

PENINSULA TOWNSHIP TOWN BOARD
Regular Meeting Minutes
October 11, 2016

Meeting called to order at 7:00 PM

PRESENT: Avery; Byron; Westphal; Weatherholt; Witkop; Rosi; Manigold- Chair. Also present were *Gordon Hayward*, Interim Director of Planning and Zoning; *Nicole Essad*, Township Attorney and *Mary Ann Abbott*, Recording Secretary

Agenda

Motion: Weatherholt/Witkop to accept the agenda.

PASSED UNAN

Citizen Comments

Nancy Kahn, address not given, commented on the lawsuit currently in litigation over the Correia Land Split, FOIA violation and open meeting act violations. To review it was a land division, which required a survey that required 20 acres. When she first came to the Town Board she thought someone would simply take a look at it. She urges the Township to talk to the attorney, talk to an independent attorney, as things are not getting any simpler. In the June depositions she urged the Township to talk with Bob Cooley and the Board about getting this resolved and was told that there was no interest in doing this. She again urges the Board to get this resolved in the interest of the Township.

Nancy R. Heller, 3091 Blue Water Road is wondering when the advertisement for the Director of Planning and Zoning is going to get published. **Manigold** they were going to talk about this tonight under Board Comments. She also urges the Board to not get financially involved in any more projects until we get what we own up to good repair- Fire Department, playground equipment, public bathrooms, refrigerator.

Vicki Shurly, 1196 Lin Dale Drive at the request of the Board of Directors of the Peninsula Community Library was asked to read an email that had been sent out to 650 database members concerning the proposal to build a new Peninsula Community Library on the property that is currently owned on the corner of Center Road and Island View in Peninsula Township. Details of this email can be received by contacting Ms. Shurly at the Peninsula Community Library.

Marc McKellar, Grand Traverse Road Commission presented a brochure that reviewed what was done with the millage revenue over the past three years as well as the 2015 road millage ballot proposal. Brochures were available to the public and the Mr. McKellar would be available for questions. **Manigold** questioned with the proposed Tar and Chipping will there be tree removal. If so the Township needs to know that.

Conflict of Interest

Manigold states that he sells grapes to one of the wineries on the agenda.

Consent Agenda

Byron asked for clarification of the Motion in the minutes of September 27, 2016 Item #4. Witkop asked to be removed from the vote because it was a Fire Department issue.

MOTION: Witkop/Avery to approve the Consent Agenda as amended.

Roll Call Vote: Avery -Yes; Byron-Yes; Westphal-Yes; Weatherholt-Yes; Witkop-Yes; Rosi-Yes; Manigold -Yes

PASSED UNAN

Township Board Business

A. Old Business:

Escrow Accounts-Proposed Developments

Hayward Amendment 190 is the latest action that the Township has taken concerning this issue. **Westphal** can this be applied to 81 and the Vineyards. **Avery** prefers Bonding and likes the security of a Bond. **Witkop** this should not be on the taxpayers back. Would like to see the status of this so we know where we stand. Consensus of the Board is to have the Township attorney opinion on this at the next Town Board Meeting.

Bonobo Winery Compliance

Manigold last month there were issues and a motion to start enforcement to enter and do a search. After the meeting representatives came and said they would like to work this out. Now they are 6 acres short and are ordering 6 acres of apple trees for cider. **Byron** totally opposed to it. It is four years that they are out of compliance. **Rosi** Purpose is to keep in

