

# PENINSULA TOWNSHIP

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**Township Board Regular Meeting Minutes**

**March 12, 2019**

**7:00 p.m.**

1. **Call to Order:** by Supervisor Manigold at 7:00 p.m.
2. **Pledge**
3. **Roll Call:** Achorn, Wunsch, Sanger, Wahl, Bickle, Manigold, Chown  
**Also present:** Randy Mielnik, Planner, Greg Meihn, Township Counsel, and Christina Deeren, Director of Zoning
4. **Brief Citizen Comments (for items not on the agenda)**  
**Jill Byron, 2249 Twin Eagles Dr.,** informed the board of an article in the Record Eagle on February 22 covering the U.S. Supreme Court and a beach case. She hopes that, as the township revisits the zoning ordinance, we make sure clear language is incorporated supporting that owners' rights go only to the ordinary high-water line. Thanked Grant, Paul, and Bethany on the fire department for responding to an alarm at her residence; it ended up just being a leak under the sink. Expressed concern with harassment and would support beefing up or increasing the community's comfort level when there is an issue; was advised by a sheriff's deputy to purchase a security system for her home.  
  
**Jason Gillman, Grand Traverse County Road Commission,** explained that Brad Kluczynski is the new manager for the GTRC former DPW of Elk Rapids. Jim Cook, former manager, did a good job with the update and extended the online commentary period for the east/west corridor study to the 15<sup>th</sup>; this is available online. MDOT has tracking devices and wants to work with the county regarding Bluetooth and tracking travels through town. Not sure if GTRC will participate or not. Mentioned TIFF renewals and voting for county road millage. Explained that with 24 million in the budget, Peninsula Township is expected to have approximately 10 road projects completed this year with budgeted monies.  
  
**Chown:** requested that the meeting minutes from February 19, 2019, be removed from the consent agenda to be re-submitted in the next regular township board meeting packet.
5. **Approve Agenda**  
**Moved by Wunsch to approve the agenda as amended, seconded by Bickle.** Passed unan
6. **Conflict of Interest:** **Chown** will recuse herself from the PDR bid item No. 3. **Manigold** will recuse himself from Bowers Harbor Vineyards if it is discussed in closed session.
7. **Consent Agenda:** any member of the board, staff, or the public may ask that any item on the consent agenda be removed and placed elsewhere on the agenda for full discussion.

1. Invoices (recommend approval)
2. Reports
  - A. Fire department for February 2019
  - B. Mission Point Lighthouse
  - C. Treasurer's cash report by fund for February 2019
3. Request to add Jenna Platz to the fire department roster
4. Request to go out for bids to re-carpet the township office
5. Classification of township employees per the Federal Labor Standards Act (Sanger)
6. Correspondence
  - A. Fire chief note and thank you letters from residents
  - B. Letter from Jennifer Hodges, GFA, re: Special Assessment District Projects
  - C. Letter from Director of Academics, Old Mission Peninsula School, re: "Better World Day"

**Anne Griffiths, 14548 Bluff Rd.,** questioned an invoice in the parks budget to be paid, the more than one hundred miles in travel that was submitted by the lighthouse manager, Ginger. Also concerned that a large amount of money equal to \$450.00 was approved without a vote. This was a bill from Stanley Steamer of Northwest for \$459.00 for work done at the lighthouse. Questioned the process of how bills are and will be paid.

**Achorn:** clarified that she approved this bill to be paid as it was a maintenance issue and on the list of projects that the township received from the park commission.

Board discussed this issue and how future bills will be handled.

**Moved by Wahl to approve the consent agenda as amended, seconded by Wunsch.**

**Roll call:** Passed unan

## 8. Business

### 1. Lifesaving awards (Gilstorff)

**Fire Chief Gilstorff and Supervisor Manigold** presented lifesaving awards to Grant Blackmer, Mike Bryan, Paul Lipke, and Bethany Wyman for providing lifesaving emergency services to Gordon Hayward on January 17, 2019. In October of 2018, the fire department began providing ALS Services; this is a huge benefit to the residents of Peninsula Township. Grand Traverse County Dispatch (911), Munson Medical Center, and Peninsula Township ALS were able to track and monitor Hayward's significant cardiac event, which helped prepare them for his arrival at Munson, where the cardiac care unit was waiting. There was 100% blockage in one of Hayward's arteries, which they were able to take care of with a stent. Gilstorff read letter that was sent to the Record Eagle (Heart Attack Care) on behalf of the Hayward family.

