PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686
Ph: 231.223.7322 Fax: 231.223.7117
www.peninsulatownship.com

Town Board Meeting
November 22, 2016, 7:00 pm
Township Hall
Regular Meeting Agenda

1. **Call to Order**
2. **Pledge**
3. **Roll Call**
4. **Approve Agenda**
5. **Brief Citizen Comments – for items not on the Agenda**
6. **Conflict of Interest**
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.

   1. Reports and Announcements (as provided in packet)
      A. Officers—Clerk, Supervisor, Treasurer
      B. Departmental—Planning Commission, Zoning Board of Appeals, Attorney, Engineer, Library, Park Commission, and Township Deputy (recommend approval)
   2. Correspondence (as provided in packet)
   3. Edit lists of invoices (recommend approval)
   4. Meeting Minutes
      A. October 11, 2016 -- Regular Meeting
      B. October 25, 2016 – Regular Meeting
      C. November 10, 2016 -- (special meeting) (recommend approval)
8. **Business**
   A. Old Business
      1. Braemer SAD (tabled one month-Oct 11 mtg to resolve GTCRC conflicts, cost/scope).
      2. Bonobo (legal update)
      3. Escrow Accounts (legal update)
   B. New Business
      1. Selection of Town Board representatives to the Planning Commission, Zoning Board of Appeals
      2. Resolution-the Department of Public Works—Budget Amendment
      3. Appoint Deputy Treasurer
      4. Snow plow bids (Bickle)
      5. Consideration- re-advertise/re-interview for openings on the Planning Commission, Zoning Board of Appeals (based on the Town Board minutes of Aug 9, 2016) (Westphal)
      6. Resolution-approval of computerized tax roll for the Township (Bickle)
      7. Personnel/Staffing considerations (Westphal)
9. **Citizen Comments**
10. **Board Comments**
11. **Adjournment**

Peninsula Township has several portable hearing devices available for audience members. If you would like to use one, please ask the Clerk.

Peninsula COMMUNITY LIBRARY

NOVEMBER 2016 REPORT

Director's Report

Statistics for October

Circulation Oct. 2016 – 3165
Circulation Oct. 2015 – 3992
Outgoing Hold Transits – 836
Incoming Hold Transits – 199
Internet Users – 452 + 52 (TCAPS Units)
Reference Questions – 381
Special Requests – 22
New Card Registrations – 4 (Temp. 0)
Manual Checkouts - 63
Volunteer Hours – 32 Hours, 9 Volunteers
Garden Volunteers – 0 Hours, 0 Volunteers
Student Volunteers – 1.5 Hours, 3 Volunteers

October Activity Attendance
(673 @ 18 programs)

Teen Scavenger Hunt - 6
Table Crafts - 193
Pageturners Book Club – 16
Yoga - 46 (4 sessions)
Craft Night - 36
Reading Dog – 44 (4 session)
Author Chefalo – 33
Tech Help – 2
Pumpkin Walk - 230
Movie Morning - 1
Story Stew – 66 (2 sessions)

ODDS AND ENDS

Building Project – A community open house was held November 2. It was well attended and citizens have signed up for committees ranging from fundraising to landscaping to building advisory. A building steering committee consisting of board members, library director and community members will be appointed soon. A building fund has been set up and letters will go out to Old Mission residents this month. Several donations have already been received. A whiteboard with room for citizens to post their ideas for the new library has been put up in the library. The school's fifth graders made a booklet of their own wish list for a new building.

Rent – Both the TCAPS and PCL Boards have approved and signed a three year lease for the space PCL occupies in the school. The contract may be cancelled by either party if written notification of termination on June 30th is given by one party to the other party by March 15th.

Pumpkin Walk – Our annual Pumpkin Walk was a great success. The Haunted Room this year was actually the library itself and attendees loved it. About 230 people attended.

Thanksgiving – PCL will be closed Thanksgiving Day and Black Friday.

Just a reminder that when Traverse City Area Public Schools are closed due to weather, PCL is also closed.

YOUNG, GRAHAM, ELSENHEIMER & WENDLING, P.C.
Attorneys at Law
P.O. Box 398
Bellaire, MI 49615

(231) 533-8635

Invoice submitted to:
Peninsula Township
13235 Center Road
Traverse City, MI 49686

October 07, 2016

In Reference To: Telephone Retainer Quarterly Summary
Invoice # 19716

Professional Services

		Amount
	Miscellaneous/General	
7/11/2016	telephone call from Pete and Sally regarding township insurance coverage	NO CHARGE
7/27/2016	telephone call from Monica regarding procedural issues involving personnel	NO CHARGE
8/9/2016	review out of office notice from assessor	NO CHARGE
8/16/2016	received and reviewed email from township clerk regarding insurance coverage for prosecuting attorney's lawsuit; email to township clerk regarding authority to defend lawsuit	NO CHARGE
	telephone call from township clerk regarding insurance coverage for prosecuting attorney lawsuit	NO CHARGE
	received and reviewed additional email from township clerk regarding insurance coverage for prosecuting attorney lawsuit	NO CHARGE
	telephone call from Monica regarding upcoming meeting	NO CHARGE
	telephone call and email from Clare regarding FOIA request, respond	NO CHARGE
	email from Monica regarding insurance coverage on claim related to land division issue	NO CHARGE
	four emails from Susan regarding FOIA request; respond to same	NO CHARGE
8/17/2016	follow up from Susan regarding deposit request on FOIA, respond	NO CHARGE
8/18/2016	reviewed email from Susan regarding FOIA request and withdrawal	NO CHARGE

		Amount
8/22/2016	received and reviewed copy of email from township clerk regarding insurance coverage for prosecuting attorney lawsuit	NO CHARGE
8/30/2016	received and reviewed email from township clerk with letter from insurance regarding coverage for prosecuting attorney lawsuit	NO CHARGE
9/8/2016	telephone call from Dave regarding request for records	NO CHARGE
9/12/2016	email from Sally regarding lake access dispute and possible issue involving township regulations, respond	NO CHARGE
9/21/2016	received and reviewed email from township assessor regarding land division question; email to township assessor regarding matter; telephone call from township assessor regarding matter	NO CHARGE
9/29/2016	telephone call from Rob regarding health insurance and a board policy addressing those who are eligible for Medicare or employees and full time elected officials who opt out of township benefits	NO CHARGE
	SUBTOTAL:	[0.00]
	Park Commission	
8/17/2016	telephone call from Suzie Shipman concerning open meetings act question	NO CHARGE
	received and reviewed email from Suzie Shipman concerning meeting agenda; return telephone call to Suzie regarding matter	NO CHARGE
	SUBTOTAL:	[0.00]
	Special Assessment Districts	
7/5/2016	telephone call from Sally regarding Braemar special assessment district	NO CHARGE
	telephone call with Sally regarding easement for Braemar special assessment district over Old Mission Estates common area	NO CHARGE
	email from Sally regarding Logan Hills, Maple Terrace expenses	NO CHARGE
	reviewed revised language regarding Buchan and Soutear easements, respond	NO CHARGE
7/6/2016	telephone call from Sally regarding resolution for Braemar special assessment district hearing	NO CHARGE
	reviewed email from Sally regarding easements	NO CHARGE
7/11/2016	review and respond to numerous emails regarding issues and road commission responses regarding Braemar Estates; telephone call from Sally regarding same	NO CHARGE

		Amount
7/12/2016	reviewed public hearing notices from Sally, respond	NO CHARGE
	reviewed additional email from Sally regarding public hearing notice	NO CHARGE
	reviewed two emails from Sally regarding Inland Seas invoice	NO CHARGE
7/13/2016	telephone call with Sally regarding language changes and drafting Buchan's grant of easement with same language	NO CHARGE
	telephone call with Sally regarding legal descriptions for Old Mission Estates grant of easement	NO CHARGE
	email from Monica regarding Braemar easement update	NO CHARGE
	reviewed update Inland Seas bill, correspondence and allocation question from Sally	NO CHARGE
7/21/2016	multiple emails from Sally regarding Braemar question, Soutear easement, and county participation, respond	NO CHARGE
7/26/2016	telephone call with Sally regarding Mr. Conaway's phone number, and the Buchan's grant of easement	NO CHARGE
	telephone call to Sally regarding contact with Scott Conaway and Brian Boals; also to ask for bylaws of association to determine who is to sign the grant of easement and address	NO CHARGE
	call with Sally regarding Buchan grant of easement, road commission agreement review, and Soutear's signed grant of easement	NO CHARGE
	telephone call from Sally regarding status on Braemar	NO CHARGE
8/2/2016	phone call with Sally regarding continuing public hearing, Buchan easement, Soutear easement, and call with Scott Conaway	NO CHARGE
	phone call with Sally regarding new cost estimate, and continuing public hearing	NO CHARGE
8/3/2016	voicemail for Sally regarding public hearing language on agenda, and cost for new notice of public hearing	NO CHARGE
	phone call to Sally regarding how Mrs. Soutear received memo so quickly and to advise that she will no longer be helpful	NO CHARGE
	telephone call from Sally regarding Braemar issues	NO CHARGE
8/9/2016	reviewed email from Sally regarding needing documents by August 29 because she will be out of the office	NO CHARGE
8/11/2016	phone call with Sally regarding update for Old Mission Easement and publication of notice	NO CHARGE
8/22/2016	call to Sally regarding meeting tomorrow at 10 am; received text and email regarding same	NO CHARGE

