

**Special Meeting of the Town Board  
Peninsula Town Hall Conference Room  
Monday, April 3, 2017  
9:00 am**

**CALL TO ORDER** by Manigold at 9:00 am

**PLEDGE**

**ROLL CALL:** Achorn, Sanders, Wahl, Bickle, Wunsch, Westphal, Manigold

**PUBLIC COMMENTS**

Nancy Heller, 3091 Blue Water Road, requests that all staff and officers posting notices include both a printed name and date as well as a signature line with date. Some signatures are indistinguishable.

Jon Kinne, 14743 Shipman Road, thanked the Township staff and officers for their quick response to the County Road Commission's proposed cutting of trees along Bluff Road.

**APPROVE AGENDA**

Manigold requested that the Town Board consider adding a resolution to the agenda that directs the township to join the citizens' group in seeking an injunction to the cutting of trees along Bluff Road if the County Road Commission fails to abide to the agreement made on Friday, March 31, 2017. County Commissioner Dan Lathrop called the Friday afternoon meeting with the Road Commission and the citizen group, along with Supervisor Manigold, that reduced the number of trees marked for removal along the road. Wunsch supported adding the resolution to the agenda, and Wahl seconded the motion. **Unanimous support.**

Support for the resolution was made by Westphal and seconded by Wunsch. A roll call vote was taken. **Unanimous support.**

**BUSINESS**

**1. Consideration to adjourn the April 6 public hearing at a request of Dave Rowe, attorney for "The 81" project.**

Township attorney, Jim Young, recommended that the Town Board grant the request of Dave Rowe, by cancelling the meeting. This was so that Rowe could not complain that he did not have adequate time preparing for the hearing, despite the fact that the meeting was posted 15 days in advance in the Record Eagle. Jim Young pointed out that public comment is over on this project; and that the purpose of the meeting is to provide an opportunity for the Board to ask final questions regarding the project as constrained by the remand. Westphal questioned whether the delay in the public hearing has any time line associated with Rowe's request. Young said that it is in the best interest of the developer to resolve the issues ordered by Judge Rogers as quickly as possible since he is paying interest on monies borrowed for the project; Young believed that Rowe could be ready in 15 days and a new public hearing should be called for mid-May. Achorn inquired whether the township could recoup the costs of delaying the hearing, and the rescheduling of a new public hearing. Young deferred to the township ordinance on escrows. Wunsch moved that the meeting on April 6 be cancelled with the provision that the applicant bear the costs of cancellation and rescheduling, including, but not limited to, rental and publication. Sanders seconded the motion. Roll call was taken. **Unanimous support.**

**2. Discussion regarding a written legal opinion from the Township Attorney regarding legal principles that apply to discretionary zoning decisions and the**

**interpretation of zoning ordinance in Michigan, including the scope of the Court's Remand Order in Circuit Court file no. 2015031218AA, as it affects decisions regarding the special use application (SUP#123) of The 81 Development Company.**

Because of Township Attorney/Client privilege, Jim Young recommended that the meeting go into closed session.

Bickle made the motion for the meeting to go into closed session and Wunsch supported it. **Unanimous support.**

**(Closed Session begins @9:35am)**

**(Closed session ends @10:28 am)**

**3. Discussion with the attorney representing the Township in the NANCY L. KAHN, JON KINNE, SUE KINNE, RICK SHAFFER, DIANE SHAFFER, SARA TAFT, and DAVID TAFT, Plaintiffs, v PENINSULA TOWNSHIP, SALLY AKERLEY and PETER CORREIA, Defendants, and PEOPLE OF THE STATE OF MICHIGAN, ex. Rel GRAND TRAVERSE COUNTY PROSECUTING ATTORNEY, Plaintiff, v PENINSULA TOWNSHIP, SALLY AKERLEY and PETER CORREIA, jointly and severally, Defendants (Case no.: 16-31743-CZ) regarding the status and attorney's analysis of the litigation, including future course of action and recommendations.**

Manigold: Greg Mann, the attorney representing the township in the Kahn case, was unable to attend the meeting today; therefore, this item on the agenda will be rescheduled for another meeting. Manigold further stated that Mann advised him that all legal fees for the litigation is being covered by our insurance.

**CITIZEN COMMENTS:** None

**BOARD COMMENTS:** None

**ADJOURNMENT:** Wunsch moved to adjourn; Wahl seconded the motion. **Unanimous support.** The meeting adjourned at 10:38 am.

Respectfully submitted,

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Joanne Westphal, Clerk/Recording Secretary

Date