

June 3, 2004
Regular Meeting and
Special Hearing for Creation of a Special Assessment District for Fire
Waverly Township

Supervisor Wendell Hagg called the meeting to order at 7:30 p.m. and asked the audience of 36 people to join the board in the Pledge of Allegiance. The board members introduced themselves as Fay Dorr Treasurer, Benard Wilfong Trustee, Wendell Hagg Supervisor, Ronald Mitchell Trustee, and Harold Shuitmaker board attorney. Clerk A. Jean Dahms was absent.

Motion Wilfong to approve the minutes of the May 6, 2004, regular meeting, second by Mitchell. Voice vote, all yes, motion carried.

Hagg postponed the approval of the agenda to give the floor to the candidates who were present. Each of the candidates presented themselves, their qualifications for office, and why they are seeking office to the board and the audience. The two candidates for the State Representative of the 80th District were Tonya Shuitmaker from Lawton and John Mike Henry from South Haven. Candidate for County Clerk, Douglas DeLeo, is from Bangor.

Hagg requested the Paw Paw Quick Response letter be added to the agenda under New Business. The agenda was approved with this addition.

Hagg closed the Regular Meeting at 7:42 p.m. for the purpose of the public hearing required to establish a Special Assessment District for the purpose of raising revenue for fire protection and fire equipment to protect the citizens and properties in Waverly Township.

Public hearing opened at 7:42 p.m. Hagg and the Attorney explained the difference between a Special Assessment District versus the Renewal of the two voted fire millages. Attached to the minutes is an example of the Notice of Hearing sent to the property owners, the estimated 2004 fire budget, and the Resolution creating the Special Assessment District.

Special Assessment District vs Voted Millage Renewals

- Yearly public hearing will present the upcoming budget required for the fire protection and the fire equipment. The amount levied will fluctuate as the costs change; however, law governs the percent of increase.
- For example, the Special Assessment District will save the taxpayers money in 2004. The voted millage is 2 mills but the Special Assessment District is only for 1.5 mills.
- Waverly Township is not establishing a fire district. The township is very satisfied with the service provided by Paw Paw Fire District, Bloomingdale Fire Department, and Pine Grove Fire Department.
- There will be no changes in the current fire district boundaries.
- The monies collected under either method are restricted funds and can only be spent for fire protection or fire equipment. That will not change. Unspent monies are invested and earn interest.
- Taxpayers will be paying about \$24,000 less in 2004 under the Special Assessment method. The millage could be reduced in 2005 lower than the 1.5 mills because there is currently no plan to purchase new fire equipment.
- Township board and attorney believe the Special Assessment District is the very best for the taxpayers because it will not be collecting excess revenue to cover the unknown expenditures four years voted millage would require. A public hearing will be held yearly to set the millage rate required for that particular year.
- Bernie Wilcox asked if Bloomingdale Fire Department gets fire equipment from the fire funds. The answer is yes but not as substantial as the Paw Paw Fire District because the township actually owns 1/5th of all the fire equipment purchased by Paw Paw. With the Bloomingdale

and Pine Grove Fire Departments, Waverly does not have any ownership even though the township does donate money toward fire equipment purchases.