		Amount
8/26/2016	telephone call with Sally regarding legal notice for publication for Braemar SAD	NO CHARGE
	telephone call with Sally regarding getting notice to paper on Monday for publication on Wednesday; getting information from Brian Boals; who will collect written objections when Sally is on Vacation	NO CHARGE
8/29/2016	telephone call from Sally regarding Braemar	NO CHARGE
8/30/2016	reviewed emails from assessor regarding special assessment district and public hearing; reviewed email from assessor regarding road commission suggestions and amendment to agreement between road commission and township	NO CHARGE
9/21/2016	telephone call to update regarding Braemar special assessment district and Maple Terrace/Logan Hills special assessment district - meeting tomorrow regarding same with township and residents	NO CHARGE
9/22/2016	received and reviewed email from Sally regarding special assessment districts and questions; replied to same	NO CHARGE
9/23/2016	received and reviewed email from Sally regarding Braemar special assessment district and road commission comments; received and reviewed email from Sally regarding Logan Hills special assessment district and Logan Hill common area ownership	NO CHARGE
	telephone call with Sally regarding Logan Hills common area and Braemar	NO CHARGE
	email to Sally regarding review of Logan Hills Deeds and Restrictive Covenants pursuant to phone conversation	NO CHARGE
9/26/2016	received and reviewed email from Sally regarding Logan Hills Association and signing the Petition; replied to same	NO CHARGE
9/27/2016	telephone call with Sally regarding Logan Hills and potential easement on Association property	NO CHARGE
	SUBTOTAL:	[0.00]
	Zoning matters	
7/5/2016	email and call from Michelle regarding possible Bonobo violation, review emailed photos	NO CHARGE
	reviewed two emails with images regarding planting of crops of lack thereof at Bonobo winery	NO CHARGE
7/6/2016	telephone call from Michelle regarding zoning matter	NO CHARGE
	reviewed email from Jim Young regarding items needed	NO CHARGE
7/7/2016	email from Michelle regarding The 81 plat, respond	NO CHARGE

		Amount
7/8/2016	reviewed email to Michelle from Jim Young regarding The 81 and paperwork required for planned unit development review	NO CHARGE
7/11/2016	telephone call to township planner regarding Windsor Court matter, left message; email from township planner regarding matter	NO CHARGE
	email from Michelle regarding letter to be sent to Bonobo attorney on crop issue	NO CHARGE
7/12/2016	email from Michelle with additional photos regarding possible Bonobo violation	NO CHARGE
7/13/2016	reviewed email from Jim Young regarding The 81 and use of Traverse City fire department for assistance and standards on remand	NO CHARGE
7/14/2016	telephone calls from Michelle regarding Bonobo	NO CHARGE
7/18/2016	telephone call to township planner regarding Windsor Court matter, left message	NO CHARGE
	telephone call from Pete regarding land division	NO CHARGE
	telephone call from Michelle regarding zoning matter and special assessment	NO CHARGE
	reviewed notice drafted by Michelle on The 81	NO CHARGE
7/19/2016	email from Michelle with copy of proposed 81 plat, review same	NO CHARGE
	email from Michelle regarding Vineyard ridge and escrow, respond	NO CHARGE
7/20/2016	reviewed two emails from Jim Young regarding city fire and township cooperation for review of access to The 81	NO CHARGE
7/21/2016	email from Michelle with attachment regarding Bonobo violation	NO CHARGE
7/25/2016	telephone call regarding which step the 81 is on and for planner to send over information submitted	NO CHARGE
7/27/2016	email from Michelle regarding Bonobo inspection	NO CHARGE
	email with photos from Michelle regarding review of Bonobo property and crops, respond	NO CHARGE
	email from Michelle regarding zoning board of appeals resolution	NO CHARGE
8/6/2016	email from Michelle regarding fire department review for Vineyard Ridge	NO CHARGE
8/8/2016	telephone call from Michelle regarding Bonobo and zoning	NO CHARGE
	telephone call to township planner regarding Windsor Court matter	NO CHARGE
	email and call from Michelle regarding fire department review of Vineyard Ridge project	NO CHARGE
8/9/2016	email from Michelle regarding draft zoning ordinance on article 5, respond	NO CHARGE

		Amount
8/11/2016	email and call from Michelle regarding Vineyard Ridge	NO CHARGE
	reviewed email from Gordie Frazier forwarded by Michelle regarding additional details required for Vineyard Ridge in order to have proper engineering review	NO CHARGE
8/15/2016	telephone call from Michelle regarding zoning matter	NO CHARGE
8/17/2016	telephone call to township planner regarding crop question	NO CHARGE
	telephone call from Michelle regarding zoning matter	NO CHARGE
	email from Michelle regarding Bonobo winery, respond	NO CHARGE
8/23/2016	email from Michelle regarding section 6.9, respond	NO CHARGE
8/24/2016	reviewed email from Michelle regarding Vineyard Ridge	NO CHARGE
8/29/2016	telephone call from Michelle regarding zoning matter	NO CHARGE
8/31/2016	telephone call from Michelle regarding zoning matter	NO CHARGE
9/1/2016	telephone call from Deb Hamilton regarding zoning board of appeals meeting minutes	NO CHARGE
	telephone call from Michelle regarding zoning matter	NO CHARGE
9/6/2016	telephone call with Michelle regarding Bonobo administrative search warrant; received email regarding her report	NO CHARGE
	received email regarding letter received by township from MSU extension	NO CHARGE
	email from Michelle regarding Bonobo violation, respond; reviewed materials forwarded to the township board by Michelle regarding Bonobo matter	NO CHARGE
	reviewed questions from Michelle regarding zoning board of appeals matter, answer same	NO CHARGE
9/7/2016	telephone call from Claire regarding plat issue	NO CHARGE
	telephone call from Michelle regarding zoning matter	NO CHARGE
9/8/2016	follow up telephone call on plat issue from Michelle	NO CHARGE
	email from Michelle regarding Vineyard Ridge, respond	NO CHARGE
9/13/2016	telephone call from Rob Manigold regarding Bonobo matter	NO CHARGE
9/14/2016	reviewed email from Michelle regarding possible use of Don Coe and Nicky Rothwell at extension; forward to associate attorney Nicole Essad who is reviewing and putting together possible experts to be used in Bonobo matter	NO CHARGE
9/15/2016	reviewed email from Michelle regarding Vineyard Ridge and questions remaining for engineer	NO CHARGE

		Amount
9/21/2016	reviewed email from Scott Howard regarding names of potential experts for Bonobo violation	NO CHARGE
	email from Michelle Reardon regarding Vineyard Ridge; forward a request to Mansfield & Associates	NO CHARGE
9/22/2016	email from Gordon Hayward regarding amendment 191, respond	NO CHARGE
	email from Gordon Hayward regarding amendment 191 and suggested changes regarding same	NO CHARGE
9/26/2016	telephone call from Claire regarding zoning matter	NO CHARGE
	SUBTOTAL:	[0.00]
	For professional services rendered	$0.00
	Balance due	$0.00

Supervisor

From: Jason Hamilton [jhamilton@gtsheriff.org]
Sent: Tuesday, November 01, 2016 3:13 PM
To: supervisor@peninsulatownship.com
Subject: BOWER'S HARBOR VINEYARDS

Mr Manigold::

This email is in reference to our conversation yesterday about Bower's Harbor Vineyards. A/Chief Rittehouse and I met with representatives from BHV on Wed Oct 26, 2016.

Present were the persons listed in Mrs. Stegenga's email to yourself. As we spoke before our meeting last week, manager McClellan had called me on Monday 10-24-16 wishing to speak to me to clear up any issues that may have arose from the weekend prior.

BHV advised they would place something near the west property line to act as a deterrent to drive from their property to the park, and in/and around the walking path.
I worked on Saturday 6am-4pm and Sunday 2pm-12am lasted weekend and made numerous trips into Bower's Harbor park and around BHV's. I did not see any violations it include anyone parking in the park and walking to the BHV. I noticed they placed a decorative wine barrel near the property line to act a device to prevent cars from crossing property lines and the walking path.

I could also observe that on my several area checks that an emergency vehicle would have adequate room to navigate the property in the event of an emergency on these two dates last weekend. and that customer parking was not an issue.

Let me know if you need any further correspondence in this matter. Thank you

Sincerely,

Deputy Jason Hamilton

GTCSD

Supervisor

From: Maura Sanders [maura.a.sanders@gmail.com]
Sent: Sunday, November 06, 2016 8:25 AM
To: Pete Correia; clerk@peninsulatownship.com
Cc: Ginger Schultz
Subject: Fwd: today at the lighthouse

Rob and Joanne,
Did you all have knowledge of a commercial being filmed? Please read below. This is the 3rd time that there's been a major disturbance without warning. Prior commercial filming disregarded all set regulations after we allowed them access.
5,
Maura Sanders

---------- Forwarded message ----------
From: "Lighthouse Program Manager" <missionpointlight@gmail.com>
Date: Nov 5, 2016 22:53
Subject: today at the lighthouse
To: "maura.a.sanders@gmail.com" <maura.a.sanders@gmail.com>
Cc:

Maura:
While I was in Grand Rapids today, I received a concerned call from the keepers. The park was taken over by a camera crew filming and flying a drone around for quite a long time and when she asked them about it they were hostile with her. And the visitors to the lighthouse complained and could not get to the front door of the house etc. After speaking with her, I called the police to see if a deputy could go out there. Once the local police were on the phone with me they said 3 deputies were already there and the peninsula township was notified prior to today and it was for filming a car commercial. Once again, I had ***no*** knowledge of this. Who was notified about it? and why can't I get a heads up?

Feel free to contact me with any questions.

Thanks,
Ginger Schultz

Mission Point Lighthouse Manager - Peninsula Township
13235 Center Road
Traverse City, MI 49686
(231) 645-0759
www.missionpointlighthouse.com

To: Rob Manigold
From: Gil Uithol
Date: 10/15/2016
RE: 2015 P.D.R.

Dear Rob,

The PDR 2015 review was very confusing. Mr. Pete Correia was appointed as Supervisor didn't have any knowledge of how a PDR review should take place.

The contract was the same as prior years with the exception of pay which was made upon completion. I did ask for a three dollar per parcel increase. It was denied.

