

PENINSULA TOWNSHIP  
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**Regular Town Board Meeting  
August 28, 2018, 7:00 pm  
Peninsula Town Hall  
Meeting Minutes**

1. **Call to Order** at 7:00 p.m. by Supervisor Manigold
2. **Pledge**
3. **Roll Call** Present: Sanger, Wahl, Bickle, Manigold, Westphal, Achorn, Wunsch  
Also present: Randy Mielnik, Planner and Greg Meihn, Township Attorney, Gordon Hayward, Assistant Planner, Fred Gilstorff, Fire Chief, Christina Deeren, Director of Zoning
4. **Citizen Comments for items not on the agenda**  
**Kurt Peterson, 1365 Buchan Dr., Traverse City, MI 49686;** We have been asked to support the Iron Man Tiratholan next August. Mr. Peterson expressed his support of this request. There is a letter in the packet from a resident that does not feel this is appropriate for the Township to support. This is a great event for our Peninsula because it is an event that is not about beer or wine rather about healthy family recreation, kids, men and woman of all ages. It is something that show cases our Township and people that are respectful of the environment. They are honest and dependable people. Our Township is expanding about 1.2% per year. We get about 62 new people moving to the Township every year. These are the kinds of people we want to move to our Township.
5. **Approve Agenda**  
Manigold; Any further changes or additions to this evening's agenda?  
Moved by Achorn to approve the agenda as provided, seconded by Bickle.  

**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—August 14, 2018 Regular TB meeting 7pm (Not in packet)
  - b. Reports and announcements (as provided in packet)
    1. Officers
      - a. Clerk-Preliminary Draft Proposal for the Personnel Policy Handbook is on the Township website\*
    2. Staff
      - a. Enforcement Code Officer: July Report (Sanger)
      - b. Fire Chief – Open House Announcement (Gilstorff)
      - c. Assessor-State Audit Recognition of Excellence Letter
  - c. Correspondence
  - d. List of Invoices (recommended approval): additional invoice for Business Item #8 in packet addition

**Achorn**; The minutes are not in the packet from the August 14, 2018 Township Board Meeting.  
**Westphal**; The minutes are missing from the packet.  
**Manigold**; The minutes will be in the next packet JoAnne?  
**Westpahl**; Yes.

Motion to approve the Consent Agenda as amended by Wunsch, seconded by Bickle.

Roll Call; Wahli – yes, Bickle – yes, Manigold – yes, Westphal – yes, Achorn – yes, Wusch – yes, Sanger – yes.

Yes – 7      No-0

**Pass Unam**

**Business**

**a. Approve purchase of new computer equipment for Planner and Zoning**

**Bickle**; This is just a formality this is something that was budgeted with our prior Planner and Christina so that is why we amended the packet as this will allow them to be much more efficient with their work duties so I recommend that the Board approve what is being proposed here.

Moved by Westphal to approve new computer equipment for the Planner and Zoning Administrator, seconded by Bickle.

Roll Call; Manigold – yes, Bickle – yes, Wahl –yes, Sanger – yes, Wunsch – yes, Achorn – yes, Westphal - yes

Yes – 7      No - 0

**Pass Unam**

**b. Approve Fire Department Application and Plan for ALS upgrade (Gilstorff)**

**Fred Gilstorff, Fire Chief**; First I would like to say good job to my guys that responded to over 30 runs for trees last night. They worked very hard to clear runs and passages to keep the Township residents safe. We are going after the ALS so right now I am in the process of getting a packet together to send to the State for approval. This is a conditional approval which is under the Bennett Bill which typically allows us to upgrade our services from basic life support to advance life support depending on the staffing that we have for the day. We will always have an ambulance available it will just depend on the staffing on whether we have a paramedic or basic EMT which will determine which type of service we provide that day. Part of the application process is a letter from the Township Board backing the plan. You have the letter that I am planning on sending to the State in your packet. There are three phases to this which is on the second page. The front page outlines the requirements that are posted in the application that we have to fulfill. The plan is to obtain the licensure, schedule our paramedics appropriately which we already have them. The three that we have just hired are on different shifts so we have them covering each day. Eventually working towards 24/7 coverage. The reason we are going under the Bennett Bill is because I think we have enough paramedics right now with seven of us but there could be a gap. In order to alleviate getting into trouble with the State and

not complying with their rules we need to go under the Bennett Bill initially. As you will see in the second part of the process we will look to hire more people and bring in more part-time paramedics in order to facilitate our ability to have a paramedic every day, 365 days a year 24 hours a day, once we do that we will reapply with the State to go full blown ALS. The Bennett Bill only allows a two year window we can reapply after two years if we have not fulfilled the staffing requirements. I firmly believe that if we go through this process and we add the two to three full time paramedics by April of the next budget that we will have no problem applying for ALS status. What I am asking for tonight is for the Board to support the plan. This is a requirement for the application process.

