

# PENINSULA TOWNSHIP

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[www.peninsulatownship.com](http://www.peninsulatownship.com)

**Peninsula Township Board  
Special Meeting  
May 2, 2018, 9:00 am  
Township Office Conference Room  
**Amended Agenda****

A quorum of the Township Board may be present.

1. **Call to Order**

2. **Pledge**

3. **Roll Call**

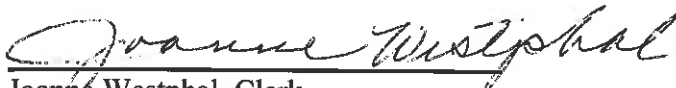
4. **Approve Agenda**

5. **Conflict of Interest**

6. **Business**

- a. Approve Poverty Guidelines Resolution relating to tax exemption under Public Act 390, 1994 (MCL211.7u)—Akerley
- b. Discuss contractual possibilities for planning assistance
- c. Discuss fee schedule and escrow accounts—Deeren
- d. Extend contract for Gordon Hayward as temporary acting planning assistant

7. **Adjournment**



Joanne Westphal, Clerk  
Peninsula Township

Posted: May 1, 2018, 11:45 am

Procedures for Escrow Accounts

PROCESS FOR SETTING UP ESCROW ACCOUNTS

1. Application with the Owner Name and Parcel Number is received by the Planning/Zoning Department for a project needing an escrow account or more than one account. (Ex. Stormwater)
2. The Zoning Administrator or Planner estimates the costs of reviewing the application and the cost of any qualified professional planner, engineers, attorneys or other professional that may be needed to review the application and/or participate in the review process or appeal.
3. ZA/Planner gets escrow fund names from the Treasurer and Vender numbers from the Clerk for each Vendor who will be invoicing the Township.
4. The Treasurer establishes an escrow account in the name of the Owner/Applicant with reference numbers in coordination with the Township Clerk and Planning and Zoning Department
5. Name of project, type of escrow and required amount/s is entered into the Planning or Zoning application forms and the estimated amount of the escrow payment. A letter is attached addressed to the Owner/Applicant (with the analysis attached) along with a request for a check, or money order for the estimated escrow amount.
6. The Escrow Account Record is created by Planning /Zoning Department.
7. Applicant and Vendors are informed of the account numbers and vendor numbers to use for invoices as part of the application review process.

ESCROW CHECK AND/OR APPLICATION CHECK IS PROCESSED

1. When the Escrow Fee is received from the Owner/Applicant, the amount of the check is entered into the Planning Department Escrow Account Record. It will contain the General Ledger number from the Clerk and the Trust and Agency account name/number from the Treasurer.
2. Planning/Zoning confirms that the Names and numbers on the check conform to those established by the Treasurer and Clerk or they are added to the check or money order.  
(Any issues or inconsistencies are resolved at this step)
3. The check is given to the Office Manager who records it in.
4. The check is transferred to the Treasurer.

APPLICATION IS PROCESSED

1. As invoices from vendors are received by the Planning and Zoning Department or given to the department by the Office Manager or Township Clerk, the data is entered in the Planning Department Escrow Account Record and the General Ledger number and Trust and Agency name and numbers are noted on the Invoice.

2. A copy of the Invoice is given to the Treasurer and the Invoice is given to the Clerk.
3. Periodic reconciliation of the various files takes place between the Township Clerk, Treasurer and Planning and Zoning Department.
4. If less than 20% of the Initial Escrow Fee remains in the Planning Department Escrow Account Record after subtracting the vendor invoice, the Staff will make an estimated Additional Escrow Fee needed to complete the review process.
5. When the Additional Escrow Fee is received Staff will enter the data in the Escrow Account Record using the same procedure as the Initial Escrow Fee and the check is processed in the same manner as the original escrow check.
6. Following final action on the application or the final decision by the Zoning Board of Appeals and confirmation that there are no outstanding invoices, a check for the balance in the Escrow Account will be sent to the Owner/Applicant. If there are actual costs incurred by the township in excess of the amount held in escrow a bill for the excess amount will be sent to the Owner/Applicant, and when received, the issuance of any permit or the release of a final decision by the Zoning Board of appeals can be issued.

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**DETAILS OF ESCROW ACCOUNT RECORD file**

The Department of Planning and Zoning will maintain an Escrow Account Record file in the permanent project file.