I asked for envelopes, stamps, folders, etc. at the get go and waited for the call to pick up the material. Weeks went by and I made a call to the Assessor. The Assessor did not know what was happening. I called Mr. Correia more than once and left messages for him to call me. I never received a call back. Then I called the Planner and left a message. Again no call back. After three weeks went by, Mr. Correia called and said we need to talk and the planner will be at the meeting. At this meeting, Mr. Correia said he didn't realize that the Township provided the material.(stamps, etc.) Also, the planner would be my contact person if I needed further assistance.

The review was started in August 2015 and completed on October 26, 2015. I corrected the addresses and names on the (field sheets). When I mailed a copy of the reports to the owners, I didn't look at my field sheet and mailed some reports (seven) to the previous owners. The mistakes were corrected.

On one of the reports, I mention the dirt piles along Nelson road but not the one at the back of the property that had been there in prior years. One of the board members thought this was an overlook or mistake.

I completed the 2015 PDR review and turned in a letter to the Planner. A check was made out to me, and the review completed.

Questions Rob, I can be reached at 231-620-7419

_____
Gil Uithol, PDR Examiner

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686
Ph: 231.223.7322 Fax: 231.223.7117
www.peninsulatownship.com

To: **Grand Traverse County Construction Code Office** **Via Email**

From: **Elise Crafts, Assistant Planner, Peninsula Township**

Date: **April 10, 2014**

RE: **Certificate of Occupancy**
Stan Jaroh
9409 Center Road, Traverse City, MI 49686
Parcel ID #: 28-11-465-009-00
Land Use Permit #: 5225

RECEIVED
APR 11 2014
CONSTRUCTION CODE
OFFICE

I am requesting a copy of the final Certificate of Occupancy issued for the above address, upon the date that it is issued.

The construction of a new single-family residence at the above named address requires a storm water review process by the Township engineer.

For the purpose of finalizing the storm water review process, please notify my office when the applicant receives a final Certificate of Occupancy. Please mail, email, or fax a copy of the Certificate when applied.

Feel free to contact me with any questions. Thank you for your assistance.

Best,

Elise Crafts
Assistant Planner
p. 231-223-7318
f. 231-223-7117
e. zoning@peninsulatownship.com

Grand Traverse County
Construction Code
2650 Lafranier Rd.
Traverse City, MI 49684

VIOLATION NOTICE

CERTIFIED MAIL

Stan & Nancy Jaroh
9409 Center Rd.
Traverse City Mi. 49686

October 20, 2016

RE: Building Permit B-40280 (issued 5-22-2014)
Unlawful Occupancy

It has been brought to my attention that the home located at 9409 Center Road is being occupied without the issuance of a Certificate of Occupancy.

Section R110.1 of the 2009 Michigan Residential Code states:
A building or structure shall not be used or occupied until a Certificate of Occupancy has been issued in accordance with Act 230.

Act 230. 125.1513 Certificate of Occupancy
A building or structure hereafter constructed shall not be used or occupied in whole or in part until a certificate of occupancy has been issued by the appropriate enforcing agency. A certificate of occupancy shall be issued by the enforcing agency when the work covered by a building permit has been completed in accordance with the permit, the code and other applicable laws and ordinances.

This requires your immediate attention. If the notice of violation is not complied within a timely fashion. the building official is authorized to request legal counsel of the jurisdiction to institute the appropriate proceeding at law of in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provision of this code or of the order or direction made pursuant thereto.

Sincerely,

Bruce A. Remai

Bruce A. Remai
Building Official

Cc: File B-40280
Claire Schoolmaster, Peninsula Township Planning & Zoning
Rob Manigold, Peninsula Township Supervisor

Supervisor

From: nicole@michigantownships.org
Sent: Friday, October 21, 2016 3:26 PM
To: supervisor@peninsulatownship.com
Subject: Township Insights 10.21.16 | Weekly legislative and news update

Oct. 21, 2016

Due to nationwide Internet outages impacting our online e-newsletter system, MTA is sending ***Township Insights*** *as an eblast for this week only.*

Medical marijuana guidance now available

New laws creating a regulatory framework for Michigan's medical marijuana system have raised many questions since they were signed by Gov. Rick Snyder in September. Under the new Medical Marihuana Facilities Act, townships and other local units are allowed to determine whether any state-licensed medical marijuana facilities can be located in their jurisdiction. Got questions? MTA has you covered! An in-depth question-and-answer page is now available on our website. This document is also available in the MTA Answer Center under "Medical Marihuana Act," along with updated links to the three laws. The comprehensive document covers everything from the reason for the spelling of "marihuana" to what townships must do if they want to allow a state-licensed medical marijuana facility in their jurisdiction. MTA will continue to update members and offer additional guidance as new information becomes available.

More nonprofits could get property tax exemptions

Township revenues could take yet another hit under a bill that could greatly expand the number of nonprofit organizations receiving a property tax exemption. SB 960, sponsored by Sen. Jack Brandenburg (R-Harrison Chtr. Twp.), was reported by the Senate Finance Committee this week despite MTA's opposition. The legislation was introduced at the request of nonprofit associations who argue inconsistencies exist between local units on the application of the charitable property tax exemption standards. Currently, real or personal property is eligible for a tax exemption if it's owned and occupied by a nonprofit institution or trust, or if it's leased, owned or made available to such an organization, as long as it's used for the nonprofit's purpose. Numerous appeals have been filed with the Michigan Tax Tribunal (MTT) and the Michigan Court of Appeals and Supreme Court on this issue, and cases have been determined by applying a standard established in a 2006 state Supreme Court decision known as the *Wexford* decision—which identifies six standards. SB 960 would instead define "charitable purpose" as meeting at least **one** of the following: advancement of education or religion, promotion of health and wellness, relief of poverty, erection of public buildings or other public works, or promotion of a governmental purpose or alleviating burdens of responsibilities that would otherwise be borne by the government. MTA testified that this new definition could allow nonprofits to be exempt from property taxes when their primary purpose isn't charitable. For example, a for-profit company operating under the umbrella of a nonprofit organization could receive a property tax exemption. It would also qualify a

number of organizations that did not prevail at the MTT, Court of Appeals or Michigan Supreme Court to now qualify. Not only would this decrease revenue for local units by an estimated $28-30 million, but it also creates the likelihood of numerous for-profit businesses/organizations aligning with a nonprofit and becoming property tax exempt. MTA will continue to work along with other local government associations to address needed changes.

Local preemption bill usurps zoning

Local control over zoning school property would be further eroded under a bill passed by the Senate Thursday. SB 953, sponsored by Sen. Tom Casperson (R-Wells Twp.), would essentially unzone school property and potentially allow any commercial use, including billboards, to locate there without township approval. School property would qualify as property of a mixed public and commercial use, regardless of the zoning classification. MTA strongly opposes the legislation as it pits the interests of school districts against a community's master planning effort. If the local preemption bill is enacted, cell towers, strip malls and virtually any commercial use could potentially be placed on school property--having a serious impact on the quality of life for local residents. While the version passed by the Senate is a slight improvement over the original bill, MTA continues to work for further changes in the House.

State land cap bills would help ensure full PILT payments

Townships would continue receiving full payments in lieu of taxes (PILT) and would have more input on state land purchases within their boundaries under two bills passed by the Senate Thursday. SBs 39 and 40, sponsored by Sens. Tom Casperson (R-Wells Twp.) and Darwin Booher (R-Osceola Twp.), are both strongly supported by MTA as they address issues communities with a significant amount of state-owned land have faced--both on input of additional state land purchases in their township and receiving full PILT payments. SBs 39 and 40 help to ensure payments for northern Michigan communities by requiring that PILT be paid in full before the state Department of Natural Resources (DNR) can buy additional land. The bills also establish an enhanced notification process to local units below the Mason-Arenac county line as well as a process for the DNR to acquire land. Additionally, in counties comprised 40 percent or more of state, federal and commercial forest land, the bills require the DNR to notify the local units of potential land purchases. They also create opportunities for local officials to meet with DNR representatives to discuss possible land transactions. Counties would also be able to adopt a resolution rejecting a proposed acquisition if they determine it isn't in their best interest. In this case, a state purchase would be stopped unless the township impacted by the purchase adopts a resolution in support of the land purchase. The bills will next be considered by the House.

TIF overhaul bill clears Senate

A bill to overhaul the capture, reporting, transparency and penalty requirements for tax increment finance (TIF) authorities cleared the Senate this week. SB 1026, sponsored by Sen. Ken Horn (R-Frankenmuth), will next be considered by the House. The bill would reformat current TIF laws, eliminating two TIFs that are no longer being utilized. It would also establish reporting requirements for TIF authorities, such as maintaining a website with access to specific records and documents, in an effort to increase transparency and accountability, and penalties for failure to comply. A TIF authority that is not in compliance for more than two consecutive years would be unable to capture TIF revenue for anything other than paying its outstanding bonds or other obligations. MTA took a neutral position on this bill and is working to seek additional amendments for streamlining and clarification.

Armed forces would provide water to owners of contaminated wells

Communities with a military base would be guaranteed an alternative source of water if their drinking water is contaminated by a substance used at the base under SB 950. The bill, sponsored by Sen. Jim

Stamas (R-Midland Chtr. Twp.), was passed by the Senate this week with MTA's support. The bill is in response to a situation in which **Oscoda Township** (Iosco Co.) experienced water contamination due to chemicals used at a U.S. Air Force base. Though the Armed Forces were willing to provide assistance, it requires a state statute in order for it to take action. Under SB 950, the U.S. Armed Forces responsible for an active or inactive military base in Michigan would be required to provide an alternative water supply to owners of private residential wells under certain conditions. In addition to providing water, the responsible Armed Forces would have to conduct long-term monitoring of the migration. It must also reimburse the state or community that had provided water to well owners. SB 950 will next be considered by the House.

