

PENINSULA TOWNSHIP
TOWN BOARD MEETING MINUTES
13235 Center Road Traverse City, MI 49686
May 9, 2017 7:00 pm Township Hall

Meeting called to order at 7:00 pm by Manigold.

Present: **Manigold, Achorn, Bickle, Sanders, Wahl, Wunsch, Westphal**

Absent: none

Also present: Gordon Hayward (planning assistant) and Rachel Mavis (recording secretary)

Approve Agenda

Addition to agenda - number 6 on the agenda will be a presentation by the sheriff's office on speed signs. Two bills from Inland Seas weren't in edit list for approval. They were to be paid after bonds were issued and need to be added to edit list.

Motion by **Wunsch / Wahl** to approve agenda as amended. Motion passed unanimously.

Brief Citizen Comments - for items not on the Agenda

Louis Santucci - 12602 Center Rd. - He feels that our government officials have set up spy office, checking on Airbnb rentals. It's doing damage to the trust that is put in government officials. He also doesn't like the approach the township took - it feels like a negative approach was taken. He received a letter from the township and finds it sloppy. He would have liked a nice letter, checking in regarding if he was renting out his home. He wants a town meeting set up to discuss rentals, as well as accurate letters sent.

Nancy Kahn -14890 Shipman Rd. - She is one of the plaintiffs in the pending case. The first time she walked in (2 years ago) she told the board that public integrity was everything and once that is lost, it's hard to get back. She thinks this board is also at a pivotal moment - it's not about the old board anymore, but is about this board. She is concerned about where the township insurance money is going. She is also concerned about an inaccurate map being used in regards to the case. She feels like this is a failure of communication - she requested meeting and was turned down. She feels like board members have a job to understand the issues and the facts regarding what is going on within the township.

Conflict of Interest

none

Consent Agenda

1. Meeting Minutes Approval - April 19, 2017 and April 25, 2017
2. Reports and Announcements (as provided in packet)
 - A. Officers - Clerk, Supervisor, Treasurer
 - B. Departmental - Assessor, Planner, Attorney, Engineer, Library, Park Commission, and Township Deputy (recommend approval)
3. Correspondence (as provided in packet)
4. Edit list of invoices (recommend approval)
5. Resolution authorizing Consumer Power to make changes in the lighting service at Bowers Harbor Park to comply with night lighting ordinance standards.
6. Renewal of 90 day contract with Gordon Hayward as Planning Assistant

7. Renewal of Big Jon property lease with the Grand Traverse Regional Land Conservancy

On last agenda item - renewal of Big Jon property lease - the park board is listed as signee, but it should be the town board.

Correction to the April 19 minutes: at the bottom of page 2, fire chief resigned post in 2016.

Motion by **Sanders / Wunsch** to approve consent agenda as amended. Roll call. Manigold - yes, Achorn - yes, Bickle - yes, Sanders - yes, Wahl - yes, Wunsch - yes, Westphal - yes. Motion passed unanimously.

Business

1. Approve Grand Traverse Regional Land Conservancy proposal for Purchase of Development Rights Contractual Services

Jesse Wolf, Director of Land Protection for GT RLC

Laura Reigan, Farmland Protection Specialist at GT RLC

Wolf: They've proposed to township that they'd like to enter into contractual agreement to work on PDR program. In the past, they had a contract with township. They would like to assist the township with transactions. They'd like to leverage PDR funding with private / public funding available. They'd like to re-establish contractual agreement with township.

Manigold: There was a contract with the GT RLC early on. Fundraising was done together as well, to bring more money into PDR campaign.

Nancy Heller (resident): The PDR funds that are available - would they be used?

Manigold: The PDR funds have been used in the past. There is currently around one million dollars available and the GT RLC has secured a grant to match the funds.

Westphal: This is the up front work that you have done historically to inform potential land owners and outline the steps - will you also be confirming if they want to stay in the program and what documentation they need? How many are in this round?

Hayward: This is round 4 and there are around 14 applications.