The ESCROW ACCOUNT RECORD file includes two parts: an ESCROW ACCOUNT RECORD and INVOICE RECORD.

The FORM is a spread sheet with both a paper and electronic file containing the following information:

**ESCROW ACCOUNT RECORD**

Application Name and Number from the Application.

Application Information fields as follows:

1. Account Name (from Planning and Zoning Department);
2. General Ledger Number (from Twp. Clerk);
3. Trust and Agency Name/Number (from Twp. Treasurer);
4. Project Name;
5. Project Requested;
6. Parcel Number/s;

7. Parcel Address;
8. Owner/Applicant name;
9. Owners address; and
10. Escrow Fee. (As approved by Planning Commission or Zoning Board of Appeals)

INVOICE RECORD fields as follows:

1. Vendor;
2. Vendor Code;
3. Invoice Amount; and
4. Invoice Number and Date.

Calculation Fields for Escrow Account Record

INITIAL ESCROW FEE [Entered]

ADDITIONAL FEES, if any [Entered]

TOTAL ESCROW FEES = [INITIAL ESCROW FEE + ADDITIONAL ESCROW FEES, if any] calculated

TOTAL INVOICES = [from Invoice Record] calculated

ESCROW BALANCE = [TOTAL ESCROW FEES – TOTAL INVOICES] calculated

PERCENT OF INITIAL ESCROW FEES = [ESCROW BALANCE/INITIAL ESCROW FEE] calculated

Calculation fields for Invoice Record

1. Invoice Amounts [Entered]
2. TOTAL INVOICES = [Sum of invoice amounts] sent to [Escrow Account Record] calculated

February 21, 2018 - Recommended by the Zoning Rewrite Committee

An Amendment to revise Section 4.3 of the Peninsula Township Zoning Ordinance to provide that the Director of Planning and Zoning Administrator will estimate additional fees to be held in escrow.

Revised to Include **Redline** and ~~Strikeout~~ changes as requested by Twp. Board. 3-7-2018

For Planning Commission Public Hearing March 19, 2018

Amendment No. 196.

Section 4.3 Escrow shall be revised to read as follows:

Section 4.3 Escrow: If the Director of Planning or Zoning Administrator or any Township Commission or Board determines that the basic fees will not cover the costs of the application review or appeal to the Zoning Board of Appeals (ZBA), or if the Director of Planning or Zoning Administrator or any Township Commission or Board determines that review of the application or participation in the review process or ZBA appeal by qualified professional planners, engineers, attorneys, other professionals as necessary, or other **Township direct costs related to the project** ~~related Township out-of-pocket costs such as publishing, mailing room rental, recording costs~~ then the applicant shall deposit with the Township Treasurer such additional fees in an amount equal to the additional costs as estimated by the Director of Planning or Zoning Administrator.

The additional fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than twenty (20%) percent of the initial escrow deposit and review of the application or decision on the appeal is not completed, then the Director of Planning or Zoning Administrator may require the applicant to deposit additional fees into escrow in an amount equal to the costs as estimated by the Director of Planning or Zoning Administrator to complete the review or decide the appeal.

Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective, thereby justifying the denial of the application or the dismissal of the appeal.

Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal.

Any costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

### **Section 4.3 Escrow**

If the Director of Planning or Zoning Administrator, or any Township Commission or Board determines that the fees will not cover the costs of the application review, then the applicant will deposit with the Township Treasurer additional fees in an escrow account. The additional fees will be an amount equal to the costs as estimated by the Director of Planning or the Zoning Administrator. The additional fees may include the review of the application, Zoning Board of Appeals review, services provided by qualified professional planners, engineers, attorneys, other professionals, or other Township costs related to the project.

The additional fees will be held in escrow in the applicant's name and will be used solely to pay these additional costs. If the amount held in escrow becomes less than twenty (20%) of the initial escrow deposit and review of the application or decision on the appeal is not completed, then the Director of Planning or Zoning Administrator may require the applicant to deposit additional fees into escrow in an amount equal to the costs as estimated to complete the review or decide the appeal.

Failure of the applicant to make any required escrow deposit under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective, thereby justifying the denial of the application or the dismissal of the appeal.

Any development or construction on a property with an existing escrow for services directly related to the oversight of the project that allows an escrow to become deficient in monies may be issued a Cease and Desist order until the escrow is replenished to an amount which is satisfactory to cover the cost associated with the expenditures paid by the Township Treasurer.