Masonic property could receive tax exemptions

The trend of chipping away at township budgets continued this week as the Senate passed a bill exempting real and personal property owned by Masonic associations from property taxes. SB 732, sponsored by Sen. Rick Jones (R-Oneida Chtr. Twp.), is opposed by MTA as it would exempt from taxes real and personal property owned and occupied by a Masonic corporation and occupied solely for Masonic purposes. MTA and other local government associations have multiple concerns with the bill as it does not require any type of charitable work--only that the property be used for Masonic purposes, which is not defined. SB 732 would place yet another financial burden on township budgets without any state reimbursement. The bill now moves to the House for consideration after the November election.

Bicycle safety bills pass Senate

Three bills that cleared the Senate this week would help protect bicyclists on Michigan roads. SBs 1076 and 1078, sponsored by Sen. Margaret O'Brien (R-Portage), and SB 1077, sponsored by Sen. David Knezek (D-Dearborn Heights), would require drivers to pass bicyclists at a safe distance of a minimum of five feet to the right or left. They would also require drivers' education class time to be devoted to laws concerning bicycles and motorcycles. The bills, which are being monitored by MTA, will next be considered by the House.

Brownfield redevelopment program could be streamlined

Michigan would streamline its brownfield redevelopment program under a package of bills that passed the Senate this week. SBs 908-913, under lead sponsor Sen. Wayne Schmidt (R-Traverse City), would update Michigan's brownfield redevelopment program so that developers and local units can more easily follow the guidelines. The redevelopment program would be expanded to include sites with leaking underground storage tanks, likely making those sites eligible for redevelopment grants. The Michigan Strategic Fund would also be able to approve plans for addressing eligible activities up to $1 million, rather than $500,000. MTA will continue monitoring the bills as they next move to the House for consideration.

Landfill project deadline could be extended

Anyone who receives a permit for a landfill research, development and demonstration project (RDDP) could soon be allotted more time. SB 1079, sponsored by Sen. Phil Pavlov (R-St. Clair Twp.), was passed by the Senate this week and is being monitored by MTA. If enacted, the bill would extend the current deadline for landfill research and demonstration projects from 12 years to 21 years to be consistent with federal law. The bill now moves to the House for consideration.

Private college police could patrol certain off-campus areas

Township police departments could soon empower private college security officers to act as law

enforcement off of campus property under HB 4588. The bill, sponsored by Rep. Kurt Heise (R-Plymouth Chtr. Twp.), was passed by the Senate this week. The bill expands the law that already allows public college safety officers to use police powers on areas adjacent to campus. HB 4588 extends similar authority to private colleges but clarifies that they can only make arrests on campus property unless sworn and fully empowered by a local chief of police or deputized by a county sheriff. MTA achieved an amendment in the House to include townships. HB 4588 will next be sent to Gov. Rick Snyder for signature.

Additional News

Tax Collection workshop coming to four locations in November

Collecting property taxes is a highly visible function of the township treasurer's office. Whether you are newly elected or a seasoned treasurer, MTA's full-day **Treasurers' Guide to Tax Collection** workshop provides the tools (and knowledge!) you need. Topics include preparation of the tax bill, summer and winter taxes, disbursement, settlement, delinquent personal property tax and more. Deputy treasurers and others involved in the tax collection process are welcome! Register online now or download the brochure here.

This e-mail was sent from Michigan Townships Association (nicole@michigantownships.org) to supervisor@peninsulatownship.com.

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Michigan Townships Association, PO Box 80078 Lansing MI 48908-0078, Phone Number:(517) 321-6467, Fax Number: (517) 321-8908, Email Address: rebecca@michigantownships.org, Website : www.michigantownships.org

Bowers Harbor Vineyards

2896 Bowers Harbor Rd Traverse City, MI 49686

Oct 27, 2016

Subject: Impact of Complaints Against Bowers Harbor Vineyards

Rob Manigold
Supervisor, Peninsula Township Board

Dear Rob:

It is with regret that I witnessed the discussions at the Peninsula Twp Board Meeting last night. While it is most unfortunate that the question of BHV SUP was once again opened for discussion, the most disturbing aspect was an apparent connection made between the SUP issue and a private complaint lodged against BHV regarding alleged public safety issues and "violations" of Peninsula Twp Park regulations. The latter was brought forth in connection with a video film(s) made of BHV staff and customers over a period of at least two weekends. While this video was not shared with me, Spencer, or anyone at BHV, it was apparently shared with several members of the Peninsula Twp Board, prior to last night's meeting, with the intent to negatively influence those members' view of BHV. Thus this issue was added to the agenda at the last minute. While I stated my dismay last night at the fact that an individual spends so much time videoing our activities without our permission and without coming to me for clarification of the issues, problems, procedures and misunderstandings, it is important to know if the Township Board directed or sanctioned (perhaps for the purposes of an investigation into the alleged violations) the production of this video(s). I kindly request your written response.

If the answer to the above question is "No", and thus the video(s) was a private action, then the sharing of that video with members of the Peninsula Twp Board in private prior to a public Board meeting, without any opportunity for clarification or response from me or Spencer, clearly indicates an intent to negatively influence (or prejudice) any member of the Board who saw it prior to last night's meeting. For an obvious example of this negative impact, Board Members Witkop and Avery were carrying on an open, public discussion and criticism of BHV business activities and using this as the "unknown information" lacking in the Board's prior decision on BHV's SUP status. All of this took place without providing BHV an opportunity to refute or clarify the contents of the video shared with the Peninsula Twp Board members prior to the meeting. Thus I am formally requesting that any and all Peninsula Twp Board members who witnessed the video(s), and had <u>any</u> discussion with the producer of the video prior to last night's meeting, be recused of any future Peninsula Twp Board discussion on these alleged violations and regarding BHV's SUP status.

I am confident that you and the Board will handle this professionally and not require the matter be taken to the judiciary for further action.

In closing, I can only repeat that BHV has always supported following the Peninsula Twp ordinances and rules, while also always being available for fair and open discussion on our achievements, actions and role in the community. We support healthy business practices, which grow our economy, improve our quality of life, and yet are in most every way sustainable and in the good interest of our community.

Sincerely,

Linda Stegenga

Linda Stegenga
Owner, Bowers Harbor Vineyards

Bowers Harbor Vineyards
2896 Bowers Harbor Road
Traverse City, Michigan 49686
(231) 223-7615 • FAX (231) 223-7625
E-mail: vineyards@traverse.com Website: bowersharbor.com

October 27, 2016

Subject: Meeting with Sheriff and Fire Chief

Rob Manigold
Supervisor, Peninsula Township

Dear Rob,

Spencer, Kristy McClellan, (operations manager), Tom Petzold (staff team and Sat. parking attendant) and I met with Jason Hamilton, Chief Rittenhouse, and Curtis yesterday morning to discuss what more we could do to insure the utmost of safety on BHV property during the busy times of the year. We discussed different plans that we could put into effect to ensure that cars do not drive through to the park as they are exiting from our parking area. Even though each person was told how to exit, we all know that there are those drivers that do not see the need to follow instructions and just go ahead with whatever plan they choose. We are going to put up sections of split rail fencing between the big pines on the property line.

Chief Rittenhouse noted that there is adequate room for firetrucks and emergency vehicles to get through to our building if ever needed.

As we knew we were in for another busy Saturday, we hired 2 men to be parking attendants. Both have extensive experience in managing traffic.

Sincerely,

Linda Stegenga

Linda Stegenga

Owner, Bowers Harbor Vineyards

Peninsula Township
Invoice Approval Report

11/16/2016 02:17 PM

VENDOR	DESCRIPTION/DISTRIBUTION		AMOUNT
AKERLEY SALLY	MILEAGE		$219.24
	101-209-870.000	*219.24*	
GT COUNTY TREASURER	OCT-DEC,2016 SHERRIFF-COUNTY PATROL		$19,604.25
	207-000-818.000	*19,604.25*	
JOANNE WESTPHAL	MILEAGE-CLERK ACCREDITATION, ELECTRION BALLOT EXCHANGE		$268.38
	101-215-870.000	*268.38*	
MARILYN ELLIOTT	MILEAGE TO CITIZEN PLANNER CLASS		$206.28
	101-420-870.000	*206.28*	
MARILYN ELLIOTT	HOTEL ACCOMMODATIONS FOR CITIZEN PLANNER WORKSHOP		$497.91
	101-430-960.000	*497.91*	
PENINSULA COMMUNITY LIBRARY	LIBRARY EXPENSES		$18,000.00
	708-000-223.000	*18,000.00*	
STATE OF MICHIGAN	APPLICATION FOR RENEWAL OF ASSESSOR CERTIFICATION		$175.00
	101-209-960.000	*175.00*	
YOUNG, GRAHAM, ELSENHEIMER	PROFESSIONAL SERVICES		$8,611.10
	101-101-967.LHB	*341.00*	
	101-101-801.000	*356.50*	
	101-400-801.000	*356.50*	
	101-410-801.000	*186.00*	
	101-101-801.000	*2,294.00*	
	101-101-967.LHB	*728.50*	
	208-751-801.000	*30.00*	
	297-000-801.000	*10.00*	
	101-101-801.000	*20.00*	
	101-400-801.000	*20.00*	
	101-420-801.000	*40.00*	
	206-000-801.000	*20.00*	
	101-400-801.000	*2,728.00*	
	101-101-801.000	*1,116.00*	
	101-400-801.000	*341.00*	
	101-101-801.000	*23.60*	
YOUNG, GRAHAM, ELSENHEIMER	LEGAL FEES WATER		$30.00
	591-000-801.000	*30.00*	
YOUNG, GRAHAM, ELSENHEIMER	LEGAL FEES SEWER		$30.00
	590-000-801.000	*30.00*	
		Total:	**$47,642.16**

PENINSULA TOWNSHIP TOWN BOARD
SPECIAL MEETING MINUTES
NOVEMBER 10, 2016

Meeting called to order at 9:03PM

Present: **Byron; Westphal; Manigold**-Chair; **Weatherholt; Rosi.** Also present Gordon Hayward, Interim Planning Director and Mary Ann Abbott, Recording Secretary

Absent: Avery (excused); Witkop (excused)

Agenda
MOTION: Byron/Weatherholt to approve agenda.
PASSED UNAN

Brief Citizen Comments – for items not on the Agenda
Nancy J. Heller, 3091 Blue Water is concerned about the pothole in the Township Hall's parking lot and wonders when it will be repaired.

