

**MINUTES**  
**LAKE CHARTER TOWNSHIP**  
**BOARD MEETING**  
**September 15, 2015**  
**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; Robert Clark Treasurer; Trustees Terry Eichler, John Wilk, James Stine, Jr., and Patricia L. Heyn. Fourteen visitors were present in the audience.

**APPROVAL OF AGENDA**

The agenda stands as presented.

**PUBLIC COMMENT**

None.

**APPROVAL OF MINUTES**

**August 18, 2015**

It was moved by Eichler seconded by Heyn to approve the August 18, 2015 board meeting minutes. All ayes, motion carried.

**August 31, 2015**

The City of Bridgman/Lake Charter Township joint meeting minutes were included in board members' packet and were placed on file.

**APPROVAL OF BILLS**

It was moved by Clark seconded by Stine to approve the bills of August 2015 in the amount of \$219,924.88. All ayes, motion carried.

**COMMUNICATIONS/CORRESPONDENCE PACKET**

The following information was included in board members packets: Lake Charter Township Planning Commission special meeting minutes of August 24, 2015; Galien River Sanitary Sewer Authority Agenda and meeting minutes; Township Insights; Water Filtration Plant report; Lake Charter Township Fund Balances of August 2015; Medic One meeting minutes; Lake Charter Township Cemetery Rates as amended August 18, 2015; Baroda-Lake Township Police Board meeting minutes and bills.

Copy of a check from the State of Michigan for Revenue Sharing.

**REPORTS**

**Supervisor's Report**

Supervisor Gast reported as follows:

- a. Attended Cornerstone CEO meeting;
- b. Met with Chris Brooks signed construction documents for the upgrade to the medic building;
- c. Attended the Supervisor's meeting;
- d. Met with Kurt Buursma, Lake Charter Township's insurance agent for renewal 2016 health insurance;
- e. Met with Reliable regarding Township wide single stream recycling;
- f. Attended the Galien River Sewer District Authority meeting;
- g. Attended Medic One meeting;
- h. Attended the City of Bridgman/Lake Township joint meeting.

**Clerk's Report**

Clerk Payne reported as follows:

- a. Met with Kurt Buursma, Lake Charter Township's insurance agent for renewal 2016 health insurance;

- b. Attended the City of Bridgman/Lake Township joint meeting;
- c. Attended the Baroda-Lake Township Police board meeting.

#### Treasurer's Report

Treasurer Clark reported as follows:

- a. Met with pavers regarding paving projects at the Park;
- b. Attended the City of Bridgman/Lake Township joint meeting;
- c. Attended Berrien County Treasurers meeting;
- d. Attended the Baroda-Lake Township Police board meeting;
- e. Attended a Park Committee meeting;
- f. Attended the Fall Festival
- g. Met with Kurt Buursma, Lake Charter Township's insurance agent for renewal 2016 health insurance.

The deadline to pay taxes was September 14, 2015. The percentage of residents paying their taxes in the last week is 50% and 99% of all tax bills have been collected. Bret Witkowski, Berrien County Treasurer reports that over 9,000 tax payers were returned to the county as delinquent.

#### Planning Commission Report

Trustee John Wilk reported the Planning Commission held a special meeting on August 24, 2015, with a public hearing on a request for conditional Rezoning from Kelly Branch, and also called on conditional Rezoning in all districts. Approved the minutes at the regular Planning Commission meeting which was held September 14, 2015 due to Labor Day being September 7, 2015.

#### Water Plant Report

In the absence of Mark Panzegrau, Lake Charter Township Water Plant Superintendent, Dan Scheer reported:

- a. 91.9 million gallons of water were pumped for the month of August;
- b. The monthly operating report was sent to the State of Michigan;
- c. Held a safety meeting on August 26, 2015;
- d. Repaired a leaking valve at Cleveland and Ellis Road;
- e. Installed a one inch tap on Shawnee Road;
- f. Installed a one inch tap on Date.

#### GRSD Sewer Authority Report

Supervisor Gast reported:

- a. Discussions were held with engineer regarding ownership of the Baldwin Road Interceptor;
- b. Discussed with Prein & Newhof Engineering the projects update;
- c. Met and discussed the Section standards and specifications.

#### Police Department

Trustee Terry Eichler reported 2,201 calls to date, have been handled by the Baroda-Lake Township Police Department. Due to health reasons the drug dog Elmo, has been taken out of business as of September 1, 2015.

