

Peninsula Township Town Board
Township Hall
December 13, 2016 7 pm

Present: Isaiah Wunch, Margaret Achorn, Joanne Westphal, Rob Manigold, Brad Bickle, Maura Sanders.

Absent: Warren Wahl.

Also Present: Nicole Essad, Rachel Mavis (recording secretary)

Meeting called to order at 7:00 pm.

Approve Agenda

Motion by **Sanders/Wunsch** to approve agenda. **Motion passed.**

Citizen Comments (items not on agenda)

Pat Trnka - 17068 Peninsula Drive. She was looking through the costs of hiring additional employees. She noted the costs for the Record Eagle and also a \$3600 employment fee for the deputy clerk position - why is this more than the assistant to supervisor?

Westphal: the deputy clerk we hired came through Kelly Services. Kelly Services has a 12% fee in addition to the services on an annual basis. The clerk was hired at \$30,000, so \$3600 to Kelly Services for a direct hire.

Trnka - were there no other applicants that were qualified? It seemed like quite a bit of money.

Mark McKellar - He is the county road commission board member that is assigned to report to the township. He won't be out every month. Welcome to the new board. He wanted to put a face with the name and let them know that he's available - Mr. Cook (manager) will also be available tonight. The bottom line is that they appreciate the support on the last millage vote. They used the funds well. This one was a 70% win, as opposed to the narrow win on the previous one. They intend to fully use the funds the way they told the public they'd use them. He plans on coming out and giving a piece of education each time - asset management, project partnership, etc. Setting the millage money aside, they are well-funded and well-managed. There are no budgets out of balance or unfunded. Their employee benefits are in control for pension and health care. In about 7 years on their unfunded liabilities they'll be 85% funded. Don't be concerned about any problems. He'll be available to answer questions they may have.

Nancy Heller - 3091 Blue Water Rd. Under the consent agenda there's correspondence referring to 50/50 replacement trees for Bluff Rd. residents. Why wasn't this done for Peninsula Drive residents when the trees were removed before? She wasn't reimbursed when trees were removed from her properties. This seems selective.

Manigold: that is an agenda item. He took a ride with the road commission - they're making improvements along Bluff Rd. After what happened on Peninsula Drive, they suggested a tree planting for the larger trees that are coming out for the land owners. It's a policy the road commission used to have - if they took your tree out, they'd buy you one. They approached him with that idea and he's bringing it to the board tonight. They're also trying to work it out with the tree cutters that there are a lot of dead trees along the road - they're working on a reduced rate for property owners. Heller - The correspondence said they'd offer property owners \$100, not to replant, or offer a bare root tree. **Manigold** - what they're offering is an over 18" tree (they have a rough count of 60) - they'd put in \$50 and the township would put in \$50, so \$100 for an owner to put in a bald root tree.

Conflict of Interest

none

Consent Agenda

1. Reports and Announcements
2. Correspondence
3. Edit list of invoices for the month of December (recommend approval)
4. Amend township 2016-2017 budget to address anticipated DPW increase.
5. Meeting minutes (recommend approval)
 - a.) November 21
 - b.) November 22
 - c.) November 30

Manigold - a month or so ago he brought information on Mold Matters. They had a contract that was started that was incomplete. They redid the contract and accepted the bid to finish the project. The crew came out and inspected and when they opened the three rooms downstairs, they weren't drywalled. They also decided to disinfect and paint the floor. When finished, the project was going to be \$9200. Brad (Bickle) gave Bob the numbers - Bob bid it for \$8200. If you've been in the basement, the papers are there to put drywall up, it just hasn't been done. If everyone's up for it, he'll have Bob move on it.

Westphal: Why not get other bids? We require others to get three bids on projects.

Sanders is in support of Bob doing it - he's done other projects that kept it under the cost of having to go out and get other bids. This project needs to get done.

Bickle - This does need to get done. This is a health concern.

Westphal: We just asked the Park Commission to get three bids on fencing because they came in with a single bid and wanted it approved, so the understanding was that we go out for multiple bids for things that are \$2,000 or more.