Conflict of Interest
None

Business
Payment of bills
Listing of bills presented for payment were reviewed. Questions on payment of election worker Naperala and McKenna for services on the Zoning Ordinance rewrite and length of contract. These will both be reviewed before paid.

MOTION: Byron/Weatherholt to approve payment of bills as presented with verification of those items questioned.
Roll Call Vote: Byron-yes; Westphal-Yes; Manigold-Yes; Weatherholt-Yes; Rosi-Yes
PASSED UNAN

Citizen Comments
Nancy J. Heller, 3091 Blue Water wondered if an update could be provided on the Fire Department. **Manigold** there will be a meeting on the 22nd. *Heller* also wondered how bills for the Fire Department were getting approved without a Fire Board. **Manigold** being approved by the Town Board.

Board Comments
Weatherholt stated that 4 bids were received for snow plowing. Consensus of the board was to have Byron, Weatherholt and Shipman review bids and report choice back to the board.

Manigold reminded the Town board that there is a meeting on "The 81" on November 17th at 7:00PM at the St. Joseph's Church.

MOTION: Byron/Weatherholt to adjourn at 9:23AM

Respectfully submitted by Mary Ann Abbott, Recording Secretary.

2nd REGULAR TOWNSHIP BOARD MEETING

October 25, 2016
7:00 p.m.

Meeting called to order at 7:00 pm.

Present: **Avery, Byron, Westphal, Manigold, Weatherholt, Witkop, Rosi, Hayward. Nicole Essad**. Rachel Mavis, recording secretary.

Approve Agenda

Agenda amendment: Correction on item #3 (new business). The town meeting will be changed from its regularly scheduled time at November 8th (election day) to November 10th at 1:00 p.m. The purpose will only be to pay bills. Because of schedule conflict, it will be changed to 9 a.m. on the 10th. First town board business meeting would be 22nd.

Witkop requested to add item to agenda - discussion on Bowers Harbor vineyard / winery into new business #4.

MOTION to approve agenda as amended. **Weatherholt / Witkop. Motion passed.**

Brief Citizen Comments

Harold David Edmonson - would like to speak to decision pertaining with Bowers Harbor Vineyard and the decision made at the last meeting pertaining seasonality, which was justified by GAMPS practices / guidelines. He feels it was very misleading to say that GAMPS trumps township zoning / rules. GAMPS don't supersede township regulations - they are only practices that provide protection for you under the Right to Farm Act. He believes the board should change the ordinance first. Don't use standards that are meant for agricultural entities to break township rules. GAMPS information says that you must comply with local and state regulations. Where did the information come that it supersedes township zoning? He recommended that someone makes a motion to rescind the decision and when they want to be open seasonally, the zoning ordinance is amended. All violations that are occurring will never meet a GAMPS audit. He just wants the to follow the rules. Also concerned about safety violations (he has video). He thinks seasonality should be enforced - they should be shut down in November and get into compliance.

- **Manigold** thinks he's incorrect regarding GAMPS. He wholeheartedly believes that the Right to Farm Act runs GAMPS. Right to Farm is the legislation and those are the guidelines.

- **Byron** said that if the people at GAMPS have offered to conduct an assessment and give an opinion - let's have them do that.

- **Manigold** said he's in favor of that idea. He and **Westphal** had talked about GAMPS coming in January, following the election and holidays.

- **Essad** said there is a provision in the right to farm act (MCL 286.474 subsection 6.) The Right to Farm Act (and GAMPS developed under this Act) pre-empts local ordinances that are in conflict with this act or GAMPS.

Susie Shipman from the Park Commission Board brought an update on Bowers Harbor. Committee has been meeting regularly. The second site visit was last week on site and next meeting will be morning of November 3. They had a very successful first public meeting and report based on that meeting is on the township website. They also had additional public comment added to that. The committee reviewed and consultant adjusted, so that it was more comprehensive for the public. They initially had a 3 phase proposal from planning consultants. In phase 2 the potential options were different from the beginning concept plan, but they decided they are close enough to the original concept plan that they will stick with that. When it comes to scheduling, they started with an aggressive schedule (not wanting to miss grant deadlines), but the committee believes the second public meeting should be in January, following the holidays. Thank you to the residents who have been involved. The planning itself has had 3-phase explorations, beginning with baseline improvements. They want to get park open to public and let people know that a more formal park arrangement will be in the future. They are discussing signage, delineated parking, etc. They are working on informing people that private uses need to cease. She is excited to see others out using the park.

Conflict of Interest

Manigold sells grapes to wineries and has sold to Bowers Harbor and Bonobo. In case either ends up in court, he doesn't want to have a conflict of interest. He asked to recuse himself. **Motion** for **Manigold** to be recused by **Witkop / Byron. Motion passed.**

Weatherholt asked to be recused from #2. **Motion** for **Weatherholt** to be recused from #2 by **Byron / Witkop. Motion passed.**

Westphal asked to be recused from #4 under new business for household conflict of interest. **Motion** for Westphal to be recused from #4 by **Byron / Witkop. Motion passed.**

Motion by **Avery / Westphal** to appoint **Weatherholt** as acting chair. **Motion passed.**

Old Business

1. Bonobo Winery Compliance (Hayward, Essad)

Motion by **Witkop / Rosi** to waive attorney/client privilege for item #1. **Motion passed.**

Essad shared that the township has 3 options:

- enforcement (through district court proceeding via a municipal civil infraction ticket and formal hearing, or by filing a circuit court action to abate the nuisance in the form of an inductive complaint)
- come to an agreement regarding bringing the property into compliance (through mediation or having a signed agreement between the township and Mr. Oosterhouse).
- revoke the SUP granted in 2013 (after a public hearing, where Mr. Oosterhouse was given notice of the public hearing and had the opportunity to be heard by the township board)

Weatherholt clarified whether or not you can revoke the SUP without going to court. **Essad** said that you can, but it is not recommended. Her suggestion was that the township pursues one of the first two options instead of automatically revoking. Her primary suggestion would be option one.

Witkop asked about the timing of the options - if the second option is chosen, with a new board coming on in less than a month, is a motion required tonight? She doesn't want to tie the future board members' hands. Also, what if the conversations begin and an agreement can't be reached? Can you go back? **Essad** said that yes, there could be a motion tonight to choose the second option. They would then start talking more fully about it with the next board. Also, yes, if the discussions don't come to a resolution the option of going to court is still there.

Byron said that she was not supportive of going into mediation, since that's where they've been for several months - even years. They haven't been interested in coming into compliance with the ordinance. She's concerned about the length of time that will go by between the SUP's initial granting in 2013 and the time that they will be in compliance will only stretch into more and more years. The board continues to get an unsatisfactory response time after time, so her opinion is court.

Avery - to go into mediation, it takes both parties to be acting in the manner that they're attempting to meet the ordinance. Bonobo's Facebook page has an annual halloween party listed, which is not supposed to be taking place. He doesn't see that as acting in good faith. This board would have a hard time acting in this manner, too, because they have had enough.

Westphal - with the payment receipt for the apples, there's no guarantee that those apple trees will available in the spring 2018. Everyone has been putting in orders and a fraction of the amount ordered are what's received. There's no backup for this order. There is also no specific date for "spring 2018." She thinks there are a few problems with the proposal as it is seen today. They're not seeing any stability in purchase orders of trees right now (apples, cherries, or any stone fruits).

Rosi hates putting this issue on the new board. **Avery** - this is the last meeting... are we in a position to make that decision tonight? If not, we should table it and let the next board pick it up at the next meeting. **Witkop** - what she's hearing, is that enforcement is necessary. However, the timing bothers her. She's not comfortable making that decision for the new board to pick up and run with it. Either the board table it and let the new board look at it, or we work towards an agreement. **Weatherholt** - if he was going to stay, he'd start down the legal road with the attorney since they are not in compliance, but doesn't think it should be done now. **Byron** - struggling. This current board is the group who has dealt with it and already have pushed it back to this date to decide. **Rosi** - There are a couple of steps for preparing the land, even before the new trees are planted. Those steps haven't even been started.

MOTION by **Byron / Witkop** that this board select to enforce through a ticket in district / circuit court (whichever is expeditious) and that case is presented to the court. **Byron, Witkop, Westphal, Rosi, Weatherholt - support. Avery - no. Motion passed (5-1).**

Motion by **Witkop / Byron** to bring **Manigold** back. **Motion passed.**

New Business

1.) Resolution to establish guidelines for water and sewer benefit payments
Manigold - In our township, water and sewer lines are run. The hookup is not mandatory - usually sewer is, but not water. With all of the special assessments (Logan Hills, for example), some people have paid to run pipe in and want to hook up. It's several thousand dollars in benefit fees to hook up. He is asking board to approve the option for a payment plan that could split the payments up over time so that it can be put into place for the people who want to hook up.

Byron - since this is adapted from a previous one, should we remove "poor economic times."

