

**Lawrence Township Public Hearing
February 14, 2019
Lawrence Community Services Building**

Present: Spenner, Thompson, Stroud and Carpp

Absent: Reynnells

Also Present: Attorney Heckman and members of the public. The following attendees were present and provided their names:

Dan Ozanich
Andy & Carol Jurczak
Bill & Sandy Coughlin
Dan Prediger
James & Marta McCabe
Andy Tomaszewski, PLM Lake & Land Management
Bob & Pam Thomas
Scott Sinclair
Terry, Kathy & Brandon Bisek
Pat Reese
Bill Hoffman
Bill & Karen Hardin
Larry & Elizabeth Hill
Floyd & Mickey Fisher
Richard Molenhouse

Meeting called to order at 6:00 p.m.

The purpose of the Public Hearing was to allow the public to voice their opinions on the proposed Reynolds Lake Special Assessment District (SAD). Several individuals were present.

Supervisor Spenner announced the ground rules for the meeting. The public was encouraged to express their opinions, both pro and con for the proposed SAD.

A lengthy discussion ensued.

Scott Sinclair had questions relating to how properties would be assessed. Supervisor Spenner explained the proposed assessment was based on parcel. If an owner had more than one parcel, more than one assessment would result. Sinclair also expressed concern that some lake owners are excluded from the assessment district. Supervisor Spenner explained the assessment district was proposed by the Reynold's Lake Association and we are simply formalizing their request. Sinclair asked about long term management. Supervisor Spenner stated the plan was for 5 years. Andy Tomaszewski, PLM Lake & Land Management (PLM), stated that there would be a water quality assessment each year. The initial treatment would be to reduce milfoil to 0%. Subsequent years would be to treat as necessary to keep milfoil down to 0%. Due to the estimated date of assessment approval, year one would be switched with year two activities. Sinclair asked about future redeterminations without lake owner participation. Attorney Heckman explained that if a redetermination results in more than 10% above original estimate, there must be notification to all parcel owners and another hearing would be required.

Sandy Coughlin stated they had been part of a small group that privately treated coontail and large leaf pond weed in the past. Questioned how/if they would need to continue this treatment. PLM stated that their treatment will cover curly pond weed, milfoil and algae. The treatment does not cover native plants. If they wish to continue their treatment, the DEQ can issue multiple permits to manage multiple types of treatment. He recommended they not treat in 2020, when they will perform their sonar work.

Terry Bisek submitted a letter of concern regarding the proposed plan. He questioned the three large parcels that are exempt from the district and disagrees with the current method of assessment. He has five (5) parcels and will receive 5 assessments. He doesn't think this is fair. He stated we could use lake frontage or other method that would be more fair to him. Attorney Heckman explained

that the proposed assessing method is what was requested. There are many owners with multiple parcels. Clerk Thompson stated that a remedy could be to combine parcels. Mr. Bisek stated that his lawyer estimated it would cost over \$8,000 to combine parcels. Clerk Thompson clarified it was an easy process to combine parcels in Lawrence Township, since no additional surveys are required. It would cost \$70 per combined parcel. Mr. Bisek stated he had a neighbor's house on part of one of his parcels. Clerk Thompson stated encroachment issues are outside of this discussion and would be there with 1 or 5 parcels. Owners with multiple parcels may combine parcels to reduce the number of assessments. Mr. Bisek wanted to know if the assessing method is set in stone. The board replied that we would hear all comments and objections and make a decision.

Don Prediger stated he was part of the volunteer crew that treated in the past. He said he thought Reynolds Lake was one of a few that hasn't had professional treatment in the past and wanted to move forward with the project and professional treatment by PLM. The current condition of the lake is beyond what they can treat.

Kathy Bisek stated they want to have the treatment but feel that back lots should also pay a portion since they access the lake.

Andy Jurczak stated he has two parcels on the lake and a considerable amount of lake frontage. If assessed by lake frontage, they would have an issue. They don't have any more boats or things than million dollar homes with a little frontage. He wants to keep the per parcel method.

Scott Sinclair provided additional comment that Andy has been on the lake a long time and is a good land owner. Perhaps use per footage with a discount if practicing good safe practices to reduce lake runoff?

Sandy Coughlin stated that we can't please everyone and using the per parcel calculation seems the best way to do it. If someone has or buys multiple parcels, it is their choice whether to keep the individual parcels or combine them to get only one tax bill or assessments. They had two parcels and had them combined into one parcel.

No other public comment was offered.

Supervisor Spenner summarized that it appeared that all were in favor of the treatment but the way to assess was a concern for a few.

Clerk Thompson stated that owners with multiple parcels can combine one or more. For the gentleman with 5 parcels, they have the flexibility to combine 1, 2, 3, 4 or all 5 parcels. They don't have to combine all of them. Mr. Bisek stated his estate plan uses the multiple parcels and some of his parcels are wetlands and can't be sold as buildable lots and still feels another way to assess, such as based on assessed value, would be more fair.

Mr. Bisek asked about next steps. Supervisor Spenner said that we would close the public hearing and they could stay for the Board discussion and vote. He then asked if they didn't like the result, could they contact legal advice? Attorney Heckman stated that anyone could seek legal advice.

