

**PENINSULA TOWNSHIP BOARD
REGULAR MEETING
June 14, 2016**

Meeting called to order at 7:00 p.m.

PRESENT: Correia, Hoffman, Avery, Rosi, Weatherholt and Witkop

ALSO PRESENT: Peter Wendling, Township Attorney, **Michelle Reardon**, Director of Planning and Zoning and **Deb Hamilton**, Recording Secretary

ABSENT: Byron (excused)

CHANGES/ADDITIONS TO AGENDA

Hoffman added to the Consent Agenda - Speed Study on Bluff Road and Reaffirm Master Plan Signing. *Margaret Achorn* would like the Clerk's Report, Edit List of Invoices and May 2016 Payroll moved to the Agenda.

MOTION: Weatherholt/Witkop to approve agenda as amended.

Roll Call Vote: Rosi-yes, Witkop-yes, Weatherholt-yes, Correia-yes, Hoffman-yes and Avery-yes
PASSED UNAN

BRIEF CITIZEN COMMENTS (FOR ITEMS NOT ON THE AGENDA)

None

CONFLICT OF INTEREST

None

CONSENT AGENDA

1. Reports and Announcements (as provided in packet)
 - A. Officers – Clerk, Supervisor, Treasurer
 - B. Departmental – Planning Commission, Zoning Board of Appeals, Attorney, Engineer, Library, Fire Board, Park Commission and Township Deputy.
2. Correspondence (as provided in packet)
3. Meeting Minutes
 - May 9, 2016 Special Joint Township Board/Park Commission Meeting
 - May 23, 2016 2nd Regular Meeting
4. Update Fiscal 2016/2017 Meeting Dates
5. Old Mission American Legion Pig Roast Sign Request
6. Speed Study on Bluff Road
7. Reaffirm Master Plan Signing

MOTION: Avery/Rosi to accept the Consent Calendar Agenda as amended.

Roll Call Vote: Witkop-yes, Weatherholt-yes, Correia-yes, Hoffman-yes, Avery-yes and Rosi-yes
PASSED UNAN

May 10, 2016 Minutes – **Rosi** asked to replace “he” with “Mr. Quant” in Brief Citizen Comments second to last sentence of Mr. Quant’s comments.

MOTION: Witkop/Weatherholt to approve the May 10, 2016 minutes as amended

Roll Call Vote: Weatherholt-yes, Correia-yes, Hoffman-yes, Avery-yes, Rosi-yes and Witkop-yes

PASSED UNAN

BUSINESS

1. Traverse City Triathlon 2016 Large Event Application – Public Hearing

Reardon said the applicant has one change from last year approvals. Mr. Gaff would like to stage out of the existing Bowers Harbor Park (BHP) rather than the BHP Expansion area. *Joel Gaff, Jr, 923 South Maple St., Endurance Evolution* – change is going back to what was done historically. Finish area at BHP Pavilion #1 area and parking in expansion area as last year.

Correia opened Public Hearing at 7:16 p.m.

Jane Conard, 3635 Sugar Shack Rd., asked about Bluff Rd. being closed. *Gaff* said no road closures. *Conard* is not opposed to event.

Mary Swift, 13956 Peninsula Drive, said she supports the triathlon but why does BHP Expansion area not work. *Gaff* said BHP Expansion area has no cover/shade and there is no water source. BHP Pavilion #1 has a water source. BHP is closer to transition area to get equipment after race.

Monnie Peters, 1425 Neah-Ta-Wanta Rd., said she was a participant last year. She is a fan of the race. *Peters* feels the approvals for the event should be done earlier.

Susie Shipman, 14735 Shipman Rd., said it is a smart idea to move to BHP and parking on Devils Dive property is good solution. *Shipman* supports the race.

Ralph Curtis, 10398 Peninsula Dr., said he is against the event. He does not see benefit to residents. A female participate urinated on his lawn and no one picks up trash.

Robert Bolek, 7398 Peninsula Dr., would like law enforcement at his end of Peninsula Drive for speeding issues.

Joel Gaff, Jr. said in regards to benefit to the community. The TC Triathlon donated \$5,000 to the Peter Dougherty Society, American Legion and the Old Mission Women's Club. New fee has been imposed by the Township and those funds will go toward Township projects.

Correia closed Public Hearing at 7:26 p.m.