Motion by **Byron / Avery** to approve resolution and to strike "poor economic times." **Motion passed.**

Motion by **Byron/ Witkop** to recuse **Weatherholt** from next order of business (PDR Selection Committee questions). **Motion passed.**

2.) PDR Selection Committee Questions

1. 2020 Millage Vote - "Does it possibly mean that the township board does not have to levy the full 2 mills each year?" - The township is levying the maximum millage rate as reduced by Headlee.

2. Should the township purchase easements under a land contract rather than for cash? - The applicant has the option to take a cash payment or a land contract, however the land contracts would have to end in 2021.

3. What is the role of the Selection Committee versus Township Board? - Selection committee prioritizes properties in a certain round, then brings their recommendations to the town board (as an example).

4. Don't we need the opinion from the Township general counsel as to the legal status of our committee in light of the provisions of the ordinance that say the committee terminated after 8 years? What role can the committee play without the Township amending the PDR Ordinance to extend the life of the committee? **Westphal** - part of the history of the PDR... they thought there'd be one round. They're now in the fourth round. That's why the 8 years were in place. **Motion** by **Witkop / Byron** to have attorney review PDR ordinance to determine what appropriate actions would be and amend ordinance appropriately. **Motion passed.**

5. What is the legitimacy of a need for a PDR Selection Committee?

6. Should there be a re-ranking of the Round 4 applications as well as changes to the properties left in Round 4 for purchase that might justify a change to their ranking? — No change in rank order unless change in application. **Hayward** will look for changes and if there are any in a particular application, he will bring back to board.

7. Questions regarding the Bond Counsel letter of 10/6/16 - placed in mailbox for your information. a.) Just because there is a surplus, does the Township Board vote to actually use the surplus and in what amount? b.) Does it make sense for the treasurer to generate a chart which shows future surplus projections? c.) There is a new township board being sworn into office in late November. Should the current or future board make the discretionary decision? - The decision is too far out for current board and would be handled by new board.

Motion by **Witkop / Byron** to bring **Weatherholt** back. **Motion passed.**

3.) Change first Town Board meeting in November to November 10th at 1:00 p.m. at the Township Hall, to pay bills only. The regular meeting is November 8th, which is election day. They would like meeting moved to November 10 at 9:00 a.m. because of a scheduling conflict. **Motion** by **Rosi / Byron** to change meeting time. **Motion passed.**

Manigold - attorneys have been asking when the last two items in the 81 project are going to be addressed. There is a *tentative* meeting scheduled for Thursday, November 17th, 7 p.m. The Catholic church would be rented for the meeting. They are still waiting to hear back from a few people before the meeting is confirmed.

Motion by **Byron / Witkop** to have **Westphal** and **Manigold** recused from next item on agenda. **Motion passed. Motion** by **Byron / Avery** to have **Weatherholt** lead meeting. **Motion passed.**

4.) **Bowers Harbor Vineyard**

Witkop questioned whether or not the board wants to rescind their decision to let SUP 32 operate year-round. Is that the appropriate action? We are not fully informed when it comes to GAMPS. Is it better to wait until after an education process has happened? The second part of the conversation that needs to happen pertains to the activities that are going on. She is uncomfortable with the level of activity that is happening based on the size of the parcel. There was a video was taken of site (by a resident) that brought up safety concerns. There were numerous vehicles and people maneuvering along a small, narrow road to a "roadside stand" - she doesn't think it's a "roadside stand" and doesn't think GAMPS should be applied to this particular venue. The cars couldn't pass each other and were trapped. It was bumper to bumper traffic. People drive on the park property, between the two. The park is also being used for overflow parking. People who want to use the public park come to the board for approval. She thinks something needs to be done. She'd like for Claire go back to day 1 of the proposed plan and look at what was approved and what's been approved since, then take a look at that in connection with what is physically there. From what she remembers of the site plan, she doesn't think that parking in that site plan was developed. She'd like to have them look at what's there vs. what was allowed, along with making sure the board is educated in GAMPS. We have to enforce zoning ordinance and safety. She'd like to direct claire to move forward.

Essad said that a motion is needed by someone who voted for the previous motion in order to reopen it. **Weatherholt** expressed concern that because it got added to agenda, people who may want to be present for the discussion won't know we're discussing it. Also, how do GAMPS effect SUPs? Were GAMPS appropriately used? Do we have violations and safety issues? Those are two separate issues.

Motion by **Witkop / Avery** to open discussion on SUP 32. **Motion passed.**

Witkop doesn't know that it was the right or wrong decision, but feels like it should wait until it follows education by someone knowledgable regarding GAMPS so that it is an educated decision.

Essad said that to the extent that there are potential violations, those should go to staff so that they can be investigated.

Byron - now that the winery industry has matured, should we have different winery rules and guidelines? If you did that, you may change the taxing and not end up in court. We need to look as a township at OUR township and where we want things to go.

Witkop would like to see board rescind decision on SUP 32 and make appropriate changes on zoning ordinance.

- Tom Petzold - absolutely astounded at the discussions tonight. The board admits that they made a decision that was wrong because they didn't have all the information. Tonight they agreed to discuss the topic, but weren't going to make a decision tonight because citizens aren't here for input, and a decision was made. A video was shown personally to board members and was not available for others. (That video will be available.) He was a subject in that video - he was being paid by Bowers Harbor Vineyards to manage traffic - safety of customers, vehicle traffic, pedestrian traffic, etc. With two people being hired by Bowers Harbor, that is recognition of the importance of safety that they have. How many other wineries hire people to manage traffic? Did vehicles cross over border? Yes. When he saw it, he drove to the edge and brought cones to prevent it from happening again. The video should show it. If it doesn't, it's selective video. The only time a golf cart crossed into park property it was driven by him - because the owner of a large tour bus drove over to the park, in spite of his instructions. One customer had a walker - he put individual and walker into cart and drove to bus.

- Ray Weidel - He didn't know this was on the agenda tonight and knows people would have wanted to have been here. It turned from discussion to rescinding the decision. It should be on the agenda with the new board at the next meeting.

- Brett Mistoly - does it have to be rescinded at the next meeting? They can't push it back to the next meeting if it has to be done immediately. (**Essad** - it had to be reopened, but discussion can be tabled until next meeting. Opening up the meeting had to take place at this one.) He can personally tell you - he asked the tour bus who told them to park there and they said the park did. (**Essad** - all potential violations should go to the staff and enforcement officers, not to individual township board members).

- Linda Stegenga - never gave anyone permission to come onto their property and videotape it. Tom will have bus driver come to next meeting if necessary. (They are not investigating certain date - just looking at what SUP has had approved). Additional parking is all going down the driveway - they were never told to pave it. Can't discuss my business and not let us know it is going to be on there. She's trying to run a reliable, honest business that's in compliance.

- **Motion** by **Avery / Witkop** - to table discussion about Bowers Harbor until a further meeting, after posted and after more information is available from Claire (Zoning administrator). The next board meeting with the new board will be November 22. **Motion passed.**

MOTION by **Byron / Witkop** to bring **Manigold** and **Westphal** back to meeting. **Motion passed.**

Citizen Comments

Maura Sanders, Parks Commission Board - thank you to the outgoing board. She sincerely wishes them the best going forward.

Monnie Peters, Planning Commission Board - she recommended that the new board carry on with Byron's suggestion to look at the wineries and what has changed in the peninsula over the past years. Last Saturday, as she was driving down the peninsula, there were 12-15 cars parked on one side, with 8 parked on the other side. There were people wandering across Center Road. The peninsula has become a hugely popular tourist destination and we desperately need to look at what the ramifications are. We are indeed changing.

Also, on the afternoon of the 17th there will be a work session by the Planning Commission in the ag area. She also wanted to thank the current board for their hard work.

Board Comments

Byron - for those leaving the board, remember to turn in keys and notebooks / iPads that were given out. Can we be updated on the status on the school?

Manigold shared that it's in a holding pattern. There was a meeting a week ago Sunday, organized by a group that is actively working together to try to purchase it. $750,000 has been offered to the peninsula in a proposal to purchase, but the offer has not been accepted yet. It will be citizen-driven what kind of school it is (public, private, charter, etc.) in negotiations.

Westphal - update from clerks office. The planner's job position is now posted. Also, 2159 absentee ballots were sent out and 40% have already been turned back in.

Meeting adjourned at 9:33 p.m. by Manigold.

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.

From: The Treasurer's Office

11/17/2016

To: Peninsula Township Board

Re: Snowplowing bid for 2016-2017 winter season

Fellow Board Members:

On behalf of the committee of myself, Jill, Susan shipman, Maura Sanders we went out for snow plow bids.

Our recommendation is to accept KLM's bid for $9,590. This bid is for the entire season. KLM's bid is about $6,000 less than we pay for last year's plowing.

Please see attached spreadsheet for bid comparison.

Thank You,

David K Weatherholt

Peninsula Township Treasurer

RFP Snow Plowing at Municipal Sites
November 15, 2016 - April 15, 2017
Results

Site	Location	All Season Outdoors	KLM Scape & Snow d/b/a KLM Landscape	Team Elmers	TNT Outdoor Services, LLC
1	Pelizarri Natural Area	$ 37.00	$ 55.00	$ 45.00	$ 35.00
2	Archie Park	$ 25.00	$ 30.00	$ 35.00	$ 35.00
3	Bowers Harbor Park	$ 150.00	$ 155.00	$ 260.00	$ 180.00
4	Big Jon Building	$ 40.00	$ 40.00	$ 35.00	$ 40.00
5	Mission Pt - Ridgewood Trail Head	$ 40.00	$ 34.00	$ 65.00	$ 45.00
6	Mission Pt - Murray Rd. Trail Head	$ 27.00	$ 20.00	$ 35.00	$ 40.00
7	Old Mission Lighthouse	$ 95.00	$ 220.00	$ 230.00	$ 95.00
8	Peninsula Twp. Hall	$ 80.00	$ 158.00	$ 220.00	$ 65.00
9	Peninsula Twp. Compactor	$ 37.00	$ 80.00	$ 100.00	$ 45.00
	Per Plow Totals:	$ 531.00	$ 792.00	$ 1,025.00	$ 580.00
	Per Season Totals:	None	$ 9,590.00	None	None

GRAND TRAVERSE COUNTY
BOARD OF PUBLIC WORKS
2650 LAFRANIER ROAD
TRAVERSE CITY MI 49686
231/995-6039 fax 231/995-6053

Budget Amendment

Date: November 8, 2016

TO: THE BOARD OF PUBLIC WORKS AND PENINSULA TOWNSHIP

The following budget amendment has been proposed to the Peninsula Township Water Maintenance & Operations budget for the current year.

