

**Peninsula Town Board Meeting  
April 10, 2018, 7:00 pm  
Regular Township Board  
Minutes**

1. **Call to Order** by Manigold at 7:00 p.m.
2. **Pledge**
3. **Roll Call:** *Present:* Manigold, Bickle, Achorn, Wunsch, Westphal, Wahl *Absent:* Sanders Resigned

*Also present: Gordon Hayward, Planning and Zoning; Christina Deeren, Zoning Administrator; Jennifer Hodges, Township Engineer with GFA; Greg Meihn, Township Attorney*

4. **Brief Citizen Comments:** None

5. **Approve Agenda**

Manigold requested to remove item number B. from the Consent Agenda to be discussed at a Study Session

Achorn requested to move item number D. to Business as item number 4.

Bickle noted a correction to item number 5 was listed on agenda as Old Mission Women's Club and wanted it to be noted this request is for the Community Library.

Motion to approve the agenda as amended by Wunsch; with a second by Bickle. **Passed Unam**

6. **Conflict of Interest:** None

7. **Consent Agenda:**

Any member of the Board, staff, or public may ask that any item on the Consent Agenda be removed and placed elsewhere on the agenda for full discussion.

1. **Meeting Minutes Approval** – February 27, 2018 1:00 TB/PC Joint Meeting; February 27, 2018 7:00 pm TB Regular Meeting; March 13, 2018, 7:00 pm Regular Town Board Meeting; March 27, 2018, 7:00 pm, Regular Town Board Meeting

2. **Reports and announcements** (as provided in packet)

- A. Sheriff's Monthly Report
- B. Attorney Proposed Policy on Video Surveillance – (REMOVED)
- C. Library Monthly Report
- D. Trustee Sanders Resignation Letter
- E. County Clerk's Nominating Information for Partisan Candidates (Upcoming Elections)

3. **Correspondence**

4. **Edit list of invoices** (recommend approval)

5. Approve Use of the Charlie Doe sign for annual book sale – Community Library

6. Approve solicitation of bids from three vendors for new Town Hall carpeting

7. Approve Fire Department letter declaring excess equipment in Town Hall basement as surplus

8. Approve fire safe cabinet for the Clerk's Office

Motion by Bickle to approve the Consent Agenda items as presented; seconded by Wunsch

Roll Call: Wunsch – Yes, Wahl – Yes, Bickle – Yes, Manigold – Yes, Westphal – Yes, Achorn - Yes

**Passed Unam**

8. **Business**

A. **Approve the resolution language for referendum on the four year Police millage, 2018-2021.**

**Bickle:** This is a conditional approval as the Township Attorney has not had the chance to review the information; this language was provided by County Clerk, Bonnie Shellie, who pulled the language from her files for the last millage referendum (2013). JoAnne and I worked together to get this language and numbers updated. The numbers were from this current tax roll. Bickle suggested that the Board adopt this as the conditional ballot language per Mr. Meihn's review and approval.

**Manigold:** This is a renewal of the millage and not an increase. Asking for the same two-tenths of a mill as we have had over the last 10-15 years for our Police Officer on the Peninsula. **Westphal** moved to accept the Resolution as recommended, as a conditional upon the Attorney's review for the four year Police millage from 2018-2021; seconded by Bickle. Roll call: Wahl – Yes, Bickle – Yes, Manigold – Yes, Westphal – Yes, Achorn – Yes, Wunsch – Yes

**Passed Unam**

B. **Flood Plain Ordinance (removed from 'Table' for reconsideration)**

Moved by Wunsch to bring back from table: seconded by Wahl

**Passed Unam**

**Manigold** opened the meeting up for public comment – None. Deeren; I spoke with Trustee Achorn earlier in the day and she had some questions regarding this ordinance. A draft was created with Mr. Meihn's approval. The draft was then sent to the Planning Commission where some additional changes were made per their public hearing and the Water Shed's recommendations; those changes were incorporated into this ordinance. Meihn: It has taken on a larger life than just Flood Plain before being presented before the Board. Recommended that the Board address this in a Study Session prior to approval to review how broad this has been expanded beyond the original intent. **Manigold:** Gave brief history of the Flood Plain ordinance. The Township challenged a taxpayer's right to fill in the Flood Plain down on East Bay which proceeded to the Court in which the Township was over ruled due to the language of the ordinance. Meihn wrote language for changes to the ordinance; this language was added upon in the Planning Commission.

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Joanne Westphal, Editor

Moved by Wunsch to table the draft Flood Plain Ordinance until the next Study Session; seconded by Bickle. **Passed Unanimously**

Hayward: Questioned whether another public hearing would be required before the Board adopts the ordinance.

Meihn: The answer would be "yes" as I believe that there will be some additions or even some subtractions.

**Westphal:** Would that public hearing be required to be posted in the Record Eagle with the 14 day Notice? Meihn; Yes. The Study Session is scheduled for Tuesday, April 17, 2018 at 7:00 pm.

