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**Regular Town Board Meeting  
August 14, 2018, 7:00 pm  
Peninsula Town Hall  
Minutes**

1. **Call to Order** at 7:00 p.m. by Supervisor Manigold
2. **Pledge**
3. **Roll Call** Present: Manigold, Westphal, Wunsch, Achorn, Wahl, Sanger  
Excused: Bickle  
Also present: Randy Mielnik, Planner and Greg Meihn, Township Attorney

4. **Citizen Comments for items not on the agenda**

**Nancy Heller, 3091 Blue Water Rd., Traverse City, MI 49686;** Noticing more and more inconstancies in the Township's Commissions and Trustees, regarding different documents. There does not seem to be consistency when choosing a title referring to documentation.

5. **Approve Agenda**

Manigold suggested the following changes to the agenda. He stated that Fred Gilstorff had requested adding another letter to the Agenda; Fred requests that the Board add his request to hire Amy Whineman for the Fire Department. I would like to add this to the Consent Agenda. Item E: approve a new sign for the Elementary School. It has come to our attention that we may have to have approval from the ZBA on this item so it needs to be removed until we can meet again to discuss this. Any other changes or additions to this evening's agenda?

**Wunsch;** Questioned putting the sign under Business just for discussion.

**Manigold;** We need to verify a few things that we just found out The long story short is that we are being asked to give approval to the School for the sign, but the sign is not on School property. We have looked this matter up in the Zoning Ordinance; it may take ZBA action. They also may be able to place it on the sign with the Library. There is a solution but we can't deal with it this evening until we do some further research.

**Achorn;** We always use the Charlie Doe sign, and it is not on anyone's property. Is that different somehow?

**Manigold;** The Charlie Doe sign is a specific thing that everyone has agreed is for public information of non-profit's and the School; we just want to make sure that we approve the right thing. I don't want to answer that without staff and researching the documents. Any other changes or additions to tonight's agenda? I would entertain a motion to approve.

Moved by Wunsch to approve the agenda as amended, seconded by Sanger.

Pass 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—July 24, 2018 Regular TB meeting 7pm
- b. Reports and announcements (as provided in packet)
  - 1. Officers
    - a. Clerk’s report on voter turn-out, cemetery committee
    - b. Treasurer’s report
  - 2. Staff
- c. Correspondence
- d. List of Invoices (recommend approval)
- e. Approve new sign for the elementary school - Removed from the Consent Agenda
- f. Approve the use of the Township Hall and Charlie Doe sign for the Old Mission Women’s Club Cookie Sale, Dec 7-8, 2018.
- g. Approve the Fire Department Advanced Life Support Intercept Agreement with Traverse City Fire Department.
- h. Add letter concerning the hiring of Amy Wineman, paramedic; Request by Chief Gilstorff

Requested by Meihn that in the Intercept Agreement paragraph 13 of the Agreement that the second sentence be removed. This sentence calls for an automatic renewal. Unless the Township gives cause 60 days prior to notice, the agreement automatically renews. I don’t like automatic renewal agreements in any form; however, it is fairly certain that this agreement will go on for 60 days upon termination of the new one. I would rather you remove it, and engage and talk about it. If this paragraph is removed, the rest of the agreement is fine.

**Achorn;** Commented on the Minutes from the July 24, 2018, TB meeting. Item #4 says “Edited Invoices”; my statement was edited. My complete statement was: “Since I received my packet at 8:30 this morning, I have had no opportunity to review the invoices.” And then I went on to specifically question the IRS bill.

Moved by Wahl to approve the Consent Agenda as amended, seconded by Achorn.

**Wunsch;** Questioned the School issue before putting it to bed, I know we are dealing with three separate public entities but wanted to know if the Township should delay enforcement until this could be worked out.

**Manigold;** Agreed that it would not be taken down until an agreement could be made on how to proceed. Questioned Sanger as the Code Enforcement Officer.

**Sanger;** The only issue that is of concern is that of the site distance (review with Deputy Abbring off-line) is blocked. The sign needs to 15 feet from the right-of-way, and it is currently 8 feet from the right-of-way and believes the site distance for south bound traffic is impaired. The sign could be moved quite easily to be put within the 15 feet to get it out of the sight distance. Would not expect any enforcement while the TB is trying to rectify the situation; pairing it, as it was previously, with the Library sign or a separate sign. As Rob mentioned the SUP for the Library had a sign so this gets a little complicated.

