

**MINUTES
LAKE CHARTER TOWNSHIP
BOARD MEETING
May 15, 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. Fourteen visitors were present in the audience.

APPROVAL OF AGENDA & AGENDA AMENDMENTS

The agenda was approved as presented.

APPROVAL OF MINUTES

It was moved by Korcek seconded by Geukes to approve the Minutes of the April 17, 2006 Board meeting. All ayes, motion carried.

PUBLIC COMMENT

Stewart Beach reported that the Bridgman Public Schools Tennis Courts are in use and Bridgman won against LMC 8/0.

APPROVAL OF BILLS

It was moved by Geukes seconded by Carson to approve the April 2006 bills totaling \$231,038.86. All ayes, motion carried. Trustee Geukes inquired as to the nature of work Attorney Dienes was doing regarding Sempra. Supervisor Gast indicated that he was working on a letter dissolving the Development Agreement that all parties could sign.

COMMUNICATIONS/CORRESPONDENCE PACKET

The following information was included in board members packets: MTA Weekly Legislative Report; A Memorandum from MTA regarding the Michigan Zoning Enabling Act on Townships that Zone; Lake Township Water Filtration Plant monthly report; Medic I Agenda and meeting minutes; Notice of Hearing for I&M to reduce rates in St. Joseph and Three Rivers; Lake Charter Township Planning Commission meeting minutes; Lake Charter Township Board/Planning Commission joint meeting minutes; Galien River Sanitary Sewer Authority Agenda and meeting minutes; Baroda Township bills; Bridgman Public Library meeting minutes; Park Committee meeting minutes; 911 Advisory Committee meeting minutes; Twin Cities Area Transportation Study Technical Advisory & Policy Committee meeting minutes; Amendment to Site Plan Requirements; Summary Sheet of Lake Charter Township Property Taxes for 2005; An engineering plan from Consoer, Townsend & Associates Consulting Engineers for construction of an intake line; A report from M.E. Simpson Company regarding the pilot testing showing 5.957564174 maximum MGD at the water plant.

Copies of checks from State of Michigan for State Revenue Sharing and the GRSD Interceptor Reimbursement. Lake Charter Township Fund Balance sheet for April 2006. Lake Michigan Mailers Postage Savings Statement and an update on Linke vs. Lake Charter Township Board of Appeals.

REPORTS

B. Supervisor's Report

Supervisor Gast reported as follows:

- a. Attended Public Officials Meeting;
- b. Attended SWIPPI Update Meeting;
- c. Attended Joint Board/Planning Commission Master Plan organizational meeting;
- d. Attended Galien River Sanitary District Authority meeting;
- e. Attended Medic One meeting;
- f. Attended Utility Board meeting;
- g. Attended Blossomtime Governor's Dinner;
- h. Attended Berrien County Road Commission meeting with Kevin Reed;
- i. Attended Growth Alliance meeting;
- j. Participated in the National Day of Prayer;
- k. Attended oral arguments on a pending lawsuit;
- l. Met with Chikaming Township regarding Warren Dunes Roadway right-of-way walk and discussion on bridge removal;
- m. Attended County Regional meeting;
- n. Met with Rob Smit of Tower Hill Camp;
- o. Attended Visioning Session;
- p. Attended MTA Governance Academy Session in Augusta, Michigan.

B. Clerk's Report

Clerk Payne reported as follows:

- a. Attended Southwestern Michigan Commission meeting;
- b. Attended Joint Board/Planning Commission Master Plan organizational meeting;
- c. Attended Berrien County Public Officials Day at Michigan Works!
- d. Hosted for Louise Stine, Berrien County Clerk the Election Workers Training;
- e. Held Public Accuracy Test for Bridgman Public School District election;
- f. Trained our local Election Workers;
- g. Attended Utility Board meeting;
- h. Attended Growth Alliance meeting;
- i. Attended Maximum Impact Seminar;
- j. Met with Pension Plan Representatives from Hartford regarding pension plan options;
- k. Attended Visioning Session.

C. Treasurer's Report

Treasurer Korcek reported as follows:

- a. Attended Michigan Municipal Education Seminar;
- b. Attended Berrien County Public Officials Day at Michigan Works!
- c. Met with Pension Plan Representatives from Hartford regarding pension plan options;
- d. Attended Maximum Impact Seminar;
- e. Attended Utility Board meeting;
- f. Attended Election Workers meeting;
- g. Attended Growth Alliance meeting;
- h. Participated in the National Day of Prayer.

D. Planning Commission Report

Trustee Geukes reported that the Planning Commission approved a Special Land Use Permit for 8019 Red Arrow Highway. Set two public hearings for site plan requirements and for amended to Water Ordinance 73-1.

