

**VILLAGE OF HOLLY  
COUNCIL MEETING  
Minutes of August 26, 2008**

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The regular meeting of the Village Council of the Village of Holly was called to order by President Clemens at 7:00 P.M. in the Village Council Chambers located at 315 S. Broad Street, Holly, Michigan.

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**Councilmembers Present**

Don Winglemire  
Pauline Kenner  
William Kuyk  
Sandra Kleven  
Tom McKenney  
Reisa Hamilton  
Peter Clemens

**Staff Present**

Marsha Powers  
Rollie Gackstetter  
Marv Swanson  
Suzanne Perreault  
Tim Stallcup  
Richard Figura

**Others Present**

Larry Lilly  
Jesse Lambert  
Gordon Johnson  
Cherie Monette  
Ed O'Connor  
Elena Miller  
Jim Weil  
Marlo Davidson  
Amy Mayhew  
Janet Leslie  
Larry Garon

**Council Members Absent**

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Clemens opened the meeting with the Pledge of Allegiance to the flag.

**CONSENT AGENDA:**

1. Agenda Approval
2. Approval of Regular Council Minutes of August 12, 2008
3. Approval of Bills for Payment \$171,142.16
4. Routine Reports:
  - None

Changes:

- Add Consent #5: Resolution 2008-53 Authorizing the preparation of the Special Assessment Roll for the chemical application for weeds on the Holly Millpond and setting a Public Hearing on said roll

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**Motion Winglemire, second Kenner to accept the agenda as amended. Motion carried by a voice vote of seven ayes and no nays.**

**PUBLIC COMMENT:**

Gordon Johnson of 202 Grant Street:

- Went to County Republican convention
- Went to Novi Convention also
- John Lauve worked the floor
- Others should go to these conventions and talk to the representatives
- Thanked the public for electing him

Chris Benson of 809 Canyon Creek:

- Representative for Deer Lake Village Homeowners Association
- Roads still have not been dedicated to the Village

- Asked for help in getting snow removal in the Village section of the Pulte sub
- Other sections will be maintained by the Road Commission
- Powers said R.C. Board has not approved these roads, even though Pulte had a document recorded that said they have. Pulte needs to correct the recorded document
- After the roads are dedicated, the Village will maintain the Deer Lake Village portion of the sub
- Also considering plowing the whole sub and being reimbursed for the County roads plowed by the Village

**OLD BUSINESS:**

**a) Charter Amendments**

**Motion Winglemire, second Kleven to remove from the table. Motion carried by a voice vote of seven ayes and no nays.**

- Figura said he made changes based on Councils recommendations
- Changes dealt with when a person is in default to the Village
- New language was established from a Federal case in the City of Newago
- Changed language now states a person in default is not eligible to have their name put on a ballot
- Language was approved by the court in the Newago case
- Powers said notice would be put in the ballot requirement sheet given out and new wording put in the Charter
- Next step is a Resolution for a Charter Amendment to come before Council

which would set on the table and not be acted upon for a 30 day period. It would then go to the Attorney General's office

- This would be piggy-backed on the next Township election vs. holding a special election
- Powers will find out when the next Twp. election is scheduled
- Figura will go ahead and prepare the Resolution

**b) Building and Grounds Committee – Cemetery property lease**

- Waiting for information from Figura
- A survey will be needed also
- This item remained tabled

**c) Paul Schimmeyer resignation (tabled).**

- This item remained tabled

**NEW BUSINESS:**

**a) Resolution 2008-52 adopting the emergency Operations Plan and authorizing the Village President and Village Manager to sign the plan**

- Draft of the plan was presented a few meetings ago
- Council needs to adopt the plan
- Chief Gackstetter would like to set up a training time so Council will understand the procedures and their role in an emergency situation
- As requested, the addendum will also be sent to Council

- Helicopter landing areas and procedures were discussed
- Gackstetter said he would like to hold a one hour informational session
- By Presidential order, individuals that hold an elected position are required to have certain NIMS training
- Village could be in jeopardy of losing Federal funding if these mandates are not met by 2010
- Classes can be taken online or with an instructor on site
- All fire and police department personal have already taken most of the required training

**Motion McKenney, second Kenner to approve Resolution 2008-52 adopting the emergency Operations Plan and authorizing the Village President and Village Manager to sign the plan.**

Reference materials such as the addendum will be sent on a yearly basis.

