

WALLED LAKE
LAKE IMPROVEMENT BOARD MEETING MINUTES
June 17, 2010

The meeting of the Lake Improvement Board for Walled Lake was held at the Novi Civic Center at 45175 W. 10 Mile Road on June 17, 2010. The meeting was called to order by Dave Galloway, Chairman, at 7:04 p.m.

Present: William Burke, City of Walled Lake
Brian Coburn, Secretary-Treasurer, City of Novi
Dave Galloway, Chairman and Riparian Representative
Jeff Potter, Oakland County Board of Commissioners Representative

Absent/
Excused Karen Warren, Oakland County Water Resource Commissioner's Office

Also
Present: Glenn Lemmon, City Assessor
Marjorie Bixby, Deputy City Assessor
John McCarthy, Oakland County Equalization Division
Mark Roberts, Attorney, Secrest Wardle

At Public Comment on Items not on the Agenda, there were 11 people that addressed the Board about the following issues; action by the Walled Lake City Council directing the board to seek different treatment alternatives, an update on the petition drive to dissolve the Board, a request that the board be dissolved, a report that people are urinating and dumping human waste into the lake, a presentation on internet research about the dangers of chemicals, a statement that there is no problem with weeds in the lake, and the impact of the assessment on already falling property values around the lake.

Moved by Potter, Supported by Galloway; CARRIED UNANIMOUSLY: To approve the Minutes of May 20, 2010.

Secretary-Treasurer Coburn presented bills for payment to: City of Novi; Spinal Column Newsweekly (Invoice No. S1824170); Observer & Eccentric (Invoice No. 3438175); Secrest Wardle (Invoice No. 1201096); Allied Media (Invoice No. 3228), totaling \$3,684.92.

Moved by Potter, Supported by Coburn; CARRIED UNANIMOUSLY: To approve payment of Bills.

Mr. Galloway reviewed the process to date, including the hiring of the engineering firm and the cost.

Glenn Lemmon, Novi's Assessor, introduced John McCarthy from Oakland County Equalization Division acting as the assessor for the City of Walled Lake.

Mr. Coburn reported that the board had received seven letters in response to the public hearing and summarized the letters for the record.

Mr. Galloway opened the Public Hearing and the following people spoke:

Beth Adams, 1721 E Lake Dr, thanked the Board and agreed that something needed to be done to the Lake. She had no problem adding more to her taxes to add property value.

Steve Loe, 1507 W Lake Dr, stated that if an SAD was established, it needed to be fair. He said that the majority of people here were reticent to go forward; all of his neighbors had signed a rescinding petition. He wanted to make sure that everyone that has the benefit of the lake pays for it.

Mike Langan, 1225 E Lake Dr, stated that he couldn't figure out why a special assessment was needed to clean up weeds; he cleaned up weeds when they came up. He stated that the lake is clean and healthy.

Tom Langan, 131 Osprey, felt that people wouldn't take the time to protest; he thought people should be allowed to vote on the issue. He felt it was like the millage; it snuck up on the citizens and was put to the people until it finally passed. He thought the Lake Board should postpone voting.

Sandra Carolan, 835 Bluffton, protested her assessment and that of her mother. She wanted a backlot owner on the board and protested backlot owners being assessed until they were represented.

Brian Larimer, 159 Pickford, stated the he is a backlot owner who was for it.

Bruce Freeze, 719 E Walled Lake Dr, was a renter whose rent hadn't been raised in years; he had been out of work and couldn't afford more taxes. In addition, he didn't want chemicals added to the lake.

Pete Carolan, 835 Bluffton, protested his tax money being used to chemically treat the lake. He said it was a *de facto* public lake because people can access the lake via the Endwell street end and wondered why everyone wasn't being taxed.

Helena Napierla, 133 Leon, said that she is age 67 and never uses the lake and stated that she would like consideration for her age.

Paul Weindorf, 1641 W Lake Dr, protested the assessment because he felt it was taxation without representation. He also felt that the Lake Board was improperly formed and that the board did not select the chair properly consistent with the law.

Dennis Yezbick, 302 Arvida, commended the Board but asked that it stop and reevaluate to let people vote.

William Roberts, 584 E Walled Lake Dr, stated that a requirement for special assessment was benefit. He asked if it was a benefit to poison the lake with chemicals. He said that it was proper to assess the backlot owner but that the backlot owner was not represented on the Board; he felt it was time to step back.

The public hearing was closed.

Before consideration of Resolution Confirming Assessment Roll, Glenn Lemmon was asked to explain how he arrived at the assessment.

Mr. Lemmon explained that as directed by the Board at the last meeting, he changed 0.1 unit of benefit to 0.2 units of benefit for the backlot owners, added some properties and removed others. There were 5 back lot parcels that were recommended for removal by the assessor because they were included with lakefront parcels.

Mr. Lemmon said there were 509.65 units; one unit = \$958.73; taking out the five parcels would make it 508.65 units = \$960.61 and increasing backlots to 0.2 units of benefit decreased the per unit to \$1,063.02 or about \$100 off (\$960.61).