Wolf: Just in the six or seven years since this program began, several properties in this round have changed. They would do their due diligence on this.

Westphal: With all of those changes, it is evident why the up front work is important. The town board welcomes people like the Conservancy to come in and assist. They can give land owners on options and alternatives as well. For \$30,000, this is a getting a good return.

Achorn: The township has a PDR Committee - how do you work with them and what input do they have with what you (the Conservancy) do?

Manigold: The PDR Committee was formed because we needed a group to rank the properties. It was a point system based on views, types of farmland, etc. That's why that committee was formed.

Bickle: Are there state funds in addition to the million dollar grant?

Wolf: Not right off the bat, but it's a constant monitoring on our part with what would be available. There's work being done to pitch a farmland protection fund - if things like that come to fruition, we could bring that into this program.

Wunsch: He is supportive of this proposal for a number of reasons. It's timely - as a younger farmer, the number of calls he gets from landowners who have not protected their land are and are looking for an exit has increased over the years. It's worth the \$30,000, too.

Bickle: It's a 12-month contract, so that's about \$2,500 a month. Laura, how much of your time will you be invested in the peninsula township and the PDR program?

Reigan: When this program was active, it was about 70% of the time dedicated here. We serve 5 other counties, but it would be 70%-75%.

Bickle: If we move forward, how does this work?

Reigan: First, we'd need to re-look at this list. There have been a lot of changes since this list began. Seeking out interested landowners for the federal program, etc.

Wolf: Get the committee back together, since it's been inactive. We'd start the process to lock up a conservation contract.

Bickle: Will there be additional costs? Or just the \$30,000?

Wolf: The other costs are built in.

Manigold: We would have our legal costs for closing costs. The Conservancy will also go out and meet with the farmers and go over the property with the land owners, which is very time consuming for the staff to have to do.

Achorn: What kind of reporting timelines would you be bringing back your findings?

Wolf: We'd sit down with committee and Rob (Manigold) and establish appropriate reporting. (Manigold - used to do it monthly.) We could go back to that and do monthly, then do an annual report for the board if they were interested.

Sanders: Regarding the list - are the landowners at the top of the list, who haven't had changes - is there a chance they'd get bumped?

Hayward: No, they have to be purchased in rank order (unless you buy multiple at once).

Manigold: The donation law has changed for the positive. 19 development rights have chosen donation. If they donate their development right to the township, they can take that tax deduction (all at once or over a 15-year period).

Bickle: If this passes tonight and we sign, what are the next steps?

Wolf: If it starts July 1, we'd like to meet before that and look at getting committee back together. (Manigold: they have already been reappointed.)

Motion by **Westphal / Wunsch** to enter into contract with GT RLC as presented. Roll call. Manigold - yes, Achorn - yes, Bickle - yes, Sanders - yes, Wahl -yes, Wunsch -yes, Westphal - yes. Motion passed unanimously.

6. Presentation by Sheriff's office regarding speed signs

Lt.: He has been talking with Supervisor Manigold about how to handle traffic, as well as looking at ways to be more efficient with time. He can send officers to sit there, but it could be over hours of time. Garfield bought a sign that is a deterrent for speed issues (shows "your speed"). It's portable and can be put wherever there are traffic problems. It could be supplemented with an occasional patrol car. With this sign, you have to also buy their online service. With this service, though, you can see a reading of what the sign saw during each time of day (number of cars and the speed being traveled). These reports help them know when to send patrol cars - it's a more efficient use of their time. The sign also has a covert mode where the display can be turned off and data can be obtained. The quote he gave the town board is for two units - one quote is for lithium batteries in both and one is for lithium batteries in one and a solar panel in one. It can also be paid seasonally, instead of annually (don't put the sign out in the winter). With the traffic cloud service, you can also go online and set parameters. You can get notification that batteries are depleting as well. There's also a camera - could be set up to take pictures of cars going over speed limit. Problem vehicles could be identified. Depending on the mode, it can be set to be a stationary speed sign or it can be set to show people's speed. The township newsletter could also be used as a PSA to remind people of what the peninsula township speed limits are.

