

# ADDITIONAL REPORTS

Quarterly Report from the Fire Department

Quarterly Report from Gordie Fraser Associates-township Engineer



Peninsula Township Fire Department  
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April 4, 2018

Dear Township Board,

We have made it through the first three months of the year and your fire department has been very busy. We have responded to 83 calls for service with 85 % being for medical responses. We have had a brush fire and a vehicle fire in that time span. The fire chief worked on preparing the budget for 2018-2019, which was approved on March 29, 2018. The fire department thanks you for the support and assistance with the preparing of the budget.

Besides responding to emergencies, firefighters have been spending time training, taking care of vehicles, giving station tours to children and upgrading the facilities. We are in the process of preparing station 2 to be staffed, with much of the work being done by the firefighters' themselves. They have worked extremely hard at improving not only their abilities put also the appearance of the vehicles and stations.

The application process has started for hiring three paramedic/firefighters with the hope to have them on board sometime in May. Once this is completed, the fire chief will move forward with the process of upgrading the ambulance service to Advanced Life Support. This process may take a little time since we will have to go for State approval and inspection. A tentative time line to be online is the fall of 2018.

Moving forward the fire chief continues to updated policies and procedures for the department. The five year strategic plan is nearly complete and will be presented to you in the near future. This plan will be the catalyst for the direction that the Peninsula Township Fire Department will follow.

The first four months of my employment as your fire chief has been a great experience for me. I have enjoyed getting to know all the members of the board as well as the citizens that make Peninsula Township the best place to be in Michigan. I am looking forward to moving our fire department into the future. If you ever have any questions, feel free to contact me.

Yours in Life Safety,

# Peninsula Township

## Engineer Report

### April 3, 2018

#### General Utilities

**Special Assessment District Projects:** The project is 95% complete. A site walkthrough with DPW and Road Commission has been completed along with a punch list. GFA has coordinating with Elmer's and issued a Substantial Completion (infrastructure is ready for its' intended use). 10% retainage is to be held throughout the winter with punch list and restoration to be finalized in late spring. Closeout and turnover to occur end of May. A separate letter was sent in January to the residents in the Water SAD (Maple Terrace) explaining the process and information on how to connect. GFA has been contacted by some property owners on restoration needs which are being handled by our staff and contractor prior to final issuance of payment.

**GIS Mapping:** GFA has been working with the DPW to create an asset management program for the Township with respect to the Water and Sewer Infrastructure. We submitted a community collaboration (CGAP) grant through Michigan Dept of Treasury last month requesting reimbursement back of \$180,000 for completed thus far. We expect to hear in April if approved.

**Planning / Zoning Review Process:** GFA has been attending weekly study sessions with Township Board and Staff to assist with establishing a defined checklist of requirements per the Ordinances, organizational and mainstream flow chart process for developments making application. This has thus far proven to be a very beneficial tool for staff, Township officials and applicant.

#### General Projects

**Township Hall Generator:** STILL Waiting on North County Power to finalize project including startup and punch list. GFA continues to coordinate and initiate communication.

**Park Grants:** GFA was working with Staff and Park Board on two (2) DNR Trust Fund Grants submissions for improvements and expansion to Bowers Harbor Park. Applications were due April 1<sup>st</sup> and were accepted by the DNR on March 30<sup>th</sup> along with approval of the 5 year Recreation Plan. Final approval and scores will be available in September and Township will be provided opportunities to amend applications and modify until such time. Preliminary work for the other 2 parks are ongoing and anticipate submission in 2019.

**Haserot Dredging Permit:** GFA was working with Staff to apply for a new permit to perform as needed dredging at the park. Permits are valid for five (5) years and current permit is to expire April 15<sup>th</sup>. Application was prepared including updating record information (lake levels, depths, drawings, etc) and submitted to MiWatars the week of April 2<sup>nd</sup>.

## **Plan Reviews**

### **Vineyard Ridge:**

- a. **Water / Sewer:** Township approved utility plans in February and all DEQ permits were finalized and issued in March. Easement language for Sewer was reviewed by GFA last month and found corrections were needed and awaiting resubmission. GFA is under contract (escrow) to provide full time utility inspection / testing. A preconstruction / schedule meeting was attended by GFA on April 5<sup>th</sup>. GFA is in process of reviewing shop drawings and working with staff on progress. Utility installation to start end of the month.
  
- b. **Storm water:** Working with applicant to advise / review options on storm water control measures (basins) at entrance to shallow for safety and aesthetics. GFA is under contract (escrow) to provide Storm water inspections weekly and after rain events. Some of the SESC measures are out of compliance and GFA is working with contractor and GT SESC office to implement corrections.

**81 Parcel:** Special Use Permit was approved with conditions defined and approved by the Township Board / Public Hearing in December. GFA is awaiting plan submission to review for compliance with such conditions.

**Mari Vineyard:** A resolution for the private sewer system was reviewed by GFA last month. This is a requirement of the DEQ which defines ownership and that the Township would NOT have responsibility of the system. GFA is still waiting on the draft agreement to accompany the document before recommending approval to the Township Board.

**Community Library:** GFA is assisting with preliminary review of project for approval of SUP #128.

# BUSINESS ITEM #2

Revised Proposed DRAFT of Flood Plain & Wetland Ordinance Amendment

Planning Commission Meeting Of Feb. 26, 2018 Where

The Ordinance Language Was Discussed

Proposed DRAFT for 4/10 Township Board

Section 6.9.3.7 Flood Plain and Wetland Restrictions

Lands subject to high organic content soils, high water table, flooding or otherwise deemed by the Planning Commission to be uninhabitable shall not be used for residential purposes or for uses that may in the judgement of the Planning Commission increase the flood hazard, or increase the danger to health, life, or property. See Section 7.4.7 Flood Plain and Wetland Controls.

