

TOWN OF HOLLAND BOARD OF SUPERVISORS
OFFICIAL PROCEEDINGS OF THE SPECIAL MEETING
Town Holland Hall
W3005 County Road G, Cedar Grove
Wednesday, January 8, 2025 6:30pm

1. CALL TO ORDER:
Chair David Huenink called to order the Board of Supervisors special meeting at 6:30pm at the Holland Town Hall.
2. PLEDGE OF ALLEGIANCE:
The Pledge of Allegiance was led by Chair David Huenink.
3. CERTIFY WISCONSIN OPEN MEETING LAW HAS BEEN MET:
Clerk-Treasurer Janelle Kaiser certified that the requirements of the Wisconsin Open Meeting Law had been met. The agenda for this meeting was posted at the Holland Town Hall and on the Town's website on December 30, 2024.
4. ROLL CALL:
 - a. Members Present: Chair David Huenink, Town Supervisors Stanley Lammers, Douglas Hamilton, Brody Stapel, and Kelly Caswell.
 - b. Members Absent: None.
 - c. Others Present: Clerk-Treasurer Janelle Kaiser and Town Attorneys Eric Eberhardt and Matt Nugent.
 - d. Members of the public that signed in: Annemarie Valenti, David Valenti, Plan Commission member Jack Stokdyk, Bill Murphy, Jo Murphy, William Bannier, Jane Hamilton, Attorney Ellen Anderson, Attorney David Muth, Deb Essenburg, Walt Ellis, Diane Ellis, Diane Holt, Fred Holt, Anne Courtney, Gretchen Petraske, Susan LaBudde, Scott Siemon, John Dallman, Amy Q Scott, Dana Mueller, Sandy Rose, Bill Rose, Dan Madsen, Diane Meisser, and Ann Bachrach.
5. ADOPT AGENDA AS OFFICIAL ORDER OF BUSINESS:
Motion by Caswell, seconded by Hamilton, to adopt the agenda for the January 8, 2025 special board meeting as presented; the motion carried by unanimous voice vote.
6. MOTION TO CONVENE IN CLOSED SESSION pursuant to Wis. Stat. §19.85(1)(g), for purposes of conferring with legal counsel for the Town Board who is rendering oral or written advice concerning strategy to be adopted by the Town Board with respect to litigation in which the Town Board is or is likely to become involved, to-wit: Holland Board of Appeals decision to reverse the Holland Town Board and Holland Town Plan Commission's legal interpretation of the Town Attorney's legal opinion regarding the proposed use of the subject property at N2047 Pine Beach Road South:
Motion by Hamilton, seconded by Lammers, to enter into closed session at 6:34pm; the

motion carried by unanimous roll call vote. Kelly Caswell: Yes; Douglas Hamilton: Yes; David Huenink: Yes; Stanley Lammers: Yes; Brody Stapel: Yes.

7. RECONVENE INTO OPEN SESSION TO TAKE ACTION RELATING TO CLOSED SESSION DELIBERATIONS, IF ANY:

Motion by Lammers, seconded by Caswell, to reconvene in open session at 7:43pm; the motion carried by unanimous roll call vote.

Motion by Lammers, seconded by Caswell, to retain the Municipal Law and Litigation Group to represent the Holland Town Board as special counsel in the potential appeal to circuit court of the Holland Board of Appeals decision dated December 18, 2024, regarding the American Orthodontics corporations' property on Pine Beach Road South in the Town of Holland; the motion carried by unanimous roll call vote.

