

Peninsula Town Board Meeting
March 27, 2018, 7:00 pm
Township Hall
Minutes

1. Call to Order by Manigold at 7 p.m.

2. Pledge

3. Roll Call Present: Manigold, Wunsch, Achorn, Wahl, Westphal, Bickle

Absent: Sanders (excused)

Also present: Gordon Hayward, Assistant to the Planning and Zoning Director, Fire Chief Frederick Gilstorff

4. Brief Citizen Comments (for items not on the agenda)

Curt Peterson 1356 Buchan Road – For the past 6 months the township has a zoning enforcement officer who has been doing a good job in enforcing against vacation nuisance rentals. I understand that there have been 2 or 3 problems in whole house rentals and now the zoning officer is taking care of these problems. We have a joint planning subcommittee looking into home sharing and these are not vacation or whole home rentals. Since approximately the year 2003 home sharing has existed on the peninsula. Perhaps there could be some type of permitting process, not in perpetuity, but if there is no problem then the permit could be renewed. I know people won't like it but change is coming to old Mission Peninsula. We are going to have more population and visitors. I would rather have people who have experienced the rural character by living with locals in a home share come here. Please take this into consideration. Thank you.

5. Approve Agenda Adding Item E under Business Park and Township Maintenance bid results

Move the Library Request for Special Use Permit # 128 from Item C up to the first item of business.

Action-Motion Motion to approve agenda by Wunsch, Bickle second. **Passed Unam**

6. Conflict of Interest: Wunsch's mother is a Trustee on the Peninsula Library Board.

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.

A. Meeting Minutes Approval—Town Board Regular Meeting March 13, 2018, Town Board Special Meeting, March 7, 2018, subject to further review; conditionally approved

B. Reports and announcements (as provided in packet)

1. Officers

2. Staff

C. Correspondence

D. Edit list of Invoices (recommend approval); conditional approval given

E. Select Appropriate Option & Approve 2018 of Brine Agreement for Gravel

Roads on the Peninsula

- F. Approve Sign Requests from the Old Mission Women’s Club for Annual Garage Sale and the Old Mission Peninsula Historical Society for Log Cabin Days, respectively
- G. Approve Request to use Township Hall for OM Community School Staff Training for a Summer Camp
- H. Approve Revised Intercept Agreement with North Flight

Bickle: Would like to have list of invoices receive conditional approval subject to review and the March 7, 2018 and March 13, 2018 minutes removed from this meeting subject to further review by staff.

Achorn: Has the contract with Intercept gone through legal review?

Bickle: The draft was reviewed and provided in shell by our previous law firm and I have that in the files. When Gilstorff came on he took it to the next level and the shell remains the same. This assures us that we are collecting correctly the different runs and fees rather than having to wrestle with North Flight.

Action-Motion Manigold would entertain motion to approve Consent Agenda.
Wunsch moved to approve, second Bickle **Passed Unam**

8. Business

1. Public Hearing for the Peninsula Community Library Special Use Permit (SUP) #128

Manigold: Meeting is now open for public comments

Mark Humitz, representing Cornwell Architects 401 East Front Street – Has gone through a very productive exercise with the Planning Commission. The plan has been amended slightly. We feel the plan is an improvement over what we started with, which is a good thing. The building is just over 5,000 square feet and sits on 5 acres of purchased land. The building is situated as far away from the corner as possible and is surrounded by landscaping to maintain the rural character of the area. There are 44 parking spaces, which we feel is adequate and not overdone. There is one conditional item and that is a power line, which is too low. Consumer Power is either going to add a third pole or raise the height of the current poles.

Nancy Davy 14713 Shipman Rd. – I am the President of the Friends of the Peninsula library. We have so many people to thank and having the Special Use Permit makes this real. In the last two years we have sent out appeal letters and received over \$200,000. The response for this project has been tremendous and we have a community we can be proud of. Thank you.

