

Holly Township  
Board of Trustees – Regular Meeting  
Minutes of May 19, 2009

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**Call to Order:** Supervisor Jesse Lambert called the May 19, 2009 Regular Meeting of the Holly Township Board of Trustees to order at or about 6:30 p.m. at the Holly Township Hall, 102 Civic Drive, Holly, Michigan, 48442.

**Pledge of Allegiance**

**Roll Call:**

**Board Members Present:**

Jesse Lambert, Supervisor  
Karin Winchester, Clerk  
Mark Freeman, Treasurer  
Janet Leslie, Trustee  
Steve Ruth, Trustee

**Others Present:**

James Burton, Hubbell, Roth & Clark  
Peter Clemens, Holly Village President  
Larry Lilly  
Ms. Davidson

**Consent Agenda:**

1. Agenda Approval
2. Approval of Regular Meeting Minutes – April 21, 2009
3. Acceptance of Financial Statements – April 2009
4. Approval of Bills for Payment – May 2009
5. Routine Reports:
  - A. N.O.C.F.A. Draft Minutes – April 20, 2009
  - B. Planning Commission Draft Minutes – April 13, 2009
  - C. Building Permits – April 2009

- **Clerk Karin Winchester moved to approve the Consent Agenda, as submitted. Trustee Steve Ruth 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.**

**Reports:**

Trustee Ruth: No report.

Trustee Leslie reported Chief Gackstetter delivered his annual report to residents at the Holly Village Council meeting. He indicated serious crime had increased in the village by 35 percent. She contacted Lt. Parson from the Michigan State Police (MSP) to get crime statistics in the township. In 2008 there were 87 arrests, 257 complaints, for crimes ranging from assault & battery, armed robbery, malicious destruction of property, larceny, breaking & entering, liquor law violations, drug law violations and operations under the influence of liquor. In 2006 there were 85 serious crimes and in 2007 there were 151. In a three year period there has been an increase of about 200% for the most serious crimes. This is not out of line with what you see across the state due to the economic conditions. She has also received questions from residents regarding what is going to be done about the deer flies this year.

Clerk Winchester: No report.

Treasurer Freeman: No report.

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Supervisor Lambert thanked those who participated in Holly Township's Clean-Up Day on May 2<sup>nd</sup>. There is a Memorial Day Parade on Memorial Day, Monday, May 25, 2009 at 10:00 a.m. Renovation has been done at the Township Hall.

**Old Business:**

1. Holly Township Website

Supervisor Jesse Lambert indicated the Holly Township website is undergoing a facelift. Over the next month or two current information and services will be added. Treasurer Freeman has arranged for E-Commerce items for taxpayers to do on-line. They will be added to the website.

**New Business:**

1. 2009 – 2010 Mining Permit application for parcel #01-12-201-001, Green Thumb Lawnscapeing

Trustee Steve Ruth noted from HRC's summary report that Green Thumb Lawnscapeing had not done any mining activity since 2002 or 2003, nor is any active mining planned. Photographs show equipment storage on the property that is not mining related.

Mr. James Burton, Hubbell, Roth & Clark (HRC) indicated Green Thumb continued to apply for mining permits and submit bonds, following the mining application and inspection process. He is unaware why they are not seeking a special land use to get out of the mining business and into a contractor yard. The storage of non-essential mining equipment and other items could be constituted as a special land use issue and an enforcement matter.

- **Clerk Karin Winchester moved to approve 2009 – 2010 Mining Permit Application by Dan Zito for Green Thumb, parcel number 01-12-201-001, with the following conditions in addition to the Holly Township Code of Ordinances, Chapter 10, Mining, Section 10-103(f)(2) a – g:**
- ✓ **approval based on the Engineers 2009-2010 Permit Application Letter and Composite Reports;**
- ✓ **the surety reclamation performance bond in the amount of \$21,000.00 to be effective for the time of this permit and until restoration is completed to the satisfaction of the Township;**
- ✓ **the surety reclamation performance bond amount shall be reviewed in 2010 to determine if an adjustment of the \$3,000.00/acre reclamation bond is warranted;**
- ✓ **the applicant cease operation of contractor's yard or take immediate action to comply with the Zoning Ordinance standards to continue operations on site as a contractor's yard which will require a rezoning application request to C2, a special use and site plan application and payment of the associated fees per Section 10-104(k).**