8. PUBLIC INPUT:

a. Chair Huenink:

- i. Announced that comments from the public may be limited to three minutes per person, with a total public comment period limit of sixty minutes.
- ii. Thanked Bill Rose for providing the microphone and speaker equipment and services for tonight's meeting.
- iii. Explained that ordinance changes are common, and often add clarity to the wording of Town ordinances, rather than changing what is allowed by ordinance. Town Ordinances are often modified as soon as possible when it is discovered that further clarification is determined to be needed.
- iv. Reported, as a follow up to an inquiry made at the January 6, 2025 Plan Commission meeting, that there were eight ordinances adopted in 2024 to amend Town Code which included a total of 25 provision changes, and that there were nine ordinances adopted in 2023 to amend Town Code which included a total of 103 provision changes.

b. Attorney Ellen Anderson introduced herself as counsel for David Valenti and Larry Britton. She presented two comments for the record:

- i. We do not believe that the notice for the proposed changes for this evening was adequate.
- ii. For Section 13 of the proposed ordinance amendment, on Monday, the Plan Commission tabled making a recommendation to this board as to whether or not they recommended that this board passed Section 13, and by Sections 106 and 108 of the code of the Town of Holland, this board may not take action on Section 13 this evening. We're here tonight to hopefully move towards a larger resolution.

c. Attorney David Muth introduced himself as counsel for David Valenti, Annemarie Valenti, Larry Britton, and Judy Britton. David requested a show of hands from members of the public present at the meeting who would be willing to cede their time to speak during public input so that he could address the Town Board for longer than three minutes; he clarified that he does not represent everyone in the

room. It appeared the majority of the members of the public present raised their hands.

Attorney Muth proceeded to submit the following comments:

He thanked the Town Board for providing the microphones. David said that there was a lot of emotion expressed at the January 6, 2025 Plan Commission meeting, but as he thought through the public comments from that meeting, he observed that there is a need to figure out how to resolve issues involving things like American Orthodontics. He thanked Chair Huenink for agreeing to participate in mediation to try and figure out if there is a path to end this impasse.

On January 6, 2025, David asked the Plan Commission to table Sections 1, 2, 3, 4, 5, and 6 of proposed Ordinance 2025-Draft(A). He proceeded to request that the Town Board table Ordinance 2025-Draft(A). Attorney Muth said that it is really important to get these amendments right, and that he believes value could be added in terms of providing additional thoughts on these amendments going forward which could minimize litigation and costs for the Town. This could streamline getting to a place where everyone is satisfied with what is going on.

David inquired what the rush is to adopt the proposed ordinance and said that he doesn't believe there will be harm in waiting a month to make these changes. Waiting would allow for additional input to be provided so that the amendment doesn't have to be made twice. There may be other amendments to be made following the provision of additional input.

Attorney Muth referenced Chapter 280, Short Term Rentals, of the Holland Town Code. He summarized that the purpose of short-term rentals is to protect the public's health and safety from transient use, to provide adequate maintenance for those who are having people come to residential-area homes on a short-term basis, to make sure that there is an adequate amount of parking at those homes. The short-term rental ordinance includes licensure requirements and in many circumstances requires a property manager in the event that there are problems. It regulates unreasonable activities which disturb, threaten, or interfere with the residential neighborhood. There are a lot of people here that have concerns that the American Orthodontics (AO) properties do just that. Having some licensure and restrictions analogous to the short-term rental ordinance makes a lot of sense and working with the Town and AO to put something that's fair and ethical on those types of requirements is possible. AO has said they want to be good neighbors; David proposed making that a reality. He said that people here have expressed feeling threatened about the stability of their neighborhoods in recent months. He thinks that doing something like that could get people to point where they're saying yes, we can live with this. Attorney Muth provided that the short-term rental ordinance requires liability insurance and prohibits excessive noise, with noise being a real concern, and allows the building inspector to enter the property to inspect if there are issues. David said that Pine Beach Road South is a one-lane private road, and that short-term rental statute specifically provides that you can't park on that private road.