Vicki Shurley 1156 Lin-Dale Dr. – Back in 2016 this was just a dream. This has truly been a community project with people who only spend part of the time here, people who moved here, and those who grew up here contributing to make this library project a reality. Special thanks to the Warrens and Myers who are the adjoining landowners. Who would have thought they would want a library as neighbors? I would like to thank the work of the Planning Commission in helping us with the development of this plan. I am filled with gratitude. Thank you.

Heatherlyn Johnson Reamer 3566 Thistledeew Dr. President, Library Board of Trustees I would like to thank the Planning Commission for their help and we are so honored to see this dream come to fruition. Thank you.

Manigold: This ends the public hearing and puts the item before the board. Asked Hayward and Wunsch if they have any conditional issues after having worked on this project with the Planning Commission.

Hayward: There were two issues. The fire department inspected the parking lot for adequate fire equipment access. The approval from the fire department was drafted and inserted in the board packet. The Consumer's Power line height could be made a conditional element prior to occupancy of the building. This will be responsibility of staff.

Wunsch: There were a number of issues addressed by the Planning Commission and the library committee was cooperative in making these changes. My mother's role on the library board does not present a conflict as the Planning Commission makes the ultimate decision. There is a concern regarding soils, erosion and contamination in SUPs going forward with other projects.

Bickle: To clarify, are you offering a suggestion that the township should take one extra step in our review process for approving SUP projects?

Wunsch: I can speak for the Planning Commission that this project is ready to go. I think that in light of other recent projects that the township is involved with it would be prudent to look at the soils, erosion and contamination in our SUP process and make sure we are complying with these issues.

Hayward: This project has a conditional checklist that must be adhered to in order to not violate the SUP.

Wunsch: I just want to be clear that this project will not create any snags going forward with residential requirements and standards for an SUP. I am ready to pass this SUP request tonight, but think that we should have legal counsel look at the document.

Bickle: My understanding is that if this is given conditional approval tonight, this gets the ball rolling and the project becomes part of the SUP process.

Westphal: I have a question under 1.b that the description of the surrounding area is correct. The findings state that the surrounding area is single family detached homes, except for the Pelizzari Natural Area. Pelizzari is about 5 miles south from the library site. This is primarily zoned agricultural land.

Haywood: We will remove Pelizzari Natural Area from end of the sentence.

Achorn: In item C I was looking at the parking area and wondered if there is enough area for the fire trucks to get in and around and is there a fire lane and access for cars to get out.

Gilstorff: Yes, there the driveway is 22-24 feet wide and this would allow both a fire truck to enter and a car to exit. We also need 150 feet from where the fire truck parks to have access to the building. The building is in compliance except for the low hanging wire.

Achorn: Have the storm water drainage drawings been signed off by our engineers so that they are in compliance? Do we have a report from our engineer? Another issue is the site survey report was completed by the Grand Traverse Health Department. Do we have those reports on file?

Haywood: The Grand Traverse Health Department will be supplying us with a certificate of approval and drawings once the system is ready to go in.

Achorn: Have we seen the application to the Grand Traverse Health Department for this work?

Haywood: Possibly the applicants would have that answer.

Humitz: The health department has deemed the soil suitable. We still have to supply the septic design drawings and gain approval of that system.

Achorn: Do we have a copy of that report?

Humitz: There should be a letter from the health department stating their approval of the soil for the septic system at the township.

Achorn: You understand why we are going through this checklist.

Humitz: Yes I do. Part of the process after SUP approval is to finalize the design for the septic system.

Manigold: Has Gourdie-Fraser, our engineers, had a chance to review those plans?

Humitz: Gourdie-Fraser has reviewed the storm water design plan. They calculated the flow, volume and discharge. The septic system has not been designed. The health department has reviewed the soil and is confident we can design a septic system to meet the requirements of the building.

Ahorn: And do you have documentation that you can provide?

Humitz: That information has been provided to the township. Gourdie-Fraser should have already provided that information regarding the storm water design.

Westphal: I did not see anything in the packet regarding the storm water design. This needs to be included. Gordon, I find the writing of this finding of facts troublesome. For example, it states all required information has been provided and then we go to the commission's findings and in that last section it reads "Other review including soil erosion, sedimentation, control and storm water permits will be provided." This is a conflicting statement.