Mr. Yezbick asked from the audience if Mr. Lemmon knew if the total assessment costs exceeded the project and if he had done his due diligence. Mr. Lemmon responded that he had done due diligence and that the assessment roll was within a few dollars of \$518,615, due to rounding. He said that initially only lakefront owners had been considered and then later backlot owners had been added but it hadn't been an easy task. There were 1,392 parcels (624 from Novi; 768 Walled Lake). There were 317.65 units of benefit for Novi; 191 for Walled Lake (there was a huge number in the condo development).

Mr. Coburn stated that information from the March meeting showed that there were 845 lakefront parcels (384 from Novi; 461 from Walled Lake) including 506 condo units (140 from Novi; 366 from Walled Lake).

Mr. Galloway asked if there were any questions for the assessor. There were none.

Mr. Coburn pointed out that, if approved, the assessment would be reflected in the winter tax bill.

Mr. Burke stated that before the vote, he wanted clarification from Walled Lake. He stated that there was a June 1, 2010 resolution from the Walled Lake City Council to look at alternative methods of weed control. He wanted to know if the Mayor and Council were asking him to vote no. He said that the Spalding DeDecker report had not recommended using the weevil for a large lake, only a smaller one.

Mayor Roberts answered that a majority of the Walled Lake City Council wanted the Board to step back and reevaluate the project.

Mr. Coburn stated that he understood that there was a petition drive but until the petition with the required signatures is presented, the Board was charged by the resolutions from both cities to proceed with a project to control weeds on Walled Lake.

Mr. Galloway stated that Michigan State University had many articles on weevils; sunfish loved them and that was one reason they didn't work in lakes. There were a lot of negative sides to weevil use. The meeting on assessment roll still had to set the roll and pay bills, even if the Board were to back off later.

Mr. Potter asked if voting on the assessment roll was independent of future proceedings.

Mark Roberts responded that the assessment roll needed to be passed in order to pay bills, regardless of whether the project was carried out or not.

Moved by Coburn; Supported by Potter; MOTION FAILS: To approve the assessment roll with five corrections as presented by the assessor and the resolution as presented.

Galloway	Yes
Burke	No
Coburn	Yes
Potter	No

Mr. Coburn stated that the Board had about six months before it would do anything. He would like to hire a professional to help with decisions regarding the treatment of the lake.

Mr. Potter asked Mr. Roberts where that left the Board.

Mr. Roberts answered that there were three options: the Board could confirm, modify or null the assessment roll. The roll is required to be approved at a minimum to pay the bills that have already been incurred by the Board.

Moved by Burke; Supported by Potter; MOTION CARRIED: To reconsider the assessment roll with five corrections as presented by the assessor and the resolution as presented.

Galloway	Yes
Burke	Yes
Coburn	Yes
Potter	No

Moved by Coburn; Supported by Potter; MOTION CARRIED: To approve the assessment roll with five corrections as presented by the assessor and the resolution as presented.

Galloway	Yes
Burke	Yes
Coburn	Yes
Potter	No

Mr. Galloway discussed his selection as riparian representative and also gave some background for the evaluation of the lake. He stated that in the beginning, he believed that a majority of residents from Walled Lake had been in favor of chemicals; only recently had weevils been mentioned as an option. He had attended conferences about

weevils and their effectiveness had not always been successful. He said there were pluses and minuses for all treatments; the lake had to be evaluated and then methods should be identified. The project could later be modified, based on the discussion of the attorney.

Mr. Burke suggested that the Board consider a business meeting before spring to further discuss options as recommended in the motion by City of Walled Lake.

Moved by Burke; Supported by Coburn; MOTION CARRIED UNANIMOUSLY: To schedule a business meeting with the engineering firm before February 14, 2011 to discuss options and evaluate options as recommended by the Walled Lake City Council.

There were 10 people that spoke during public comment about the following topics: disappointment that the roll was approved, request that the board be dissolved, question about why backlot owners were not represented on the board (followed by an explanation about the statutory requirements for the composition of the board), claim that proper notice was not provided, request for re-assessment of the project, discussion about the human impacts of chemical treatment, a statement that Novi does a poor job of enforcing the fertilizer ordinance, and a resident that was happy with the Board and direction.

Mr. Coburn noted that as directed at the last meeting, the Lake Board had sent letters to both City Councils regarding use of fertilizer in the Walled Lake Watershed, recommending the adoption and enforcement of a fertilizer ordinance and also encouraging both cities to develop a public outreach and education program. He noted that Novi has a fertilizer ordinance and that Novi's community development director had sent a letter to the Lake Board to inform it of Novi's efforts to inform the public about fertilizer use. Mr. Coburn stated that he would send a letter with that information to the Walled Lake City Council.

Moved by Coburn; Supported by Potter; CARRIED UNANIMOUSLY: To schedule a business meeting with the engineering firm before August to discuss options and evaluate options as recommended by the Walled Lake City Council.

ADJOURNMENT: There being no further business to come before the Lake Board, the meeting was adjourned at 9:51 p.m.



Brian Coburn, Secretary-Treasurer