

Town Board Meeting
June 12, 2018
7:00 pm
Regular Township Board
Meeting Minutes

1. **Call to Order** by Manigold at 7:00 pm
2. **Pledge**
3. **Roll Call Present:** Manigold, Bickle, Achorn, Westphal Wunsch, Wahl and Sanger - late
Also present: Gordon Hayward, Planning and Zoning, Christina Deeren, Zoning Administrator, Jennifer Hodges, GFA, Greg Miehn, Attorney
4. **Brief Citizen Comments** - None
5. **Approve Agenda**

Motion to approve the agenda as presented by Bickle, with a second by Wunsch. **Passed Unanimously**

6. **Conflict of Interest:** None

7. **Consent Agenda:**

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

- A. Meeting Minutes Approval – May 8, 2018 Regular TB Meeting; May 8, 2018 Special TB Meeting; May 22, 2018 Regular TB Meeting; May 29, 2018 Special TB Meeting; June 5, 2018 Special TB Meeting
- B. Reports and announcements (as provided in packets)
 1. Zoning Enforcement Officer Monthly Report
 2. Treasurer's Monthly Report
 3. Clerk's Revenue & Expenditure Report
- C. Engineer's Report (see Business Item #2)
- D. Correspondence
 - A. Coastal Resiliency Training Workshops
 - B. Short-term Rental (Louis Santucci)
 - C. "81" correspondence (6 letters)
- E. Edit list of invoices (recommended approval)
- F. Approve request from the Fire Chief to add Charles Stutler to a position of Probationary firefighter.
- G. Approve expenditure of \$1500 for the annual maintenance contract for the speed signs
- H. Approve the Natural Hazard Mitigation Plan Adoption Resolution 2018-06-12#1
- I. Approve sign replacement request for Peninsula Cellars
- J. Approve Regional Asset Inventory and GIS Mapping Project Resolution 2018-06-12#2
- K. Approve sign requests from the Old Mission Peninsula School

Susie Shipman, 14735 Shipman Rd., Traverse City, MI 49686, requested that Item No. 10 to add the Charlie Doe Sign to put up information for the school and the school ribbon cutting on July 21, 2018.

Westphal questioned Item No. 9 and Resolution 2018-06-12#2 in terms of the three phases of contracted services, one phase of equipment cost, and a phase of training. She stated that she asked Rob earlier in the day what were those phases for and what is the Township really buying for \$113,000.00 in terms of contracted services, equipment and training?

Manigold turned the question over to Jennifer Hodges (GFA).

Hodges gave a brief overview:

The DPW services five Townships; this is part of their asset management plan prior to starting phase one.

There was not an established management plan prior to this. DPW worked with GFA to begin the process of establishing one. (She went on to explain the process in terms of what work was done by GFA for projects and availability of grants.

Westphal: In your budget for Phase Three-Contracted Services, you had a \$106 K requested in the application and you received \$37,000.00; how are you going to make up that difference, and what will the Township really have to pay to make up that difference?

Hodges: We would have asked for the entire \$106 K, because the term of the grant which involves four other townships in terms of water and sewer was only for what we thought we could accomplish by September. This is a cost sharing project, based on all five townships. Their cost percentages are based upon customers, so the \$182,650.00 is appropriated accordingly to all five townships.

Manigold: Usually Peninsula Township is assessed at three percent. This is a DPW bill and not the Township's bill. It is required. We agreed in the budget to do this. Jennifer found a grant and one of the conditions of the grant was for DPW to apply along with each individual township, through a resolution. That is what we are dealing with tonight. So when you talk about \$106,000.00 we have a small

percentage of that (about 3%); Garfield is a major player in that.

Westphal: When I look at something that we are signing by resolution, especially when it puts us on the hook for money, I want to know the particulars. If you have a big difference between what was projected in terms of cost for a project, and what we actually got from the granting agency, it is important to know where the difference is going to come from. Is this grant opportunity going to come back later? It sounds like you will probably apply for it again, next year.

Hodges: As Rob has indicated, this is money that has been appropriated.

Manigold: This is already in our budget to do this work. When we found out that we could get a grant for the work, Jennifer quickly applied for it. This is money coming in that we did not think that we would get.

Achorn: Whose budget?

Manigold: Grand Traverse County Department of Public Works. The line item that we do every fall.

Bickle: Thinks that the board should have some discussion at a later time regarding three bills from GFA that pertain to the flooding that occurred on Bluff Rd., Swaney Road, and the park. Questioned Christina if there was any dialog on the drainage district.

Deeren: We had a Special Meeting hosted by Steve Largent of the Drain Commission at the American Legion Hall on June 11, 2018, pertaining to a new drainage district being created for the Swaney Road lake area. Some work is projected to clean out the drains. Largent is going to put in a request to Grand Traverse County to delegate funds towards cleaning out these drains. Steve will look at hiring an engineer to conduct some studies

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to find out how large of an issue this is, and then to create a plan on what needs to be included in the new drainage district.