agriculture. How can you just find 6 acres? Discussion occurred with applicant explaining the process of finding the property, planting pumpkins and his assumption those apples would now be okay. **Witkop** Rob, what are you looking for on this? Would be more comfortable about this if no extra permits and a watchful eye until in ground and properly planted. Tired of playing games. Would like to see a document that says what he is allowed to do and to not do until 100% in compliance. And no permits. **Westphal** when the board requested you come into compliance it was a bad time of the year so the pumpkin idea came up. You should have been moving into your long-term plan to get yourself into compliance. Introduction of a new crop suggests a poor organization mindset in terms of what you want to do with your winery. There is the suggestion that there are planned events at the winery. There is a reason for the board to be skeptical. **Manigold** They have offered their videotapes. The Attorney is on hold to get an Administrative Search Warrant along with experts from MSU to inspect the plantings. Attorney is also prepared to draft a document of what would be allowed with the current SUP and what is not allowed. There could be language in there which would allow for the plantings are not into the ground by 2018 then the SUP will be revoked. **Manigold** Bonobo came in and they thought they might own part of the Cherry orchard. The Zoning committee came up with the 5.9 acres missing. That is why they ordered apples trees. Then the trees were not available in 2017 but they are ordered. That is what we have been doing in our office. There is enough run around. **Rosi** is willing to hold for two weeks so they can get things complete or tidied up. **Manigold** What is the pleasure of the board. *Attorney* you can do an administrative warrant to determine if it is not in compliance. You would then write a ticket and a formal hearing in District Court. **Avery** you need to realize that the conversation with Rob is not an approval from the board.

MOTION: Witkop/Byron would move to table the continued investigation until the 25th of October to give us time to consider the proposal in front of us and give the Attorney/Zoning Administrator time to put together a clarification of what is allowed and what would be considered in the future. Looking for clear guidelines as to what Bonobo can do.

Attorney Administrative search warrant would be to get onto the property, inspect the areas planted and any other violations that would be occurring.

MOTION AMMENDED: Witkop/Bryon to continue to investigate the violation through the Administrative Search Warrant.
PASSED UNAN

Manigold If you would volunteer those videos from Saturday.

Braemar SAD - Tabled Pending Continuing Efforts to Resolve Grand Traverse County Road Concerns and Costs/Scope

MOTION: Byron/Witkop to table for another month.

PASSED UNAN

Update on PDR compliance hire

Manigold after concerns with the contract with Mr. Uithol his contract has been modified. He is about halfway done. All of the reports will be reviewed by Township staff.

B. New Business

Accept SAD Petitions - Logan Hills and Maple Terrace

Manigold We have petitions on this. *Sally Ackerly, Township Assessor* Residents in the affected area have been working to get petitions with 65% support. We will be moving forward with pricing and Public Hearing **Manigold** we will take all of the projects and have about 1.5 million in benefits to residents and hope to obtain Bonding to begin project in March. Petitions here are just for drainage. *Ackerly* Everyone will be responsible for his or her respective share. The cost sharing was always structured to be a partnership **Avery** the residents felt they could do a better job of controlling the standards then the government could.

MOTION: Witkop/Byron to approve the Resolution to receive petition for the Logan Hills and Maple Terrace Storm Water Special Assessment District, to declare intent to create Special Assessment District and to Schedule Public Hearing

Roll Call Vote: Avery -Yes; Byron-Yes; Westphal-Yes; Weatherholt-Yes; Witkop-Yes; Rosi-Yes; Manigold -Yes
PASSED UNAN

AMENDED MOTION: Witkop/Byron to amend Motion to include public hearing date to be held on January 10, 2017.

Roll Call Vote: Avery -Yes; Byron-Yes; Westphal-Yes; Weatherholt-Yes; Witkop-Yes; Rosi-Yes; Manigold -Yes
PASSED UNAN

Report on Special Discussion meeting Regarding Five Year Review of Master Plan (Gordon)

Hayward There is a committee of the Planning Commission and the proposal of how to proceed with re-write and McKenna

Use of state GAAMPs (Generally Accepted Agricultural Management Practices) legislation for resolving SUP 32 Bowers Harbor Vineyard seasonal issue

Manigold Reviewed by the State and asked for legal opinion which says that Road Side stands are seasonal which he believes trumps local zoning. Discussion by Board concerning GAAMPs and Road Side Stands. *Hayward* At the time that Bowers Harbor applied for their permit the only thing that allowed tasting was roadside seasonal stand. So that SUP was adopted. Later the township amended the ordinance and removed tasting from Road Side Stands. Further legislation for winery and Chateau's were developed. Marketing is controlled by GAAMP; the Township controls Structure. Suggestion by the attorney is that Zoning Ordinance should be revised to be in compliance with GAAMP.