- Matt Martin asked for an explanation of how much it is going to cost him. Attorney explained the sample formula mailed to the taxpayers. A property with a taxable value of \$25,000 would be charged \$37.50 per year at the 1.5 mil rate.
- Tony Millek asked if the Special Assessment District could be dropped. Yes, but the township would be hard pressed to pay the fire costs from General Funds. Dorr quoted the reduced State Shared Revenue receipts for the past 5 payments.
- Tony Millek and three other residents wanted to keep the voted millage method. He felt it is reducing his right to vote on it every four years. Attorney explained that the public hearing would be held each year to set the millage rate for that year and the taxpayers could voice their opinion at the hearing.
- County Commissioner, John Tapper, said it is very good for the township to give the taxpayers this break. Tapper said the Township State Equalized Value (Taxable Value) grew over \$10 million this year alone and it will continue to grow as the township develops. Tapper believes as the taxable value continues to grow the required millage amount will continue to be reduced.
- Linda Fosdick wanted the board to explain what Millek was talking about and what our growing taxable value meant. The board explained it. The renewal of the voted millage method collects a static amount revenue over four years and due to the difficulty of estimating how much the fire costs will be that far into the future, the millage rate is set higher than needed to cover unknown required expenditures. Any unspent amounts are invested and earn interest. There is better flexibility with the Special Assessment District method because it can be tailored on a yearly basis to the needs of the fire departments.
- Marv Leedy wanted to know that the township would indeed hold a yearly hearing. Attorney explained that it is mandatory by law.
- Attorney explained to Millek that the board is listening to his concerns and if the board only levied 1.5 mills for the four-year fire renewal, the revenues might be short in year 3 or year 4. We are trading the flexibility for the right to vote on the 4-year millage assessment. It is a good trade off to go the Special Assessment method. Attorney said that the township board always lets the township residents know because the board wants to consider the resident's opinions.
- Tony Millek wanted to know how do we determine how much to pay the Paw Paw Fire District. Dorr explained that there is a very complicated formula that has been used since creation of the fire district that is based on fire runs, property values of the service areas and other factors. A board governs the Paw Paw Fire District and Trustee Wilfong is the Waverly representative on that board. They recently reviewed the validity of that formula and all agreed it was a very fair and equitable way to figure what the yearly costs are to each municipality.
- Matt Martin wanted to know how we determine whom Pine Grove Fire Department serves. Hagg explained they cover two sections of the township and we identify the properties by the tax ID numbers so we know how much money to send them.
- Bernie Wilcox asked if the same ration is used for Bloomingdale Fire Department as Pine Grove. He was assured that the money raised from the properties in that district is going to that fire department.
- Matt Martin thought his money was going to Paw Paw but the attorney explained he would be paying the exact same amount no matter where in the township his house was located. Each of the three fire departments is getting the share of the money of the taxable value in that area. We work to get good equal service for what we pay. The 1982 agreement is based on what service is provided.
- Tom Fleetwood asked if the fire departments were going to get the needed money to run their fire departments under either the Special Assessment District or the Voted Millage method. Yes they will.
- David Kloote asked if we could go higher than the 2 mills under the current voted millage if we go to the Special Assessment District. Attorney answered yes but there is a statutory limit of

no more than 5% each year raise. We can't up it to 8 mills in one year from 2 mills for example.

- J. Renee Vandermeer asked for an explanation of the right of 10% of the total lands circulating a petition requiring this matter to be placed on the ballot. Attorney explains that is correct. This was also explained in the notice that went out to all the landowners.
- John Righter from Fisk Lake Road said no one wants the fire departments to go broke and wanted to know why we can't vote on the millage every two years rather than every four years because we hold elections that often anyway. Attorney explained that it is a concern that if you do a renewal of the millage but really needed an increase in the millage you can't use the word renewal. You have to reword the proposal accordingly and the voters might be confused and not vote for it. Righter said to put it into 4 proposals then. Attorney said that could work.
- Hagg asked for a show of hands of the audience assembled. To keep the same method of Voted Millage on the ballot every four years had a show of three (3) hands. To change the method to the Special Assessment District had a show of nineteen (19) hands.
- Hagg asked the audience if there were any further questions. There were none.
- Hagg adjourned the Special Hearing at 8:38 p.m.

Hagg opened the Regular Meeting at 8:38 p.m.

Motion by Dorr to pay the vendor checks 8852-8872 in the amount of \$69,210.81; Sewer checks 424-425 in the amount \$387.39; and payroll checks 9736-9748 in the amount of \$5,356.46 for a total of \$74,954.66 with the second by Mitchell. Hagg asked for any discussion. Dorr explained that last month the board approved the proposal to purchase the office furniture from West Michigan Office Interiors for \$4,600; however, a portion of the secretary's furniture was overlooked. That brought the total amount to \$4,990.76 but still under the amount of the two other bids and still under the budgeted amount of \$5,000 for the furniture project. Roll call vote: Dorr yes, Wilfong yes, Mitchell yes, Hagg yes, Dahms absent, motion carried.

SUPERVISOR REPORT: Hagg reported that the first roadside mowing and the first application of dust control has been done. The Road Commission has let the bid on the 28th Avenue road improvements.

TREASURER REPORT: Dorr explained that the Summer Tax bill would be collected at the township and not the county. She also explained it is only for the 6 mills of State Education Tax.

TRUSTEE REPORTS: Wilfong and Mitchell had no report tonight.