Increase the 2016 Peninsula Water Budget to cover the increase in the cost of water purchased from the City. The 2016 rate is $1.56 per 1,000 gallons.

Fund 690 Dept. 458 Line item 923.95 Increase of $40,000.00

Also Increase Local Grants 582.00 in the same amount.
(Local grants are the amount the township agrees to reimburse the County for any invoices that the County pays on the township's behalf related to water or sewer expenditures.)

Board of Public Works Action

Resolved that the proposed budget amendment is hereby approved and recommended to Peninsula Township to approve the same.

Chairperson-Jay Zollinger
Board of Public Works

The undersigned hereby certifies that he is the Secretary of the Grand Traverse County Board of Public Works and that the foregoing resolution was adopted by the Board of Public Works upon the date set forth below.

Date of Approval: November 9, 2016

Secretary- Chuck Korn
Board of Public Works

Township Board Action

Resolved that the foregoing amendment to the Peninsula Township Water budget administered by the Grand Traverse County Board of Public Works be and hereby is approved.

Peninsula Township Supervisor-Rob Manigold

The undersigned hereby certifies that she is the Township Clerk of the above-named Township and that the foregoing resolution was adopted by action of the Township Board on the date set forth below.

Date of Approval: _____

Peninsula Township Clerk-~~Monica Hoffman~~ Joanne Westphal

When the Township action is complete, please fill out the Township Board approval on the reverse side and return one signed form to the attention of Dianne Thompson at the DPW.

YOUNG, GRAHAM, ELSENHEIMER & WENDLING, P.C.
Attorneys at Law
104 E. Forest Home, P.O. Box 398
Bellaire, Michigan 49615
(231) 533-8635
Facsimile (231) 533-6225
nessad@upnorthlaw.com

Bryan E. Graham
Peter R. Wendling
Eugene W. Smith
Nicole E. Essad

James G. Young, *Of Counsel*

MEMORANDUM

TO: Peninsula Township Board **VIA EMAIL**

FROM: Nicole E. Essad

DATE: November 14, 2016

SUBJECT: Farm Market GAAMPS and Bowers Harbor Vineyards SUP

Recently, the Township Board wanted to discuss a decision that it made regarding Bowers Harbor Vineyards' Special Use Permit (SUP), which was originally granted in 1992. The decision was centered around Michigan's Right to Farm Act, being MCL 286.471 *et seq*, and the Generally Accepted Agricultural Management Practices (GAAMPS) that are developed under the Right to Farm Act. The decision was made that Bowers Harbor Vineyards would be able to operate its roadside stand year round as opposed to seasonally. At the next meeting the Township Board then made a motion to revisit this decision and reopen discussions because it wanted more information regarding the Right to Farm Act and GAAMPS.

The Bowers Harbor Vineyard SUP created a vested property right in Bowers Harbor Vineyards to operate a "food processing plant" and a roadside stand, at which it could have wine tasting because the processing of the wine was finished at the location. At the time the SUP was granted, there was no provision in the ordinance for wine tasting rooms or wineries. This use is therefore "grandfathered" in. In other words, although, there are now regulations and requirements that a wine tasting room or winery must meet, Bowers Harbor Vineyard, under its SUP, can process wine and operate its roadside stand at its location.

The zoning ordinance defines a "roadside stand" as "a structure or display area used for displaying and selling regionally grown fresh and/or processed farm, produce and products. Such farm stands must be operated as an accessory use of a farm." Peninsula Township Zoning Ordinance Section 3.2 Definitions.

Under Section 8.5 of the zoning ordinance, a food processing plant is a use permitted by special use permit in the Agricultural District. A roadside stand is a use by right in the Agricultural District, under Section 6.7.2(8). This section was amended on April 14, 1992 to exclude the sale of non-agricultural items and products which require a permit from the Michigan Liquor Control Commission (LCC). This amendment was passed and *in effect after* the SUP for Bowers Harbor Vineyards was originally granted. However, before the SUP was originally granted, an amendment to this section stated

that roadside stands be seasonal in nature. Therefore, under the Bowers Harbor Vineyards SUP, there could be the sale of processed farm products, including those needing a license from the LCC, i.e. wine, but the roadside stand had to be open seasonally.

The Right to Farm Act states that the Legislature intended the Act and GAAMPS to supersede local ordinances that are in conflict with the Act or GAAMPS. Further, the Act states that "a local unit of government shall not enact, maintain, or enforce an ordinance, regulation, or resolution that conflicts in any manner with this act or generally accepted agricultural and management practices developed under this act." MCL 286.474(6).

In January 2016, the Michigan Department of Agriculture and Rural Development (MDARD), published a set of GAAMPS for Farm Markets. These GAAMPS define a farm market as "a place or an area where transactions between a farm market operator and customers take place. This includes roadside stands.... A farm market may operate seasonally or year-round." Further, the GAAMPS define processed to include fermenting, distilling, packaging, cooling, storage or otherwise preparing the product for sale. It also states that "these activities can be used to extend a farm market's marketing season beyond its production season." See attached GAAMPS.

Under the heading "Marketing Characteristics of a Farm Market", the GAAMPS further state that "the marketing season is typically during the production season, and may be extended by the sale of farm processed products." In other words, typically when a farm market or roadside stand sells only farm products, i.e. fruit, or vegetables, then the farm market or roadside stand can only be operated seasonally, i.e. during the production season. However, if the farm product is processed, i.e. fermented, distilled, packaged, or otherwise prepared for sale, then the farm market or roadside stand can be operated beyond the production season, i.e. year-round.

The GAAMPS include a table of activities that are beyond the scope of the Farm Market GAAMPS. This table includes distilleries and wineries which are regulated by the federal government, MDARD, LCC, and local regulations. Because the Bowers Harbor Vineyards SUP authorizes a roadside stand which falls under the GAAMPS, local ordinances can only regulate certain aspects. These aspects include setback requirements, structure requirements, placement of signs, parking, and driveways. The aspects that cannot be regulated by the Township are the seasonality of the operation.

Further, if any member of the public or Township Board member feels that there is a violation of the current SUP or zoning ordinance, then a written complaint should be addressed to staff for investigation. Still further, if any member of the public or Township Board member feels that there are violations of the GAAMPS for Farm Market, then that person should direct a complaint to MDARD for investigation pursuant to the Right to Farm Act.

If you have any questions please feel free to contact our office.

NEE

_____
Local Unit

Grand Traverse County, Michigan

Board Resolution # _____

Approval of Computerized Tax Roll

WHEREAS: Act 112 of 1990 as amended by P.A. 415 of 1994, P.A. 505 of 2002, P.A. 461 of 2012 and P.A. 140 of 2015 sets two conditions that must be met for the State Tax Commission to authorize the use of a computerized database as the tax roll, and

WHEREAS: The local tax collecting unit can demonstrate that the proposed system has the capacity to enable the local unit to comply with the property tax law, and

WHEREAS: The local unit must comply with all the requirements of Form 3944 (Rev. 12-15), (See attachments), or 2696 (Rev. 12-15)

WHEREAS: The proposed system is compatible with the system used by the County Treasurer,

WHEREAS: The Board of Trustees of _____resolves to request that the County Treasurer submit a request to the State Tax Commission and the State Treasurer for approval of the Township's computerized tax roll.

Motion to approve by Board Member:_____

Seconded by Board Member:_____

Roll call vote:

_____ Name	____ Y/N	_____ Name	____ Y/N
_____ Name	____ Y/N	_____ Name	____ Y/N
_____ Name	____ Y/N	_____ Name	____ Y/N
_____ Name	____ Y/N		

The Clerk certifies the above resolution #_____was declared and adopted on_____.

_____
Clerk Signature

_____
Name

Michigan Department of Treasury
2696 (Rev. 12-15)

STATE TAX COMMISSION USE ONLY		
Date Received	Date Approved	Date Denied

Request for Approval of Computerized Tax Roll By a Local Unit

Issued under authority of Public Act 112 of 1990. Filing is voluntary.

Use this form to apply to the State Tax Commission for authorization to use a computerized database as the tax roll.

P.A. 112 of 1990 as amended by P.A. 415 of 1994, P.A. 505 of 2002, P.A. 461 of 2012, and P.A. 140 of 2015 sets two conditions that must be met for the State Tax Commission to authorize the use of a computerized database as the tax roll. They are: (1) the local tax collecting unit must demonstrate that the proposed system has the capacity to enable the local unit to comply with property tax law; and (2) the local unit must comply with all the requirements listed below. P.A. 505 of 2002 authorizes the County Treasurer to make the application on behalf of the local units (a local unit may still make an application of its own right). It also indicates that the State Tax Commission must approve or deny the application within 120 days.