**Trustee Steve Ruth supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

2. 2009 – 2010 Mining Permit application for parcel #01-13-401-003, 01-13-426-001 & 01-24-227-001, Holly Disposal

- **Clerk Karin Winchester moved to approve 2009 -2010 Mining Permit Application by Holly Disposal for Marty Guettler to operate at Holly Disposal, parcel number 01-13-401-003, 01-13-426-001 & 01-24-227-001 with the following conditions in addition to the Consent Judgment and the Holly Township Code of Ordinances, Chapter 10, Mining, Section 10-103(f)(2) a – g:**
- ✓ **approval based on the Engineers 2009-2010 Permit Application Letter and Composite Reports;**
- ✓ **the surety reclamation performance bond in the amount of \$210,000 to be effective for the time of this permit and until restoration is completed to the satisfaction of the Township**

- ✓ **the applicant shall continue coordination with RCOC regarding maintenance and chloriding to control dust for Holdridge Road as the haul route. Supervisor Jesse Lambert supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**
- 3. 2009 – 2010 Mining Permit application for parcel 01-12-101-004 and 01-12-326-001, South Flint Gravel, Inc.

Trustee Ruth indicated the aerial photographs show reclamation being done and it appears the operation is encroaching on neighboring property.

Mr. Burton stated there is a difference between 100' mining setbacks and requirements for reclamation. Reclamation requirements go to 25' of a property line to reclaim the property. One item that needs to be worked on is clarifying which areas are mining areas and which areas the operators are done mining in, as well as ensure encroachments are reclaimed correctly.

- **Treasurer Mark Freeman moved to approve the 2009 – 2010 mining permit by Robert Aldridge for South Flint Gravel Inc., parcel number 01-12-101-004 and 01-12-326-001 with the following conditions in addition to the Consent Judgment and the Holly Township Code of Ordinances, Chapter 10, Mining, Section 10-103(f)(2) a – g:**
  - ✓ **that the required 25 foot reclamation setback from I-75 right-of-way line is observed and further that any encroaching stockpiles are removed this annual permit year;**
  - ✓ **that reclamation plans continue to coordinate a uniform grade along the adjacent common line of Middleton and Tri City;**
  - ✓ **that reclamation efforts continue to coordinate the lake level elevation with Tri-City and Middleton sites;**
  - ✓ **a surety reclamation performance bond in the amount of \$405,000.00 to be effective for the time of this permit and until restoration is completed to the satisfaction of the Township**
  - ✓ **the surety reclamation performance bond amount shall be reviewed in 2010 to determine if an adjustment in the amount of \$3,000.00/acre reclamation bond is warranted.**
- 4. 2009 – 2010 Mining Permit application for parcel #01-12-126-001, 01-01-376-002 – 005, Tri-City Aggregates

Supervisor Lambert noted Tri-City Aggregates had an active mining area of 45 acres.

Mr. Burton indicated Tri-City Aggregates has parcels or areas they are trying to separate out as mining, not mining. HRC's position is if they wish to take acreage off the table, it has to be reclaimed and fully stable. While it appears they've made some efforts in that, it still needs some work. They've resubmitted the reclamation bond and took care of the acreage issue. HRC is satisfied with that.