**Moved by Wunsch to approve, seconded by Westphal.**

**Pass Unam**

**Gilstorff;** Also wanted to mention that the paperwork that is being turned in a meeting on September 21<sup>st</sup> if this is approved a State Inspector will come out. Our trucks will be already for this inspection once this is complete we will be ready to go. You also had in your packet an approval for a sprinkler system for Station #2 which is a requirement for people to be in the building 24/7 right now the building is not to code to allow for this. We currently keep people in the building until 11:00 pm. I am working towards the process of getting the sprinkler system in there and bringing everything up to code so that there are no issues. There have been some things that have come up which will need additional quotes and cost for so I can present a total package to the Board. This has to be a monitored system so it requires a fire alarm and hard wired smoke detectors for the safety of the staff. This is all part of the code so we will be moving forward with all of that as well. I do not have a time frame on this but we are moving towards it.

**Manigold;** I do think it is important that when we have people in their 24/7 that by Construction Code we do have to have thicker walls and some other conditions like the sprinkler system put in. Since we do have City water there the sprinkler system does make sense. We also have to have a security system monitor and we are going to hard wire in the smoke detector system.

**Gilstorff;** Once we have all of this done we will be good to go. As you know the building was not set up to occupy this way so we do have to follow the codes to make sure we are providing a safe place for the Firefighters. We do currently have our staff down there for 16 hours a day, from 7 am until 11 pm. Gilstorff has already seen a reduction in response time of approximately 45 seconds. We are already beginning to trim the 9 minute response time that he previously mentioned in prior meeting. Once staff is there continuously this time will only decrease. Just to mention publicly our Open House on September 8<sup>th</sup>, from 10-2, we will have lots of things to do including a blood bank for anyone wanting to donate blood. It will be a good time for people to come in and see what has been done with this Fire Station. The guys have been working hard.

- c. Approve Resolution pertaining to new Sanitary Septic System for Lots 1-5 Mari Vineyard Residence and Surrounding Properties.**

**Manigold;** This project was already passed before we took office. There was only one more item that needed to be approved and that was with the cluster sewer system as a Township we do not want to take over this but by law the State ask if we want to take it and maintain it or give it to the Developer and owners. Obviously we would want the owners to take responsibility we were waiting on one document which was reviewed by Jennifer Hodges, GFA to approve along with Greg for approval. There is a Resolution in the packet if anyone has any questions.

Moved by Wunsch to approve the Resolution to allow Mari Vineyards property association control of their septic system, seconded by Wahl.

Roll Call; Achorn – yes, Westphal – yes, Manigold – yes, Bickle – yes, Wahl –yes, Sanger –yes, Wunsch – yes. **Pass Unam**

**d. Approve use of Cable Funds for required match to the TC track Grant (Manigold)**

**Manigold;** If you recall we received the \$25,000.00 grant to help with the trail system at Bower’s Harbor Park when we applied for this we initially thought this could be a match for the Trust Fund grant but because of the terms of the contract we also have to match the \$25,000.00. When Gordon applied for the grant we had a trail system from the parking lot up into Bower’s Harbor Park, we approved everything but we did not transfer the money so Marge flagged it and the Treasurer’s Office stated that we would take it out of the Enterprise Fund (Cable) to match that grant.

**Wunsch;** Has no objections to the proposal that the Treasurer and Deputy Treasurer are supportive.

**Bickle;** We are supportive.

Motion by Wunsch to transfer \$25,000.00 from the Enterprise Fund (Cable) to match, seconded by Wahl.

Roll Call; Bickle – yes, Wunsch – yes, Manigold – yes, Wahl – yes, Sanger – yes, Westphal – yes, Achorn – yes.

Yes – 7          No-0          **Pass Unam**

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

**Mielnik;** If you recall in the last meeting this item was brought up and it was suggested that a review for additional information as to how we got to the point where we are at. We did receive this afternoon a draft, a third draft from McKenna. What we need to do going forward is to have this go back to the rewrite committee to have them essentially ensure that everything that was provided to McKenna is in this third draft. Then we can move on with a final deliverable product that will include a new PDF version as well as word version so we can do our own edits to move this forward. There is also another issue in regard to the zoning map some changes will need to be made to the map.