Section 7.4.7 Flood Plain and Wetland Controls:

(A) Wetland

Definition of Wetland: Land characterized by the presence of water at frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh. A wetland may or may not be contiguous to the Great Lakes, an inland lake or pond, or a river or stream.

- (1) A setback of 25 feet shall be maintained between any structure or impervious surface and a wetland.
- (2) Except as specified in subsection (3), there shall be no development or modification of any kind within a wetland or wetland setback. Wetlands may be used for density calculations.
- (3) Boardwalks 3 feet or less in width shall be permitted following issuance of a Land Use Permit. Boardwalks shall be laid on the surface of the ground with no post holes or piers using open pile construction to avoid placement of fill and minimize wetland resources. (added by PC at 2/26 meeting).
- (4) Wetland Identification: In the event of reasonable doubt as to the presence of a wetland, The Zoning Administrator may require the applicant to submit detailed engineering studies prepared by a registered professional engineer showing the existence, extent, and location of wetland areas.

(B) Flood Plain

- (1) Intent and Purposes: The purpose of these regulations is to protect those areas of the Township which are subject to predictable flooding in the flood plain of the Great Lakes. All land included in the flood plain shall be subject to the requirements and prohibitions specified herein, in addition to the normal zoning district requirements in which the land is located.

(a) Notwithstanding anything to the contrary in this entire Ordinance, any request to fill in the flood plain of a parcel or a portion thereof, must be evaluated in concert with the proposed use of the land after the filling in of the flood plain or portion of the flood plain, and such proposed use must be a permitted use as set forth in Section 7.4.7 (B)(3). A request to fill in the flood plain or a portion thereof will not be considered alone and is not permitted.

(2) Flood Plain Area Identification: Flood plain areas shall be those areas falling below elevation 583.5-1985 International Great Lakes Datum (I.G. L.D.). Such flood plain areas may not be filled in except as specifically set forth in section 7.4.7 (B) (1)(a), (3), and (5). In the event of reasonable doubt as to the location of a flood plain, the Zoning Administrator may require the applicant to submit detailed engineering studies prepared by a registered professional engineer showing the extent and location of floodable areas.

(3) Permitted Uses: Notwithstanding any other provisions of this Ordinance, no uses shall be permitted to occur within a flood plain or to occur on a parcel for which a request has been made to fill in the flood plain or a portion thereto, except the following:

(a) Gardens, playground, preserve, and parks.

(b) Boardwalks and paths no wider than 3 feet.

(c) Yard and setback areas or other open space portions required for any District. ~~provided that the elevation of the lowest floor designed for human habitation shall be at least 3 feet above the established flood plain elevation.~~

(d) Utility uses and related service drives when designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety or welfare, especially for neighboring properties. ~~Any surface must be pervious.~~ (removed by PC re-write Committee 4/5/2018).

(4) Restricted Uses: Any structure where human habitation is contemplated either as a place of residence, place of public gathering or employment, shall be prohibited from locating in flood plain areas. Any structure where human habitation is contemplated either as a place of residence, place of public gathering or employment shall be prohibited from locating on a parcel of property for which a prior request has been approved to fill in the flood plain or fill in any portion of the parcel.

(5) Required Conditions For Permitted Uses: To the extent that a request to fill in the flood plain on a parcel or a portion of a parcel along with the permitted use as set forth in Sections 7.4.7 (B) (1)(a) or (3) has been granted, such granting of the request is subject to the following conditions:

(a) Any work, construction, or filling in the flood plain shall conform to the requirement of Section 7.4 of this Article, and permits for such work, construction, or filling in the flood plain shall not be issued unless they receive review and approval by the Planning Commission and the Township engineer.

(b) Any work, construction, or filling in the flood plain shall be so fixed to the site as to withstand the force of the expected velocity of flood water. The Planning Commission may require professional engineering review of any such construction.

(c) The Planning Commission may request additional information prepared by a registered professional engineer. Information may include: topographic information, studies to determine the effects of flooding or flow of water, determination that the use will not adversely affect floodplain capacity, and that the use will not generate stormwater, sedimentation or other water quality concerns.

(d) All of the conditions set forth herein must be fully satisfied before applicant may proceed with the work, construction, or filling in the flood plain, or a portion thereof.

(F) Vegetated Buffer Protection: All shoreline properties including and especially flood plain areas shall have a vegetated strip ~~inward-inland~~ (changed per PC at 2/26 meeting) of the beach area to filter nutrients and storm water and give protection from lake waves. Use of deep rooted shrubs, tree, and native plants provide greater protection than man-made structures.

(G) Retaining Wall or Seawalls: There shall be no retaining walls or seawalls in any flood plain area.