- **Clerk Karin Winchester moved to approve the 2009 – 2010 mining and reclamation permit by Tri-City Aggregates for parcel number 01-12-126-001, 01-01-376-002 through 005 with the following conditions in addition to the Consent Judgment and the Holly Township Code of Ordinances, Chapter 10, Mining, Section 10-103(f)(2) a – g:**
  - ✓ **that reclamation plans continue to coordinate a uniform grade along the west side common line of South Flint to a 950' final elevation;**

- ✓ **that reclamation efforts continue to coordinate the lake level elevation with South Flint and Middleton sites;**
  - ✓ **that perimeter fencing on the north side of the site is inspected and repaired per the Consent Judgment provisions;**
  - ✓ **that the active mining area is 45.17 acres, per the applicant, and the remaining site area (approximately 14 acres) is reclaimed per the schedule provided;**
  - ✓ **a surety reclamation performance bond in the amount of \$165,000.00 to be effective for the time of this permit and until restoration is completed to the satisfaction of the Township;**
  - ✓ **the surety reclamation performance bond amount shall be reviewed in 2010 to determine if an adjustment in the amount of \$3,000.00/acre reclamation bond is warranted.**
- Supervisor Jesse Lambert supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

5. Joint Meeting Agenda for May 28, 2009

Supervisor Lambert indicated the joint meeting of the Township and Village would take place at Holly Woodlands off Grange Hall Road. The meeting will start at 6:30 p.m. and end at 8:30 p.m.

Clerk Karin Winchester noted the Township Parks & Recreation Commission would prefer any parks and recreation discussion with the Village should be with the Park Commission.

Supervisor Lambert stated everyone seemed to agree it would be more a visioning session, discussing common goals and working from there. Police services can be discussed.

Trustee Janet Leslie indicated the Village has made a decision how they want to handle police services for now. Until the Township makes a decision, there's nothing to discuss with the Village.

Treasurer Mark Freeman noted the Village may still have related issues to police services they would like to discuss.

Clerk Winchester stated the meeting should be kept in a positive format with a visioning session, working at healing, developing trust and moving forward as a community.

Mr. Peter Clemens noted the sewer line on Grange Hall Road would be another topic for the meeting agenda. At the previous Village Council meeting the Village and Township discussed other ideas to help Ms. Marsha Powers and Jesse Lambert with agenda ideas.

Trustee Leslie stated for the benefit of the residents, whatever is discussed needs to result in an action plan; what the Village agrees to do and what the Township agrees to do. She would prefer to have one or two agenda items to discuss, with the third agenda item being open discussion or creation of a list of agenda topics for the next joint meeting. She suggested doing a visioning session to find areas of common interest that would relate to economic development.

Trustee Ruth indicated the Planning Commission has discussed the differences between the Township and Village sign ordinances, new building appearance and other items.

- **Clerk Karin Winchester moved to approve four topics of discussion at the Joint Meeting; Economic Objectives, Water/Sewer Agreement between the Village and Township, Open Discussion and Topics for the Next Meeting. Supervisor Jesse Lambert supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

#### 6. Expense Approval – Mediator for Joint Meeting

Supervisor Lambert indicated the Village has requested Judge Gene Schnelz, a very reputable mediator, to help this process along. His rate is \$325.00 an hour. The meeting is slated for two hours. The cost would be split with the Village and the cost for each entity would be \$325.00.

Clerk Winchester noted she received three complaints from residents today about the possibility of the Township spending money for a mediator. They don't believe there needs to be one, that the governments should be able to manage this on their own.

Trustee Leslie indicated the governments know through past experience some joint meetings have not been productive. A knowledgeable mediator who has been involved in municipal cooperation between the Village of Milford and the Township of Milford is definitely the guy you want for the job. With the cost involved, we do need to deliver results for the residents. We need to prove it was worth it to get us talking in a professional and productive manner.

Supervisor Lambert stated he wouldn't support spending \$325.00 if he didn't believe that the money would end up paying for itself and then some. We have much, much more to gain from cooperating with one another than we do in our current state. He has full faith it will be a successful meeting. It's very difficult to coordinate successful efforts unless you have a foundation for cooperation.

Clerk Winchester noted Judge Schnelz established a foundation for cooperation in Milford and it continues through the present.