- Attorney Muth commented on the importance that ordinances do not get amended in a way to help American Orthodontics and hurt the community's interests. David does not accuse the Plan Commission or the Town Chair of doing anything inappropriate, but these amendments are an unintended consequence that would negatively impact what they are trying to accomplish. He urged the Town Board to wait a month on the ordinance, which is the principal reason for being here today. At this time, Attorney Ellen Anderson distributed a three-page document showing proposed modifications to Ordinance 2025-Draft(A) to the Town Board and Clerk-Treasurer. Attorney Muth asked that this document be added to the January 8, 2025 meeting minutes. Let these minutes show that the aforementioned document is attached to these minutes as pages 5-7. David Muth explained the intent of the proposed modifications in the document at this time.
- d. Chair Huenink reiterated that he would be willing to join a mediation discussion as proposed at the January 6, 2025 Plan Commission meeting. It would be preferred to reach a common solution, which may include compromises from everyone involved.
 - e. Attorney Muth reiterated that his primary request is for Sections 1, 2, 3, 4, 5, 6, and 13 of proposed Ordinance 2025-Draft(A) to be tabled.
 - f. Chair Huenink thanked Attorney Muth for the suggestions.
 - g. Scott Siemon said that the Town of Holland's proposed definition of family is so vague as to include the whole population of the planet earth. Other municipal ordinances include things where people are related by blood or four unrelated people as a definition of family creates an intent of what you intend for a single-family district.
 - h. Chair Huenink said that the definition of family is not included in proposed Ordinance 2025-Draft(A).
9. Plan Commission Recommendation(s): Ordinance 2025-Draft(A) to Amend Holland Town Code Chapter 330 – Zoning:
The Town Board reviewed and discussed all sections of Ordinance 2025-Draft(A) to Amend Holland Town Code Chapter 330 – Zoning.
Motion by Stapel, seconded by Caswell, to accept the recommendation of the Holland Plan Commission and adopt Ordinance 2025-Draft(A) Amending, Creating, and/or Repealing Provisions of Chapter 330 of the Code of the Town of Holland, Sheboygan County, Wisconsin as modified to strike Section 13, and to further modify Ordinance 2025-Draft(A) as follows: Strike Sections 1, 2, 3, 4, 5, and 6; the motion carried by unanimous roll call vote.
10. ADJOURN – Motion by Hamilton, seconded by Caswell, to adjourn the meeting at 8:34pm; the motion carried by unanimous voice vote.

Submitted by Attorney David Muth on January 8, 2025

Section 1. That portion of § 330-9 Definitions of the Zoning Ordinance defining "DWELLING MULTIPLE-FAMILY" is hereby amended to read as follows:

DWELLING, MULTIPLE-FAMILY

A dwelling designed for occupancy by three or more families, with the number of families residing there not exceeding the number of dwelling units provided.

PROPOSED MODIFICATION:

A dwelling designed for occupancy by three or more families, with the number of families residing there not exceeding the number of dwelling units provided, and living as a household in each dwelling.

Section 2. That portion of § 330-9 Definitions of the Zoning Ordinance defining "HOTEL" is hereby amended to read as follows:

HOTEL

A place where sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all related rooms, buildings and areas.

PROPOSED MODIFICATION:

A place where sleeping accommodations are regularly offered to transients for pay or other financial benefit, in 5 or more rooms, buildings, and areas.

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Submitted by Attorney David Muth on January 8, 2025

Section 3. That portion of § 330-9 Definitions of the Zoning Ordinance defining "HOUSEHOLD" is hereby amended to read as follows:

HOUSEHOLD

One or more individuals living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

PROPOSED MODIFICATION:

One or more individuals living together in a single dwelling unit, with common access to and common use of all living, sleeping and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit for 30 or more consecutive days.

Section 4. That portion of § 330-9 Definitions of the Zoning Ordinance defining "MOTEL" is hereby amended to read as follows:

MOTEL

A hotel that furnishes on-premise parking for motor vehicles of guests as part of the room charge, without extra cost, and that is identified as a "motel" rather than a "hotel" at the request of the operator.

PROPOSED MODIFICATION: None, subject to adopting the modification of the definition of HOTEL as proposed above.

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Submitted by Attorney David Muth on January 8, 2025

Section 5. That portion of § 330-9 Definitions of the Zoning Ordinance defining "RESIDENCE" is hereby amended to read as follows:

RESIDENCE

A building or portion thereof designed or used primarily as living quarters for one or more individuals.

PROPOSED MODIFICATION

A building or portion thereof designed or used primarily as living quarters and used primarily by a family or household.