**PENINSULA TOWNSHIP PLANNING COMMISSION AGENDA Minutes**  
**13235 Center Road**  
**Traverse City, MI 49686**

**February 26, 2018 7:00 p.m.**

**1. Call to Order:** By Alan Couture at 7 p.m.

**2. Pledge**

**3. Roll Call:** Present: Susan Shipman, Donna Hornberger, Alan Couture, Monnie Peters, Laura Serocki, Isaiah Wunsch

Excused: Marilyn Elliott, Township Planner Brian VanDenBrand

Also Present: Gordon Hayward, Assistant Planner; Christina Deeren, Director of Zoning

**4. Approve Agenda:**

**Action-Motion:** Hornberger made a motion to approve the agenda. Wunsch seconded.

**Passed Unanimously**

**5. Brief Citizen Comments:**

Cameron White – Thank you for your time tonight. I am hoping that this township would move forward with any sort of step that would bring Peninsula Township into compliance with the Michigan Marijuana Medical Facilities Act and section 205 specifically. That is House Bill 4209, the Michigan Marijuana Licensing Act. Thank you.

**6. Conflict of Interest:**

Hornberger – I used to be on the library board. It will not impact on my decision.

Peters - I'm a member of their friends group and I've given them money. It will not impact on my decision.

Shipman - I'm a member of their friends group. It will not impact on my decision.

Wunsch – My mother is on the library board. It will not impact on my decision.

**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. Reports and Announcements

Serocki – I would like to move the Planning Commission meeting minutes of 1/22/18 down to Business Item f.

**Action-Motion:** Motion made by Serocki to accept the Consent Agenda after moving the PC meeting minutes of 1/22/18 to item f of Business section. Wunsch seconded.

**Passed Unanimously**

b. Correspondence (as provided) – Peninsula Community Library Guidelines for Public Meeting Room.

c. Approval of Meeting Minutes

- i. Planning Commission Regular Meeting 1/22/18
- ii. Master Plan Committee: 12/5/17, 2/8/18
- iii. Zoning Ordinance Rewrite Committee: 1/9/18, 1/10/18, 1/24/18, 1/25/18, 1/29/18, 1/31/18, 2/7/18, 2/8/18
- iv. Joint Meeting Township Board/Planning Commission Working Committee: 1/23/18, 2/6/18

### **8. Reports and Updates:**

a. Township Board - Wunsch: At the last Township Board Meeting we approved the Park Master Plan. It took a few meetings to get through some minor corrections. Now that we have that approved we will be eligible for the DNR natural resources trust fund grants. We approved the sewer and water plans for Vineyard Ridge. We have been holding weekly study sessions looking at other issues with the township and to educate ourselves through the other processes.

b. Zoning Board of Appeals - Serocki: ZBA did not meet.

c. Park Commission- Hayward: I have a related item from the Park Commission. We have applied for a TC Track Club Grant of \$25,000 for an ADA compliant trail.

d. Zoning Ordinance Rewrite Committee – Peters: We were going great guns and we thought we would be able to bring 2 articles to the board to discuss. But it needed some finishing work done by Brian, which didn't get done before he went on medical leave. So Laura and I discussed this last week. Laura, Alan, Gordon and I are going to meet again on Wednesday and see if we can't do what Brian was going to do. As we had told you before, what we want to do is bring a couple articles at a time to you. We are starting from the back instead of starting from the front and will begin with the administrative stuff and then we'll work on moving forward. So, we'll see how well we can do.

Couture: When we do get the final draft, the committee wants the board as a whole to evaluate it. We want to submit material to you well in advance of meetings.

### **9. Business:**

a. Peninsula Township Library – Consider adoption of findings. –

Hayward: A draft of the findings of fact for the library building has been submitted to you and is in your packet. You'll see that all the specific items required under the ordinance for a special use permit to be applied for. I would ask for any questions for each of the sections. You'll also find a little

background at the beginning explaining how we got to this point. Then we go directly to the draft findings. I would like to take it section by section and the first section is on page 1, which is section 8.1.3 (1) General Standards. I would like to have you read through that and we'll discuss it if any issues come up that you feel are inadequate, not clear, additional work needs to be done on it, or it is satisfactory. Or we can go page by page if you'd prefer. Hearing no comments, let's go on to the next section.

Hayward: The next section is on page 3, Section 8.1.3 (3) Specific Requirements. These are more detailed, but again they are the same from the last time we discussed this with very minor changes that the applicants submitted. They have done a very admirable job of detailing the findings. We might want to go page by page starting on pg. 3. Are there any questions?

Serocki: I did have a question. Did the Fire Chief send a letter about that?

Hayward: I did talk to him and he said it meets all the standards. I do not have the formal letter from him, but we will have it before we go to the Township Board.

Couture: I have a question about the soil. It just says that the existing soil is primarily sand. So I am assuming there won't be any problem with the permit then?

Hayward: Recommendations are that no further actions are required under their environmental lead and arsenic investigation.

Couture: That's good to hear. It also says more trees are to be planted. Are there any specific numbers or types?

Hayward: I don't have a specific listing. They were submitted as a part of the application. So I don't know whether they were native varieties.

Peters: I remember that 2 meetings ago they had suggested beech and we brought up the beech bark disease that is now rampant on some lands on Old Mission Peninsula.

Shipman: Are those existing trees? There are both on the landscape plan.

Bob Vershaeve: (Project Engineer with Gosling Czubak Landscaping): The proposed landscaping includes both. Monnie is right about the beech disease. At the last meeting we revised and changed the species.

Couture: Any other comments on page 4? If not we'll move on to page 5 and 6. Any comments? I did not have any myself.

Hornberger: There was something about one of the electrical lines being too low. Has that been worked out? I missed the meeting last month so I didn't know if that had been discussed or not.

Couture: This is a clarification for the project engineer. Donna's talking about the power lines.