**Manigold;** I think that once the rewrite committee takes another look at this then we would have a joint meeting with the Planning Commission and the Township Board. Randy you are now in charge of this whole thing in dealing with McKenna and Patrick Sloan. You are the guy in charge so please work with Isaiah and the Planning Commission and us to let us know when you are ready to have that joint meeting.

**f. Approve contract for the annual monitoring of PDR properties (Manigold)**

**Manigold;** Our PDR Conservation Easements we have a few American Farmland Trust, State and Conservancy that we monitor last year we agreed to allow Christina and Sally to visit those sites and monitor. They then fill out the reports for these properties. Some of the reports need to be in rather quickly. I think the American Farmland Trust is the one, but it could be a different easement that I am thinking of. They are willing to do this again this year at the same price, the same proposal that is in front of us. It is up to the Board as to what do you want to do?

**Westphal;** I think that this proposal is for about \$5,000.00, and I have some concerns with it because at that amount we really should be getting three bids out. Anything over a \$1,000.00, we also have a situation where we just hired a person part-time, Scott Rokos, to assist the Assessor in doing field work because she is overloaded. And now we are going to award a contract to the Assessor to do more work. I have a problem with that because that does not seem to make logical sense. The other side of the coin is that we have the second person involved with this proposal has just come off of a serious injury. Do we really want that individual to be out in the field by herself monitoring these sites. I find that might not be the most prudent thing to do as well so it might be appropriate thing for us to do this year to advertise this and put this out for bids. So that we are not putting undo pressure on our Assessor for time limitations and for health reasons our Zoning Administrator.

**Manigold;** We did go through this process before and the only other people that were actually qualified to review these easements were from Grand Traverse Land Conservancy and they do Acmes. The price that they were charging was almost double to three times but if it is the feeling of the Board, but we will have to move on this relatively quickly. Some of those have to be in before the end of the year not like ours, but some at the beginning. Christina is here and she could talk about her physical ability. What we did is major upgrades for Sally and that is why we hired that extra person and gave him some contractual responsibilities.

**Bickle;** I think what JoAnne said has some wisdom to it from the standpoint that we know we have is a capacity issue. I think that maybe we need to take a little extra time sorry to say to study the capacity issue we have. If the solution is to have other entities provide bids than that is it. Or we find a way to alleviate the concern about our capacity issues then that is fine as well.

**Manigold;** Here is what is going to happen the guy is going to come in and he is going to go into her office (Zoning Administrator), and Sally's and waste their time doing that work. I would entertain a motion for the Clerk to go out for bids then we can come back and make a decision.

**Wunsch;** I have a different idea. I would recommend that the Board approve that the Personnel Committee talk to staff and if we can manage the time constraints and the injury. I would move that we approve with conditional with approval of the Personnel Committee.

**Westphal;** You are the Personnel Committee now.

**Manigold;** The entire Board is the Personnel Committee.

**Wunsch;** You guys have a lot more insight into how the office operates on a day to day basis.

**Wahl;** I like the idea of a conditional approval, I am also not opposed to seeing other bids to see if they change but we do need to do this quickly.

**Manigold;** That is why I think it would be appropriate to put this out for bids.

**Wunsch;** I just do not want to delay the process.

**Manigold;** Chips fall where they do.

**Westphal;** I also think that in the interest in protecting Christina that she has a release that allows her to be fully involved in her work. Right now we only have a partial from her physician for partial days' work. I think that you really need to be considerate and protective of her in terms of sending her out in the field and she will be by herself. Yes, she will have a cell phone but she just sustained a serious injury and I think that we really need to pay attention to that.

**Manigold;** We can get into that but she goes out every day in the field and does that but let's get a motion to authorize the Clerk to go out for bids.

**Achorn;** How long will this process take?

**Manigold;** I would say we have to do this in a couple of weeks. I know that there is one early one.

**Westphal;** October 1<sup>st</sup>.

**Wunsch;** I recommend that we go through this process, Grand Traverse Regional Land Conservancy to get a second bid and let's see what they can do for us. I know that the cost is higher but from the standpoint of a land owner and resident they maybe all working for the same team.