Bob Thomas stated he has 2 parcels and chooses to keep them separate and understands he will pay 2 assessments.

With no further business to attend to, Supervisor Spenner closed the Public Hearing at 6:32 p.m.

PLM is proposing swapping years 1 and 5 for treatment due to delay in getting the required permits.

Motion by Stroud, 2nd by Carpp to accept the PLM proposal with the revision of years 1 and 5. Roll call vote. All aye. Motion carried.

Motion by Spenner, 2nd by Carpp to approve the Resolution 2019-002 for the Reynolds Lake Special Assessment District. Clerk Thompson asked what would happen if one of the large excluded property owners were to split and sell their property. Attorney Heckman stated that at that point, a redetermination could

occur, with another hearing, and the Special Assessment District could be revised.
Roll call vote. All aye. Motion carried.

With no further business, Motion by Carpp, 2nd by Stroud to adjourn. All aye.
Motion carried. Meeting adjourned at 6:51pm.

Respectfully Submitted,

Attest,

Kim Thompson, Clerk

Donna Spenner, Supervisor

RESOLUTION #2019-002

RESOLUTION OF THE LAWRENCE TOWNSHIP

BOARD OF TRUSTEES

**FOLLOWING THE HEARING ON OBJECTIONS TO THE REYNOLDS LAKE
SPECIAL ASSESSMENT DISTRICT**

**Said resolution is adopted at a SPECIAL meeting held on 02/14/2019 at 6:00 P.M. at 205 N.
Paw Paw St., Lawrence, MI 49064.**

WHEREAS, Notice of Hearing on the proposed Special Assessment District was mailed by first class mail to each owner of record or parties in interest as evidenced by their names and addresses on the Township's last tax assessment record reviewed by the Board of Review, as supplemented thereafter, 10 days or more before the hearing date;

WHEREAS, Notice of Hearing on the approval of the proposed Special Assessment District was published twice before the hearing date, the first publication occurring 10 days or more before said hearing;

NOW THEREFORE, THE LAWRENCE TOWNSHIP BOARD OF TRUSTEES HEREBY RESOLVES as follows:

- 1) The special assessment district including the term of the special assessment district's existence are approved.
- 2) The Township shall proceed with the improvement, the following are approved:
 - a. The completion of the improvement.
 - b. The plans and estimate of cost as originally presented are approved
 as originally submitted or
 as revised, corrected, amended, or changed and specifically _____
Dates of treatment plan
- 3) The Petition for the improvement, if any was submitted, has been reviewed and was sufficient.
- 4) The special assessment will be paid in installments covering the duration of the special assessment district. The first installment of a special assessment to be due on the date the special assessment roll is approved. All future installments shall be billed with and due on the same date as the summer ad valorem property taxes, July 1st of each year. The second installment herein due July 1st, 2020. The amount of an installment shall not be less than 1/2 of any subsequent installment. The amount of each installment shall not be extended upon the special assessment roll until after confirmation of that assessment roll. The amount of installments for improvements subject to periodic cost revision may be extended upon the special assessment roll by the township board without additional public hearings or public notice, provided that additional property is not added to the special assessment roll.

- 5) If at any time during the term of the special assessment district an actual incremental cost increase exceeds the estimate by 10% or more, notice shall be given as provided in MCL 41.724(a) and a hearing afforded to the record owners of property to be assessed.
- 6) A periodic redetermination of cost will be necessary, will be done without a change in the special assessment district boundaries, and those redeterminations shall be made without notice to the property owners annually at the January Regular Township Board Meeting, 01/09/2020, 01/14/2021, 01/13/2022, 01/12/2023, 01/11/2024, at 7:00 p.m., unless the date and time of the Regular Meetings of the Township Board shall be set or moved to different dates and/or times;
- 7) The Supervisor shall make a special assessment district tax roll.
 - a. When the supervisor completes the assessment roll, the supervisor shall affix to the roll his or her certificate stating that the roll was made pursuant to a resolution of the township board adopted on a specified date, and that in making the assessment roll the supervisor, according to his or her best judgment, has conformed in all respects to the directions contained in the resolution and the statutes of this state.
 - b. The special assessment roll shall have entered and described all the parcels of land to be assessed, with the names of the respective record owners of each parcel, if known, and the total amount to be assessed against each parcel of land, which amount shall be the relative portion of the whole sum to be levied against all parcels of land in the special assessment district as the benefit to the parcel of land bears to the total benefit to all parcels of land in the special assessment district.
- 8) A hearing on said tax roll is scheduled for March 14, 2019 at 6:00 p.m., to hear any objections to the assessment roll which may be received in person or in writing up to the date and time of said hearing.

Motioning Board Member: _____

Seconded by: _____

Roll Call Vote:

Yes: _____

No: _____

The resolution is adopted.

I hereby certify the foregoing constitutes a true and complete copy of a resolution by the Lawrence Township, County of Van Buren, Michigan, Board of Trustees as indicated above, at a regular or special meeting as indicated above, held on 02/14/2019.

Date: _____

2/14/19

Kim Thompson, Clerk