Bob Vershaeve: It's being talked about with Consumer's engineers. They have 2 possible solutions. It will be solved before construction.

Couture – Anything further on the findings? Gordon?

Hayward – I believe that there should be a motion on each of the 2 sections, section 8.1.3 (1) General Standards and then a motion on Section 8.1.3 (3) Specific Requirements have been met as drafted.

**Action-Motion** Peters moved to accept that the requirements of section 8.1.3 (1) General Standards have been met. Wunsch seconded the motion. No discussion. **Passed Unanimously**

**Action-Motion** Peters made a motion to accept the Specific Requirements of section 8.1.3 (3) having been met. Serocki seconded motion. No discussion. **Passed Unanimously**

Hayward: I think that the next step would be a motion for the board to approve the special use permit for the Community Library.

Serocki: I have a question. Should we put a condition on it about the power line being settled before building?

Hayward: I think what we'll do is wait for the applicants to submit the two documents: one from the fire chief and one from Consumers, and then we'll simply attach that to the recommendation to the Township Board rather than making that a condition. It makes it more complicated to meet conditions.

**Action-Motion** Wunsch made a motion that the Library Special Use Permit be approved. Seconded by Shipman. **Passed Unanimously**

Peters: Before we go off this subject, I would like to Thank Gordon for having gotten the drafts to us 10 days ago, so that we had time to read them. I know I sent in some corrections and I think that's why they looked as good as they did. So, Thank you, Gordon!

Couture: You took the words right out of my mouth Monnie. Very well done!

**b. Year End Report - Discussion**

Couture: Year End Report, who is leading that discussion?

Peters: We started in the Master Plan Working Committee by looking at what we had done over the last year and what we were going to do for the future. I put together that plus some other material and then Susie added a couple of pages. Brian originally put this on the agenda for this meeting. He very much wanted to write a page or two. So, instead of totally pulling it off the agenda, Gordon and I discussed last week that I would give a little report. Everyone just got an email copy of 2 drafts. Mine was as of 2/12/18, if you want to go back and look. Susie was 2/13. That was sort of a compilation of what we had done. Gordon and I felt that we should wait until Brian's back in time to get something done before the next meeting. Otherwise we'll put them together as a Year End Report.

Shipman: I asked Brian and he said he had an example of a Year End Report that would be a nice model. He sent that to me, which might help us.

Peters: OK, Susie, I'm drafting you to help.

**c. Floodplain and wetlands public hearing**

Couture opened the Public Hearing.

Floodplain and wetlands--Who is presenting that? I know Gordon and Monnie did a lot of work on this.

Deeren: We just made some corrections and changes to the wetland ordinance and are recommending some modifications to that. Also the floodplain and what is a floodplain. Everything that's been changed is highlighted on the sheet, so you can see the changes we are proposing to make in that ordinance. We have had a few issues with that ordinance and so this is a critical one to get changed quickly, if at all possible.

Serocki: Are we supposed to be looking at the draft of the Watershed's recommended changes? We don't have the highlighted copy.

- Clarification by many of a packet addition.

Hayward: This is scheduled as a public hearing so we can proceed with a discussion of the additions that are suggested by the Watershed Center and see whether or not you want to accept their proposal. If there are no changes then the second public hearing is not required and you can act on the modified version. I would suggest, if everyone has a copy, that you look at the side bar comments from the Watershed Center and see if you want to accept their recommended changes. I generally concur with them with one exception and that is the issue of how to identify the ordinary high water line. Their suggestion was that we not put a specific elevation above sea level in that. My recommendation is that there is an advantage to leaving that specific number in because it has a date attached to it. That is the flood elevation line as of the 1985 International Great Lakes data. So everyone knows what elevation we were looking at, at that time. If that elevation changes because of changes in the elevation of the oceans then we'll need to make changes in the future. But leaving it blank leaves a certain amount of uncertainty, which I'm uncomfortable with.

Peters: Should we actually have an open mic and see if there are comments from anyone from the audience?

Hayward: I was thinking it best to first have a discussion amongst yourselves on how you want to deal with the additional items that the Watershed Center is addressing.

Deeren: Could I suggest that we do each of the Watershed comments separately, just run through them. I agree with you on 2 of them, but I'm not sure I'm in agreement with the Watershed. Some of them won't make a difference.

Hayward: The others have probably not had an opportunity to review the Watershed comments unless they have gotten on the website. Either way is fine. I agree that you should first talk about what they are and deal with the Watershed comments later and get information from the audience.

Deeren: Under the 1<sup>st</sup> one, Wetlands # 3, when we talked about allowing the boardwalks we were not sure of the best way to describe them. We just didn't want any postholes or piers in the wetlands. So I think what they suggested, "using open pile construction to avoid placement of fill and minimize wetland resources" is better than what we had. I agree with that.

Peters: I agree with that also. So that's the draft that came in the packet I got this morning. Then, the one that we got this evening says, "shall be laid on the surface of the ground with no post holes or piers". That is the old one. So you are saying that what you read would replace that.

Deeren: Right!

Peters: What the Watershed Center is using I think is the same version, the correct one.

Deeren: Right. This is the one that is on the website which everyone was referred to when they saw the publication. So, they have the most up-to-date version.

Peters: I would agree with Gordon's comment about, in B2, defining a specific number instead of using "3 feet above the ordinary high."

Deeren: So you want to see that elevation of 583.5 ft. added back in there.