E. Water Superintendent's Report

Water Superintendent Stewart Beach reported he attended an LEPC meeting. Participated in the National Day of Prayer. Attended the Utility Board meeting. He is in the process of seeking more bids for pigging the intake.

F. GRSD Sewer Authority Report

Supervisor Gast reported the construction is 98.89% finished. The landscaping is in process. Payment #24 in the amount of \$373,951.69 has been approved. The next major project is setting up a revolving fund to rebuild Lift Station No. 1. Public meetings will be held spelling out the money being asked for by the grant. Lastly, maintenance on Lift Station No. 44 at the cemetery was performed.

G. Police Department

Trustee Eichler reported the board received a letter from Chief Gary Ruhl requesting a joint meeting between Lake Charter Township, Baroda Village and Baroda Township be held to discuss building a public safety building, since the present site is inadequate and too small. This meeting would be scheduled for Tuesday, June 13, 2006 at 7:00 p.m. at Lake Charter Township Hall.

Trustee Stine asked whether this would include Fire? Trustee Eichler indicated that would need to be discussed.

Lastly, two new police cruisers are now in service.

H. Fire Department/Fire Chief

Trustee Eichler reported two jet skis have been donated again for our use for the summer months. The Fire Department is having a Pancake Breakfast on June 4, 2006 from 8:00 a.m. - 12:00 Noon at the Fire Hall.

Chief Heyn reported Firefighters will be participating in a Weapons of Mass Destruction Seminar at Berrien County on June 13, 2006. Fifteen calls were dispatched, of which ten were medic and five fire related.

VIII. Park Report

Loren Berndt reported moles are currently under control. Fifteen Maple trees are scheduled to be planted. A 20" auger is lined up. The footing for the concrete dugout will be poured this Friday.

J. Library Report

Lillian Svitil reported no one came to assess the roof, due to the rain. The bylaws are still in the process of being reviewed since they have not been updated since 1995. Citywide garage sale is this weekend. A thank-you from the Red Cross was received. Money was pulled out of Chase Bank and placed into Edgewater. Problems with other people parking in Staff parking spaces prompted "will be towed at owners' expense" sign to be placed on those vehicles.

K. Cemetery Committee Report

Clerk Payne reported that two burials were conducted in the month of April 2006. Trying to keep the cemeteries mowed and looking good for Memorial Day.

PUBLIC HEARING

Supervisor Gast opened the public hearing at 7:18 p.m.

PUBLIC HEARING - ESTABLISHING INDUSTRIAL DEVELOPMENT DISTRICT FOR APOLLO SEIKO, LTD. TO BE LOCATED AT WEST LEMON CREEK ROAD, BRIDGMAN, MICHIGAN

Fourteen 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 Apollo Seiko to be located at West Lemon Creek Road, Bridgman, Michigan.

Supervisor Gast introduced Dan Fette, Executive Director of Berrien County Economic Development.

Dan Fette introduced Rick Schiffer, Vice President, of Apollo Seiko, Ltd. The purpose of a public hearing is twofold. First, to establish an Industrial Development District and secondly, to consider a tax abatement. Apollo Seiko, Ltd., plans to employ 10 workers within the next two years. The exemption is sought for an approximately 5,000 to 6,000-square foot new building. The company plans to purchase machinery, equipment and furniture and fixtures. Real Property Cost is \$509,000.00 and Personal Property Cost is \$307,000.00, for a total of \$816,000.00.

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.

Mike Jasper commented that the Township should table this agenda item for one month to include verbiage in the Resolution that spells out what happens if they do not hold up to their responsibilities. The Township should establish a board or committee to oversee abatements that have been granted.

Supervisor Gast indicated that we have in place, any tax abatements that may be granted in Lake Township the Clerk/Supervisor be allowed to sign the Resolution which protects Lake Township and their financial soundness of the taxing unit which levies ad valorem property taxes.

Dieter Kruger supported the tax break saying the industries need it. We have enough service jobs. Michigan does not look good. We must do something. We, as the first arm of government can help get jobs created in the United States. Government must do something, sooner rather than later.

Trustee Stine inquired whether the machines will be assembled at the business. Dan Fette replied, the robotic soldering machines are assembled, as well as tooling is involved and CNC mill workers will be needed, skilled employment.

Trustee Geukes asked whether the operation is noisy. Dan Fette replied the noise is contained in the building.

Trustee Geukes asked whether he should be voting on this since he is a neighbor. Clerk Payne stated that only if you stand to gain a personal benefit should you abstain from voting. There were no objections to Trustee Geukes voting on this agenda item.