Reardon said there will be another pre-race meeting. Law enforcement and trash issue will be discussed.

Hoffman asked about porta-jon locations. *Gaff* reviewed the number of porta-jons and locations. **Avery** asked about law enforcement. *Gaff* reviewed the number of deputies and where they are located. **Weatherholt** asked if boat launch will be open. *Gaff* said yes, boaters can come in through the back gate and park in overflow area.

Witkop asked if Park Commission has approved. **Reardon** said yes. **Weatherholt** suggested that Mr. Curtis call the sheriff if that happens again. The Board does not take that kind of issue lightly.

MOTION: Avery/Witkop to accept this application for one year only.

Roll Call Vote: Correia-yes, Hoffman-yes, Avery-yes, Rosi-yes, Witkop-yes and Weatherholt-yes

PASSED UNAN

2. Amendment #190 – Pubic Hearing

Reardon reviewed Amendment 190. **Avery** said there is a feeling that Airbnb is up against a different set of rules. Will Airbnb be treated exactly the same as this? **Reardon** said staff has an ongoing list of VRBO, Airbnb and Home Away issues and staff is researching and enforcing. **Wendling** said this problem is not specific to this Township. Communication is the first step. **Wendling** explained the legal track to enforcement. **Witkop** asked what the problem with this Airbnb concept is. **Reardon** said the Township has defined uses that are allowed

and not allowed. Operating a B&B without prior permit is not allowed. Also Personal Residential Exemption may be assessed differently. Amendment 190 will not change the issue with Airbnb. Amendment 190 deals with how the Township regulates and rules surrounding B&B establishments that have a permit.

Corriea opened the Public Hearing at 7:48 p.m.

Bruce Jensen 18599 Mission Rd., said Airbnb has to stop. It is against ordinance. Teeth need to be introduced into the ordinance. It is not fair. Shut down the Airbnbs.

Cindy Ruzak, 1994 Carroll Rd., owner and operator of Grey Hare Inn, said Amendment 190 is crucial first step in B&B survival. It is essential give B&Bs a way to be competitive. They have to be able to offer additional services. *Ruzak* gave B&B history. Anyone can use Airbnb and they do not have to follow any rules. It has created a lack of civility. The people offering rooms on Airbnb have no business ethics. Without the additional activities in Amendment 190 she cannot compete. She presumes the Board values the existence of B&Bs. *Ruzak* has heard comments the B&B provide low impact short term accommodations and all the way to B&B's are not needed because people can stay in Traverse City and come out drink at the wineries. Tonight should clarify what the Township's position is on B&Bs. *Ruzak* encourages the Board to put forth the changes being requested but she feels the changes do not go far enough to let her run her business as needed.

Chuck Goodman, 1875 Gray Rd., Owner of Overlook B&B, said the concept of Airbnb has accentuated our concerns because Peninsula Township is restrictive in regards to what B&Bs are allowed to do. As *Witkop* said what is wrong with Airbnb as long as they do not hurt anybody. That is how the official B&Bs look at it too. The proposal does help. It does not go as far as he would like it to go and may not be enough to be competitive. He supports the proposal. You do not know B&Bs are there. There is probably more disturbance with one Bayshore Marathon than all B&B's over the years. The proposal is a step in the right direction.

Mary Swift, 13956 Peninsula Drive, said the B&Bs are for this but what about the rest of us. It is no picnic to live next to a B&B. *Goodman* is on 80 acres and *Ruzak* is on 27 acres. The B&B next to her was on 1.4 acres. She was infringed upon daily. Her property was trespassed and trampled. The way the amendment is currently written is not sufficient. She is not against B&Bs but the amendment has not gone far enough. To allow this for their competitiveness because the Township cannot keep up with enforcement is wrong. Give staff the tools to enforce the Township's law.

Marilyn Elliott, 18811 Whispering Trail, asked about Section 5.7.3 Variances (3) (e) "aesthetics" is subjective.

Reardon said this is only for Additional Conditions in Determining Variances for Decks or Deck with Attached Seating and/or Attached Storage within the Great Lakes Ordinary High Water Mark Setback.

Chuck Goodman said empathizes with *Swift* but has to do with neighborliness.

Corriea closed the Public Hearing at 8:05 p.m.