#### Fire Department/Fire Chief

Fire Chief Harold Heyn reported 47 calls were answered in the month of August, of which 35 were medical, two motor vehicle accidents with injuries, one gas spill, one oil spill, one standby and one fire alarm.

#### Park Report

Treasurer Clark reported the Park Committee discussed the final preparations for the Fall Festival. The Fall Festival was held September 12, 2015. Thanks to the festival committee, Pat Heyn, Betty Korcek and Nancy Mensinger, for their time and efforts in putting on the festival. They are looking for new volunteers to take over so the festival can continue.

#### Library Report

Gretchen Evans, Bridgman Public Library Director reported on September 25, 2015 there will be an introduction to Windows 10. A seminar is being held on Sibling Rivalry and a Wine and Canvas Party is scheduled to begin on October 6, 2015 for \$15.00 per person. Lastly, planning is taking place for the 50<sup>th</sup> Anniversary of the Library.

#### Cemetery Committee Report

Clerk Payne reported one full burials, and two cremations took place since our last board meeting.

Building Department Report

James Gast, Lake Charter Township Building Official reported 21 building permits, nine mechanical permits, 12 electrical permits, 14 plumbing permits and two water taps were handled since our last board meeting. A permit has been issued for the renovations of the medic building.

Lake Township Economic Growth Alliance Report

Trustee Jim Stine reported no meeting was held.

Utility Committee Report

Supervisor Gast reported no meeting was held.

Capital Improvement Committee Report

Treasurer Clark reported no meeting was held.

**AGENDA ITEMS**

***Conditional Zoning Petition, 2721 Hinchman Road, Parcel No. 11-11-004-0014-04-1 from Agricultural/Residential (Res Ag) to C-1 Commercial (Conditional)***

Supervisor Gast turned the floor over to Todd and Anna Brooks, owners of Arcadia Gardens, LLC who will be purchasing the property at 2721 Hinchman Road, parcel No. 11-11-0004-0014-04-1 requesting a Conditional Zoning Petition from Agricultural/Residential (Res Ag) to C-1 Commercial (Conditional) for the operation of a landscape company in addition to the permitted greenhouse/nursery operations. Mr. Brooks read the following conditions he plans to follow:

1. The subject site shall be cleared of debris. Existing buildings and structures shall be repaired in compliance with the Michigan Building Code and any other applicable state or local codes and ordinances. Greenhouses will be rebuilt and the fan/ventilation systems shall be relocated to the east side of the building.
2. A green belt shall be maintained along the north, west and east property lines. As to the west property line, the vegetation along the east side of the drainage ditch shall be cleared of undesirable species, and any gaps in the vegetative screen shall be filled with evergreen trees, staggered and planted at approximately 20 feet on center, designed to best screen land to the west, and the view from the roadway of the storage building and outdoor storage of equipment and materials. Such trees shall have a minimum height of 6 feet at the time of planting.
3. Hours of operation shall be as follows: Monday through Saturday, 6:00 a.m. - 7:00 p.m. Eastern Standard Time and Sunday from noon to 6:00 p.m. Eastern Standard Time.
4. Earth materials, such as mulch, gravel, stones and soil, if stored outdoors, shall be limited to 25 feet in height, or as tall as the height of the trees installed pursuant to number 2 above, whichever is greater, and shall be located at least 50' from all property lines.
5. All outdoor storage of equipment and materials shall be screened from view, and located at least 50 feet from any property line.
6. Except as set forth herein, the Res Ag district regulations shall apply, including but not limited to dimensions, parking, landscaping, signage, lighting, etc.
7. In the event the property is sold, this conditional rezone shall continue so long as the conditions herein are satisfied.
8. In the event any condition herein is not satisfied, the Township may order the zoning of the property to revert to Res Ag, provided that 30 days' written notice, and an opportunity for a hearing is provided to the owner of record.

Supervisor Gast then turned the floor over to Lake Charter Township's attorney, Scott Dienes, he reported that the Berrien County Planning Commission did not concur with the Lake Charter Township Planning Commission, however, due to timing issues, was not given the above "conditions."

It was moved by Wilk seconded by Stine to open the Public Hearing. All ayes, motion carried. The public hearing was opened at 7:40 p.m.

Heidi Siewert Schmaltz, 2391 Marrs Road, Stevensville Michigan commented she owns the property to the east and she objects to the Rezoning. The Lake Charter Township ordinance currently does not allow conditional Rezoning. The Berrien County Planning Commission did not agree with the Lake Charter Township Planning Commission. The Lake Charter Township Planning Commission never voted on these conditions. This is an eyesore, there is no plan in place or timeline as to when the improvements would be done. The improvements could take up to five years. The conditions are unsatisfactory. The conditions should be recorded with the Berrien County Register of Deeds. Without safe guards you are putting yourselves at risk. You must protect the residents of the township.