**Meihn;** Can I just say from the sidelines that my concern is the timing, the approval and then the work. I know that Mr. Supervisor has indicated that things will fall where they fall I am not so sure that is comfort so I would just like to throw out there a form of what Ishaia indicated which would be to form a committee of three people. Those three people would interview the two individuals to find out if they can do the job. Temporarily approve the \$5,000.00 to do that and if they determine that they are not able to do that then it goes out for bids. It at least gives you the flexibility to get moving on this yet this week.

**Manigold;** With all due respect, the last time we bid this the Conservancy was the only one and I think their bid was three times that.

**Meihn;** I am just saying that you give three people and form a committee. Make a motion to form that committee. You contingently approve the \$5,000.00, to be used for the two people and that committee would make the determination that the two people can do that job and are ready and willing. If they are not then that committee goes directly to the Clerk to go out to get bids. At least you get the best of both worlds and you get the opportunity to get it resolved this week as opposed to waiting two weeks for bids and deciding how that goes.

**Maigold;** With all due respect, I think that we will go out for bids. Put it in the paper and then we will make a decision at the next Township Board meeting.

Moved by Wahl for the Clerk to advertise the PDR monitoring in the next two weeks, seconded by Bickle.

**Pass Unam**

**g. Set next study date to review Personnel Policy Handbook**

**Manigold;** We would like to set a date that we all can meet. We have given this to all of the employees and invite everyone in to that meeting time to sit down and reviewing this so if we have objections how do we deal with them so at the end of the day the Township Board will have to make a decision on this. We just need to find out where everyone is coming from.

Board consensus to meet on Tuesday, September 4, 2018 at 7 p.m.

**h. Update lawsuits, Bowers Harbor Vineyards, Personnel Issues (closed session)**

Moved by Wunsch to go into Closed Session, seconded by Sanger.

**Pass Unam**

**CLOSED SESSION** – Minutes taken by JoAnne Westphal, Clerk

**Manigold;** Request a motion to go back into open session.

Moved by Wahl to go back into open public session, seconded by Wunsch.

Roll Call; Wunsch – yes, Achorn – yes, Westphal – yes, Manigold – yes, Bickle – yes, Wahl – yes, Sanger – yes.

Yes – 7 No-0

**Pass Unam**

**Manigold;** Next Tuesday, September 4, 2018, set for Special Township Workshop. Coming out of closed session are there any motions? If you are ready to talk about Bower's Harbor then I do have a conflict of interest so I would asked to be removed.

Moved by Wahl to recused Supervisor Manigold during business with Bower's Harbor Vineyards, seconded by Wunsch.

**Pass Unam**

**Westphal;** is there a motion for the Bower's Harbor Vineyards moratorium?

**Sanger;** I do not have a copy of the motion from the July 24, 2018 meeting.

**Achorn;** it would be the same motion as the last time with a change of the dates.

**Sanger;** Correct, yes. Can we amend that motion from July 24<sup>th</sup> and extend the date (SANGER READS THE MOTION FROM JULY 24<sup>TH</sup> W/ NEW DATE).

**Achorn;** I believe that there was another for hours of operation.

**Sanger;** you are correct.

**Achorn;** And in the evening.

**Sanger;** There were two additional ones Marge the statement that functions of wine tasting and dining vines would not be concurrent events, and the other one was for activities where wine tasting is the primary function of the event and are not allowed during the period. It was all a part of the motion that I submitted to the Clerk. The question that I would have JoAnne, is could we really amend that motion from the last meeting?

**Bickle;** I was able to bring it up Jo. Would it suffice to reread it and then we will have to insert the dates, does that sound reasonable to everybody?

Board agrees.

**Bickle;** Let the record show that the motion is to impose a moratorium starting August 28, 2018, and ending on midnight on September 29, 2018, an enforcement of zoning "To impose a moratorium, starting August 28, 2018, and ending at midnight on September 29, 2018, on enforcement of Zoning and SUP violations of Bowers Harbor Vineyard (BHV) use of its pavilion facility for "Dining in the Vines" dinner events. This moratorium is contingent upon compliance with the following conditions:

1. Certificate of Occupancy will be issued for the pavilion by applicable entities from Grand Traverse County within this period.
2. BHV is in full compliance with all other requirements of SUP 32, as amended in 2010.
3. Activities at BHV, wherein wine tasting is not the primary function, will not be held during the moratorium period.



4. Functions of wine tasting and Dining in the Vines are to be separate functions and will not be held concurrently.

At the end of the moratorium period, the Township Board will assess the progress of the aforementioned conditions and will make a decision on the continuation of the moratorium along with any appropriate actions at that time.