Haywood: When there is an action and an order is required, that is considered a condition to approval. So a checklist is made out for all of the items they need to provide in order to meet these standards. Once they get the SUP they have to meet with these agencies in order to get the permits to build the structure. The way this normally works is staff goes through the checklist and makes sure all the permits have been received. From the Planning Commission and the applicant's presentations, they need to be confident they can obtain these permits. There will be permits for earth moving and other permits coming in. I am not saying that it is wrong to have additional information.

Wunsch: I am looking at item 8.1.3, items g, h, i, k. Would like to see more descriptive language of these items and need to tightened up findings to reflect this specific project. This would include that this is a relatively flat site and requires little land movement, contains low risk of erosion, requires no fill and does not have contamination issues. This is a low risk environmental project. Also important to note is the site is being developed in one phase. If we could rewrite these sections so we can explain why we took these actions, this would be beneficial. We are going to be asked to review other sites in the future and the more specific we can be will help us leave a clear paper trail. I would like to know what the options are as I know the library would like to get started. However, it would be prudent for the township to look at some items that need to be addressed that concern other projects that may arise in the future. Need to be clear on finding of facts for this project as it affects future SUP applications.

Bickle: What do we do to keep this simple? The town board is not the one to rewrite this language. So does this go back to the Planning Commission for a rewrite? There seems to be more that has been undone than what has been presented as being done.

Manigold: No, this should not go back to the Planning Commission. The items brought up tonight are requests for clarifications. For all we know the storm water report is over in the office.

Wunsch: The findings open up the doors for other projects and we need to tighten up the language. Would the developer be willing to work with us regarding the language for this site?

Humitz: I understand completely what you are trying to do and this will not slow us down at all.

Wunsch: I move we table this motion, table the finding of facts and have staff work with Gourdie-Fraser and our attorney to make the findings of facts more specific to this project. Second by Wahl.

Action-motion We have a motion and support to send the document to staff, Gourdie-Fraser and our attorney to shore up the general information and language presented to us and bring it back to us in two weeks at our next General Meeting.

Passed Unam

2. Public Hearing for the Fire Department Millage Request, FY 2018-19

Gilstorff: Presented PowerPoint presentation as to what this increase in millage will provide to the community. This will improve response time, allow upgrade from a BLS (basic life support) to an ALS (advanced life support) system, replace fire stations in next 2-3 years, replace equipment that has average age of 16 years, provide an increase in pay for part-time employees, and provide public training on fire safety. The request is for an increase from a 1.4 to a 2.0 mils.

Manigold: When we were out talking with the public during the last voting campaign, one of the main issues residents brought up was the need for an improved fire department. This increase will allow us to open both fire stations, have two ambulances, and increase the lifesaving capabilities by implementing the ALS. This is a public hearing and our budget needs to be set by Thursday. We will be having another public meeting at 9 AM on this issue tomorrow.

Manigold: Meeting open for public comment

Jim Raphael 14826 Mallard Dr. We live in a rural township and it sounds to me like you are trying to create an urban/suburban fire department. Rebuilding those fire stations is expensive and the way you do this is through a millage and this is totally unfair. You need the same ambulance service whether you live in a \$700,000 or a \$200,000 house. I can see what is coming down the road. I urge you to think about another way to fund this. I look at my tax bill and you are going to drive people out of this township with the increases in taxes due to increasing inflation nationally, adding this in, and everything else that gets added to our tax bill. There are going to be limits. Some of us who live out here live on fixed incomes and others have significant exemptions due to farming. The other issue is that it depends when you bought your home. If you bought your house at the top of the market, you are paying more taxes. I have young neighbors who just built a small house who are paying \$7,000 to \$8,000 in taxes. I agree with upgrading the ambulance service, but not with replacing the fire stations.

Manigold: Our intent is not to go out to build new fire stations immediately. This is 5 to 10 years down the road and would take many public hearings. What we want to do is put beds in the north and south fire stations and use the facilities we have. Getting the higher level of medical ability, hiring more people and having four people on site is what we want to accomplish now.