**A roll call vote was as follows:  
 Voting for: Kenner, Kleven, Winglemire, Kuyk, McKenney, Hamilton, Clemens  
 Voting against: None  
 Absent: None  
 The motion carried.**

**b) Request for Oversight Committee to meet**

- To discuss a charge regarding the Village President
- Hamilton and Kenner said they did not feel it was necessary for the Committee to meet
- Kuyk said Jackie Campbell was a witness and was very upset

- McKenney said letters had been received regarding the issue, but no Village services, employees or contractors were involved; that it was a free speech issue
- McKenney said complaints were well presented but they cannot punish a Council member for free speech issues
- Council felt no action was necessary

**REPORTS:**

**Village Manager / Clerk – Treasurer:**

Powers comments:

- Figura said he and Powers were presented with a Sewer Extension Agreement for a piece of property owned by Silverman
- The Agreement asked for water and sewer to be extended to a property in the Township
- Original Agreement does not include this property
- Property is in the area of the Township Agreement with Silverman
- Council has not previously approved this extension
- Council could approve the extension through the Agreement, but changes are needed
- Outside village rates would apply that are double tap-in rate
- Permission would be needed from the Twp. to extend service to this property as it is in their district not the Silverman agreement fro 2002
- Or, the two original Agreements could be amended to include this parcel
- This would need to go through the Planning Commission, based on the

new rule that goes into effect on September 1

Larry Garon, on behalf of Silverman Co.:

- T&C Credit Union wants to build on the parcel
- Would like to bring utilities to this parcel
- This parcel is included in the Twp. Agreement so there is no need to go back to the Twp.
- Agreement of the Village and Silverman Co. is all that is needed
- Asking Village to agree to extend service to this parcel for the credit union and a 4,500 sq. ft. retail center once it is approved by the Twp. Planning Commission
- Will run a line from the existing line on the Silverman property

Council comments:

- Figura disagreed with Garon's interpretation of the Agreement
- Said the Twp. Agreement says the Village may extend service only to the Silverman property
- Another agreement would be needed to service any property in the Twp. water and sewer district
- Statute states this must be submitted to the Planning Commission under certain conditions if in Master Plan
- Garon and Figura discussed whether this would need to go before the Village or Twp. Planning Commission
- Clemens and Winglemire, as members of the Public Works Committee are in favor of extending this service to the property

- Legal issues would need to be dealt with first
- Figura prefers to amend the original Agreement
- Kuyk was concerned this could set a precedent
- Powers read from the minutes of June 24 Public Works Committee meeting recommending the connection of the property

**Motion McKenney, second Winglemire to amend the Silverman/Village and Township/Village Agreements from September, 2002 to change the definition of the Silverman property and adopt the recommendation of the Public Works Committee to allow the property at the corner of Fish Lake and Grange Hall Roads to be connected to the village water and sewer systems with Silverman incurring all costs. A roll call vote was as follows:**

**Voting for: Winglemire, Kenner, McKenney, Hamilton, Kuyk, Clemens**

**Voting against: Kleven**

**Absent: None**

**The motion carried.**

Powers comments:

- Need to set up a Public Safety Committee meeting regarding Police services as directed in the last meeting
- Suggested Sept. 4<sup>th</sup> at 5:30 pm
- Council approved this date and time
- Waiting for information on the cemetery property
- Powers and Wren met with Tony Kline's mother and cleared up several issues where there were misunderstanding. Will be meeting

with representatives of his project on 9-2-08.

- Owner now understands they can proceed to do some work on the structure
- East Street is now completed
- Work at Patterson School is done

**Attorney:**

Figura comments:

- Nothing to report

**Council & Staff Comments:**

- There were no comments.

**ADJOURNMENT:**

With nothing further to discuss, Clemens adjourned the meeting at 8:00 PM.

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**Peter Clemens, Village President**

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**Marsha A. Powers, CMC-CPFA  
Clerk-Treasurer**

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**Sheri McGee, Transcriber**