Manigold: Township policy is for projects over \$10,000. We want to be consistent, though, so he'll go out for bids. Last Thursday he was in mediation on the DPW with the city. On Monday he was in court with the Kahn case and agreed to go into mediation further, so that will continue. Union agreements are still moving forward. Also, they applied to Consumers and got a grant for \$2500 for trees. When they sent it back, it went to Michelle's address and no one responded, so the grant was lost. Consumers was out this past week and pretty much guaranteed that they could reapply next year and get the trees.

Westphal - Mrs. Trnka, you raised a question about hiring the deputy clerk. It's an appointment, so it doesn't get advertised. We went out to two sources - Kelly Services and also went online to indeed.com to find people with clerk / office manager experience here in the area. We had two weeks notice to find this person. The deputy clerk is primarily responsible for the bookkeeping part of the clerk's job. We had to find someone who had skills and could get onto the accounting systems. I appointed Ellen Palmer (interviewed along with Achorn) - she had the office experience and management experience that we were looking for. She came from DC where she was the office manager for the CEO of BCBS for the past few years. Prior to that, she was the head office manager in charge of the Jesuit National Association - in charge of 38 districts. Her family has vacationed in TC, so they are familiar with the area. This was the second hire this month - they also hired an assistant to the township supervisor / planner. It was advertised as a supervisor deputy. They interviewed two people - both came from indeed.com. Christina Duran - from TC area, but was commuting to UP as an assessor and also as a zoning administrator for St. Ignace and Cedarville. She has great assessing skills and her additional experiences with permitting and appeals / processing and site inspection will help bridge the gap and offer help with some of the SAD's. Finally, there are five applicants for the position of planning director. The personnel committee reviewed applications, but wanted the town board to also look at them. They'd like to propose that they interview two of the five.

There are a couple of special dates coming up: GAAMPs lecture on Wednesday, January 11th at 7 pm at the town hall. Christine from MSU Extension will go through GAAMPs for farm markets, since this is the area we've been focused on. There will also be a Michigan Township Association training session for new officials January 17th all day at Crystal Mountain.

Gordon Hayward - anytime anyone wants to talk, he's got someone coming in and talking to them about the medical marihuana law. **Manigold:** We have an individual who is coming in to talk about a marihuana facility on the peninsula and we have nothing in the ordinance on this. He'd like to direct the Planning Commission to immediately start work on that.

Gordon Hayward: He went through the 281 and pointed out the sections in the memo that could apply to the township, where they need to have some responsibility or secondary impact based on the law.

Motion by Wunsch/Sanders to have Planning Commission begin looking at information provided regarding the 281. **Motion passed.**

Westphal: Under correspondence, they have a letter from Vicki Shirley encouraging support for the art fair and wanting permission to have a food truck or two available for attendees for the 7/22 event. She is requesting permission. They also had two attachments that dealt with the Peter Doherty society board and accomplishments - also outlined goals for the Doherty house in 2017. There also was a nice letter from Jane Boursaw dealing with terrific work that the election inspectors and poll supervisors did. All three are in packet.

They had to amend the list of invoices for December. They want to amend the township budget - they have been given a profile on why there would be a DPW \$40,000 increase, but never amended budget to accommodate increase. It's tied back to what TC is charging for water. Achorn had asked if the budget could be amended to anticipate that increase.

There are three sets of meeting minutes to approve - two of them were special closed meetings. The public has seen the open part of the meetings. The 11/22 meeting was a regular meeting. Under these circumstances with a closed meeting, the board takes the center part of the meeting minutes out and Westphal asks for any correction. If not, the board approves those minutes and returns them in envelope to the clerk.