Manigold: We are looking at the three bills that we received. With the high water, we experienced flooding in a number of areas, with Old Mission being the worst. Steve Largent has been working on this. Steve has asked for some assistance from Jennifer with regard to one of the properties that was most affected by the flooding. We also have Joe Gorka off of Bluff Rd., which is an ongoing problem. We will most likely be developing a County Drainage District there. The third is at BHP; there are three residences that are being affected there. The water is coming from the park that the Township purchased from the State. Our water is running over to these three residences. We have two issues in the drainage districts that we had built. We sent the Engineer to inspect these, and it was billed to Elmer's.

Bickle: I wanted to go on record that if there is a way to receive some additional cost sharing then it should be pursued.

Achorn: I have a few corrections on the minutes. May 8th should read May 9th Special Town Board Meeting. On page 2 of those minutes, regarding Bob's contract as the sexton, under my comments I thought the cost last year was \$3,600.00 not \$36,000.00, then on page 8, we have a difference in the winning bid of whether it is B&W or D&W.

Manigold: Clarifies, D&W.

Achorn: On May 22nd Town Board minutes, at the bottom of page 1, the last sentence in my statement said: However by March 22nd the amount requested was up to \$25,000.00. On the email that went out it was requested that we receive \$25,000.00.

Westphal: I found many typos' as well.

Wahl moved to approve consent agenda absent the two Resolutions, as amended, and with the corrections to the minutes as requested by Westphal, seconded by **Bickle**.

Roll Call; Bickle – Yes, Manigold – Yes, Westphal – Yes, Achorn – Yes, Wunsch – Yes, Wahl – Yes. **Passed Unam**

Wunsch moved to approve Resolution 2018-06-12 #1 and Resolution 2018-06-12#2, seconded by **Bickle**.

Roll Call; Manigold – Yes, Westphal – Yes, Achorn – Yes, Wunsch – Yes, Wahl – Yes, Bickle – Yes. **Passed Unam**

8. Business

A. *Public Hearing on the Escrow Ordinance.*

Manigold: Closed regularly scheduled meeting and opened public hearing. We have been working to get a revised escrow analysis completed this is what is being presented tonight. Questioned audience if anyone had a comment regarding what was being presented; being none, **Manigold** closed public comment and turned the meeting back over to the Board for discussion.

Westphal: Felt that the Board has had previous discussion regarding this; she believes this approval is a formality because so few changes occurred. Because of this and the fact there was no public comment in the public hearing, it should go forward to be adopted.

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Wunsch moved to approve amendment #196, Section 4.3 Escrow of the Ordinance language: seconded by **Bickle**.

Roll Call: Achorn – Yes, Wunsch – Yes, Wahl – Yes, Bickle – Yes, Manigold – Yes, Westphal – Yes. **Passed Unanimously**

B. Vineyard Ridge Bond Related Request for Fall

Manigold: Stated that a site visit was done earlier in the day by the Board Members. What is being requested is to move forward on this project because all permits have been applied for and in process or complete. **Manigold** ask for clarification from Jennifer on permits. Hodges confirms that they are in compliance with their permits.

Manigold asked **Achorn** if escrow is current. **Achorn** confirms that escrow is current. What Vineyard Ridge has requested is for the sewer line along M-37 and as many as eight separate utilities to be placed at once on the site. One lane of M-37 will need to be closed for possibly up to one month. They are asking for the ability to leave that component incomplete at this time so it is not being done during the busy traffic season. The developer will secure a bond, give that to the Township, and conduct this work in the fall. They are requesting the ability to apply for four separate land use permits to get foundations in before fall. The Board was on-site today looking at the soil and bank stabilization; black top will be laid next week. What we are debating is allowing Jennifer, John from DPW, and Greg Miehn to draw up a document that bonds the completion of the project; with all these things in order, we would allow Christina to issue the permits on four of these lots. He deferred to Deeren on which lots were involved.

Deeren: Lots one, two, six and thirteen.

Manigold: Those are the lots that they would like to start building. It seems like a legitimate request. We are asking for approval of these, but they will have to meet all of the conditions except but one component which will be completed at a later date. The Township will be protected by the bond.

Wahl moved to approve the request for Vineyard Ridge bond to be granted with the approval of Jennifer Hodges, John Devosa and Township Attorney Miehn for lots one, two, six and thirteen, based on the approval of the Board; seconded by **Wunsch**.

Discussion followed

Westphal: It makes me nervous when we step ahead without having the steps completed in the proper order. Every time we do something like this, it comes back and haunts us. A good example lies in some of our current litigation; this litigation is an offshoot or secondary effects of decisions that did not follow normal protocol. I hesitate to support a motion, no matter how well intentioned it is, without going through the proper steps. We have protocol and a permitting system for a reason.