### C. Junk Ordinance (remove from 'Table' for reconsideration).

Moved by Wahl to bring back from table; seconded by Westphal **Passed Unanimously**

**Manigold:** We have received additional correspondence on this issue. Deeren: I think that we need an ordinance that is easier to enforce. Her recommendation is to turn down the current Junk Ordinance and start with a new ordinance. **Manigold:** I thought it was weak as well. What we have learned when we started to enforce the short term rental was that the time span allowed for making people to come into compliance was 15 days. We also needed to look at a higher fine than \$150.00. **Westphal:** Believes that the ordinance has retained the unfriendly tone that the original Junk ordinance had. She feels that it is not indicative of general consensus and ambience of this particular community. It is impractical to ask people to build storage facilities to store or hide equipment out of sight or out of mind. Do we want to have hundreds of pole barns out here, especially in the farming community just to hide equipment? This particular Township because of its geologic history has tremendous absorption capacity. This means the landscape has the ability to naturally hide equipment thanks to its ravines and swales. The issue will be in areas where the landscape flattens out. It is a matter of mapping those areas and then looking at the practicality of storing equipment on those properties. **Manigold:** Stated that if we do delete this Junk Ordinance that there is still one in effect. **Wunsch:** There are many ways we can go to increase enforcement on junk. It doesn't go as far as some would like to see it go and it goes further than others would like to see it. Requested some direction from the other Board members as a lot of time has been spent in writing the new ordinance. **Achorn:** Questioned the current ordinance and the problem with enforcement. Wanted to know if there was an easy remedy to fix the ordinance rather than having to re-draft a new ordinance.

Deeren: We do have an ordinance in place currently that has a fourteen day waiting period which is the problem. The time that we have to wait before action can be taken. Recommending that this change from a Junk Ordinance to a Blight and Nuisance Ordinance which a little softer on the ear. People get offended with the word junk and the way that this is currently presented is offensive to people. We need to create an ordinance that is enforceable but also cohesive to the residents on the Peninsula.

**Westphal:** Could we take a look at the existing ordinance and see how we could improve the enforcement side of things first of all and secondly look at how blight is defined. Not only in our community but also in similar communities around the State that have active working agricultural segments in its midst.

Deeren: This is important as we are a mix of residential and agricultural properties with less industrial and commercial. We do need to look at other communities that are enforcing their ordinances and doing it successfully. The current ordinance that we have does not define things like we need it to.

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**Manigold:** Could we make a recommendation for Christina, Dave Sanger and legal counsel to review the current ordinance and if it can be improved or to come forward with a new Blight and Nuisance Ordinance. Requested Deeren to put something together to present to Wunsch. Meihn: We can do that and we have done some preliminary studies on other communities that similarly have these types of problems. You need a good ordinance but you also need the people to enforce it.

Moved by **Wunsch** to deny Junk Ordinance No. 53; seconded by **Bickle**.

**Passed Unam**

## 9. Citizen Comments

Monnie Peters, 1425 Neahtawanta Road, Traverse City, MI 49686: Questioned the Board on the Flood Plain and what particular language the Board is looking for. What are the additions to the ordinance? Wetlands have been added to the Flood Plain; this is something that Christina had requested.

**Achorn:** First of all, the definitions particularly the one of an engineer. There was the suggestion of one of our letters that came in that we should specifically identify that a professional environmental engineer or hydrology engineer who knows wet lands be the engineer of reference. Secondly, water protection also should be included in this, not just protection of the land. If there are problems in the wet land, then it is going to get into the water. Peters asked for clarification and not just the items a and b. The flood plain is a very small portion of our whole shoreline. It is estimated to be 2% of the total property located on the Peninsula. Peters spoke about the current ordinance and the overlay section in the Zoning re-write that talks about the entire shoreline. Flood Plain is a very small sub-area of our shoreline. This ordinance talks about those small areas where a low lying area has high probability of being flooded during certain times of the year.

**Achorn:** I am comparing this to the original. The section numbers are not similar. I found it very difficult to follow and track and see the changes that were made. The current ordinance is much longer, and I am trying to figure out why and what was eliminated in terms of the items that were in the original version. For example, the word "farm" is not included in the permitted uses as it was in the original.

Peters: It was a decision at the PC level to take the word "farming" out of the Flood Plain.

**Achorn:** the Board needs to understand the changes from the current ordinance to the one presented word for word and section by section to find out what was eliminated or included. This needs a Study Session; it cannot be decided here. We need to understand why you deleted section C and D and several other sections that have differences, and I would like to know why.

**Meihn:** The original purpose of developing the amendment to the Flood Plain was to shore up and to protect the Township from people taking advantage of the Court having to determine that by granting a permitted use in the original Flood Plain but not providing a standard for which that permitted use could be evaluated was a problem. The purpose again was to amend so that the Flood Plain was clear that there would be no development in the Flood Plain. It needs a work session for all that was added to it. The direction that I was given after the lawsuit was to cure the issue.

Discussion follows: To think about the process and the needs of the Planning Commission. Board wanted to know what additional services could be provided to help the Commission in its duties.

10. **Board Comments** None

11. **Adjournment** at 8:52 pm