Hayward: With the notation of I.G.L.D. (International Great Lakes Datum) 1985.

Peters: Going back to boardwalks in wetland area, number 3 back on the first page. They also have "boardwalks 3 feet or less shall be *allowed*" rather than *permitted*. Is there an issue of a permit? Using *allowed* we're just saying, this is something you can do so you can traverse if you have a wetland area. So, it would be changing *permitted* to *allowed*.

Serocki: How do you feel about that Christina?

Deeren: I think you should have a permit to build it. The reasons being a) you want to make sure postholes are not being put into the ground and b) there is value attached to a permit and the

**Couture:** Thanks everybody. We now open the public hearing for comment on the Flood Plain and Wetland Restrictions draft including changes. Since no comments are forthcoming we will now close the public hearing at this time and resume our business.

**Action-motion:** Serocki moves to recommend approval of 6.9.3.7 Flood Plain and Wetland Restrictions and Section 7.4.7 Flood Plain and Wetland Controls to the Township Board with the changes made at the Planning Commission meeting tonight, 2/26/18. Supported by Hornberger. No further discussion. **Passed Unanimously**

d. Escrow discussion - set public hearing

Hayward: There has been a lot of discussion with the Township Board in dealing with a specific issue that comes up in establishing the additional escrow monies required for specific projects. The change being proposed is that the Director of Planning or the Zoning Administrator be allowed to estimate the addition escrow fee required to complete the project rather than having it come to the Planning Commission or ZBA as the case may be. The Township Board feels that it is just a delay for getting the funds into the accounts necessary to move projects forward. Isaiah can make comment if I have that incorrect, but generally it is to speed up that process. It is an estimate for the funds in that trust and agency accounts. All invoices have to be charged against that and any remaining monies, go back to the applicants. We are essentially using the applicant's money to handle these reviews. The fees specifically are for experts to review and/or add additional information for a special use permit. It would be like Planners, Attorneys, Engineers, those types of professionals necessary to comment on a project.

Couture: Thanks, Gordon, any discussion by the Board? I know a lot of work went into this draft and it seems like a good idea to me to use developer's money and not ours.

Wunsch: It seems like a good idea to give staff the ability to collect escrow funds ahead of time rather than trying to collect after the money has been spent. That defeats the idea of an escrow.

Couture: If there isn't any additional discussion, I ask for a motion to schedule a public hearing.

**Action-motion:** Wunsch moved to schedule a public hearing of the escrow ordinance at our next meeting on March 19<sup>th</sup> 2018. Supported by Shipman. No additional discussion. **Passed Unanimously**

e. Continued discussion of Junk Ordinance and Short Term Rentals • Wunsch update

Couture: Continued discussion of Junk Ordinance and Short Term Rentals. Isaiah, is that you?

Wunsch: I don't think we have any huge updates. We are getting close to wrapping up the discussion of the Junk Ordinance. We will hold our final meeting on the Junk Ordinance tomorrow, 2/27, and we'll have language ready for the Town Board to review. Short Term Rentals is an issue which is difficult to come up with a long term solution. It is going to take a while longer.

Couture: I know you and the committees are working hard on it through reading the notes. I know it is a difficult topic. We appreciate your hard work. Questions or comments for Isaiah? If not, thank you, Isaiah. Let's move on to f, agenda amendment.

f. Agenda amendment - Approval of Minutes:

Serocki: Under number 3 it should say: Roll Call: Present,.... , Excused: Donna Hornberger (as she was not here).

Under 6, Donna should also be removed from the conflict of interest.

Page 5, b. Public Hearing, the first paragraph, Wetland and Floodplain controls, Brian VanDenBrand made that statement and his name is not on there.

Peters: Page 5, paragraph that begins, Wetland and Floodplain controls ,.....In speaking with Serocki (Laura's name is misspelled. Should be Serocki) and Peters,.....

On page 3, Nancy Davy's name is misspelled at the bottom of the page.

Further down pg. 3 under Vicki Shurly's comments: I was talked into this job two years ago,.....eliminate the words two years ago.

Page 1 at the top, under Also Present: Gordie Hayward should be changed to Gordon Hayward.

Number 6, Conflict of interest, Members of the Library Friends Group,...thus identifying the subject of the conflict of interest.

Shipman: Page 3 at the bottom, Vicki Shurly's second comment, restricted and free of charge to (should be 501 (c)(3) not 503 (c)s.

Couture: Any other suggested changes? If not, I'll entertain a motion to approve the January 22<sup>nd</sup> minutes as amended.

**Action-motion:** Serocki moved to approve the minutes from the January 22 meeting as amended.

Supported by Shipman.

**Passed Unanimously**

#### **10. Citizen Comments:**

No comments made.

#### **11. Board Comments:**

Deeren: I have been working with Cindy Ruzak and we have come up with the idea of a Country Inn ordinance. We have written some language and will distribute it to everyone. I would like to bring it to the Planning Commission meeting on March 19<sup>th</sup> to look at and ask for a review of it. I think it important that we look at the ordinances we have and the people who are complying with those ordinances. What we have done is break it apart and create something better and useful with larger parcels of property to be able to utilize it in a sufficient way. If you see it in your packet you know it's from me. I hope to get some feedback on it and then schedule it for a public hearing in the near future.

Couture: Are there any other comments? If not, I thank everyone for their hard work and for showing up tonight. Thank you to our new recording secretary, Deb.

**Action-Motion:** Peters moved to adjourn the meeting. Serocki seconded.

**Passed Unanimously**

Meeting adjourned at 8:00 p.m.

