

Holly Township
Board of Trustees – Special Meeting
Minutes of June 30, 2010

Call to Order: Supervisor Jesse Lambert called the June 30, 2010 Special Meeting of the Holly Township Board of Trustees to order at or about 6:10 p.m. at the Holly Township Hall, 102 Civic Drive, Holly, Michigan.

Pledge of Allegiance

Roll Call:

Members Present:

Jesse Lambert, Supervisor
Karin Winchester, Clerk
Allen
Mark Freeman, Treasurer (6:22)
Steve Ruth, Trustee
Janet Leslie, Trustee

Others Present:

Greg Need, Adkison, Need & Allen
Lisa Hamemah, Adkison, Need &

Public Comment:

Mr. John Arden commented he is a trustee for property in the township from his parents' estate, though he lives in Philadelphia. The property is partly his brother's, who lives there with his family. He understands one of the topics to be discussed in closed session deals with zoning. They are involved in a lawsuit currently that deals with the zoning in this community. Some of those issues are the failure to enforce the zoning that is on the books.

There are consent decrees in regard to three gravel pits located on Dixie Highway that are close to their property; Middleton Gravel Company, Tri-City and South Flint Gravel which is owned by Aldrich. Each pit has its own individual consent decree. For whatever reason, two of the consent decrees – i.e., Aldrich and Middleton – state nothing at all about the stay-away zone or buffer zone that's to be maintained between residential properties and properties that are being mined.

Historically this community has had a multiplicity of ordinances that have dealt with stay-away zones. For whatever reason, they have not been incorporated into those two consent decrees. Going back in time to Ordinance 35, there was a 300 foot buffer zone that had to be maintained; i.e., the gravel owner could come back to the board and say there's a good vein of gravel there that I would like to pursue and there would be some agreement to refill it back to the 300 feet. Then the community enacted Ordinance 52. For some reason, everyone forgot about the fact that it had also enacted an ordinance number 50 almost simultaneously. Ordinance 52 had itself set up to require permitting and bonding and reclamation plans and fencing for mines; whereas,

Ordinance 50, which was the omnibus zoning provided that the stockpiling of natural resources required a 200 foot buffer. That was never followed up in any of the consent decrees that were issued subsequent to that zoning.

The consent decree provided to Middleton, as he recalls, was in 1991. He hasn't done any research to see at what point in time the Aldrich consent decree was written but he has the impression it may have occurred somewhat earlier than Middleton. Subsequent to Ordinance 50 a point in time came when the buffer zone was reduced to 100 feet. More recently it's been increased to 160 as the required buffer zone for all active mining and 200 feet is the nearest they can stockpile their materials.

Throughout all this, this community is not enforcing the zoning as it's written. Somehow or other it's permitted courts to legislate what our zoning should be when that's not within their province. Their province is to interpret, not to legislate. If a community has a standard and has a bylaw and isn't going to enforce it, it has nothing and might as well toss it in the trash. There are some new issues with regard to the Middleton pit. Middleton doesn't have an active mining permit and, therefore, it raises the question does the consent decree have any standing at all. He would like the Township Board to consider those set of questions and let them know what exactly the end all would be of that.

Finally, he would like to suggest very strongly that he would submit a bill for the legal fees they've incurred to try to enforce what the Township hasn't enforced all along. At this stage, fees are almost \$25,000.00. It's something they should not have had to ever incur. Quite frankly, as a property owner next to these pits, we had no idea what zoning required because they don't read the zoning book. If they had known that, things may have been a little bit different. Now they're faced with suggestions that the statute of limitation rules and other laws in Michigan have changed.

Business:

1. Rose Hill Center – Consider Closed Session to Discuss Attorney/Client Privileged Communications
 2. S. Holly Rd. Property – Consider Closed Session to Discuss Attorney/Client Privileged Communications
- **Supervisor Jesse Lambert moved to enter closed session. Trustee Steve Ruth supported the motion. A voice vote was taken; all those present voted yes; the motion carried by a 4/0 vote.**

Closed Session at approximately 6:12

- **Clerk Karin Winchester moved to exit closed session. Supervisor Jesse Lambert supported the motion. A voice vote was taken; all those present voted yes; the motion carried by a 5/0 vote.**

Closed Session at approximately 8:00 p.m.

3. Nannoshi/Alex's Market Site Plan and Escrow Account – No action taken.

Clerk Karin Winchester indicated Mr. Steve Nannoshi hasn't received final site plan approval regarding Alex's Market because he didn't have his construction plans submitted until recently and he hasn't paid his balance owed to the Township.

4. Middleton Mining Reclamation Bond – No action taken.

Board members discussed the Middleton Mining Reclamation Bond.

5. Mining Ordinance Revisions for haul roads

Ms. Lisa Hamemah stated she has provided Clerk Winchester with an e-mail regarding this. The actual applicability section of the zoning ordinance does not say "for transport" but the mining ordinance does so she struck the term "transporting" from the ordinance.

6. Silverman Development

Clerk Winchester indicated there are some open issues she wanted the planner to go out and review for confirmation. There are two developments that have roads that end that should be closed for liability reasons. Phase 5 especially should be closed because people are actually driving through there. There are water issues and ice. Parents of Patterson Elementary students are driving back through there and children are walking through there also. Sunrise had a \$98,000.00 bond for 5-A. There are some trees that need to be planted but the Township can do that with each individual house before giving a Certificate of Occupancy. The developer can plant the trees. The egress and ingress on Grange Hall Road is stopping the dedication to Riverside North because Silverman owes the road commission \$9,000.00. If the Township were to pay for and do the improvements, the dedication may be able to be done. She questioned whether Sunrise's bond could be used for any improvements the Board would like to see happen in that development, including paving the ingress and egress of Grange Hall, even though Sunrise is now out of business.