Further discussion on GAAMPs and Right to Farm act and Local Zoning by the board.

MOTION: Byron/Witkop based on revised 2010 GAAMP regarding farm markets which includes fruit stands that the Peninsula Town Board approve the operation SUP 32Bower's Harbor winery from seasonal to year round use.

PASSED UNAN

MOTION: Byron/Witkop instructs Planning Commission to make a recommendation to revise the zoning ordinance to consider and incorporate 2010 GAAMPs to include road side stands.

Motion Withdrawn by Byron/Witkop

Reimbursement to Grand Traverse Regional Land Conservancy for Bowers Harbor Park Addition

Weatherholt GTRLC paid this upfront on our behalf.

MOTION: Byron/Witkop to approve the reimbursement of the Grand Traverse Regional Land Conservancy for the Bower's Harbor Park Addition in the amount for \$62,054.13.

Roll Call Vote: Avery -Yes; Byron-Yes; Westphal-Yes; Weatherholt-Yes; Witkop-Yes; Rosi-Yes; Manigold-Yes

PASSED UNAN

Employee health insurance policy for people over 65

Manigold the policy created reimbursed his insurance costs, which are cheaper, then adding those employees to our own insurance. **Byron** this was the intent when we did that. **Manigold** There is a motion but no policy in place so we are asking for a resolution.

MOTION: Weatherholt/ Byron move to approve the resolution for payment in lieu of health insurance.

Roll Call Vote: Avery -Yes; Byron-Yes; Westphal-Yes; Weatherholt-Yes; Witkop-Yes; Rosi-Yes; Manigold-Yes

PASSED UNAN

Approval for attaching delinquent sewer and water assessments to winter taxes

Manigold annual housekeeping item

MOTION: Witkop/Byron to allow the treasurer to put delinquent sewer and water payments on the winter tax bills

Roll Call Vote: Avery -Yes; Byron-Yes; Westphal-Yes; Weatherholt-Yes; Witkop-Yes; Rosi-Yes; Manigold-Yes

PASSED UNAN

Consider approval to purchase two special speed signs for use in the township

Consensus of the board to have the Supervisor to speak with the Deputy to use the sign that we currently have. Then we can see how effective the sign is.

Consider bids for HVAC replacement in fire stations

Rittenhouse, Acting Fire Chief spoke to the condition of the furnace and subsequent bids for replacement. Three bids were received. Recommendation is to accept bid from Sheren Plumbing and Heating.

MOTION: Avery/Witkop to accept the bid from Sheren Plumbing and Heating to work on all three units.

Roll Call Vote: Avery -Yes; Byron-Yes; Westphal-Yes; Weatherholt-Yes; Witkop-Yes; Rosi-Yes; Manigold-Yes

PASSED UNAN

Citizen Comments

Monnie Peters, 1425 Neahtawanta Road Just wanted to speak to Nicole (Township Attorney) about what is prepared to the group for the next meeting. It would be wise to go back to the ordinance so that Bonobo knows that he cannot just to come back for Guest Activities. Community wants the Board to hold the line. You absolutely need to be clear with him.

Mark Nadolski, 10 McKinley Road as President of Protect the Peninsula. Why can't Bonobo order grapes now and put them in. Why are we going through this? What does he want to be? What is the issue with not putting in vines?

Harold David Edmondson, 12414 Center Road speaks on Bonobo also. I planted the pumpkins for him and they did not grow. The Board is not doing what they should be doing. No confusion there. Todd has not complied. Bonobo and Bowers Harbor are doing all sorts of things they should not be doing. Guarantee that if you shut them down they will get into compliance.

Corey Phelps, 9877 Sunset West Old Mission Peninsula Education Foundation 501(c) 3 is up and running. Looking for support from the community. There was an offer presented today for \$750,000.00 in exchange for building, land and content as a school with TCAPS

Board Comments

Weatherholt Snowplowing bids for Township Properties and Fire Department separately. To be removed at one inch or more especially in front of the Township Hall. Consensus approval by Board

Meeting adjourned at 10:10 PM

Respectfully submitted by Mary Ann Abbott, Recording Secretary.