Motion by Achorn/Bickle to approve the 11/21 closed session minutes. **Motion passed.**

Motion by Sanders/Bickle to approve the 11/30 closed session minutes. **Motion passed.**

Motion by Bickle/Wunsch to approve 11/22 minutes and consent agenda. Roll call. **Motion passed.**

Business

A. Old Business

1. Braemer SAD - un-table and pass a resolution to move forward with a public hearing.

Nicole Essad: Basically we're un-tabling the Braemar SAD. There was a meeting on 11/30 that Rob attended, along with the public. The consensus is that the public wants to move forward with it. The packet says resolution, but it's actually going to be a motion. Before we talk about it, we need a motion to un-table it for discussion. **Motion by Wunsch/Sanders** to un-table the Braemer SAD for discussion. **Motion passed.**

Essad: We need a motion to schedule a public hearing, most likely in January. Keep in mind there are notice requirements we need to do (late January / early Feb). **Motion by Sanders/Bickle** to proceed with the Braemer Estate storm/sewer SAD public hearing. Roll call. **Motion passed.** Essad - date needs to be set for the public hearing. **Motion by Sanders/Bickle** to proceed with the Braemer Estate storm/sewer SAD public hearing to be scheduled on January 24, 2016 at 7 pm at the township hall. Roll call. **Motion passed.**

Manigold: Just a heads up with all of the Special Assessment Districts. There will be a quite a few things happening at once. We're trying to get it all into one bond issue.

Essad: Just for clarification, there's also an agreement with the road commission in packet. It's in the packet for the board to look at - they should be able to sign that with the road commission soon. Road commission is talking about it at their meeting on the 20th. She's hoping late December / early January things will be completed, before they get too far into the SADs.

Achorn: question on the agreement - on page 2 under maintenance. It talks about township being responsible for maintenance in an emergency... what is the procedure to recoup costs?

Essad: Because the township has access to one of the DPW trucks, that is usually used. The cost could be rolled into SAD, but we decided against that since township has access to DPW trucks.

Manigold: There's some money left over in the contingency for that. When we compared the numbers they came up with to get a big company out there, when we have the same things with the DPW trucks, we found that we could do it much more inexpensively. You can bring it up again, though, because we're not adopting it yet.

2. Bonobo - update and recommended action (planner)

Gordon Hayward - there's a memo in your packet regarding this. There's a meeting set up next week to begin the farm plan. He'll meet with Oosterhouse in the beginning to explain the township's needs and propose an agreement so that Bonobo can come into compliance. He'll keep the board up to date.

Motion by Sanders/Westphal to place the enforcement of the Bonobo Winery Violation on hold pending staffs' communications with the property owner to develop a Farm Management Plan and the property owner's application to amend the approved SUP to implement that Farm Management Plan.

Wunsch: Is there a time stipulation? **Essad:** Gordon is meeting with them next week. Nikki and Todd Oosterhouse will work with Gordon to create the next steps. Then Gordon will bring the plan to the board. Roll call. **Motion passed.**

3. Ordinance amendment relating to Purchase of Development Rights Selection Committee

Gordon proposed a special amendment to PDR ordinance in regards to the selection committee. Currently, the committee expires after 8 years, so his suggestion is to reappoint members. He's not sure what the Planning Commission's role is in this. Essad will have to check to see what the Planning Commission's role is in this. No action to be taken right now.

4. Discussion of the amended AT&T tower contract

NOTE: email correspondence and detailed information attached at end of minutes

Bickle: The AT&T tower has been here at the township in May 2016, before the board again in June 2016, and then again on October 11, 2016. The new terms will allow the township to benefit from a 1% escalator on this project. The 5-year term starts in '18. In prior dialogues, he saw "comps." He called the agent and asked for realistic bill comps. There are 6 comps of actual tower space leases: Hastings St., E. David Rd., W. Silver Lake Rd., Pine St., Grand Traverse, and Front St. The average of those is about \$1900. We'll be starting with the new lease at \$2,250 a month. He also asked them to put in the contract what the monthly / yearly lease rates will be. Years from now, the treasurer and the clerk should be able to look back at what the lease was. This is basic language modified from the 6/11 meeting. If the board would like to study this further, a vote could be put towards it in January.