**Manigold;** We have a motion with support. Requested roll call from JoAnne.

Yes – 7 No-0

Pass Unam

Manigold stated that he was going to bring this up under Board comments but the large packet before the Board is the Personnel Handbook. We do have some personnel issues. Manigold sent an email out to members to pick a date so they could meet early in the following week to begin going over the new handbook.

## **8. Business**

### **a. BATA presentation on new proposed Route 16 school/community bus route**

Presentation by Eric Bloomgaard, Communication and Development Director for Bay Area Authority. Also present was Tyler Bevier, Transportation Planner for Bay Area Transportation Authority.

**Bloomguard;** Informed the Board of a new bus route for Old Mission Peninsula. The Mileage Out Reach in 2017 conducted a community needs assessment. Looked to community members on Old Mission Peninsula to see if there was a need in the community for more public transportation. BATA was also contacted by Old Mission Peninsula Schools looking for some additional support and services. BATA will be launching route 16 for services on Old Mission Peninsula. The route will run Monday through Friday at first the first run will occur at 7:30 a.m. and the second run will occur at 3:00 p.m. this time is to a line with when the School hours. This is a public route that will open to the community so anyone will be able to utilize this service. This is in addition to the Dial-A-Ride services which are already available. This route will begin on September 4, 2018. A determination will be made based upon feedback from the community if additional services will be added. This is the initial pilot to include Old Mission Peninsula.

**Westphal;** Commended Bloomguard for his presentation on the news media earlier in the evening. One of the concerns is the charge of \$1.50; is that for children as well?

**Bloomguard;** The regular price \$3.00 for one way travel but for students it is half off so \$1.50 or \$3.00 for a round trip.

**Westphal;** Can a person purchase a series of passes or a season pass which has a discounted value?

**Bloomguard;** Multiple pass values and a yearly pass which is discounted for 365 days, or a monthly pass. Gift cards are also accepted so there are multiple fare options available.

**Westphal;** How many children are you hoping will use this bus service?

**Bloomguard;** The survey that was used from Old Mission School should around 40 to 50 parents that would be interested in utilizing this service. We are attending the Schools orientation and open houses to get a better understanding of the needs. Estimating around 20-30 students would actually use this bus system on a daily basis.

**Manigold;** requested information to be posted on the Townships website.

**Westphal;** If the community wanted to subsidize the bus services for the students coming to the school, would that be possible?

**Bloomguard;** There is a way to offset the fare price so it is possible. There is also some conversation right now with the school to offer some fare reimbursements.

**Manigold;** There is a possibility that we could do some different things to help. Thinking about the migrant families on the Peninsula if they need some assistance.

**Westphal;** Will the route only stop at the locations that are identified in the back of the map?

**Bloomguard;** Those are the stops where the bus will stop; however it will have the ability to flex. So it does have the ability to deviate off of the route to pick up people along the way. You can call ahead and schedule a pick up or ask the driver after boarding the bus. If there is time, the drivers will accommodate those requests.

**Westphal;** For the parents that are in TC that would like to come out and use our Charter School, I am sure there are some concerns around the security of their children on this bus, I am sure this has been addressed or questioned. How are you handling these concerns and questions?

**Bloomguard;** There is rider security for anyone that uses our bus; these rules are constantly followed and monitored. We are offering a consistent driver every time so that may build a reputation with the ridership.

**Achorn;** Will there be a review after a certain amount of time to see if this route may need to be expanded or a second bus needs to be added to cover Peninsula Drive or Bluff Rd.?

**Bloomguard;** Yes, we monitor our ridership on a monthly basis and we also conduct 6 and 12 month reviews as well.

**Mielnik;** Wanted to mention that a meeting was held at the Town Hall for the locations of the actual bus stops. The Fire Chief has also reviewed the locations to make certain they are appropriate, and he did not have any issues with this.