Peninsula Township Planning Commission  
February 26, 2018, 7:00 pm  
Deb Larimer, Recording Secretary  
Donna Hornberger, Editor, Final Corrections 3-21-2018 @7:40am  
**Deb Larimer**  
**Recording Secretary**



assessor will follow that trail line. If a permit is not required you might have people building boardwalks 6 feet wide, with postholes. So I think it is something that needs to be permitted.

Peters: Good, thank you! Good point. So we would not use *allowed*?

Deeren: Yes, I would take out the *allowed* and make it *permitted*.

Couture: We would do the same thing on section 3, same rationale.

Deeren: Yes, we would have to remove that from *permitted*.

Serocki: I think people would have to come in to get a permit, for those Permitted Uses. Because then they have required conditions for permitted uses. Now, I didn't really understand 4b, why they were putting Zoning Administrator in there. ~~McKinnon~~ McKenna, our consultant, changed all of these "Zoning Administrators" to "Planning Commission." This was all approved by our attorney. If there is a reason why (b) should be Zoning Administrator and (c) should be Planning Commission I'd like to hear the reasoning. So, (a) and (c) would be Planning Commission and (b) should be Zoning Administrator, I was just curious to why that was made. I didn't see a comment.

Peters: That did not make sense to me either.

Deeren: Maybe they did that for the simple fact that if maybe somebody comes in with an application and they don't know where that elevation is, obviously they would bring that permit information to the Zoning Administrator. The Zoning Administrator at that point in time makes the determination of needing to know what that flood elevation is, instead of bringing it before the Planning Commission as an agenda item.

Serocki: Would this work better for you?

Deeren: Yes, I think so. Because if there is an issue and it is declined, then it comes before PC or ZBA, and I would have it come before the Planning Commission.

Serocki: So look at 4(c), should it also be changed to Zoning Administrator?

Deeren: I think so. I think at the time, if there is any denial, than it comes before the PC and you have the right to request additional studies or reports needed in order to make a decision. But, until that point, when you are in the information stage, you don't want to have to keep referring them back to the PC or ZBA for information.

Peters: Then #6, they had a vegetative strip required, they had said width 35 feet *inland* and we said just *inward*. Is there anything about 35 feet inland from the beach?

Hayward: I think there probably is. We would probably want to consider something like that, but for now we want to follow the ordinance we have except for the specific guidance today that we have on this amendment. I suspect that the language may be modified as we rewrite the final documents. We felt we should have something going forward that removes some past problems. I agree that we need to continue to look at that language. That is part of the shoreline overlay.

Peters: The question is: They are adding a specific dimension and changing our description of *inward* to *inland*. I don't know if there is a real difference.

Hayward: They are suggesting that it be consistent with section 7.4.4 existing language. It is for you to decide if you want to keep it like it is or use their language. It basically means the same thing.

Serocki: 7.4.4 implies removing things from the beach.

Hayward: That's a reference that they are referring to.

Deeren: It may just be a bit clearer saying, *inland* instead of *inward*.

Serocki: When you were working on the shoreline overlay, did you change the vegetative cover distance? Or is it still 35 feet?

Peters: No, it wasn't changed. Yes, it is still 35 feet. Do we want to have the 35 feet here also?

Hayward: I think so.

Couture: It is consistent with 7.4.4 ordinance.

Peters: Then in # 7, as our committee was discussing it, we were clear that there should be no retaining walls or seawalls in any floodplain area. Period! We had taken all of that out and I think that is the position the committee is recommending the full Planning Commission adopt.

Serocki: I believe you can request from the ZBA to build a seawall, just not in a floodplain area. You can get a seawall or retaining wall if you need it. But not in a floodplain area.

Peters: I assume that even if it says that, folks could go to ZBA and argue it. However they may not win.

Hayward: Seawalls are certainly the least desirable to hardening the shoreline. Everything else should be tried first. The current language says: "Seawalls may be allowed by the Zoning Administrator necessary for existing structures." So to come in and ask anybody, including the Zoning Board of Appeals, for approval to put a seawall where there are no current structures, or if there is no place within the floodplain, the ZBA is not going to allow somebody to put a seawall at the ordinary high water mark if there is a floodplain. That's what we are attempting to get at here.

Deeren: Are you recommending that we not add the seawall language?

Hayward: I believe the language should be strong so that the Board of Appeals shall not grant variances to within a 60 foot front yard setback, particularly if it is in a wetland or floodplain.

Couture: No means no!

Hayward: There are other options and this would require ZBA to explore all other reasonable and economically viable options before they would deal with a seawall, because it has such great adverse impact on adjacent property.

Couture: Anything else with the draft ordinance?

Shipman: We did talk about the 1<sup>st</sup> comment where she says, recommending review of MCL 324.20207-30310 and so I wanted to ask if we would have a chance to look at that.

Deeren: Until we look at the new zoning ordinance, I think that this amendment is something we should look at, at a later date. This is something the ZBA would like to put into the zoning ordinance if possible.

Shipman: It's not a red flag, just wanting to be consistent.

**Action-Motion:** Serocki made motion to recommend the Floodplain/Wetland restrictions and Floodplain/Wetland controls to the Town Board. The one that is current is the one dated 2/8/18 with the Watershed comments either deleted or left in.

Hayward: My suggestion is, rather than recommending it to the Township Board, that at this stage you recommend that the current language, subject to the public hearing tonight, includes exchanges. Hold the public hearing and then make the motion relative to the comments.