**Gordon Hayward, 1777 Shitake Trail,** wanted to inform the board as to how the system works when you are on the receiving end. Called 911 and described the symptoms that he was experiencing and was advised to take an aspirin. ALS arrived and assessed his symptoms and began working on him in the ambulance on the way to Munson Medical Center. When he arrived,

he was met by a line of hospital personal. Hayward emphasized the value of life support systems and thanked Paul, Bethany, Grant, and Mike for their professionalism and quick response. Also thanked the board and residents for allowing the ALS system to be updated. Treatment for Hayward began in the kitchen on this day. He lives seventeen miles from Munson Medical Center, and if not for the call to 911, he might not have survived this incident.

**2. Updated presentation on new tanker and request to seek a site for a proposed fire station north of Swaney Road (Gilstorff)**

**Chief Gilstorff:** provided board with a map outlining properties north of Swaney Road and south of Tompkins Road to show the ideal area where ISO indicated a new station should be located.

**Manigold:** suggested a letter go out to residents in that vicinity to find out if property could be purchased or donated. Township has been advised to avoid properties encumbered with PDR easements or deed restrictions.

**Chief Gilstorff:** provided the board with information for a new tanker at the last meeting. Provided slide show of the new tanker. Gilstorff provided additional information to the board regarding the specs of the new tanker truck and its capabilities, which the current tanker lacks. Cost of this truck is \$350,000.00 with a payment of \$43,000.00. The projected sale price of the old truck is around \$50,000.00.

Board had some questions and discussion over this matter.

**3. Consideration of PDR bid (Mielnik)**

**Moved by Wunsch and seconded by Bickle to allow Chown to recuse herself from bid considerations regarding the PDR contract. Passed unan**

**Sanger:** gave an update on the committee and its members (Wunsch, Sanger, and Achorn). A bid was advertised in the Record Eagle for the 1,300 properties under PDR contract. A single bid was received for the overview monitoring on these properties. This bid was received on March 5<sup>th</sup>.

**Matt McDonough:** clarified that there was a mathematical error in the bid he submitted to the township. The amount originally bid at \$19,625.00 was incorrect and should have been \$16,250.00. Went through the details of the numbers of what would be reviewed.

Board discussion.

**Moved by Achorn to accept the bid from Matt McDonough for \$16,250.00 with a contract signed by both parties for the audit of 2018, seconded by Bickle.**

**Roll Call: (Chown recused) Passed unan**

**Moved by Wunsch to bring Clerk Chown back to the table, seconded by Wahl.**

**Passed unan**

**4. First public hearing on proposed fire department millage request for fiscal year 2019/2020; no action to be taken at this meeting**

**Maingold:** closed regular scheduled meeting and opened up for public hearing. Gave an update on this proposed millage renewal. Closed public hearing as there were no questions from the audience members. No action was taken by the board at this time on this millage request as this is the first public hearing on the proposed millage renewal.

**5. Announcement of appointments to new Peninsula Township Parks Committee (Manigold)**

**Manigold:** nine people applied. The selected members are Don Atkinson, Pete Dahl, Eric Dreier, Dave Murphy, Mike Skurski, John Snow, and Mary Swift. They will meet next Thursday to appoint the chair. The original members of the park commission were asked if they wanted to stay on, and only three of them wished to join the committee. Member Gary Cornell was open to staying on or leaving the new committee.

**6. Tabled from February 26, 2019, township board meeting and public hearing, proposed Jolly Pumpkin 5K Run to occur May 19, 2019, at 8:30–11:30 a.m. with updated race course at Old Mission Lighthouse Park (Manigold and Deeren)**

**Moved by Wahl to remove this from the table and bring it back to the table for discussion, seconded by Bickle. Passed unan**

**Deeren:** presented updated race course, which per the board's request at the last meeting was changed to a destination with minimal residential impact. This course is now being proposed to go out to the lighthouse and through the trails at the lighthouse instead of Bowers Harbor Park. The starting time has been changed from 11:00 a.m. to 8:30 a.m. and race participants will be bussed to and from the lighthouse. Staff will have a pre-race meeting with Mr. Whitehead to work out details for EMS services and locations of port-a-johns. Race will occur on May 19 as originally proposed. No road closures will be required for this race.

