

**Peninsula Township Board
Regular Town Board Meeting
Tuesday, May 22, 2018, 7:00 pm
Peninsula Town Hall
13235 Center Road, Traverse City, MI 49686
Minutes**

1. **Call to Order** at 7:00 pm by Manigold
2. **Pledge**
3. **Roll Call** Present: Achorn, Wunsch, Sanger, Wahl, Manigold, Westphal
Absent: Bickle
4. **Brief Citizen Comments** (for items not on the agenda)
Paul Jarboe, 11756 Peninsula Drive. Mr. Jarboe is running for the judgeship of the 86th District Court to replace Judge T.J. Phillips, and asked the Board and residents of the Peninsula to support him in the campaign.
5. **Approve Agenda** Wunsch moved to approve the agenda; Wahl seconded it. **Passed unam**
6. **Conflict of Interest** None
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. Meeting Minutes Approval-April 24, 2018 Regular Town Board Meeting; May 2, 2018 Special Town Board Meeting
- b. Reports and Announcements (as provided in packet)
 1. Officers-none
 2. Staff-Code Enforcement Report for March, 2018; Fire Chief-Reports (2) Commissions and other Boards-Planning Commission Ordinance Rewrite Update and memo
- c. Correspondence-none
- d. List of Invoices (for approval)
- e. Approve Agreement for Lawn Care and General Maintenance with Wilkinson

Westphal noted some editorial mistakes on page 3 of the minutes and would like them corrected.

Achorn noted a statement error that was made concerning a delinquent escrow amount of \$30,000 on the "81"; she stated that the correct amount was \$20,000 on March 1. However, by March 22, the amount was up requested by Gordon Hayward for escrow had increased to \$25,000 (according to a memo from Gordon Hayward to Town Board on March 27, 2018) .

Wunsch made the motion to accept the consent agenda with the noted corrections in the minutes; **Wahl** seconded the motion. **Passed unam**

8. **Business**

a. ***Recognition of Brent Strom's Promotion to Lieutenant in the Peninsula Fire Department***

Fred Gilstorff presented Brent Strom with a certificate, Lieutenant's pin, and a Fire Lieutenant's helmet in recognition of his promotion to lieutenant in the fire department. Family, friends, and other fire-fighters attended the recognition.

Fire Chief Gilstroff also recommended the hiring of two new fire-fighters: Gavin Baberacki and Dale Hall. He stated that six additional applicants for the permanent EMT position will be interviewed in the near future.

Westphal moved that the Board approve the hiring of Gavin Baberacki and Dale Hall to the Peninsula Fire Department; seconded by **Wunsch**.

Passed unam

b. ***Resolution for New Fee Schedule for Permits***

Manigold stated that the Board will be voting on amending those permit fees tonight in the form of a resolution.

Westphal stated that the new fees were the result of the Planning and Zoning staff evaluating the amount of time that various permits take to process, and the staff has made the following recommendations for increasing the fee schedule to match the staff time a permit entails.

Sanger noted an error in the penalty amount for a failure to secure a permit before building. He thought it should be doubled (x 2). **Westphal** said the correct penalty amount was quadrupled (x 4) the normal permit amount in order to encourage compliance with permitting process.

Wunsch made the motion to approve the resolution with the amended amount of penalty at quadrupled for failing to secure a permit before building; **Wahl** seconded the motion.

Passed unam

Manigold asked what the effective date would be for the new fee schedule.

Achorn and **Westphal** said June 1, 2018, as printed on the new fee schedule form.

c. ***Reconsider Floodplain Ordinance Language***

Manigold addressed the next item on the agenda, stating that we have discussed several times over the past two months. Westphal stated that Article 7.4.7 will go away with the new Ordinance amendment. Manigold asked for a motion.