Serocki: I withdraw the current motion.

**Action-Motion:** Peters made a motion to recommend to have a public hearing to include the corrections that we have just added. Shipman seconded. **Passed Unanimously**

# BUSINESS ITEM #3

Junk Ordinance No.53

DRAFT FOR TOWNSHIP BOARD PUBLIC HEARING MARCH 27, 2018

PENINSULA TOWNSHIP  
GRAND TRAVERSE COUNTY, MICHIGAN

JUNK ORDINANCE NO. 53

**Section 1 Purpose**

An Ordinance to secure the public health, safety and welfare of the residents and property owners of Peninsula Township, Grand Traverse County, Michigan, by the regulation of the outdoor parking and storage of motor vehicles, mobile homes and new or used parts or junk therefrom, junk, trash, rubbish, building materials, and to provide penalties for the violation of this ordinance and to repeal any ordinances or parts of ordinances in conflict herewith.

**Section 2 Definitions**

The following words or terms when used herein shall be deemed to have the meanings set forth below:

- A. **"Abandoned vehicle"** shall include, without limitation, any vehicle which has remained on private property for a period of 24 continuous hours, or more, without the consent of the owner or occupant of the property, or for a period of 24 continuous hours, or more after the consent of the owner or occupant of the property has been revoked.
- B. **"Building material"** shall include, without limitation, lumber, brick, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete, or cement, nails, screws, or any other materials used in constructing any structure. Building material which can be reasonably be expected to be used on a property in the near future shall not be considered "Junk" for the purpose of this ordinance.
- C. **"Farm Equipment"** means functioning apparatus, supplies, or materials used or intended for use in active farming operations. For the purpose of this ordinance, the term "functioning" includes equipment which is dormant or down for repair.
- D. **"Junk"** shall include, without limitation, parts of machinery or motor vehicles, broken and unusable furniture, stoves, refrigerators or other appliances, unusable burning barrels, tires, hazardous materials, remnants of wood, metal, rope, rubber, rags, clothing, plastic, paper, glass, garbage, appliances, televisions, remnants of tarps or any other scrap or waste material of any kind, including parts of any of the above. Also included as junk are any fallen trees, brush, branches, or overgrown vegetation that are obstructing public view on public or private roads constructed and approved according to the Peninsula Township Ordinance. "Junk" does not include Farm Equipment.
- E. **"Motor vehicle"** shall include boats, snowmobiles, ATV's, motorcycles, motor homes, ORVs trucks golf carts, not licensed for the use in which it is intended in the State of Michigan, and

shall also include, whether licensed or not, any motor vehicle which is inoperable or does not have all its main components parts attached.

- F. "Person" shall include all natural persons, firms, co- partnerships, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves, or by a servant, agent or employee. All persons who violate any of the provisions of this Ordinance, whether as owner, occupant, lessee, agent, servant, or employee shall, except as herein otherwise provided, be equally liable as principals.
- G. "Trash and rubbish" shall include any and all forms of debris not herein otherwise classified.

### Section 3 Regulations

The following words or terms when used herein shall be deemed to have the meanings set forth below:

- A. Exterior Storage Unless otherwise permitted, no person or corporation, whether he/she be the owner, tenant or manager of private property, or whether he/she be the last registered owner of the vehicle or transferee on the bill of sale covering the vehicle, shall permit the accumulation on private property of one or more motor vehicles which do not meet the following conditions:
  - i. All motor vehicle(s) must be in operating condition and eligible for use in accordance with the requirements of the Michigan Vehicle Code being Act No. 300 of 1949, as amended. A vehicle has 14 days to comply with these regulations.
  - ii. This Ordinance applies to all vehicles including but not limited to motorized vehicles, ORVs, motorcycles, boats, recreational vehicles, or any type of vehicle that has or is capable of having an engine that runs, an operating drive train, two or more wheels, and/or pneumatic tires capable of holding air.
  - iii. Any person enumerated in this Section who, under special conditions of hardship, or for valid reasons such as the preservation of a historic or classic vehicle, may request an extension of the fourteen (14) calendar days limitation above described by filing a timely request with the Township. The Zoning Administrator or Code Enforcement Officer may, at his/her discretion, after review of all the circumstances and after holding any hearing it deems necessary, grant said applicant any reasonable extension of time.
  - iv. These provisions shall apply in all Districts except where the storage of said vehicles is in a completely enclosed building or is by a licensed junk dealer.
  - v. This regulation does not apply to motor vehicles that are properly and currently licensed with the State of Michigan. However, upon expiration (without renewal) of a valid license, such vehicle must then comply with this regulation.
  - vi. Except as otherwise provided herein, no person, firm, corporation, or other legal entity shall park, store or place upon any public roadway, public property or upon any premises within the Township of Peninsula, any junk, junk motor vehicles, abandoned vehicles, unlicensed trailers, used parts or junk therefrom, any building materials or any trash and rubbish as herein defined, unless the same is wholly contained within a fully enclosed building and does not violate any zoning laws of Peninsula Township or building codes of, Grand Traverse County or the State of Michigan.