If any violations should arise at any time during the moratorium period, then the Township Board will convene at the earliest permissible day and time to review the violations and decide the next steps regarding the moratorium and/or actions to be taken at that time as necessitated by any such non-compliance or violations.”

Moved by Wunsch to approve the motion as presented by Treasurer Bickle, seconded by Sanger.

**Westphal**; Any discussion? I have a question. Has Bower’s Harbor Vineyard complied with all of the conditions under the Special Use Permit No. 32 as amended in 2010, Randy?

**Mielnik**; I can’t answer that.

**Bickle**; I think the only one that could cut out would be Greg Meihn but he left.

**Wahl**; To my knowledge Greg stated that they are not in any violations.

**Sanger**; I could tell you from the Enforcement position that there have been no violations. They are in compliance from what I can see on the calendar and monitoring their operation on a frequent basis.

**Westphal**; There are a considerable number of conditions under that SUP No. 32 as amended in 2010 at the time it was granted and that is what I am asking are they in compliance with those because that was a part of the agreement.

**Sanger**; To the best of my knowledge the area that they were not in compliance had to do with the requirement that the actual seating involved with the Dining in the Vines was between the vines. As you recall the tent was a problem and what they are doing again by this action is using the pavilion for the actual Dining in the Vines. The events where wine tasting was secondary, pints and pooches and yoga in the vines. On the calendar that had been going on to mid or late June. Now events are off the calendar and not being held.

**Westphal**; Is everyone satisfied with that?

Board agrees.

**Westphal**; Anyone call for questions?

**Wunsch**; There is a current motion still on the table.

Roll Call; Wunsch – yes, Achorn – yes, Westphal – No, Bickle – yes, Wahl – yes, Sanger – yes.

Yes – 5 No-1

**Passed 5-1**

**Westphal;** So a moratorium will be extended for another 31 days for Bower's Harbor Vineyards.

**Bickle;** Do we need to vote to bring back in Mr. Supervisor?

Moved by Bickle to have Supervisor, Rob Manigold return to the meeting, seconded by Wunsch.

**Pass Unam**

**Manigold;** Thank you all for sticking out the storm.

## **8. Citizen Comments**

**Nancy Heller, 3091 Blue Water Rd., Traverse City, MI 49686;** I would like to make a suggestion for your budgeting to install a generator in Station No. 2. If there is going to be the hurdles that you experienced tonight on monitoring the PDR then I would suggest that you put this on your calendars for June. So that there is appropriate time to make these decisions. I would ask the Supervisor to state who made the motion and seconded the motion, it is hard to tell hearing you all sound sort of similar, so I would appreciate that. Several months ago I asked for the payroll to be printed and nothing has been done. Prior to this new Township Board it came later but it was always printed and the public had access to it. Any personal things that the public is not privy to should be redacted. Thank you.

**Christina Deeren, 6591 E. Traverse Hwy, Traverse City, MI 49684;** I just want everyone to know that when Sally and I did the PDR stuff last year that was all on our own time. So we came in on Fridays, Saturdays and Sundays for monitoring. This was done outside of our working hours just so everyone knows that what we did and we did keep track of our hours so everyone knew it was not a conflict with our jobs here at the Township.

## **9. Board Comments**

**Mielnik;** I just wanted to mention a couple of points, there are some grant applications that will be due here shortly so I wanted to update the Board. One of these is with Net Works Northwest and that is due on September 10, 2018. We should apply to them for assistance with the community survey. The other is with the State of Michigan for a potential Forestry Grant and is due September 21, 2018. These are some opportunities for us to go out for.

**Manigold;** We do have a Board consensus too.

**Wunsch;** My only comment would be on the PDR monitoring the oversight vote that we took or similar issues if we are going to have contention or a little conversations on some of these issues where time is of the essence then I know in this case we probably need it but the more lead time that we have to evaluate these decisions and go through the process.

**Manigold;** We just happened to think about this the other day because one is coming up and then coming in to discuss the PDR.

**Wunsch;** I just think we need to hold ourselves accountable for penalties or problems.

**Wahl;** I do agree with that but I think if we would have had this conversation in June we would have already approved it and then the issues would have happened so we would still be in the same place. We can't for see injuries and stuff like that.

**11. Adjournment**

Motion to adjourn by Bickle, seconded by Sanger.

**Pass Unam**

Adjournment: 8:44 p.m.