With no other public comment, and no further comment from board members, the public hearing was closed at 7:30 p.m.

Supervisor Gast asked to forego reading the Resolution Establishing an Industrial Development District by the Charter Township of Lake for Apollo Seiko, Ltd. There were no objections. It was moved by Payne seconded by Stine to grant establishing an industrial development district for Apollo Seiko, Ltd. Roll Call Vote: All Yes, Motion carried.

PUBLIC HEARING

Supervisor Gast opened the public hearing at 7:30 p.m.

PUBLIC HEARING - INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR APOLLO SEIKO, LTD., TO BE LOCATED AT WEST LEMON CREEK ROAD, BRIDGMAN, MICHIGAN

Fourteen people attended the public hearing. The issue to be discussed included whether to grant an industrial facilities exemption certificate for property located at West Lemon Creek Road, Bridgman, Michigan.

Supervisor Gast turned the floor over to Dan Fette of Berrien County Economic Development. He reported that Apollo Seiko is seeking a 12-year 50% tax abatement.

Apollo Seiko, Ltd., plans to employ 10 workers within the next two years. The exemption is sought for an approximately 5,000 to 6,000-square foot new building. The company plans to purchase machinery, equipment and furniture and fixtures. Real Property Cost is \$509,000.00 and Personal Property Cost is \$307,000.00, for a total of \$816,000.00.

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.

Trustee Carson agreed with Dieter Kruger. The State of Michigan is losing jobs to Alabama. The state pays people to come and set-up business in Alabama. We need help here in Michigan regarding the loss of businesses.

Trustee Stine thought we need to do what we can to assist businesses. He was delighted to be sitting on the Township Board, and be a part of assisting businesses.

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, the public hearing was closed at 7:45 p.m.

It was moved by Carson seconded by Eichler to grant a 12-year 50% Industrial Facilities Exemption Certificate to Apollo Seiko, Ltd. Roll call vote: All Yes. Motion carried.

AGENDA ITEMS

Assessors Service Contract Amendment

Supervisor Gast reported that the contract extension for Lake Charter Township's assessment services is up for renewal. After discussion, since Lake Charter Township has to employ a Level IV assessor because of the Cook Nuclear Plant, and having no problems with the assessment services to date, it was moved by Payne seconded by Geukes to approve the extension of the assessment services with HSC Services, Inc., for \$2,050.00 per month, representing a 5% increase, commencing June 1, 2006 until May 31, 2007. All ayes, motion carried.

Contribution to Lawsuit

Supervisor Gast brought to board members a letter from Larry Merrill, Executive Director of the Michigan Townships Association asked whether we would be willing to accompany a lawsuit filed against the MDEQ by the Charter Townships of Comstock and Kalamazoo regarding the obligation to comply with MDEQ's Phase II Urban Storm Water Discharge Permitting process.

The suit contends that MDEQ has erroneously applied state and federal law in its determination through Administrative Rule 323.216 (2) that the townships are "owners or operators" of municipal separate storm systems. The suit also maintains that allegedly having the unexercised authority to own and operate a storm water system does not give MDEQ authority to obligate a township to comply with the MD4 requirements pursuant to the Federal Water Pollution Control Act and the Michigan Water Resources Protection Act. The suit additionally maintains that merely possessing zoning authority does not create a duty to own or operate a storm water system, which is the basis on which MDEQ requires many townships to comply with the above-mentioned administrative rule. County drain commissioners, road commission and/or health departments in most cases exercise the authority that MDEQ alleges rests with townships

If successful on this count, the plaintiff townships, along with other similarly situated townships throughout Michigan that do not "own or operate" a separate storm sewer system, would not longer be obligated to obtain an annual permit and comply with other related mandated requirements. In the alternative, the suit also maintains that if the court were to decide in favor of MDEQ's application of the law, the resulting financial obligations are an unfunded mandated cost under the "Headlee" Constitutional amendment. If this claim is successful, the litigation would remove the compliance requirements from local governments until they were funded by the State.

The suggestion is that we consider having Lake Township's legal counsel review a copy of the complaint. If the board concludes that we would benefit from a favorable outcome of this litigation, consider making a contribution in support of the litigation costs to Kalamazoo Charter Township Treasurer. The suggested amount is a contribution equivalent to each township's MS4 annual permit fee. Contributions in excess of costs will be returned on a pro-rata basis.

After discussion it was decided to table this agenda item to see what other townships have joined before we make any contribution decision. There is strength in numbers and we have to worry about our attorney fees. It was moved by Payne seconded by Korcek to table this agenda item for one month. All ayes, motion carried.