Any cost incurred by the Township in addition to the amount held in escrow will be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

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ZA/Planner gets escrow fund names from the Treasurer and Vendor numbers from the Clerk for each Vendor who will be invoicing the Township.

The Treasurer establishes an escrow account in the name of the Owner/Applicant with reference numbers in coordination with the Township Clerk and Planning and Zoning Department

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**PENINSULA TOWNSHIP DRAFT FEE SCHEDULE 3-12-18**

	3-12-2018 DRAFT	Current	Proposed
<b>LAND USE PERMIT</b>			
New Dwelling		\$100.00	\$150.00
Addition	Including garage, pool, car port	\$75.00	\$100.00
Sign Permit	New or replacement		\$75.00
Demolition		\$0.00	\$50.00
Accessory Structure	shed, porch, deck, fence etc.	\$75.00	\$75.00
Agricultural Buildings	Including roadside stands	\$75.00	\$100.00
Multi-Family	Per dwelling unit	\$65.00	\$100.00
Commercial	First 1000 sq. ft. of parcel area	\$100.00	\$100.00
	plus \$25 per additional full 1000 sq. ft.	Plus	Plus
<b>OTHER PERMITS</b>			
Home Occupations	Renewal/Replacement - New Fee	\$75.00	\$75.00
Private Road plus Stormwater PMT.	includes plan review by attorney	\$500.00	\$350.00
Barn Storage		\$75.00	\$75.00
Farm Processing		\$75.00	\$150.00
<b>ZONING BOARD OF APPEALS</b>			
Sign Review	Requires ZBA site visit		\$375.00
Variance		\$375.00	\$1,000.00
Appeal		\$100.00	\$1,320.00
<b>SPECIAL MEETINGS</b>			
ZBA Special			\$850.00
Planning Commission Special		\$1,200.00	\$1,200.00
<b>PLANING DEPARTMENT</b>			
Concept Review	SUP - PUD -		\$200.00
SUP, SUP/PUD, REZONING	Base Rate 0-5 acres	\$730.00	\$730.00
<b>Escrow Fee in addition determined by Planning and Zoning Departments</b>	6-40 acres	\$920.00	\$920.00
	41/100 acres	\$1,280.00	\$1,280.00
	100 acres or more	\$1,550.00	\$1,675.00
PUD/Condominium/Subdivision	Area Fee times 1.5		Area Fee x 1.5
Minor amendment to a SUP/PUD	Prior to final approval		\$200.00
Major amendment to a SUP/PUD	Prior to final approval		\$730.00
<b>STORM WATER PERMIT</b>			
	Minor review		\$100.00
<b>Escrow Fee in addition</b>	Major Review Plus Escrow		\$100.00
<b>Assessing Department Fees</b>	2 splits	\$195.00	
Land Division	Includes Attorney review 3/more splits	\$225.00	\$350.00
Request for Label Lists			\$25.00
SUP Amendment for approved SUP	1/2 Original Fee	1/2 Fee	1/2 Fee
Communication Tower	Additional / replacement Antennae	\$750.00	\$750.00
Professional Review Escrow Fee		\$4,500.00	\$4,500.00
Large Event Fee			\$250.00
<b>PENALTY FEE</b>			
Construction Begun with No Permit the Regular Fee is Doubled		Reg. Fee X 2	Reg. Fee X 2





## POVERTY GUIDELINES RESOLUTION

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WHEREAS, the adoption of guidelines for poverty exemptions is within the purview of the township board; and

WHEREAS, the homestead of persons who, in the judgment of the supervisor and board of review, by reason of poverty, are unable to contribute to the public charges is eligible for exemption, in whole or in part, from taxation under Public Act 390, 1994 (MCL 211.7u); and

WHEREAS, pursuant to PA 390 of 1994, Peninsula Township, Grand Traverse County adopts the following guidelines for the supervisor and board of review to implement. The guidelines shall include but not be limited to the specific income and asset levels of the claimant and all persons residing in the household (income of students under the age of 18 years shall not be included), including any property tax credit returns, filed in the current or immediately preceding year;

1) To be eligible, a person shall do all of the following on an annual basis:

(a) Be an owner of and occupy as a principal residence the property for which an exemption is requested.