Bickle: We currently as taxpayers pay millage and \$910,000 of those dollars goes to the fire department. Being a business person and many of us are business people, Chief Gilstorff spends a lot of time at the township offices and we have ongoing dialogue. This is a slow, strategic process. We are just not going to go out and buy a new fire truck. We have another millage that is going to be extinguished because we now have a bond debt that has been paid off this year so that will go away and this will free up \$400,000 from the current amount that is being collected. We want to use this money wisely to improve the safety of the community.

Anne Griffiths 14548 Bluff Road I am so pleased to see you moving forward in this way. While there are people who are concerned about the money they are going to spend, there are many more who are concerned about the level of service that is available. This is an older community that is getting older. This is a hard place to get around in. There are no shortcuts. If you are lying there with crushing chest pain, you better hope they are coming as fast as they can with the people who can save your life potentially. I am amazed that you think you can fund this without an increase in millage. We do not even have a capital equipment fund. You have guys sleeping on cots under conditions that are similar to being in boot camp. We are doing too little and should be considering a 1 mil increase. Those of us who come to live in this beautiful place should get behind the program and support the fire department.

Nancy Heller 3091 Bluewater Rd. Can you give me an estimate on the taxes generated by the two mils? (Bickle: \$1,409,000) How much do the fire fighters currently make? (Gilstorff: the part-time employees make \$13.38 and this would be raised to \$14.25.

Paramedics make \$15. Blair Township pays their \$18.) The increase in millage will go mostly for employee salaries. I do not want the township residents to think this will increase their safety perhaps by manpower, but again it is important for the residents to look at the forth coming budget and inform themselves. Important when looking at comparison between townships, one needs to know the size and income of each township.

Dan Gaviston 14430 Peninsula The fire boat the township bought cost \$400,000. It has to be maintained and it has to be insured and I have watched the boat escort a kayak race and that is not what this boat is supposed to do. The fire department does need more equipment and the firefighters require more money in their salaries to keep them here. Fifteen dollars an hour is almost comparable to being paid to flip burgers somewhere. I do not want to see the fire department spend any more money on equipment they do not need.

Corey Reamer 3566 Thistledew Dr. I have been working with the fire department for 25 years now and 5 years previous in Acme. Things have not been good at the fire department for the last 3-4 years. In the past 4 months since Fred (Gilstorff) has been here I have seen a major increase in morale. I stood up here 15 years ago at the township meeting and asked for a 1.5 millage and generate some money so we don't run into issues of outdated equipment. I do not think 2 mils are too much. I pay taxes on two properties out here. I know this has been long overdue and I am hoping some of this money goes toward new equipment. A new fire truck costs about \$300,000 and it is not something you just go out and write a check for. The boat was purchased through a grant. The state paid 80% and the township paid 20%. I think we will have good use of the boat and we certainly have well trained people to operate it.

Manigold: This ends the public meeting

Manigold: This is the first public meeting on the millage increase for the fire department and there will be another public meeting held on March 29 on Thursday 9AM.

3. Public Hearing for proposed Junk Ordinance #53

Manigold: The administrator who was going to present this information fell ill today. I would like to have staff and our attorney here to answer questions.

Meeting open for public Comments

Jim Raphael 14826 Mallard Dr. I really want to get this ordinance right. The first page of the ordinance under E there are a couple of items missing such as ATVs or motorcycles. The bigger issue is whether you are creating a half enforceable ordinance. The issue of farm equipment can mean almost anything. Buses are used to move people around, there are ATVs. So there can be items that don't work that need to be repaired and be sitting

around. There needs to be a timeframe attached and the language tightened up. There are motorized boats listed, but not sailboats. This ordinance needs more work.

Manigold: Closes public meeting

Action-Motion Wunsch makes a motion to table the discussion on the proposed Junk Ordinance #53 until appropriate staff can attend and also schedule another public hearing. Second by **Achorn**. **Passed Unam**

4. Consider Approval of the Floodplain and Wetland Amendment #195

Manigold: Again I would like to wait until Christina Deeren and Greg are here for this amendment to be considered. Would anyone like to make a comment on this?