- **Trustee Janet Leslie moved to approve the mediator expense of \$325.00 for Honorable Gene Schnelz. Treasurer Mark Freeman supported the motion. A roll call vote was taken. Winchester: Yes; Freeman: Yes; Leslie: Yes; Ruth: Yes; Lambert: Yes. The motion carried with a 5/0 vote.**

#### 7. Board of Trustees Agenda Format

Supervisor Lambert noted discussion has been held regarding moving public comment from the end of the meeting to the beginning of the meeting, just after reports, in case residents want to voice concerns regarding agenda topics or have questions regarding reports from the Board.

Clerk Winchester indicated public comment should remain at the end, as residents are commenting on the business meeting just held. There has always been open discussion for the public who have had comments and it was left up to the chair to allow it. For years this has worked very well for Holly Township.

Trustee Leslie stated the Board will be more informed if they hear comments prior to their deliberations. It's also a convenience to guests if they have come for public comment and they don't need to remain for the business of the evening.

Treasurer Freeman indicated whether the public comment is at the beginning or at the end doesn't affect the flexibility the supervisor has to call on a member of the public if he believes their input is pertinent to the issue at hand. If comments are given before new business, at the end they will want to comment on what the Board just did and public comment has already happened. If it's moved forward in the meeting, it may result in public comment being at the beginning and at the end.

Trustee Ruth noted a few people come for specific items; some just have general comments. If they're attached to a certain business item, allowing them to comment during the meeting on that one item has been effective.

Mr. Larry Lilly, 110 Clarence Street, indicated he has been to over 400 meetings. Holly Village Council had public comment at the end, and then changed it to the beginning. You want people to stay here through the whole meeting, and then they are participating in all your decisions. If it's at the beginning, they leave. That's wrong.

Supervisor Lambert noted if the Township engineer is here or someone with experience in a field, they will be called on for their expertise. If we want to bolster attendance, we need to make people feel welcome when they come in. If they're new and they came here, it's probably because they want to sit in on an issue or voice their opinion. If they are able to voice their opinion and the Board treats them well, they will sit through the meeting and listen because they're interested in the decision, as well. They want to know if you took their input into consideration.

Trustee Leslie agreed, stating it's a courtesy to give residents the first word. If they only came to make a comment on something not on the agenda, they're not forced to sit through the entire meeting to make their comments.

Mr. Burton indicated he goes to many meetings. He has seen agendas with public comment before or after the meeting, and also before and after. He gets cornered in the parking lot by a lot of residents in a lot of communities because they didn't get a chance to talk. He's been in meetings where it's a free-for-all, also. He believes the public should be made to tow a certain line, which is you should limit your comments, you should not repeat yourself, you should only have three minutes, you should not be allowed to speak 15 times on the same thing. Supervisor Lambert and Mr. Burton were cornered at the Planning Commission meeting last week. People should be courteous.

Ms. Davidson stated she would prefer public comment at the beginning. At the end she feels a sense of restlessness; when the Board's business is done, the audience is ready to leave. If she were talking at that point, she doesn't believe anyone would really care; they want to leave.

An unidentified speaker indicated with public comment at the end the decisions are made, so why say anything? You've already voted on it, so what she has to say means nothing. She would prefer it at the beginning. If someone has a comment at the end, that's fine also.

- **Clerk Karin Winchester moved to approve the agenda format putting public comment just after reports and at the end of new business, with a time limit of four minutes per speaker. Trustee Steve Ruth supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

**Public Comment:**

Mr. Lilly stated that the Township Board always makes good decisions. He thought the meeting was excellent. He thinks it's fabulous there will be a joint meeting with the Township Board and Village Council. The whole group has to take into consideration they have to build a foundation to work for 10,000 residents. In today's world, the 21<sup>st</sup> century, we have to cooperate in order to succeed. We have to build a positive foundation immediately -- not a month from now or a year from now -- immediately. (Remarks referring to the mining business were inaudible.)

**Adjournment:** Supervisor Jesse Lambert, hearing no other business, adjourned the meeting at 7:45 p.m.

Zo Turner, Recording Secretary  
Holly Township

Karin Winchester, CMC  
Holly Township Clerk