**b. Review the Maple Terrace water hook-up documents**

**Manigold;** Jennifer was unable to be here tonight but she has reviewed the information and is recommending that the Board add the Maple Terrace Water line to our system. We have people on this as it has been in for a long time. We have been waiting on the bond from Elmer's and a few other things. Everything is in place and John Devosa is ready to issue the connections. Residents already have contractors in line for hooking up to this. I would at this time entertain a motion to approve the Maple Terrace waterline.

Moved by Wunsch to approve the Maple Terrace Water Line Connection, seconded by Wahl.

**c. Approve the Traverse City Track Club Grant Agreement**

**Lisa Taylor, Executive Director for the Traverse City Track Club.** In 2002, the Bayshore Marathon became a profitable event they have been working on creating a charitable gifts program in 2010 that program became official. Every spring and fall we offer to the community the opportunity to apply for grant funds that are available all from proceeds that are generated from the Bayshore Marathon. This past spring Peninsula Township applied for a grant to help with the Bower's Harbor park expansion and our committee approved this request in its entirety for a \$25,000.00 grant. Lisa Taylor presented a check in the amount of \$25,000.00 to the Township and gave a report on the donations that have been made to various non-profit entities within Peninsula Township totally to date an amount of \$126,000.00; the majority of these donations have been given to the Old Mission Woman's club for their cookie sales.

Manigold accepted the check on behalf of Peninsula Township. There is an agreement attached.

Moved by Westphal to accept the \$25,000.00 grant, seconded by Wahl.

Roll Call: Manigold – Yes, Westphal – Yes, Achorn – Yes, Wunsch – Yes, Sanger – Yes,

Wahl – yes.,

Pass Unam

**d. Small Wine Makers presentation(Township Attorney Meihn)**

**Meihn** gave a presentation on small wine maker's license. We are going to compare wine making to small wine making. The process that we are going to talk about are the local zoning requirements and the local county agencies that are involved. There are State and Federal guidelines which are required to follow throughout the process. Legal entity needs to be created by the individual wishing to make wine. Michigan shipper's license is available and a separate food license can be sought.

Power point presentation was not available on screen due to Township's laptop failure. The power point will be available on the Township's website for parties interested in reading the packet of information.

**Wunsch;** from a local zoning stand point if we are looking at doing the manufacturing side only without retail or some other component of the wine making business how would this fit into our existing ordinance?

**Meihn;** There are certain ordinances which were created for a new category of a winery through a SUP process. There is a lot of discretion in order to be able to do that. Need to keep in mind

fair treatment. Ordinance does allow for this to be done but some things would need to be worked out with regard to the planning like land size and product.

**Wunsch;** was looking at the AG portion of the zoning for various topics with the PC wanted to know if this would fall under the food processing section of the ordinance.

**Meihn;** it should fall under that category however the ordinance is so vague at this point it would have to be put in the proper spot of the ordinance. Spoke of the manufacturing vs final product and whether that limited part of a facility. This is why the topic needs to be discussed further.

#### **e. Current Status of the McKenna Contract (Mielnik)**

**Manigold;** Current status of the McKenna Contract which is the contract with the Townships Zoning Ordinance.

**Meilken;** Available in your packets is the proposed addendum from McKenna which is something we have been working on for the past week or so. It describes in detail the original contract and the steps that have been taken in the past few years which are described in the first two pages. What is significant is on the last page which outline the proposed steps forward. Originally the work was to only take a year but it has taken much longer than that due to staff changes which is not unusual in this kind of work where you have many people trying to deal with a complex document. We essentially have a contract that we need to get some closure on so the result here is from some of the conversations that Mielnik and others have had with Patrick Sloan of McKenna. That brings us to having one more review and version of a draft and our ability to have them look at this a final deliverable product that we are calling draft four. We were careful to make sure that these deliverables include the word document as well as the computer files which are necessary to allow us the ability to work on this ourselves and the instructions on how the code is constructed. The proposed addendum does allow us the opportunity to have McKenna attend future meetings if we find a need for that, which brings us to a point of having closure on this work provided by them. The question of how the document is then presented to the public and the process that we will need to go through to then inform the public regarding the contents is something that has not been discussed yet at this point. We are still trying to get through this first version to make sure it is something that is presentable and people understand internally the language and content of the information before it is provided externally to the public.