Bickle: This is a great presentation. There are practical application questions to ask. Who is going to manage them? Who will download the data and do the analysis? There are great benefits, but who is managing them?

Manigold: Deputy Hamilton will be monitoring it and moving it.

Lt.: If you get the traffic suite, Deputy Hamilton can run the reports. You can also bolt it to an existing speed limit sign.

Achorn: Will this give us some preliminary volume on Center Rd., since people have been questioning that?

Bickle: Are we allowed to?

Lt.: There are some parameters, but you can. If you wanted to do a traffic study, you could use this. If you do a certified traffic study, it can come back that they raise the speed limits, so this allows you to do a traffic study without that risk.

Wahl: It would be interesting to have a traffic study.

Manigold: I think it would be a positive thing for some of those neighborhoods.

Sanders: I don't want to see more signs than we need.

Wahl: I agree with as little sign pollution as possible.

Achorn: I like it so that we could get the count and the speed on Center Rd. We could get numbers before going to a firm.

Lt.: The 12-month agreement includes equipment management, too.

Motion to buy two solar speed signs by **Achorn / Westphal**. Roll call. Manigold - yes, Achorn - yes, Bickle - no, for reasons of management and maintenance, Sanders - yes, Wahl - yes, Wunsch - yes, Westphal - yes. Motion passed.

2. Approve contract with Elmer's for work related to the Special Assessment Districts

Motion by **Bickle / Wahl** to approve contract. Roll call. Manigold - yes, Achorn - yes, Bickle - yes, Sanders - yes, Wahl - yes, Wunsch - yes, Westphal - yes. Motion passed unanimously.

3. Authorize supervisor to sign Retainer - Joint Representation and Confidentiality Agreement for requesting the renewal of the cable franchise fee

Manigold: The cable fund came about when several townships bargained with Charter. This contract needs to be renewed. The township will pay by the number of subscribers had. With the board's consent, he'd like to wait until city passes it and come to an agreement.

Motion by **Westphal / Bickle** to authorize request. Motion passed unanimously.

4. Presentation and discussion of the Verizon Lease Agreement Amendment (Bickle)

Bickle: This request is to change out some of the radio components in the Verizon tower (in Mapleton). This will increase what the township is receiving by about \$1,000 a month.

Motion by **Sanders / Wunsch** to move forward with the second amendment of the Verizon Lease Agreement pending legal. Roll call. Manigold - yes, Achorn - yes, Bickle - yes, Sanders - yes, Wahl - yes, Wunsch - yes, Westphal - yes. Motion passed. Motion passed unanimously.

5. Approve resolutions opposing House Bill 4503 of 2017 - Short Term Rentals and opposing Senate Bill 329 of 2017 - Short Term Rentals (Manigold)

Manigold: The township has a letter to be sent to both representatives, asking for both bills to be opposed. The township is looking for stability in a residential area - when people buy a home, they are looking for consistency, not a residence that's changing week by week. We're trying to draw the line with enforcement. That's why we've hired an employee for 8 hours a week to be checking on these. If we're going to keep the enforcement on short term rentals, we need to pass this.

Wunsch: I don't think that Airbnb is going away. When I was on the Planning Commission, a few of us suggested that we look at how to look at this differently. I think it's important for us to retain control locally, though. I support opposing these bills, even if we choose to regulate differently.

Sanders: I agree. I'd rather we keep the state out of it. I'd rather look at what people are interested in today, since a lot has changed in a few years. I'm a big fan of private property rights and would like to do some more investigation.

Wahl: Just to clarify, Mr. Stang's position is not only to enforce this, but all zoning ordinances.

Bickle: By passing this, we're telling the house and the senate to leave us alone and we want to govern our area. I think we need to have an open dialogue with our residents about where their interests lie.