PART 1: SETTLEMENT TAX ROLL

1. Will the treasurer of the local unit tax collecting unit and the assessor produce a final settlement tax roll to certify taxes collected? ☐ Yes ☐ No
2. Will the assessor certify that taxable valuations, state equalized valuations, adjusted valuations, and the spread of taxes and adjusted taxes are correctly recorded in the settlement tax roll? ☐ Yes ☐ No
3. Will the treasurer of the local tax collecting unit certify the delinquent taxes and that all tax collections are posted on the settlement tax roll? ☐ Yes ☐ No
4. Will those certifications and the settlement tax roll be transmitted to the County Treasurer in either computer-printed or electronic data format compatible with the system used by the county? ☐ Yes ☐ No
5. Will the certification by the assessor, attached to or included with the settlement tax roll, include documentation that authorizes and reports all changes in the pre-collection tax roll? **(Submit sample)** ☐ Yes ☐ No

PART 2: PROCEDURES AND REQUIREMENTS

6. Will the treasurer of the local tax collecting unit prepare and maintain a journal of individual collections, totaled and reconciled to the amount of actual daily collections? ☐ Yes ☐ No
7. Will payment of each tax be posted to the computerized database using a transaction or receipt number with the payment date? ☐ Yes ☐ No
8. Does the computerized database system have internal and external security procedures sufficient to assure the integrity of the system? **(Attach a description of the procedures used)** ☐ Yes ☐ No
9. Does the system have a "read only" terminal or other procedure for public viewing of the posted tax roll? **(If no "read only" terminal is available, describe the procedure used)** ☐ Yes ☐ No

PART 3: CERTIFICATION

We declare that the city or township named below, which we are authorized to represent, has the capacity to enable it to comply with the requirements and that it will comply with the requirements of Act 112 of 1990, as amended. We understand that this certification must be reaffirmed to the State Tax Commission every three years after approval by the State Tax Commission.

City or Township	County
City or Township Address	
City or Township Treasurer (printed)	Assessing Officer's Signature
City or Township Treasurer's Signature	Assessing Officer's Signature

Continue on Page 2

PART 4: COUNTY COMPATIBILITY CERTIFICATION	
I declare that I have examined this application and have become familiar with the tax collection system described for the City or Township making application. By signing, I agree that to the best of my knowledge, this system is compatible with the systems currently in use in our office.	
County	
County Treasurer's Address	
County Treasurer's Name (printed)	County Treasurer's Signature

Instructions for Form 2696
Request for Approval for a Computerized Tax Roll by a Local Unit

As amended 2015 Act 140

Lines not listed here require no explanation.

PART 1: Settlement Tax Roll.

Line 1. The example of the settlement roll must illustrate the posting of the tax receipts or transaction number, date of payment and partial payment validation with unpaid balance listed on the settlement roll for collecting partial payment. (Any one or more taxes [school, county, etc.] plus fees and/or penalty undivided interest etc., as applicable.)

Lines 2 through 5. The collecting treasurer's certificate (Line 3) must certify that all tax collections are posted in the settlement roll with the tax receipt or transaction number or numbers for payment or partial payments, the balance of unpaid taxes and date(s) paid listed in the settlement roll adjacent to the description and spread of taxes.
The assessor's warrant must certify that the original SEV and TV, adjusted SEV and TV, taxes spread and adjusted tax spreads are correctly recorded in the settlement roll.
The treasurer's certificate, assessor warrant and line 5 documentation must be attached to computer-printed settlement roll or included with an electronic settlement roll when tendered to the County Treasurer.

PART 2: Procedures and Requirements.

Line 6. The daily collections must be deposited intact. If, for major reasons, the deposit cannot be made daily, separate deposits for each day's tax collections, equaling the amount of that day's actual collections that are recorded in the tax receipts journal must be made and tendered to the bank. This will result in each deposit being listed as separate items on the bank statement.

Line 8. The description of security procedures should address the procedures you have implemented that will safeguard the data in the computer from loss due to fire or power failure, unauthorized access or changing and updating data, how data will be reestablished if destroyed by fire or power failure, ability to discover unauthorized changes or posting (updating) and backup off-site storage.

Line 9. Describe the other procedure you have implemented that will allow public viewing of the posted (current updated) tax collection roll.

Please call or write the office listed below if you have any questions regarding the use of the computerized database as the tax roll or completing the application for approval.

Michigan Department of Treasury
State Tax Commission
P.O. Box 30471
Lansing, MI 48909
517-335-3429

Michigan Department of Treasury
3944 (Rev. 12-15)

STATE TAX COMMISSION USE ONLY		
Date Received	Date Approved	Date Denied

Request for Approval of Computerized Tax Roll by County Treasurer

Issued under authority of Public Act 112 of 1990. Filing is voluntary

Use this form to apply to the State Tax Commission for authorization to use a computerized database as the tax roll.

P.A. 112 of 1990 as amended by P.A. 415 of 1994, P.A. 505 of 2002, P.A. 461 of 2012, and P.A. 140 of 2015, sets two conditions that must be met for the State Tax Commission to authorize the use of a computerized database as the tax roll. They are: (1) the local tax collecting unit or the County Treasurer must demonstrate that the proposed system has the capacity to enable the local unit to comply with property tax law; and (2) the local unit must comply with all the requirements listed below. P.A. 140 of 2015 authorizes the County Treasurer to make the application on behalf of the local units (a local unit may still make an application of its own right). It also indicates that the State Tax Commission must approve or deny the application within 120 days.

As the Treasurer of _____ County, I certify that all local units for which this application applies comply with all of the following requirements. A sample of the required reports is included as indicated below. A separate application is required for each different computer system/software package used if the local units employ more than one system. A copy of each local unit's security procedure (line 8) and the city or township governing body adopted resolution approving the request for authority to use a computerized database as the tax roll (line 9) must be attached to this application.

PART 1: SETTLEMENT TAX ROLL

1. Will the treasurer of the local unit tax collecting unit and the assessor produce a final settlement tax roll to certify taxes collected? ☐ Yes ☐ No
2. Will the assessor certify that taxable valuations, state equalized valuations, adjusted valuations, and the spread of taxes and adjusted taxes are correctly recorded in the settlement tax roll? ☐ Yes ☐ No
3. Will the treasurer of the local tax collecting unit certify the delinquent taxes and that all tax collections are posted on the settlement tax roll? ☐ Yes ☐ No
4. Will those certifications and the settlement tax roll be transmitted to the County Treasurer in either computer-printed or electronic data format compatible with the system used by the county? ☐ Yes ☐ No
5. Will the certification by the assessor, attached to or included with the settlement tax roll, include documentation that authorizes and reports all changes in the pre-collection tax roll? **(Submit sample)** ☐ Yes ☐ No

PART 2: PROCEDURES AND REQUIREMENTS

6. Will the treasurer of the local tax collecting unit prepare and maintain a journal of individual collections, totaled and reconciled to the amount of actual daily collections? ☐ Yes ☐ No
7. Will payment of each tax be posted to the computerized database using a transaction or receipt number with the payment date? ☐ Yes ☐ No
8. Does the computerized database system have internal and external security procedures sufficient to assure the integrity of the system? **(Attach a description of the procedures used)** ☐ Yes ☐ No
9. Does the system have a "read only" terminal or other procedure for public viewing of the posted tax roll? **(If no "read only" terminal is available, describe the procedure used)** ☐ Yes ☐ No

PART 3: COUNTY COMPATIBILITY CERTIFICATION

I declare that I have examined this application and have become familiar with the tax collection system described for the City or Township making application. By signing, I agree that to the best of my knowledge, this system is compatible with the systems currently in use in our office.

County		
County Treasurer's Address		
County Treasurer's Name (printed)	County Treasurer's Signature	Date

Continue on Page 2

PART 4: LOCAL UNIT CERTIFICATIONS – COMPUTERIZED TAX ROLL APPLICATION	
We declare that the city or township named below, which we are authorized to represent, has the capacity to enable it to comply with the requirements and that it will comply with the requirements of Act 112 of 1990, as amended. We understand that this certification must be reaffirmed to the State Tax Commission every three years after approval by the State Tax Commission.	
City or Township	County
City or Township Address	
City or Township Treasurer (printed)	Assessing Officer's Signature
City or Township Treasurer's Signature	Assessing Officer's Signature

Instructions for Form 3944
Request for Approval for a Computerized Tax Roll by a County Treasurer

As amended 2002 Act 505

Lines not listed here require no explanation.

PART 1: Settlement Tax Roll.

Line 1. The example of the settlement roll must illustrate the posting of the tax receipts or transaction number, date of payment and partial payment validation with unpaid balance listed on the settlement roll for collecting partial payment. (Any one or more taxes [school, county, etc.] plus fees and/or penalty undivided interest etc., as applicable.)

Lines 2 through 5. The collecting treasurer's certificate (Line 3) must certify that all tax collections are posted in the settlement roll with the tax receipt or transaction number or numbers for payment or partial payments, the balance of unpaid taxes and date(s) paid listed in the settlement roll adjacent to the description and spread of taxes.

The assessor's warrant must certify that the original SEV and TV, adjusted SEV and TV, taxes spread and adjusted tax spreads are correctly recorded in the settlement roll.

The treasurer's certificate, assessor warrant and line 5 documentation must be attached to computer-printed settlement roll or included with an electronic settlement roll when tendered to the County Treasurer.

PART 2: Procedures and Requirements.

Line 6. The daily collections must be deposited intact. If, for major reasons, the deposit cannot be made daily, separate deposits for each day's tax collections, equaling the amount of that day's actual collections that are recorded in the tax receipts journal must be made and tendered to the bank. This will result in each deposit being listed as separate items on the bank statement.

Line 8. The description of security procedures should address the procedures you have implemented that will safeguard the data in the computer from loss due to fire or power failure, unauthorized access or changing and updating data, how data will be reestablished if destroyed by fire or power failure, ability to discover unauthorized changes or posting (updating) and backup off-site storage.

Line 9. Describe the other procedure you have implemented that will allow public viewing of the posted (current updated) tax collection roll.

Please call or write the office listed below if you have any questions regarding the use of the computerized database as the tax roll or completing the application for approval.

Michigan Department of Treasury
State Tax Commission
P.O. Box 30471
Lansing, MI 48909
517-335-3429