**Wunsch;** What are your thoughts on the final deliverables and the zoning ordinance completion tasks. Are you comfortable with the remaining steps that we have from your stand point on working as the new Planner here?

**Mielnik;** Being fairly new here I have only seen versions but have looked at earlier copies of the documents. I know that new material was just given to McKenna by the re-write committee and we are looking forward to receiving that draft that contains all the current thinking of where the version is at this point. We will then be able to review this to come up with the fourth draft which

gives us the opportunity to see how this might or might not be changed in order to be presented to the public.

**Manigold;** So when McKenna comes we should have a joint meeting with the Planning Commission and the Township Board for the first presentation to see if everyone is on board with the contents and if not we can decide how to proceed.

**Mielnik;** The current version described here states McKenna would not be at another meeting with Peninsula Township unless we authorize for this.

**Manigold;** An additional cost is outlined in this information.

**Wunsch;** So we would have the re-write committee or someone else that has been working on this present it to us with your guidance?

**Mielnik;** Correct.

**Wunsch;** You have done this before correct?

**Mielnik;** Yes, I have been the Patrick Sloan in this equation before.

**Manigold;** I think it is important once we receive the next one that we have a joint meeting and to agree that we are all on the same page.

**Achorn;** We have seen nothing yet so I think that much work needs to be done in work sessions just to go through each page to see what is going on. Is this version going to contain the hyperlinks included in it?

**Mielnik;** That is what is called for in the document to have the hyperlinks as well as the styles that is why in the instruction document in the final deliverables it specifically calls for that.

**Achorn;** I think we are far from a joint meeting to discuss are we going to pass this or not, not seeing anything.

**Mielnik;** Absolutely.

**Manigold;** We are a long way from passing this. These are ideas that will have to be looked at and gone through. We are getting a document with all the concerns and there is nothing in concrete right now.

**Mielnik;** All of the material is being worked through with the Planning Commission and the re-write committee it is contained in this version.

**Wunsch;** The joint meeting would be for an introduction to this and not a conclusion.

**Manigold;** Yes, no conclusion clearly at this point and it definitely needs to go before the public to see if we are on the right track with this, and we also need to have the survey work which will help guide us in that.

**Mielnik;** In addition a legal review will need to be done.

**Sanger;** I would like to follow up to where I believe Marge is going. I am not aware of the original contract so my question is have they delivered their deliverables that they promised us. It looks to me like they are pulling the plug. I am concerned that \$950.00 could be eaten up very quickly. I would like to suggest that we find out if from the original contract that they have delivered to us what was promised.

**Mielnik;** There have been a number of versions of the document that have been produced to the Planning Commission and re-write committee the last of which was November of 2017.

**Wunsch;** Yes, that sounds right. I would say that there has been some pretty significant deviation from the original contract a lot of in person meetings with the consultant in the original contract that were paired down to phone meetings or situations where McKenna was available. If we wanted to push back and negotiate for more it might be reasonable to do that. We would need to review what was actually done but if memory serves me correctly then the last two to two and half years we have given them a pass on a lot of personal touch which were originally specified in the contract.

**Mielnik;** Just to be clear the \$950.00 was in their original proposal so this is not a new number that has come up.

**Manigold;** None of us were here then this happened in 2016, there were significant meetings and for some reason the Township paid them up front to my understanding so they have already been pre-paid so I look at this as we are lucky to get anything at this point.

**Sanger;** That was my thought and I appreciate the fact that this board inherited this and I am not sure if this was a good deal for the Township or for the Consultant. I just want to make sure that for the \$29,000.00 that has been spent that we have something that is meritable for the expenditure. I am concerned that it looks to me that they want to call a truths and that is okay as long as we feel that they have lived up to their end of the bargain. I express my concern about having them come in for a meeting which will cost almost a \$1,000.00, that is a lot of money I would suggest that it should be some sort of time and material that is justified.

**Achorn;** As a follow up to Dave I would suggest that perhaps Greg should review the original contract and compare it to this document and give us his opinion.

**Meihn;** Yes, I am looking at the letter again my concern is how long it has taken and many things have become stale so you are almost doing a new re-write. I do have the same concerns so I will get that to you in a few days in my report.