Westphal: I'm curious to the history of why this type of amendment is being considered. I find it interesting that the MPA came out strongly against both of these bills. They see issues beyond Airbnb rentals or short-term rentals. I think it's appropriate to table it and get citizen input in a manner that allows people to express themselves and engage with their neighbors. When it comes to smaller tracts of land, especially along the shoreline, I could see how that would create issues.

Hayward: This issue is local control / state control - the Planning Commission is looking at rentals. I'd welcome Mr. Santucci to come to the Planning Commission or the subcommittee. They're looking at the issue as a whole.

Wahl: I agree with Gordon (Hayward). This is an issue about local / state control. If we personally want to change short-term rentals, that's separate.

Wunsch: If we miss the timeline (of the bill going to vote), we could miss the boat on speaking into this. But this is an issue of state or local.

Westphal: That was my understanding based on what I saw from the MI Planning Assoc and MTA - that this was an issue of who was going to control land use. We need to get back to the resolution's intent.

Achorn: I also think that we need to let the state know that we are in charge of Peninsula Township. I also think before the Planning Commission gets too involved in what their wording would be, that we do hold a public hearing so that the Planning Commission gets the input ASAP.

Louis Santucci (resident): This is important for the board to not take a position. If you take a position, it shouldn't be specific. It shouldn't get into short-term rentals. You're having all the citizens pushing the issue and they want to have similar legislation in all of the state. The state's going to be looking at a lot of things - including how Peninsula Township and Leelanau Township regulate wineries. For example, why shouldn't wineries be allowed to have weddings? If Grand Rapids can have Airbnb rentals, why can't we? I've stayed at places where the owners have parties, too. I don't think you need to take a position on this proposal. It hasn't even gone to the committee yet. I don't think there needs to be a rush.

Manigold: I hear you say that you think we should just generally oppose it - I am open to that.

Motion by **Wahl / Sanders** to oppose House Bill 4503 of 2017 and Senate Bill 329 of 2017. Motion passed unanimously.

Achorn: I still think we need to have public hearings for the Planning Commission on this subject.

Westphal: I think we also need to have the Planning Commission revisit the issue of events. It all ties together.

Citizen Comments

Nancy Heller - 3091 Blue Water Rd. : In reference to what they're discussing, the Planning Commission needs guidance in regards to priority. The zoning rewrite committee is trying to get the zoning ordinance in place and get something on the books. In your direction to them, it sometimes isn't clear regarding how you want them to prioritize.

Kurt Peterson - 3615 Buchan Dr. - Comment regarding conversation earlier - he looks at the agendas often. There were packet agendas yesterday at 5 pm and even more added later. Looking at the agenda, citizens can comment for items not on the agenda at the beginning of the meeting, but then can't comment on anything on the agenda until afterwards. He made the suggestion to have citizen comments at the beginning for items on the agenda, before business.

Manigold: I think that may have been a carry-over from the last board. We will take care of that.

Wahl: I agree that should be taken off.

Bob Bolek - 7398 Peninsula Drive: I know we bought some speed signs tonight - where are the ones we have?

Manigold: We have one in the office, but the batteries are dead.

Board Comments

Manigold: With our phone system, it's been 30 years - they don't make them anymore. Would the board feel ok if we move ahead with that project with the phones? Depending on the carrier, we may have to work on the wiring in the building.

Bickle: We have already budgeted to upgrade the phones. Right now we can't transfer from one office to another. We've found that we can buy the phones for less than we can lease them for.

Manigold: We also brought in a gentleman today who looked at the sound system. We have a grounding issue (buzz when lights are on). We're going to bring a proposal at the next meeting for TVs so that we can stream the meetings online. (Need to fix grounding issues first.)

Achorn: We need to look at all of the wiring in this room - if you're going to do the work, let's get it up to date.

Bickle: I'm just glad that we're going to remove the "items not on the agenda". Residents should feel comfortable to say when they have a question.

Motion to adjourn by **Sanders / Wahl** at 9:04. Motion passed unanimously.