

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

Present: Spenner, Thompson, Stroud, Carpp, Reynnells

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

Dan Ozanich
Bill & Sandy Coughlin
James & Marta McCabe
Bob & Pam Thomas
Terry & Brandon Bisek
Bill Hoffman
Karen Hardin
Larry & Elizabeth Hill
Michelle Fisher
Lonna Menzor
Michele West
Jeff Grace
Jim Long
Jim Charles
DJ Polka

Meeting called to order at 6:00 p.m. by Supervisor Spenner.

The purpose of the Public Hearing was to allow the public to voice their opinions on the proposed Reynolds Lake Special Assessment District (SAD) proposed Assessments. 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 special assessment tax roll.

A lengthy discussion ensued.

Terry Bisek, owner of 5 parcels in the SAD, asked if the Board had considered his letter of March 11 requesting that 3 of his parcels not be included in the assessment since the parcels had no easy access to the lake. Supervisor Spenner acknowledged receipt of the letter and that all board members received it. He asked if we reconsidered. Clerk Thompson stated she had looked at his parcels as well as other parcels in the district that had difficult access to the lake. It appeared there were other parcels besides his that had swampy or limited access to the lake. In light of that, her concern was that if we granted him relief on his parcels, we would need to reconsider every parcel to determine if there was difficulty getting to the lake. Clerk Thompson stated the proposal received by the Board was for assessment on a per parcel basis and found no reason to not use that method. Mr. Bisek read a statement in opposition to the proposed assessment. He presented the board with a copy of an email from Bill Hoffman. He requested each board member to answer the following question: "Do you agree with Attorney Catherine Kaufman's opinion that the SAD is not fair?" Attorney Heckman responded that the Township Board was simply considering the proposal as brought forth by the Lake Association. Brandon Bisek stated that it appeared Attorney Kaufman purposely eliminated the 3 large parcel owners at the southern end of the lake and 'cherry picked' so that the proposal would pass. Attorney Heckman stated the fairness issues of how the assessment district would be created was a matter of the last public hearing and that this hearing is to determine the assessment roll or amount. Other owners who were at the last hearing may not be at this hearing and the per parcel method was established at that Special Meeting. It would not be fair to change the special assessment district now, since the owners who left the prior hearing and Special Meeting left with the knowledge of how the assessment district was established. To change it now would be unfair to the owners who attended the last hearing and supported how the district was created. Supervisor Spenner responded that she carefully listened to all comments at the last hearing and he was the only one who

objected. Further, since the proposal was brought to the Board as a per parcel assessment, she went with the majority to approve the assessment district and assessment. She stated it would not be fair to change for one person when everyone else was satisfied with the assessment district as approved. Clerk Thompson stated that she, too, listened to the comments from the last Public Hearing. Further, that she had reviewed other assessment methods (taxable value, lake frontage) and determined that each method could result in someone not agreeing. She also stated that since the last hearing, 2 owners have combined parcels to reduce the number of assessments. Other owners that have multiple parcels also appear to have waterfront parcels with brush, swamp, etc. on the lakefront. If we were to only include 2 of the 5 lakefront parcels for Mr. Bisek, we would need to determine other parcels that could be excluded. Mr. Bisek continued his statement and stated he has been advised and is fully prepared to take this before other appropriate bodies. He has already retained counsel. He brought this to the hearing as a formality and in hopes that this would be resolved.

Dan Polka had questions on what is being done and why. He feels this is an additional tax and taxes once started don't stop. Asked why we are doing the project at all. Mr. Hoffman responded that there are invasive weeds, and, in the past, a select number of owners was privately treating the lake and could no longer afford to do so. PLM, Inc. was selected due to their experience in treating lake weeds. The 3 large property owners were excluded because they could block the project and have not used the lake. 1 of the property owners lives across the highway and has no access to the lake. Mr. Polka said he didn't have an issue with the amount but rather that it was being done at all.

A question was raised regarding an environmental impact study. Attorney Heckman responded that the project requires a DEQ permit, which would include environmental impact before a permit was issued.

Mr. Hoffman reviewed his history of contacting property owners and the reasons for excluding the 3 large property owners, none of which use the lake.