**Westphal;** We can't make a decision on the quality of the drafts that we will be getting until we see the drafts we are entitled to. Then you will have a sense of whether or not McKenna has lived up to its side of the agreement and the quality of the work that the Planning Commission special sub-committee has contributed to in the formulation of this document. I have a lot of confidence that you are going to be pleasantly surprised at the quality of the document the

illustrations and the hyperlinks as a part of it. I will be very surprised if you do not go away from this situation saying we had a bargain for what they helped us produce. It has taken a lot of effort on the part of the Planning Commission sub-committee and McKenna to take on a project like this at \$29,000.00.

**Mielnik;** Being on the other side of this equation before I do not have any reason to believe that McKenna is not going to do a great job on this. The emails and material I have looked at shows that they have been moving along with the committee. We have had staff turnover and the process that goes out last much longer than proposed, which does happen, it is just part of the nature of saying that we can do this in 10 meetings. The statement was made without knowing a lot about the client or knowing the dynamics of the community or the structure of the code. So you are walking into something that is unknown.

**Wunsch;** In McKenna's defense it is worth pointing out that the first crack that we had them take at this project had a very different set of goals. There is a significant change in the political direction of the Township and orientation of our Planning staff and Legal Counsel during the course of this contract. I was on the Planning Commission prior to being elected to the board I saw staff and board leadership pushing us in a very different direction than the one that we have ended up with. It was initially pitched as a minor revision of the zoning ordinance intended to clean up some small policy issues and the goals were substantially different from the goals that they are seeking to help us achieve at this point.

**Manigold;** We will review the contract and then get a recommendation from Greg and then we will consider the options at a later time.

**Westphal;** I have seen the products that they have generated most recently in March when they were here for the MTA and I have got to tell you that they are high quality products and I would be flabbergasted if we did not get a really good product out of these guys.

## **9. Citizen Comments**

**Nancy Heller, 3091 Blue Water Rd., Traverse City, MI 49686;** I am requesting that all applicants be treated equally regarding the signage. The norm is that if you are non-compliance and the non-compliance issue is removed so if you are going to allow this then the next applicant that ask this of you should be treated equally. The next question is regarding the employee manual is this a draft or when will your staff be receiving this?

**Manigold;** The process right now, will be discussed under board comments, we will be having a personal meeting as soon as everyone can clarify their schedules with Greg. We have some personnel issues. What Joanne has prepared is the old personnel policy and Greg has put in some substantial hours reviewing it along with the HR person has added some things. This is the first that we have seen it, it is a preliminary draft. We are just starting the process. Asked Meihn if they could go into closed session to discuss the personnel policy.

**Meihn;** No.

**Manigold;** So this will be open to the public.

**Heller;** Will it be online for review as a draft to the public?

**Manigold;** It just got printed today so it is not available yet for the public.

**Heller;** I am aware of that, before your meeting?

**Westphal;** MTA informed her that the Board has the right to work through the preliminary draft for discussion before they put out the draft that goes before the public.

**Heller;** The public is not bared from your special meeting?

**Manigold;** If there are personnel issues it will be that will be in closed session when you deal with people's health and different things.

**Heller;** Thank you.

**Manigold;** We do need to set that date as we would like to get on your availability as well Greg and Warren, we will do an evening meeting or a morning if we can make it work but we need to get in within this next week though. Everything is in the packets so that everyone can review what we used to have and what is being proposed.

#### **10. Board Comments**

**Manigold;** Announced that the meeting with the DNR regarding Kelly Park was coming up on August 23, 2018, they are going to talk about the moorings place and what will happen there.

**Westphal;** Wanted to talk about the Personnel Policy handbook, this particular handbook represents literally a year and a half of work, and hundreds of hours invested in updating the prior personnel policy handbook which was written in 2009. It contained minor revisions in 2012 and again in 2014, because of the changes that are occurring in the workplace it was thought by our Human Resource Attorneys, Steve Swartz and Chelsey Letts, from Keller Tomma, that it was time to update it because of the complexity of new Federal and State laws that were in place and putting pressures on local government to comply. So when we started the effort we started with a set of consultants. We started with Terry McDermitt who is a resident of Peninsula Township, but a former TCAPS Human Resource Advisor and Nicole Rodrigues who is a service provider for Peterson, McGregor these two individuals looked at the original Personnel Policy Handbook and then offered advice on issue effecting Human Resource Management today. Peterson, McGregor provided boiler plate on a number of issues that were not in the existing handbook. We began to revise the existing Personnel Policy Handbook to incorporate those things, we also had Greg come in after Chelsey and I had worked on this to its final state Greg provided formatting and attractive headers. I sent it back to Chelsey to make sure the content had one last look. What you are seeing today is the current Personnel Policy Handbook that we are operating under today, which is fairly short. Chelsey provided key points which are for discussion and where the major changes have