PLANNING AND ZONING: Mitchell reported that the Sign Ordinance has been changed to the township board suggestions. He recommends having a special meeting with the Planning and Zoning Board, the Township Board and Patrick Hudson to go over the changes. He will coordinate the meeting and let everyone know. This meeting will be noticed to the interested parties who attended previous sign ordinance meetings. The next regular meeting of the Planning and Zoning will be June 14th at 7:30 p.m. Attorney reported that the County Planning and Zoning has not reviewed the proposed Weapons amendment.

UNFINISHED BUSINESS: Attorney read the Special Assessment District resolution to the board and the audience. A copy of the resolution is attached to these minutes.

Motion Wilfong to approve the Resolution to establish the Special Assessment District for fire protection and fire equipment for 1.5 mills for the 2004 tax seasons and as read by the attorney. Mitchell second. Roll call vote: Dorr yes, Wilfong yes, Mitchell yes, Hagg yes, which is 4 yes votes, 0 no votes, 1 absent Dahms. Hagg declared the resolution passed.

SHERIFF'S DEPARTMENT: When Officer Scott Schmitt arrived at the meeting, Hagg introduced him to the audience. Schmitt reported that during the past month Waverly had 2 Breaking and Entering, 9 larcenies, 3 stolen vehicles, and 12 accidents. He presented the board with the written report. Hagg invited the audience to ask questions. Bernie Wilcox and Marv Leedy both asked about noise violations. Officer Schmitt said the Sheriff's Department couldn't enforce anything unless the township passed a noise ordinance. The prosecutor will not deal with it but they make a report to the township attorney. Then if the noise keeps up, they can go to the prosecutor. Township zoning ordinance says airports must file a yearly special use permit. Will have to check township files. Supervisor asked Mitchell to ask the Planning and Zoning Committee about it. Wilcox asked to sign a formal township complaint form tonight.

ATTORNEY REPORT: Wayne Taylor complied with the open space easement and the changes Schuitmaker suggested. Wilfong suggested that we change the conservation property to be tied to his (Taylor's) house property. Stipulation that he must sell his house and the conservation property as one unit, if he ever sells it. Attorney will make the change tonight and notify Taylor.

Township survey is complete for the 1.33 acres behind the hall for new access to CR 665 and additional parking for elections. The survey is back and the township attorney will finish it up as soon as possible so clearing can begin. See attachments to the minutes.

Ernest Brown blight: He has been served but there has been no response.

Antonowitsch/Scott Lake Campground: Ed Antonowitsch was present and attorney read the letter he sent to the township. Their attorney is Gary Dunton. Mitchell, Wilfong, Shuitmaker, and Antonowitsch had a meeting at the property a few months ago. Antonowitsch alleges the township zoning administrator is harassing them. Three years ago they filed with the State of Michigan for a permit to extend the sewer line to an additional 33 lots but were turned down because MTS denied it for unfounded reasons and said they had to hire certified plumbers.

Township has not filed a suit because Antonowitsch has been cooperative but we want to talk about those things. MTS said the campers are in compliance but the clubhouse is not. The windows egress is in violation. A meeting is being arranged to have Pat Hudson present. Antonowitsch said the clubhouse had apartments there when he became the owner in 1989 and plan to use it as a clubhouse when more people come to the campground. Clubhouse contains the well, electric, maintenance, kitchen. The property is not zoned for multi-family dwellings. He said he is willing to make repairs as needed.

One of the residents at Scott Lake campground for the past nine years was present and said positive remarks about Antonowitsch and the campground.

Supervisor said another meeting is needed before things can be resolved. Attorney said someone turned the clubhouse into apartments that are not safe. Township wants it turned back into a clubhouse. Antonowitsch said regardless, we would get it resolved.

Several in the audience said that Patrick Hudson is difficult to work with. Attorney said the township should meet separately with Hudson prior to the meeting with the Planning and Zoning Committee to go over the sign ordinance. Supervisor said meet and get it resolved. Mitchell will call Hudson to find out what is what and then call the attorney.

NEW BUSINESS: Paw Paw Quick Response submitted their bill for \$2500 for their service to our township. Attorney will do the new contract and have it for us at the July meeting to sign.

AUDIENCE COMMENTS: Will the sign ordinance meeting be an open meeting? Yes, it will be and the people previously notified will be again. Does the township have to hire MTS? Can township hire only part of the services from MTS? Patrick Hudson should give the people more explanations and

more options on what to do. Attorney explained past problems the township had in permits prior to MTS and that splitting duties would cause communications problems.

Supervisor adjourned the meeting at 9:45 p.m.

Respectfully submitted by Fay A. Dorr, Treasurer