Avery said never going to stop Airbnb but have to communicate to play by rules and enforce. **Rosi** said she still believe B&Bs are a good thing. The Board can take Section 8.7.3(6) back to the Planning Commission but *Rosi* does not know if there is a perfect answer. **Witkop** said B&Bs probably have nothing to do with *Swift*'s problem but rather an issue with her neighbor. **Reardon** said because of enabling legislation SUPs must run with the land. **Reardon** said any existing B&B looking to gain some of the new uses will have to come back to the Planning Commission and the Township Board and amend the SUP and be subject to the new requirements. **Weatherholt** said thought still working on B&Bs with events. **Reardon** said this is what the Planning Commission is recommending. **Weatherholt** said does not know how to make everyone happy with B&Bs. **Witkop** asked about the definition of Structure in regards to fences over six (6) feet, would fence section fo the ordinance also have to be amended. **Reardon** said *Witkop* is correct and could pull definition of structure out of Amendment 190. **Hoffman** said number of events bothers her and closing time of 9:30p.m. She is still concerned about increase of the numbers rooms. *Hoffman* is also concerned about B&Bs on PDR land. **Reardon** said the section on B&B can be pulled and sent back to the Planning Commission.

MOTION: Witkop/Hoffman to approve Amendment 190 except the definition of B&B Establishment and the definition of Structure and the whole Section 8.7.3(6) Bed and Breakfast Establishment those items to be sent back to Planning Commission for further work.

Roll Call Vote: Hoffman-yes, Avery-yes, Rosi-yes, Witkop-yes, Weatherholt-yes and Correia-yes
PASSED UNAN

3. Create Braemar Special Assessment District – Pass Resolution

Wendling said this resolution is simply a consensus that the Township Board wishes to proceed with the SAD so at the July Regular Board meeting a Public Hearing can be published in a timely manner as required by statute. The agreement between the Township and the Road Commission participation in the project is outstanding. He hopes to have an agreement to the Township Board by the second of the month meeting.

Akerley said this is not going to be a prorata share of assessment. There will be different monetary values attributed to each of these parcels based on acreage and drainage needs. **Witkop** asked who is doing computations. **Akerley** said working with Township Engineer. At the upcoming public hearing the values per parcel will be available and the property owners will have a chance to weigh in on the values. Public Hearing on the SAD will be at the July 12, 2016 Township Board meeting.

MOTION: Witkop/Hoffman to pass Resolution #1 2016-06-14.

Roll Call Vote: Avery-yes, Rosi-yes, Witkop-yes, Weatherholt-yes, Correia-yes and Hoffman yes.
PASSED UNAN

4. AT&T Proposal

Weatherholt said tower will be there longer than use. Weatherholt has the tower checked every ten years. ~~Weather~~ **Weatherholt** reviewed leased and asked if the current Board wanted to commit future Boards 30 years. **Rosi** said lease expires 2018 and would prefer to have the next Board make the decision. **Weatherholt** said this is not an adversarial relationship. **Avery** said someone needs to make a commitment and does not see a reason to pass the buck. **Witkop** asked what the rush is. **Weatherholt** said AT&T. Witkop is concerned that the Township is letting AT&T have what they want. There was Board consensus to have Weatherholt look at 15 year lease and earlier start of escalator.

5. Approval of DPW Budget Items

Correia recommended moving this item to the June 28, 2016 meeting.

MOTION: Witkop/Avery to postpone Business Item #5 to the June 28, 2016 Meeting
MOTION PASSED

6. Roof Bids Station 2

Hoffman said there are four bids. There was discussion on the bids.

MOTION: Witkop/Avery to approve Bloxsom bid of \$20,090 and authorize the Supervisor to sign contract.

Roll Call Vote: Rosi-yes, Witkop-yes, Weatherholt-yes, Correia-yes, Hoffman-yes and Avery-yes
PASSED UNAN

7. Quinn/Keith Storm Water Refund

Reardon reviewed.

MOTION: Hoffman/Witkop to refund Quinn's \$128.

Roll Call Vote: Witkop-yes, Weatherholt-yes, Correia-yes, Hoffman-yes, Avery-yes and Rosi-yes
PASSED UNAN

8. Accept Bid for John Deer Gator- Fire Department Request

Randy Rittenhouse, Acting Chief, said sold older equipment and replace with John Deere gator. Rittenhouse reviewed bids.

MOTION: Hoffman/Witkop to accept Classic Motors bid of \$24,329.