- B. Farm Uses and Farm Equipment. Peninsula Township is an active agricultural community. This ordinance shall not regulate outdoor storage of defined "Farm Equipment" which is dormant or which is under repair for reasonable periods of time. This section shall also not apply to regular Farm Uses as recognized as a Generally Accepted Agricultural Management Practice (GAAMP.)
- C. Repair of Motor Vehicles. No repairing, re-designing, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or parts thereof upon any public right-of-way or public property or on any property except such as may be accomplished within a fully enclosed building. However, if no fully enclosed building is located on the premises, the said repairing, redesigning, modifying or dismantling work or operations may be conducted on the premises for a period of time not to exceed one week. Repairing, redesigning, modifying or dismantling work or operations will not be permitted on any premises where the conduct of such work or operations would constitute a nuisance or annoyance to adjacent property owners or occupants and/or is in violation of any provisions of the Peninsula Township Zoning Ordinance. Nothing contained herein shall prohibit such occasional minor repair work as may infrequently be required to maintain a vehicle or trailer or parts thereof in normal operating conditions; provided, however, such minor work can be completed within a 24 hour period.
- D. Road Right-of-Way. No person shall place, discard, or abandon junk in a place where it is visible from a highway, street, or other public right-of-way, or where it is visible to an abutting landowner from that portion of the land used on a regular basis. No person shall place, discard, or abandon junk on public property or the private property of another, regardless if visible from a highway, street, or other public way, or from adjoining land.

#### **Section 4 Nuisance**

Any parking, storage, placement or operation in violation of the provisions of this Ordinance is hereby declared to be a public nuisance which may be enjoined or which may subject the violator to civil damages and the fines and penalties herein provided for.

This Ordinance shall not prevent the operation of any licensed junk yard or salvage yard, garage, body or paint shop legally operating within a District as defined in the Peninsula Township Ordinance, and shall be in addition to any other laws or ordinance controlling or regulating rubbish, refuse, litter, trash or junk.

#### **Section 5 Severability**

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any Court of competent jurisdiction, it shall not affect any portion of the Ordinance other than said part of portion thereof.

#### **Section 6 Penalty**

- A. **Enforcement.** Enforcement of the provisions of this Ordinance shall be the Peninsula Township Zoning Ordinance Enforcement Officer (or such other Peninsula Township Official as may be designated by the Peninsula Township Board), the Peninsula Township Zoning Administrator, the

Peninsula Township Attorney, the Grand Traverse County Sheriff's Department and/or the Michigan State Police.

i. Prior to enforcement action, the enforcing agent shall provide written notice of an alleged violation of this section.

B. **First Violation is a Municipal Civil Infraction.** A violation of this Ordinance, first offense, is a municipal civil infraction. Any property owner or legally responsible party who violates this Ordinance shall, as a first offense, be responsible for a civil infraction, for which the fine shall be \$150.00.

C. **Second Violation (within two years after municipal civil infraction).** A second or repeat violation (within two years after a municipal civil infraction) is a misdemeanor. Any property owner or legally responsible party who violates any provision of this Ordinance a second time within 24 months of the date a civil infraction ticket is issued (whether the violation of this Ordinance is for the same offense as a civil infraction or for some other offense under this Ordinance) shall upon conviction and in a court of competent jurisdiction be guilty of a misdemeanor and be subject to a fine of not more than \$500.00 and/or imprisonment for a period of not more than 93 days, plus court costs and costs of prosecution that may be ordered by the court. For purposes of this Ordinance, each day that a violation occurs shall constitute a separate offense.

D. **Continuing Offense.** Each act of violation and each day upon which any such violation shall occur, shall constitute a separate offense.

E. **Remedies Not Exclusive.** In addition to any remedies provided for in this Ordinance, any equitable or other remedies available may be sought.

F. **Judge or Magistrate.** The Judge or Magistrate shall also be authorized to impose costs, damages, and expenses as provided by law.

G. **Civil Contempt.**

i. If a defendant defaults in the payment of a civil fine, costs, damages, expenses, or installment as ordered by the District Court, upon motion of Peninsula Township or upon its own motion, the court may require the defendant to show cause why the defendant should not be held in civil contempt and may issue a summons, order to show cause, or bench warrant of arrest for the defendant's appearance.

ii. If a corporation or an association is ordered to pay a civil fine, costs, damages or expenses, the individuals authorized to make disbursements shall pay the fine, costs, damages or expenses, and their failure to do so shall be civil contempt unless they make the showing required in this subsection.

iii. Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his or her part to make a good faith effort to obtain the funds required for a payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.

- iv. If it appears that the default in the payment of a civil fine, costs, damages or expenses does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of payment or of each installment or revoking the fine, costs, damages or expenses.
- H. In addition to the imposition of the foregoing fines and penalties, the Peninsula Township Code Enforcement Officer, Zoning Administrator, Peninsula Township Attorney, Grand Traverse County Sheriff, the Michigan State Police, or such officer as the Township may designate, may petition for a court order to cause any junk, building materials, trash or rubbish, vehicle, trailer, or parts thereof, which violate the provisions of the ordinance to be removed from the premises, impounded and destroyed or sold for junk, and the cost thereof assessed against the owner of such vehicle, trailer or parts thereof, or of the premises on which same are located. Any sums realized on the sale of same may be retained by Peninsula Township to reimburse it for the cost incurred in such removal and sale, to the extent of such cost. Any balance of sums remaining after such reimbursement shall be returned to the owner of such a vehicle, trailer or parts thereof. If the sale does not cover the cost of removal, a lien will be placed upon the property.

**Effective date.**

This ordinance shall take effect following date of publication as required by law. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance, specifically including Ordinance No.41 Junk Ordinance are hereby repealed.