north through and to the north property line of 9303 Gast Road, the portion of the drain that the old drain tile wasn't working properly. Right now that portion is an open ditch. We need to go back and place new tile in the ditch due to flooding in that area, as well as two catch basins. This will affect approximately 18 property owners. Engineering will be used to look at the drainage district, and it has not been reviewed since 1983. It was moved by Stine seconded by Eichler to approve conducting work on Stahelin Drain #493. Roll Call Vote: All yes, motion carried.

Further, Drain Commissioner Zilke read the Maintenance Resolution of Stahelin Drain #493 in Lake Charter Township and asked for its approval. It was moved by Carson seconded by Geukes to approve Maintenance Resolution for the Stahelin Drain #493. All ayes, motion carried. Drain Commissioner Zilke indicated there would be a formal day of review for the drain district and the property owners will be notified by his office.

Budget Review

Supervisor Gast presented to board members the 2006 mid-year budget. He asked board members to review it and bring changes to the August meeting.

Joint Lake Charter Township/City of Bridgman Meeting

Supervisor Gast asked board members to present to him any agenda items they want to discuss at the upcoming joint Lake Charter Township/City of Bridgman meeting on July 31, 2006.

PUBLIC COMMENT

Lillian Svitil asked whose idea it was to have a gazebo at the Park? Supervisor Gast reported that Larry Ott made the suggestion.

Mike Jasper asked if an elevated storage facility is built who will pay for it, he recommended Chikaming Township share in the cost. Supervisor Gast responded that we certainly will be having discussions with our neighboring community and further reiterated that the preliminary recommendation of our Water Plant engineers includes adding an additional elevated storage facility for the amount of water we are pumping.

ANNOUNCEMENTS

The next regular meeting is scheduled for August 21, 2006 at 7:00 p.m., Lake Township Hall, Bridgman, Michigan.

Lake Charter Township Planning Commission is scheduled for August 14, 2006 at 7:00 p.m., Lake Charter Township Hall, Bridgman, Michigan.

Lake Charter Township Utility Board is scheduled for August 1, 2006 at 12:00 Noon, Lake Charter Township Hall, Bridgman, Michigan.

Board of Review meeting July 18, 2006 at 5:00 p.m., Lake Charter Township Hall, Bridgman, Michigan.

ADJOURNMENT

With no further objection and no further business it was moved by Carson seconded by Korcek to adjourn the meeting. All ayes. Motion carried. Meeting adjourned at 8:50 p.m.

Dated: _____

Gloria A. Payne, Clerk

Dated: _____

John Gast, Supervisor