Westphal: In regards to the expansion of permitted use - the language in this allows them to "upgrade, replace, expand" - it's not limited to the number and types of antennas. **Bickle:** To help address your concern, after the 6/11 meeting I met with a local resident who also owns a company that installs cell towers. After the 6/11 terms were published, in a cursory review, his concern was similar to hers. This person said it's not uncommon to change a piece of the antenna. They can only work with the cylinder - plug/unplug. They can't alter beyond that. To him, it was the research of someone who does this for a living. It's like car upgrades. **Manigold:** Whatever they do, they have to come back to the board and make a request. A consultant has to get involved, distance from other antenna, etc. **Westphal:** The other concern was that new agreement allows them to sell their interest to someone else. To her, that's when we begin to lose some of the control we had with the first company. There is less accountability and less tieback to the community. **Bickle:** Are you

referring to #4? (Yes). Any time a township receives a written offer from a third party, the township will immediately send the offer to AT&T to match. **Westphal** - AT&T also retains the right to sell this to a third party - to transfer the ownership to a third party. **Bickle** - I'll confirm that component. I don't have the answer at the moment, but I'll look into it.

Hayward - We got a request from Sprint to upgrade their equipment. They want to add radios and antennas and replace antennas. I asked them to send us details of what they're proposing and we can respond.

B. New Business

1. Bluff Rd. Improvement - approval for cost-sharing on tree replacement with Co. Road Commission.

Jim (road commission): We learned some things on Peninsula Drive when we did that project. We made some assumptions. We had driven the project with the supervisor. We were under the assumption that the township still had a newsletter and that it would inform residents that trees were being cut. Notices were sent out and hung on doors. But a lot of people leave the peninsula for the winter, so when people came back, we had issues. People came back in May, June, and July, and discovered that trees were gone. In the future, we should consider providing an allowance or replacement for trees taken out of their yard. We're talking about select trees - 18" and larger - that are in the yard area. We are proposing this for the Bluff Rd. project. We would like to work with the township on this to share the cost - there would be a \$100 allowance (\$50/each). We think this will be a good solution.

Manigold: That's the request before you - the estimated number was 60 trees. It would be \$3,000 from the township (max), with a matching amount coming from the road commission. **Sanders**: In the second paragraph of the memo, it also references drainage improvements. **Jim**: Anytime we do a road project, we do a complete road project, which means we need to address drainage. Trees that hang over the road are bad for asphalt, because of their root system. If limbs are over the road, that means the roots are over the road. We have to keep the roads drained. We're going to reestablish any ditches that have been filled over the years. We do this in the best interest of the public - we want roads that last 20-30 years. We're trying to get water off the road (not ponding in people's yards, either). **Manigold**: It will be in the spring and it will go in the newsletter so everyone is aware of it. Residents can ask questions. The project will be coming off Center Road to Bluff Rd. / Blue Water Rd. If the bids come in low enough, they'll continue further. **Sanders**: I think it's a great idea. I just feel bad for those on Peninsula Drive who didn't get this. **Westphal**: I feel bad for Peninsula Drive residents, but I also feel bad for the trees coming out - if anyone has traveled down Garfield Rd. and has seen the trees coming out there, it has transformed several blocks of roadway and is heartbreaking. **Wunsch**: I'd suggest that we look at adopting some ordinance language so that we have consistency. I appreciate that we're repairing the roads. **Motion by Wunsch/Westphal** to move forward with road commission on this project. **Motion passed**.

2. Township Newsletter - amend 2016-2017 budget to cover printing and mailing expenses
Motion by Sanders/Wunsch to amend 2016-2017 budget to cover printing and mailing expenses for newsletter. **Achorn**: Is there an estimate on the cost? **Manigold**: Usually runs \$3,500. **Motion by Bickle/Wunsch** to amend budget to allow for up to \$7,000 in costs for newsletter. Roll call. **Motion passed**.