Attorney Greg Need stated he believed the bond could be used for improvements regarding 5-A and improvements to the entrance of 5-A.

Clerk Winchester noted Silverman has a \$94,000.00 bond. Their bond money could be used on the south part.

Attorney Need stated he believed there was an agreement on that. He will take a look at it.

Clerk Winchester indicated more escrow is needed. \$38,000.00 of that money was used on the back taxes on parcels they donated to the Township and Silverman was supposed to pay that money back to their escrow. In the meantime, the 2008 tax money went back to Silverman and they cashed that check. The Township never received the refund to put back in the bond escrow.

Supervisor Jesse Lambert noted these matters can be handled between both parties' attorneys.

7. Code Enforcement Issues

Ms. Hamemah indicated she had communication with the attorney from Green Thumb for a while but he has stopped returning her calls. She called Green Thumb directly to see if they had an attorney and they indicated there was no need to file suit, all he had to do is go in and file a special land use request. She informed them if they didn't take action in the next couple days, a Complaint will be filed. They indicated they would go into the Township "today".

Clerk Winchester noted Green Thumb did not come into the Township.

Supervisor Lambert noted a Complaint should be filed. It can be withdrawn if Green Thumb performs as they should.

Trustee Janet Leslie requested the opportunity to amend the agenda.

8. Administration fees library and parks

Mr. Need indicated he would research this issue.

9. 2009-2010 Park Budget Amendments – Resolution 2010-14

- **Supervisor Jesse Lambert moved to approve Resolution 2010-14. Clerk Karin Winchester supported the motion. A roll call vote was taken. Ruth: Yes; Freeman: Yes; Lambert: Yes; Leslie: Yes; Winchester: Yes. The motion carried by a 5/0 vote.**

- **Clerk Karin Winchester moved to approve the June 30, 2010 Agenda, as amended. Trustee Janet Leslie supported the motion. A voice vote was taken; all those present voted yes; the motion carried by a 5/0 vote.**

10. MTA Membership Status

Supervisor Lambert stated the Township pays Michigan Township Association (MTA) dues of \$5,407.19 and Clerk Winchester is questioning whether the Township receives \$5400.00 of benefit out of that membership every year. He doesn't believe the Township does. It doesn't appear to be in the best interest of the Township to continue to pay this size of a membership fee.

Treasurer Mark Freeman noted the Township still belongs to the Oakland County Township Association and the dues are \$50.00 and the Michigan Municipal League, whose dues are approximately \$100.00.

Trustee Leslie indicated a portion of the MTA dues are applied to lobbying.

Clerk Winchester noted the Township would have to be more alert to personally watch for legislation the Township would be interested or not interested in.

- **Supervisor Lambert moved to rescind the Township's prepayment to the Michigan Township Association for dues for fiscal year 2010-2011 and cancel the Township's membership for that year, as well. Clerk Karin Winchester supported the motion. A roll call vote was taken. Ruth: Yes; Winchester: Yes; Lambert: Yes; Leslie: Yes; Freeman: Yes. The motion carried by a 5/0 vote.**

Supervisor Lambert indicated he would write a formal letter to the Michigan Township Association regarding the action the Board has taken and it will be sent certified mail.

11. Police Meeting with Village and appointing a Police Liaison

Supervisor Lambert indicated he has had contact with both Groveland and Rose Townships' supervisors regarding recent action at the County to encourage the Michigan State Police (MSP) to cease and desist their rural patrols in our area which would effectively leave us without police services. Michigan has not fixed their budget issues yet and there will be a new governor. The Michigan State Police, with a brand new commanding officer, will be implementing some changes. Oakland County Sheriff's lobbying machine is an added contingency. He would like to know if he and maybe one other person from the Township Board would be able to attend a meeting with the Village to discuss how we would like to see the township policed if the Township were to begin the bidding process tomorrow. We need to clarify what we want. He

would like Board assistance and maybe another liaison to visit with the Village to discuss how we want the township patrolled.

Clerk Winchester stated bids have already been received and she would encourage a joint meeting with Groveland and Rose to consider a public safety millage along with the fire millage. It could include the Village if they choose.

Supervisor Lambert noted it could also include EMS and fire services. Everyone has their own separate set of strengths that we could bring together.

Trustee Leslie stated the earlier we begin discussions and become involved in conversation regarding this, the more likely we are to see a resolution that is best for our residents. It's very important to jump in with both feet before we're caught in a situation where we have to move fast. She suggested seeking assistance to make the discussions productive.

Treasurer Freeman noted Oakland County just received grant money for sheriff services. There may be some available for feasibility studies for sheriff services between local governments. He personally doesn't believe the State will eliminate road patrols by the MSP. It would be very difficult to pick and choose where they'll do it and they can't do it state-wide. Picking and choosing where they will and where they won't will turn into a turf war. Yes, we'll have a new governor and a new commanding officer. As newly appointed and newly elected, they'll be sensitive to crime being such a hot button issue. If they remove road patrols too quickly from an area and a serious crime happens, they end up with political egg on their face. If that does happen, it won't happen very quickly. It will give us more than adequate time to make whatever arrangements we'd need for public safety. It is a good idea to get started on it but this is not something he believes will transpire in a year or two. He would think it would take more like five to ten years. He believes they'll start reducing road patrols and doing studies on what communities can afford to have their own police services.

Public Comment: No public comment.

Adjournment: Supervisor Jesse Lambert, hearing no other business, adjourned the meeting at 8:28 p.m.

Zo Turner, Recording Secretary
Holly Township

Karin Winchester, CMC
Holly Township Clerk