Marta McCabe reminded the other owners that they could combine parcels for \$70 per parcel and that she knew that some had already done so.

Motion by Thompson, 2nd by Reynnells to close the Public Hearing at 6:30pm. All aye. Motion Carried.

Motion by Thompson, 2nd by Spenner to approve Resolution 2019-006 Confirming the Reynolds Lake Special Assessment District Assessment Roll. Roll call vote. All aye. Motion carried. (see Attachment 1)

A question was raised if parcels are sold, does the assessment transfer to the new owner? Attorney Heckman responded that, yes, it would transfer to the new owner.

With no further business, Motion by Reynnells, 2nd by Carpp to adjourn. All aye. Motion carried. Meeting adjourned at 6:40 pm.

Respectfully Submitted,

Attest,

Kim Thompson, Clerk

Donna Spenner, Supervisor

ATTACHMENT 1

DRAFT

RESOLUTION #2019-006

RESOLUTION OF THE LAWRENCE TOWNSHIP

BOARD OF TRUSTEES

**RESOLUTION CONFIRMING THE REYNOLDS LAKE SPECIAL ASSESSMENT
DISTRICT ASSESSMENT ROLL.**

**Said resolution is adopted at a SPECIAL meeting held on 03/14/2019 at 6:00 P.M. at 205 N.
Paw Paw St., Lawrence, MI 49064.**

WHEREAS, Notice of Hearing on the proposed Special Assessment District assessment roll was mailed by first class mail to each owner of record or parties in interest as evidence 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 proposed hearing on the Special Assessment District assessment roll 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 roll is
 confirmed.
 confirmed with the following modifications:

_____.
- 2) The years of the assessment shall be 2019-2023 inclusive, 5 years.
- 3) The special assessment will be paid in installments covering the duration of the special assessment district. The first installment of the special assessment to be due on today's date. All future installments shall be billed with and due on the same date annually, with the next installment 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.
- 4) All unpaid installments, prior to their transfer to the township tax roll as provided by this act, shall bear interest, payable annually on each installment due date, at a rate to be set by the township board, not exceeding 1% above the average rate of interest borne by special assessment bonds issued by the township in anticipation of all or part of the unpaid installments; or not exceeding 1% above the average rate of interest borne by bonds issued by a county, drainage district, or authority if the unpaid installments are to

be applied to the payment of a contract obligation of the township to the county or authority or to the payment of an assessment obligation of the township to the drainage district; or, if bonds are not issued by the township, a county, a drainage district, or an authority, not exceeding 8% per annum, commencing in each case from a date fixed by the township board.

- a. The Township Board sets the interest at 1% commencing on September 15th, of each year for the most recent installment.
- 5) If an installment of a special assessment is not paid when due, then the installment shall be considered to be delinquent and there shall be collected, in addition to interest, a penalty at the rate of not more than 1% for each month, or fraction of a month, that the installment remains unpaid before being reported to the township board for reassessment upon the township tax roll.
 - a. The Township Board sets the penalty at 0% commencing on September 15th, of each year for the most recent installment.
- 6) Future due installments of an assessment against any parcel of property may be paid to the township treasurer at any time in full, with interest accrued through the month in which the final installment is paid.
- 7) Upon written request, the township treasurer shall provide a statement of the amount of any lien provided by law with interest accrued through the end of the month in which the statement is provided.
- 8) After the confirmation of the special assessment roll, all assessments on that assessment roll shall be final and conclusive unless an action contesting an assessment is filed in a court of competent jurisdiction within 30 days after the date of confirmation. MCL 41.726
- 9) The township treasurer on the 1st day of September following the date when any such assessments or any part thereof have become due to submit to the township board a sworn statement setting forth the names of the persons delinquent, if known, a description of the parcels of land upon which there are delinquent assessments and the amount of such delinquency, including accrued interest and penalties computed to September 1 of such year. MCL 41.729

Motioning Board Member: Thompson
Seconded by: Spenner

Roll Call Vote: Yes: Reynolds, Stroud, Carpp, Thompson, Spenner
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 03/14/2019.

Date: 3/14/19

Kim Thompson
Kim Thompson, Clerk