Jeri Essig, 2783 Hinchman Road, Bridgman, Michigan commented that she is happy they are willing to relocate the fans and install the six foot trees for privacy.

Candace Kollath, 2712 Hinchman Road, Bridgman, Michigan commented she lives south of the nursery and wants to see it cleaned up. It barely gets mowed. She has no concern with the sub-renting. Asked whether the County of Berrien will help with the drain clean out. There are lots of small businesses around Lake Township, many with a tool shop or a machine shop.

It was moved by Payne seconded by Eichler to close the Public Hearing. All ayes, motion carried. The public hearing closed at 7:50 p.m.

Board comments included:

Trustee Eichler asked whether they would grow plants in the greenhouse. There is a possibility this would be sublet out to a grower.

Trustee Heyn and Treasurer Clark wanted to put a time frame on when the work was to be completed. The work would be completed by March 15, 2016.

Clerk Payne asked how many employees they employ. They employ 12 employees.

Trustee Stine asked Attorney Dienes to clarify why the Berrien County Planning Commission did not agree with the Lake Charter Township Planning Commission. Attorney Dienes reiterated that the timing of all the paperwork was lagging and the conditions discussed this evening were not included when they made their decision. The State of Michigan allows us to approve this conditional zoning whether the County agrees or disagrees.

Trustee Stine further asked whether we would be setting a precedence. Attorney Dienes responded no, since this application is unique to this property.

Supervisor Gast asked what they would be doing with grass clippings and debris from homeowners they service. They indicated they have a dumping site. No debris would be hauled onto this property.

Supervisor Gast was glad to see the property being used, cleaned up and viable once again.

It was moved by Stine seconded by Gast to approve the Conditional Zoning Petition, 2721 Hinchman Road, Parcel No. 11-11-004-0014-04-1 from Agricultural/Residential (Res Ag) to C-1 Commercial (Conditional). Roll call vote: All yes, Motion carried.

Attorney Dienes indicated that two readings are necessary and two publications.

### **2015 Tax Rate Request**

Supervisor Gast brought board members attention to the 2015 Tax Rate request, form L-4029, setting the township millage rate at 3.0. This estimated taxable value stands to generate approximately \$3.6 million for the general fund.

After discussion, it was moved by Gast seconded by Payne to approve the 2015 Tax Rate request for Lake Charter Township at 3.0 mills. All ayes, motion carried.

**Air Conditioning for Lake Township Water Plant Lab**

Supervisor Gast presented two estimates for replacement of the air conditioning in the Lab of the Lake Charter Township Water Plant. Cooper-Carlson \$6,810.00 and Andy J. Egan Co., Inc., \$8,515.00.

It was moved by Wilk seconded by Stine to accept the estimate from Cooper-Carlson in the amount of \$6,810.00 for the Lake Township Water Plant Lab. All ayes, motion carried.

**PUBLIC COMMENT**

Loren Berndt asked whether there has been discussion with D’Agostino regarding the grass replacement around the sewer tap on Jericho Road.

Loren Berndt expressed his thanks for the weeds that were sprayed around the Water Pumping Station.

Loren Berndt produced a rag weed that was pulled from outside the township hall and commented that it is disgraceful to let the weeds around the hall get to looking like crap. Among his many bicycle rides around the township he has received comments from residents and the City of Bridgman. He indicated that it is not a recallable issue, but it should be.

Loren Berndt reported that in the Cemetery Ordinance we have made it impossible to get rid of moles, because animals are protected.

Loren Berndt indicated that he could not hear people on the other side of the room, that the microphone should be set-up for the public to use when speaking.

**ANNOUNCEMENTS**

The next regular meeting is scheduled for October 20, 2015 at 7:00 p.m., Lake Township Hall, Bridgman, Michigan.

Lake Charter Township Planning Commission Meeting is October 5, 2015 at 7:00 p.m., Lake Township Hall, Bridgman, Michigan.

Lake Charter Township Board of Appeals is scheduled for November 12, 2015 at 7:00 p.m., Lake Charter Township Hall, Bridgman, Michigan.

**ADJOURNMENT**

With no further objection and no further business it was moved by Payne seconded by Clark to adjourn the meeting. All ayes. Motion carried. Meeting adjourned at 8:15 p.m.

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

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

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

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