Monty Peters 1425 Neahtawanta Rd. This one Deeren was not initially involved with. This went through a public meeting of the Planning Commission unlike the junk ordinance, which is a police power ordinance and has not already gone through one. The Floodplain and Wetland Amendment went through a public hearing. We have gotten good correspondence from the watershed center. We went through the Planning Commission process and now we have sent it to you. This is one is ready to go. The amendment was pulled by the Planning Commission this first after the lawyer reviewed the document and we then cleaned up what he had. The watershed comments at public meeting were also considered. This amendment has been vetted and is ready to go.

Manigold: This was in response to a request for land fill by a resident and this was denied by the Zoning Board. This went to court and we lost because we did not have the right language in the ordinance. I have some technical questions as it does not talk about high water mark. I would feel more comfortable if we had staff here.

Action-Motion Westphal: Motion to table the approval of the Floodplain and Wetland Amendment #195 for the meeting in 2 weeks when staff can attend the meeting. **Bickle** second.

Passed Unam

5. Township and Park Maintenance Bid Results

We opened the bids on March 26, 2018. We had three applicants-Johnson Outdoors, Robert Wilkenson, and Equity Enterprises. Robert Wilkenson had the lowest bid for 4 years, from 2018-2021. All bidders have insurance.

Action-Motion Wunsch made a motion that a contract between the Peninsula Township and Robert Wilkenson be drawn up. **Bickle** second. **Passed Unam**

9. Citizen Comments

Vicky Shurley 1156 Lin-Dale Dr. I am disappointed in your decision tonight tabling the SUP is putting it mildly. I have been in the township office many times in the last several weeks we assured we were a model applicant. We were told by the Planning Commission that we had compiled and provided every document we were requested to submit. This shows extreme unprofessionalism. One member of the board did not read the packet. I do not know who puts together the packets, but they were missing documents we had provided. And then some of you after the fact decided there were other considerations. It is not that I do not understand this, but tonight was not the night to think that through. This should have happened weeks ago. The people of Peninsula Township want that library and in two weeks I fully expect you to show better professionalism than you did tonight. Thank you.

Heatherlyn Johnson Reamer 3566 Thistledeew Dr. All of your questions were answered with your former staff, who are no longer with you. I am disappointed in him and those of you who make the packet, but I do know that your questions were answered. We are having to again provide you with this information. As Vicky has said we do have phenomenal support from the community for this library. This is a simple project and I understand you have to deal with larger size projects. I understand that you are looking at changing parameters, but I do not really think that the library project is the thing to go after right now. I look forward to seeing that SUP in 2 weeks.

Monty Peters 1425 Neahtawanta Rd. I want to continue on with the same issue of the findings of fact. I think we all understand Wunsch's premise that more information could have been provided in those findings of fact. Sometimes the information in the packet is not the same as what we provided. We at the Planning Commission had the library for several sessions and went through all of that stuff and then we have what you would call a frustrating document or a process. I think we at the Planning Commission also find trying to put into words all of these particular findings but it does not come out like you have marked all of the appropriate boxes. If that is indeed what your lawyer feels you need to have, then we need another document to work with to provide findings of fact. This is a document that has worked for as long as I have seen it for an SUP. Now if that final document needs to have all the sub-facts put in it, then we have the wrong document. I think it came out with the correct thing to do and you may now need to have Wunsch get with your lawyer and make sure that the findings of fact you all pass, which are the most important ones; the Planning Commission just makes these to you. If you need more documentation, then you need to do that, but you need to do that before tonight. That is the frustration you got from the audience. We need to really think about how the finding of facts appears before the board and you get the documentation you want.

10. Board Comments **Wunsch:** I would like to apologize to the library supporters. Conditions have changed since we passed this at the Planning Commission. Personally, I feel that we need to demonstrate that this is a simple project with low risk and adjust the language in the findings of fact. We need to be able to demonstrate our reasoning when we are challenged with our findings of fact. I think that Monty is 100% right, and we need to look at how we prepare and present these facts.

11. Adjournment **Manigold:** Meeting adjourned at 9:15 PM.

Lola Jackson
Recording Secretary