**Alan Whitehead, Kona:** has been in touch with Ginger, the lighthouse manager, and a substantial donation has been made to the lighthouse of \$2.00 per participant. Would like to make this an annual event is willing to increase this donation each year. An estimated 600 to 650 runners are expected to participate in this race. Has hosted many races and understands how to manage EMS services.

Board discussion.

**Moved by Wahl to approve Large Event permit 2019-01 contingent on the Fire Chief's field safety review and report, seconded by Bickle.**

**Roll call:**

**Pass 6-1**

**7. Motion to go into closed session pursuant to MCL 15.268(e) to review attorney memorandum on legal requirements and compliance regarding Bowers Harbor Vineyard and its petition.**

**Meihn:** requested that this item be removed from the agenda as it has a clerical error when posted in the agenda. It was posted as MCL 15.268 (e) and it should have been MCL 15.26 (h). As an update on this, a phone conference was held between Meihn and Bowers Harbor Vineyards' new legal counsel, Joseph Infante. A number of items were discussed that the new counsel was not familiar with including the prior extensions and meetings that had occurred. Infante is a beer and wine lawyer and seems to have a lack of information regarding previous moratoriums that were granted. Meihn suggested that Infante attend the meeting, which will occur next week, so that they will have an opportunity to speak on this issue. Meihn requested that the board make a motion to continue this at a special meeting to be held next Wednesday or Thursday.

**Moved by Wunsch to forward this to a special meeting, seconded by Sanger.**

**Roll call:**

**Passed unan**

**Moved by Bickle to set the special meeting for Wednesday, March 20, at 1:00 p.m. at either the township hall or township conference room with Mr. Meihn and Mr. Fonte to discuss the Bowers Harbor Vineyard moratorium, seconded by Chown.**

**Passed unan**

**Meihn:** updated the board in regard to the letters that were submitted to Mr. Campbell and Mr. Oosterhouse about resolving the land division issue that had been raised with the deed and easement for access to the property owned by Campbell (the deed had not been filed by Mr. Oosterhouse and Mr. Campbell). Meihn invited both parties to a meeting. That meeting occurred with all parties present along with Sally Akerley to discuss how this issue occurred and the solutions to resolve it. The solution has been ongoing as Mr. Campbell has been accessing the property via Mr. Santucci's property for which Mr. Campbell believes he can obtain an easement. Ultimately, a survey needed to be conducted. Meihn stated that the survey is either complete or nearly complete and that he intends to review it to ensure that there are no PDR violations as it relates to the easement. Hopes to have this issue resolved over the next couple of weeks. As soon as he is notified that the survey is complete, he will create the appropriate documentation. Meihn will call a special meeting to have a new land division created to correct the past issues. Meihn will move quickly to enforce this. This information has also been conveyed to the Grand Traverse County prosecuting attorney.

**8. Motion to go into closed session to discuss and receive legal memo from attorney on status regarding overtime payments to Susan Piehl and Christina Deeren-threatened suit and global potential settlement pursuant to MCL 15.268(h)**

**Meihn:** in a previous meeting, the board approved payment to Miss Piehl and Ms. Deeren with regard to the determinations that were made. This will conclude this issue with these two individuals and he will discuss a release agreement in the closed session portion of the meeting. Sally Akerley will be included in this release to close out these issues.

**Moved by Wunsch to go into closed session with legal counsel Greg Meihn, seconded by Chown.**

**Roll call:**

**Passed unan**

CLOSED SESSION

**9. Motion to return to open session pursuant to MCL 15.261.**

**Moved by Achorn to return to the regular scheduled meeting, second by Wunsch.**

**Roll call:**

**Passed unan**

OPEN SESSION

**Moved by Bickle to authorize Mr. Meihn to present settlement agreements as discussed in closed session to Deeren, Akerley, and Piehl to release claims of wage and hour and hostile work environment, seconded by Wunsch.**

**Roll call:**

**Passed unan**

**9. Citizen Comments - None**

**10. Board Comments - None**

**11. Adjournment**

**Moved by Achorn to adjourn, seconded by Sanger.**

**Passed unan**

Adjournment: 9:03 p.m.