Wunsch moved that the Board approve the following Ordinance changes: that Section 6.9.3.7 be deleted and 7.1.3 be added to the ordinance language and

that the Board deletes the old 7.4.7 section of the ordinance and replace it with the new 7.4.7 flood plain language; Sanger seconded the motion. Roll call was taken. **Passed unam**

9. **Citizen Comments**

Monnie Peters, 1425 Neahtawanta Road, representing the Planning Commission, reported on two memos from the Planning Commission to the Town Board. The first memo was written on May 16, 2018, and it outlines the future steps that the PC will be taking to wrap-up the Ordinance rewrite. These steps included a PC meeting for public review of the ordinance; followed by a meeting with the Town Board for review; followed by public comments on the recommended rewrite language; which will end with the final recommendations by the PC for any changes needed in the Ordinance language.

She reminded the Board on how this effort got started by including two attachments with the memo of May 16, 2018. The first attachment was the original Request for Proposal (RFP) that was sent out by the old Town Board in September of 2015. The second attachment was the McKenna response to the RFP. She noted that the two attachment show entirely different outcomes, and hints that this may be part of the problem in terms of the rewrite and why it has taken so long to finish.

She also encouraged the Board to review the healthy dialogue on *StreamSpot* that transpired in the Planning Commission meeting of May 21, 2018, while discussing the contents of the second memo of May 17, 2018, which also was in the packet to the Town Board. She thought the 40 minute discussion/exchange on the disconnect between the PC and TB was extremely informative and worthwhile to watch.

10. **Board Comments**

Manigold reviewed the status of flooding in the Township, including flooding in Old Mission and Braemar Estates, along Bluff Road, and adjacent to the new Bowers Harbor Park Extension. He also outlined the township's efforts to curb some of the "81" site activities that were not allowed in the Special Use Permit; these violations included burning brush on site and removing stumps (which encourages soil erosion). The Township is trying to bring the developer into compliance, or a stop work order may need to be issued.

Westphal called the Board's attention to the content of the May 16 memo. In Item 9, 2nd page, **Westphal** believes that input from all citizen boards and commissions should be sought to achieve the broadest perspective of the decision-makers in the Township.

She also goes back to something Monnie concludes her comments on—i.e., the disconnect between the old Town Board and its desired product, and the McKenna proposal and its proposed product. She outlined the specific products that the old Town Board called for in their RFP of Sept. 2015 (see attachment)

The old Town Board RFP called for two things:

- 1) Assistance in:
 - a) implementing the master plan;
 - b) protecting values of importance to the township;

- c) facilitating quality land development in the township; and
- 2) Changes in the Ordinance to:
 - a) make the language easy to understand;
 - b) integrate graphics into the text;
 - c) have formatting that is easy to change.

McKenna comes back with a proposal that covers four major activities in the scope of services it offers for \$23,000.00. She states that's nuts! There is no way McKenna can profitably do what it is proposing for \$23,000.00 (See second attachment). Their proposed work should be in the range of \$75,000-\$100,000. **Westphal** reminds the Board that the design work and oversight for the Bowers Park Extension was in the range of \$100,000, for comparison. Therefore, from the get-go, the project was doomed to delays in product generation. The good news is that the new owners of McKenna are committed to completing the Ordinance rewrite as a gesture of good will, and to protect their reputation. In reviewing some of their documents at the MTA meeting in Traverse City last month, they do very good work according to **Westphal**.

Westphal also wanted to reiterate the important points in the May 17, 2018 memo to the Town Board from the Planning Commission for the benefit of the audience who may not have seen the Board packet. She lists six areas of support from the Town Board that would allow the Planning Commission to do its work better. They are greater or better:

- 1) township attorney engagement;
- 2) skills improvement in the technical issues of land development (principally through education);
- 3) access to consulting expertise including, but also beyond the township engineer (e.g. hydrologists, plant ecologists, soil scientists, landscape architects, etc.);
- 4) clarification of roles;
- 5) communication on process and products (in other words, outcomes); and
- 6) involvement/engagement with the Town Board.

These seem to be reasonable activities.

Manigold then permitted Bob Cooney, 7247 Henderson Dr., who arrived too late for citizen comments to take the floor and announce his run for the 86th District Court judgeship.

11. **Adjournment**

The motion to adjourn the meeting was moved by **Westphal** and seconded by **Wunsch**.
Passed unam

The meeting was adjourned at 7:46 pm.