come into the Personnel Policy Handbook. The next tab will have the proposed new handbook which has Mr. Meihn's formatting and recommendations for content and Keller Tomma's final revised content. Lastly we have Greg's suggestions as he saw fit, what you will see is what he incorporated into the proposed handbook that is labeled. We provided some of the supplemental materials that we thought had been lacking in the Township, things like compliance acts and other things that the Federal Government now requires as well as needed forms and other considerations. Including our ethics policy and our rules and procedures policy, which I am not sure all of know what that is. It is time to review that stuff and understand as the Township Board that this is a very serious document that we need to spend time and engage ourselves in because of the economic projections that can result from the benefits that are profiled in the pages that are a part of this Personnel Handbook. I had personnel from Baracata and Bishop help me project what some of these cost would be in terms of our health insurance, pension program and other benefits that our staff and fire department currently enjoy. I have been told that we have very generous benefits and we have faced a 13.5% increase in our health insurance this year so as I was working on this handbook I was looking for ways that we might adjust some of the other benefits that in the past may have given staff to begin to look at how we can address this. What is proposed in this handbook is a two tier system, we have existing excellent staff, we do not want to threaten them by changes in their benefits or things that have been promised to them, but I think that we need to draw the line somewhere with new staff coming in. There have been recommendations in the book that really for us the key discussion points. I am just putting this out, but you guys have to decide what you want to make a commitment to and whether or not we can continue to afford to do some of the packages that we have given to people in the past. Once this is past I am proposing the two tier system goes into effect with a reduction in some of the benefits that we have for our existing staff not to threaten at all our existing staff who would be grandfathered in rather to say to the residents we recognize the cost of these benefits we need to contain them and this is how we are proposing to do that. Whether we do this or not is up to you, I am just saying that is one option that we could look at based on what we were seeing in the projections given by Barcata and Bishop. That is a lot of information in a nut shell; it is profiled on the cover page in a letter from me to the Board. This is ready for us to engage ourselves in and to talk about what is significant to us as a Township in terms of maintaining high quality staffing but also in establishing policy in the future.

**Manigold;** So it is very important to get that date in to start this procedure, we need a full board in order to accomplish this. One of the things we are going to talk about is making the full board the Personnel Committee as we go through these things instead of three of us making decisions in the office. Please get those dates to us.

Achorn; You mentioned that the DNR meeting was coming up. I received an email regarding Kelley Park problems with boaters causing problems.

**Manigold;** We are going to discuss that with the DNR and the Officer has also been involved.

**Achorn;** The other issue is with the congestion at Hasserot Beach.

**Manigold;** It is terrible down there, I don't know how to say it other than 10 lbs. of flour in a 5 lbs. bag, that is what it looks like. Everyone wants to be on the beach but the people that live around there have strong ties and consider it their beach and now all these people are coming there from all over the Peninsula or TC to enjoy it as well. We do have some parking conflicts and boating issues.

**Meihn;** What I would suggest is that Mr. Sanger and I provide the board with a report regarding those two issues and what the Township is able to do to help out to help lessen those issues. That way the citizens feel herd and the group feels herd and that we take action so that if there is an injury that we have done all that we can to enforce safety.

**Manigold;** We have had some good conversations with the DNR even today so we will be going to that meeting.

**Wunsch;** Suggest that they coordinate schedules before adjournment.

Agreement that a meeting would be held on Tuesday, August 21, 2018 at 7:00 p.m.

## 11. Adjournment

Motion by Wunsch to adjourn, seconded by Wahl.

Pass Unam

Adjournment: 8:26 p.m.