Manigold: The other option is to close one lane of M-37 now and push that through like a normal developer would do. At this time, that would not be a good thing to have happen due to the busy traffic season. We are not giving up anything; everything will be done except the one length of sewer. We will have assurance by the bond with the Township that it will be completed. We also will have control of occupancy. If I felt that there was any risk in this, I certainly would not approve their request. Any other comments?

Achorn: What I saw today was an improvement in the soil movements where they have corrected the flaws that were shown on paper. It gave me encouragement to work with the developer on this project who is trying to make it better. So I am inclined to help them out.

Wahl: I think it helps us more than them personally.

Roll Call: Wahl – Yes, Bickle – Yes, Manigold – Yes, Westphal – No, Achorn – Yes, Wunsch – Yes. **Passed 5-1**

C. Networks Northwest Presentation on Planning Department Assessment

Manigold: You will also see this presentation at the Planning Commission meeting at their next meeting.

Kathy Eagan, Networks Northwest: Gave a brief presentation on the report that was supplied by Networks Northwest on the Departments of Planning and Zoning, Organizational and Operational recommendations. The presentation is in packets and on-line. Kathy gave a brief overview of the findings of Networks Northwest after conducting interviews with staff and Township Board Members. Four key items have been outlined in the report. Basically, they found that there are many projects in process without a clear statement of what the Townships priorities are, and as a result, each project is getting attention but is not moving forward. The Zoning Ordinance re-write does not have a well-defined process, and at times, has inconsistent standards for development in terms of review. This leads to frustration at the Planning Commission and Town Board levels when the information presented may not be enough to make a decision. Updating the processes and standards within the ordinance, can create a clearer path for future planning activities. There is a need for project tracking and updating record systems so that anyone can locate information at any time. This keeps everyone on track and understanding the protocol that is used. There is a need for consistent leadership in the Planning Department and Zoning areas. Kathy went into explaining the report and how it is broken down into categories. She explained each category and what is involved in completing work within each area.

Westphal: Asked Networks Northwest at what level did they see leadership coming from?

Eagan: Responded that the resident survey and strategic planning from the Township Board would be the most likely sources of leadership. Once priority is assigned (and some will fall under planning and zoning and some under parks), a clearer set of goals can be established.

Manigold: Presentation to go before the Planning Commission on Monday, June 18th. Contractual agreement on short-term rentals facilitated by an outside group is likely to occur in the future.

Westphal: This suggested survey work is a tremendous opportunity to look at a variety of issues—parks, the shoreline, affordable housing (particularly as it affects enrollment in the school system. There is also a need to bring in younger families to the Peninsula to help sustain the Township.

Manigold opened up for any questions to the public.

Monnie Peters; 1429 Neahawanta Rd., Traverse City. MI 49686; Questioned the big absence of the Master Plan in the report done by Networks Northwest. Concerned that members of the Planning Commission were not included in the interviews conducted prior to making recommendations to the Township Board in their report.

Hayward: Had previously used focus groups in the past as a means to determine what the issues within the Township were. Questions for the survey were written by the focus groups and then presented to the public for response. Another step was taken to crate citizen policy groups and surveys.

Westphal: Spoke about history as Instructor with Michigan State and interviews done with twenty-one of the largest land owners in Peninsula Township and some of the data and information collected in the surveys.

Motion to move item 6 up to item 4 will deal with item 4 after closed session is closed. Review and Approve Emergency Services Cost and Fee Recovery Ordinance.

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Bickle: Allows fee basis when fire department and trucks are out on emergency runs.

Moved by **Wunsch** to approve Ordinance 2018-06-12#2, seconded by **Wahl**.

Roll Call: Manigold – Yes, Bickle – Yes, Wahl – Yes, Wunsch – Yes, Achorn – Yes, Westphal – Yes. Passed Unam

9. Citizen Comments:

Corey Phelps, 8977 Sunset West, Traverse City, MI 49686; Just wanted to state that on July 1st there will be a ribbon cutting ceremony for the new school and a campaign on funding for the school.

Moved by **Wunsch** to go into closed session with the Township Attorney, seconded by **Wahl**. Passed Unam

Adjournment: 8:01 pm

Sanger joins Board in closed session

Closed Session with Client Attorney privileged information.

Moved by **Wunsch** to come out of closed session, seconded by **Bickle**. Passed Unam

Motion by **Bickle** to reopen regularly scheduled meeting, seconded by **Wahl**. Passed Unam

Motion by **Wunsch** to table item number 4 Small Winery Presentation by Attorney Miehn until next scheduled Regular Township Board Meeting, seconded by **Westphal**. Passed Unam

10. Board Comments:

Manigold: Gave report on the meeting with Steve Largent, County Drain Commissioner and land owners in Old Mission. Stated that five out of five candidates for Planner and Assistant Planner would be interviewed on Tuesday, June 19th at a Special Township Board Meeting for anyone in the audience wishing to attend.

11. Adjournment:

Moved by **Wahl** to adjourn, seconded by **Wunsch**. Adjournment: 9:29 pm