Global Signal Purchase Offer

Supervisor Gast reported that Global Signal wrote a letter asking if we are interested in receiving a lump sum payment in the amount of \$67,000.00 as opposed to monthly rent payments we currently receive. In return, as the landlord under the Lease, we will assign our interest in the Lease to Global Signal and grant a perpetual easement over the tower site to Global Signal.

After discussion, it was decided that we are not interested in receiving a lump sum payment , but that we review the contract to confirm the amount per month and whether there are other units are on the tower.

Proposal Internet 2000 Service Area Wireless Internet

Supervisor Gast introduced Andrew Pasorus of Internet 2000. He presented to board members the possibility of placing a broadband antenna on the Lake Township water tower. The installation is simple and requires no welding or drilling into the tower. A protective wrap is used to prevent any possibility of creating corrosion problems. The proposal includes some income now and the possibility of additional income in the future. The public services building could be connected at no charge. Several contracts have been negotiated with other municipalities where only a cash payment is offered at \$100.00 per month. It is common for locations to generate about \$400.00 per month. All required equipment is already in stock and can be deployed in five (5) days from contract closing.

After discussion, it was moved by Carson seconded by Korcek to allow Internet 2000 to conduct their testing, and have their insurance credentials in place, try out to see whether there are any issues with other antennas on the water tower, or whether this reaches the dunes area, and then consider signing a lease after the results of the test is realized. All ayes, motion carried.

Tower Hill Bridge Estimate

Supervisor Gast reported on the issue of the footbridge that was removed by Warren Dunes State Park over Painterville Creek. The Berrien County Road Commission has proposed an estimated cost of replacing the bridge for foot traffic at a cost of \$75,000.00. This does include permitting, footing, engineering and construction to prepare the site. It has been suggested that cost sharing of the project be between the Berrien County Road Commission, Warren Dunes State Park, Chikaming Township, Tower Hill Church Camp and Lake Charter Township.

Trustee Carson indicated that two critical bridges in Lake Township are not being repaired by the Berrien County Road Commission, why should we spend \$15,000.00 to replace a foot bridge.

Treasurer Korcek indicated, the State removed the footbridge, let them replace it at their cost.

Clerk Payne asked whether Tower Hill Church Camp had that kind of money to throw into the pot.

It was moved by Carson seconded by Stine to not support funding for the replacement of the Tower Hill Painter Creek Bridge. All ayes, motion carried.

Water Ordinance Amendment

Supervisor Gast presented to board members the proposed draft of the Water Ordinance, Ordinance No. 73-1 (Revised 5/99). He asked that if board members have suggestions for possible changes, to let Supervisor Gast or Trustee Geukes know before the Public Hearing, called by the Planning Commission on June 12, 2006. The changes are highlighted in yellow for easy identification.

Joint Meeting with Baroda Township and Baroda Village

Supervisor Gast turned the floor over to Trustee Terry Eichler, he directed board members' attention to the Memorandum from Chief of Police Gary Ruhl. The subject of the memorandum is discussion of construction of a new police department building. A special meeting is scheduled for June 13, 2006 at 7:00 p.m. at Lake Charter Township Hall.

Park Committee Appointment

Supervisor Gast asked board members' whether anyone would like to serve on the Park Committee. Treasurer Korcek volunteered. It was moved by Payne seconded by Eichler to appoint Treasurer Korcek to the Park Committee. All ayes, motion carried.

PUBLIC COMMENT

Mike Jasper continued his comment on why sidewalks have not been constructed in Woodridge Estates, Glen Carlson's subdivision. Regarding the issue of policy adopted by the board, versus an enforceable ordinance, he cited Subdivision Act 560.105(B) which is a sidewalk rule and it is enforceable.

ANNOUNCEMENTS

The next regular meeting is scheduled for June 19, 2006 at 7:00 p.m., Lake Township Hall, Bridgman, Michigan.

Lake Charter Township Planning Commission is scheduled for June 12, 2006 at 7:00 p.m., Lake Charter Township Hall, Bridgman, Michigan.

Lake Charter Township Utility Board is scheduled for June 6, 2006 at 12:00 Noon, Lake Charter Township Hall, Bridgman, Michigan.

Joint Baroda Township, Baroda Village and Lake Charter Township meeting June 13, 2006 at 7:00 p.m., Lake Charter Township Hall, Bridgman, Michigan.

ADJOURNMENT

With no further objection and no further business it was moved by Geukes seconded by Carson to adjourn the meeting. All ayes. Motion carried. Meeting adjourned at 9:10 p.m.

Dated: _____

Gloria A. Payne, Clerk

Dated: _____

John Gast, Supervisor