Roll Call Vote: Weatherholt-yes, Correia-yes, Hoffman-yes, Avery-yes, Rosi-yes and Witkop-yes
PASSED UNAN

9. Bowers Harbor Park Expansion Committee – Township Board Representative

Correia said Witkop asked to be removed from the committee. **Rosi** said she is happy to be on the Committee. She has attended the meetings so far.

MOTION: Hoffman/Witkop to appoint Rosi to Committee.

MOTION PASSED

10. Park Commission Request for Bowers Harbor Park Expansion \$14,000 from Tower Fund

Shipman reviewed Bowers Harbor Park enhancement and expansion – Planning Budget Request.

Park Commission recommended at the June 1, 2016 meeting an increase budget BHP Expansion budget line of \$14,000 and already have \$1,000 in that line item which brings total to \$15,000.

MOTION: Hoffman/Avery to accept the Park Commission’s request for \$14,760 from tower fund.

Roll Call Vote: Correia-yes, Hoffman-yes, Avery-yes, Rosi-yes, Witkop-yes and Weatherholt-yes
PASSED UNAN

Witkop asked about notification process for public meeting. **Shipman** said there is already information on the website. Another idea is radio public service announcements. Shipman has also been talking to Old Mission School parents. **Witkop** asked if considered postcard mailing. **Shipman** said the committee talked about that. **Reardon** said they are working with professional consultants who are good at getting people to the table. **Witkop** said this is not a neighborhood park it is a township park. We have to make the effort to get input from the whole Township.

11. Old Mission Peninsula Historical Society Agreement

Weatherholt reviewed the agreement.

MOTION: Avery/Witkop to give authority to Correia to sign agreement on behalf of the Township.

Roll Call Vote: Hoffman-yes, Avery-yes, Rosi-yes, Witkop-yes, Weatherholt-yes and Correia-yes
PASSED UNAN

12. Discussion of Peninsula Drive Road Construction/Shoulders

Correia reviewed his memo. Correia would like discuss at June 28, 2016 Township Board meeting.

13. Clerk’s Report

Achorn asked Hoffman to explain about changes to November ballot regarding straight ticket voting. **Hoffman** explained.

14. Edit List of Invoices

Achorn asked about Mutual Aid bill of \$6,000 and Gourdie Fraser bills. **Avery** said if insurance comes through will be reimbursed. **Reardon** said regarding the Gourdie Fraser bills, new escrow language that was passed tonight gives the Township the right to require an escrow payment. Until tonight there was no provision in the

ordinance to do this other than the permit fees. *Achorn* asked if there any documentation for the John Hancock pension bill. **Hoffman** said yes there is a payroll audit. Hoffman will get provide copy to Achorn. *Achorn* asked about McKenna bill. **Reardon** said this is 1/11 of the payments. There has been no additional cost to project. Hoffman will provide information.

15. May 2016 Payroll

Achorn asked about the charge numbers for Rosi's payroll. Staff will look into the issue.

MOTION: Weatherholt/Witkop to approve the Edit List, Additions to the Edit List, May 2016 Payroll and Clerk's Report.

MOTION PASSED

CITIZEN COMMENTS

Brad Bickle, 11328 Center Rd., said the May 23, 2016 meeting he spoke but his comments regarding AT&T were not in the minutes. He requested they appear. Bickle made further recommendations regarding the AT&T lease.

Mary Swift, 13956 Peninsula Dr., asked about the \$109,000 transfer from the Tower fund to 502 fund at the March 28, 2016 meeting. It was explained to Swift that was the purchase amount for the property.

BOARD COMMENTS

Hoffman asked the Board if they would like a have a presentation from LIAA regarding video recording the meetings. There was consensus to have LIAA give a presentation. Hoffman asked if other members had other ideas please let her know. **Rosi** asked when Rules and Procedures and Code of Ethics will be on the agenda.

Hoffman said there is a July 13, 2016 Special meeting scheduled. **Rosi** asked about Kelley park. **Correia** said that is a DNR park. The DNR waiting for summer people to come back so those people could give their input.

MOTION: Avery/Witkop to adjourn at 10:04 p.m.

MOTION PASSED

Respectfully Submitted,
Deb Hamilton, Recording Secretary

These minutes stand to be approved at the next meeting scheduled for July 12, 2016