(b) File a claim with the supervisor or board of review on a form provided by the local assessing unit, accompanied by federal and state income tax returns for all persons residing in the principal residence, including any property tax credit returns, filed in the immediately preceding year or in the current year. Federal and state income tax returns are not required for a person residing in the principal residence if that person was not required to file a federal or state income tax return in the tax year in which the exemption under this section is claimed or in the immediately preceding tax year. If a person was not required to file a federal or state income tax return in the tax year in which the exemption under this section is claimed or in the immediately preceding tax year, an affidavit in a form prescribed by the state tax commission may be accepted in place of the federal or state income tax return. The filing of a claim under this subsection constitutes an appearance before the board of review for the purpose of preserving the claimant's right to appeal the decision of the board of review regarding the claim.

Subject to the above, all applicants must submit most recent copies of the following:

- Federal Income Tax Return (1040 or 1040A)
- State of Michigan Income Tax Return
- Homestead Property Tax Claim (MI-1040CR)
- All statements of income (ex: W-2's, 1099's, etc)

(c) Produce a valid driver's license or other form of identification if requested by the supervisor or board of review.

(d) Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is requested if required by the supervisor or board of review.

(e) Meet the federal poverty guidelines updated annually in the federal register by the United States department of health and human services under authority of section 673 of subtitle B of title VI of the omnibus budget reconciliation act of 1981, Public Law 97-35, 42 USC 9902, or alternative guidelines adopted by the governing body of the local assessing unit provided the alternative guidelines do not provide income eligibility requirements less than the federal guidelines.

(f) Additional eligibility requirements as determined by the Township board:

a. The board of review shall follow the policy and guidelines established herein when granting or denying an exemption.

b. The board of review may deviate from the guidelines if it determines there are substantial and compelling reasons which are to be communicated, in writing, to the applicant. Compelling reasons include, but are not limited to, excessive medical expenses or excessive expenses necessary for the care of elderly or handicapped persons, etc.

c. Applicants may be subject to investigation of their entire financial and property records by the Township. This would be done to verify information given or statements made to the board of review or assessor in regard to the poverty tax claim.

d. All applicants will be evaluated based on data and statements given to the Board by the applicant. The Board can also use information gathered from any other source.

e. The True Cash Value of property for which the poverty exemption is requested shall be a consideration by the board of review when determining hardship.

f. Asset Eligibility: The value of property in excess of what is considered part of the original homestead shall be considered an asset. Assets include, but are not limited to: real estate other than the principal residence, motor vehicles, recreational vehicles and equipment, certificates of deposits, savings accounts, checking accounts, cash, stocks, bonds, life insurance, coin collections, boats, jewelry, retirement funds, etc. Assets (except the original homestead, essential household goods and the first \$ 5,000 of the market value of a motor vehicle), shall not exceed \$ 4,000 for an individual applicant and/or \$ 6,000 per household if more than one contributor.

g. The board of review will consider all assets of the owner, co-owner(s) and all qualifying financial members of the household. Any attempt to hide and/or shift assets to another person, business or corporation shall be grounds for denial.

Handicapped or infirmed applicants may call the Clerk's office to make necessary arrangements for assistance.

2) The application for an exemption shall be filed after January 1, but before the day prior to the last day of the board of review. The board of review meets three times per year, each March, July and December.

NOTE: Sign the application at the office of the assessor or supervisor when the application is returned. If the applicant cannot personally return the application, a notarized application is acceptable.

3) If the applicant fails to supply the required documents and/or fails to complete the application in its entirety, or if the information supplied is found to be fraudulent, the application shall be denied.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the board of review shall follow the above stated policy and federal guidelines in granting or denying an exemption, unless the board of review determines there are substantial and compelling reasons why there should be a deviation from the policy and federal guidelines and these are communicated in writing to the applicant.

The foregoing resolution offered by township Board Member \_\_\_\_\_  
and supported by Board Member \_\_\_\_\_

Upon roll call vote, the following voted:

"Aye":

\_\_\_\_\_  
\_\_\_\_\_

"Nay"

\_\_\_\_\_  
\_\_\_\_\_

The Township Supervisor declared the resolution adopted.

\_\_\_\_\_  
Township Clerk

\_\_\_\_\_  
Date

I, \_\_\_\_\_, the duly elected and acting Clerk of Peninsula Township, hereby certify that the foregoing resolution was adopted by the township board of said township at the regular meeting of said board held on \_\_\_\_\_, 2018, at which a quorum was present by a roll call vote of said members as hereinbefore set forth; that said resolution was ordered to take immediate effect.

\_\_\_\_\_  
Date