3. Authorize transfer of bank and credit card signature cards from previous town board officers / staff to new town board officers / staff
Motion by Wunsch/Sanders to direct clerk to authorize transfer of bank and credit cards from previous town board officers/staff to new town board officers/staff, as well as to get IT people. **Motion passed**.

4. Presentation from the Old Mission Peninsula Education Foundation on the school

Alison O'Keefe - President of OMPEF. It's been a long road and a while since they've been here, so they wanted to give an update. They are continuing negotiations with TCAPS. They don't talk about what is being negotiated. At one point during the meeting TCAPS mentioned that an offer was made of \$750,000 and TCAPS thought that was too low. They offered \$1 million, then TCAPS countered with \$1.1 million (property and contents). That info shouldn't have been released. The conversations have been positive - she is seeing a true willingness that TCAPS wants to sell the building.

Everything is going well. There is a huge wish and a desire for more information, but all she can say is that once they have penned this deal they intend to be fully transparent to the community. There was an article in the paper today - people asked if she was surprised. When you're in it, you're not surprised. They knew TCAPS had an 11/30 deadline. They have a responsibility to make the decision and move on. When the process started over a year ago, they just started heading down a road, not knowing where it would go. This is uncharted territory, but they are pleased with where this is going. They have said since August that they won't talk about the school piece until they have the building. The bottom line is certainty and sustainability. It is in the hands of the lawyers, so they're doing what they can do. It's a complicated situation, but they're close. They're working on options with the school piece - which includes one with TCAPS - but they want to get the building part completed before they work on that. Going forward with the new board, she wants to make sure they are supportive of this. She hopes they will continue to support. **Manigold:** You have our support, 100%. **Wunsch:** He will be happy to support however he can. O'Keefe: They'd love to have a liaison with the town board. **Wunsch** would be willing to do that. **Bickle:** The board is grateful for your work. **Sanders:** This community is lucky to have you and your passion behind this.

5. Appointment of Town Board representative to Parks Commission

Sanders: She has enjoyed her time on the board and would be happy to continue on it. **Motion by Westphal/Wunsch** that Maura Sanders be appointed as a representative of the town board on the Parks Commission board. **Motion passed.**

Citizen Comments:

Nancy Heller - Can you repeat who makes a motion and who supports it? Sometimes it's hard to hear.

Monnie Peters - 1425 Neahwanta. Because of her travel schedule, she hasn't been able to be here. Can she be brought up to date on what Bonobo is suggesting?

Manigold: The board sent them back to the attorney for enforcement. The motion tonight was to start staff negotiating with Bonobo to come back for enforcement with something that will work. Monnie - Is it still up in the air what they'll put in? **Bickle** - No. Nikki is going to meet with the owner and start a dialogue. Their responsibility is to bring the township a plan that is put together and presented to the board. They're getting a shot to get this done the right way - there will be deadlines and thresholds.

Jennifer Coleman - 10800 Peninsula Drive - as a resident of Peninsula Drive who went through the devastating change to the landscape, including a loss of a 150-year-old tree (a Civil War tree) - she hopes we learned something from that and don't repeat it again. The people working on the project were fine. The job got a little out of control. Her family was here all winter. The trees identified (to be taken out) were changed at the last minute. She is concerned about stability on the beach side of the road where the trees were taken down. She's also concerned that we may have erosion problems from fragile ground. She feels bad for the trees and the canopy that was lost. We can't get that back anytime soon. There's a reason everyone lives on peninsula - its charm and history is an important part of that. **Manigold:** That's our intention - to let Bluff Road residents know well in advance.

Bob Bolek - 7398 Peninsula Drive. He's in the Maple Terrace / Logan Hills SAD. Could you ask the people who are in that area doing what they do to ask the property owners before they come on their land. It's not public land - he caught people out there again. Also, the trees you're talking about on Garfield - he thinks there will be a power issue now that those are out. Those fuel our power. **Manigold:**

Bob came in this week - someone was out walking on his property without his permission. They were tracking down who the person was working for so that they could stop it.

Board Comments:

none

Meeting adjourned at 8:16 pm.