

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

www.peninsulatownship.com

Township Board Regular Meeting Minutes

February 9, 2021, 7:00 p.m.

Township Hall

1. **Call to Order** by Supervisor Manigold at 7:00 p.m.
 2. **Pledge**
 3. **Roll Call:** Manigold, Bickle, Sanger, Wahl, Chown, Achorn
Absent: Wunsch
 4. **Brief Citizen Comments (for agenda items only)**
Monnie Peters, 1429 Neahatwanta Rd.: read attached letter into the record before the township board.
 5. **Approve Agenda**
Bickle moved to approve the agenda as presented, seconded by Wahl.
Roll call: Passed Unan
 6. **Conflict of Interest** None
 7. **Consent Agenda:** any member of the board, staff, or the public may ask that any item on the consent agenda be removed and placed elsewhere on the agenda for full discussion
 1. Invoices (recommend approval)
 2. Reports
 - A. Grand Traverse County Sheriff Daily Officer Summary and Daily Count for December 2020
 - B. Grand Traverse Sheriff's Office Citation, Accident, & Arrest Statistics Report for 2020 and for January 2021
 - C. Peninsula Township Fire Department 2020 Awards

Chown: Read into the minutes the attached letter from Fire Chief Gilstorff titled Department Awards.
The audience, township board, and staff applauded the township fire department's men and women.
 - D. Peninsula Township Fire Department Report for January 2021
 - E. Peninsula Township Planning Commission 2020 Annual Report
3. Minutes from January 12, 2021, township board regular meeting
4. To approve a road name request for a new land division (see details in packet)
5. To create a new pooled bank account for the lighthouse and lighthouse gift shop (see details in packet)
6. To authorize \$7,500.00 from the Pelizzari Natural Area (PNA) fund balance to be used to appraise potential future additions to PNA
7. To reappoint Isaiah Wunsch as township board representative on the Peninsula Township Planning Commission
8. To reappoint Al Couture as the Peninsula Township Planning Commission representative to the Zoning Board of Appeals
9. Public Service Announcement from MDDHS regarding outdoor seating enclosures
10. Correspondence
 - A. Dave Murphy
 - B. Dave Murphy
 - C. Monnie Peters
 - D. Scott Phillips
 - E. Bill and Lois Byrne

F. Bud Stych
G. Eric Dreier
H. Mike Skurski
I. Dave Sanger
J. Dave Sanger
K. Fred Gilstorff
L. Elise Ballinger
M. Dave Middlemas

Moved by Bickle to approve the consent agenda as presented, seconded by Wahl.

Roll call: Passed Unan

8. Business:

1. Public hearing on Mannor Properties LLC's request to amend a conservation easement and potential resolution of support (Deeren)

Manigold closed regular board meeting and opened public hearing for Mannor Properties LLC's request to amend a conservation easement.

Hayward: a request was made to amend a conservation easement. Only the township board can amend a conservation easement. There have been parcel divisions since the original easement. Parts of this particular property are under easement and there is a small tract of land not under easement. A building site is reserved on the property. Standards for how to deal with an amendment of this type are outlined in the PDR ordinance. One standard is that the situation has to be better than the original situation for the township. No monies can be given or taken by either party for the value of the land. This proposal is for a larger acreage relocation building site, but the total value per the provided appraisal shows the original home site is worth more than the proposed relocated building site. Allowing this relocation is a better deal for the township.

Maingold closed the public hearing after no public comments were made and returned to the regularly scheduled board meeting.

Manigold: Gordon Hayward presented this to the board tonight since he researched the history of the original conservation easement.

Bickle: is satisfied with all the materials that have been presented.

Chown: it increases and protects the property's conservation values.

Achorn: since the non-refundable amount is not stipulated in the ordinance, it is not right to ask that of the applicant. Mr. Mannor has deposited the \$1,600.00 into escrow as outlined in the resolution.

Moved by Achorn to approve the request by Mannor Properties LLC for the relocation of a reserved residential building site, seconded by Wahl.

Roll call: Passed Unan

2. Update from the Peninsula Township Parks Committee (Atkinson and Murphy)

Don Atkinson, Peninsula Township Parks Committee: summarized recent parks committee meetings and achievements. Members have created assessments of themselves as a committee and are trying to put into place an effective plan moving forward by outlining park facilities and the needs of the parks. A collaboration of resources for the parks is needed. Some of the needs are maintenance, roads, and where to donate time and energy. Maintenance and improvements are a line item in the annual budget, which covers some of the maintenance but does not meet the needs of any larger projects. We have a five-year master plan and projects that have not been completed. Our maintenance list shows a variety of small-cost items that the annual budget should cover, low cost compared to other items on the list. On the top page the high priority projects are four-year high-priority items. The Bowers Harbor Park expansion was to be done in 2016 and the project still is not completed. The new playground equipment at Haserot Beach cost \$75,000. The north park and south park equipment at Bowers Harbor will cost an estimated \$300,000 to replace. These are accurate numbers. The equipment has been priced. A paved trail addition was added four years ago.

Restrooms need to be improved. A paved walkway, playground equipment, and a new vault bathroom facility are high priority items for BHP. A new dog park addition was proposed four years ago but was not a high priority item then. Now, it has again become a higher priority issue. There is space at Bowers Harbor Park for this. Two to three acres is recommended for a dog park, and on one acre the fencing is \$50,000. The estimated cost for all these improvements comes to \$900,000. We can't afford to pay for this out of township money. We have been raising money for the parks through a fund development campaign. The letter in the packet addresses the needs of the parks. We are looking for funds from individuals and grants at this time. Annual money totaling \$130,000 can only maintain and make small improvements. Excluded from this is the proposed boat access for Kelley Park. The parks committee and township board need to work together to gain more money to meet the needs of the parks.

3. Update on Participate Old Mission (Mielnik)

Manigold: read attached statement provided by Planner Mielnik into the minutes. Manigold commented that Participate Old Mission is in the beginning stages and is positive and is continuing to grow.

4. Approve the Designated Assessor Addendum to the Grand Traverse County Interlocal Agreement (Murray)

Manigold: before you is the County Equalization Director approval document and amended documents that we are asked as a board to support.

Moved by Chown to approve the documents to be signed by the supervisor, seconded by Sanger.

Roll call:

Passed Unan

5. Revised proposed retainer for legal services for 2021–2024 (Meihn)

Manigold: it was recommended last month by the board for some additional services to be rendered by our legal counsel and that a clause be added that either party may vacate the contract.

Bickle: has reviewed the summaries provided by Attorney Meihn. Has had a good working relationship with him and is comfortable with what is being presented.

Sanger: has worked well with Attorney Meihn for the last two years on citations and court hearings and finds him very knowledgeable and approachable with common folks. Listens and takes comments seriously.

Wahl: Likes the length of term that has been proposed and that the township can get out of the contract without a penalty. Does not have any concerns and feels cost is reasonable.

Bickle: he has provided services for the last three years and already has a long-standing relationship.

Manigold: also brings Foley Mansfield, which is across the county.

Moved by Bickle to approve the contract as presented, seconded by Achorn.

Roll call:

Passed Unan

6. Legal update on various township matters

Meihn (present by phone): provided an update on the lawsuit with the wineries. WOMP's (Wineries of Old Mission Peninsula) request for an injunction from enforcing the zoning requirements was struck down by the judge. An order to dismiss was denied as it did not meet the federal requirements and an amended complaint request was also denied. This gives a pathway to the end goal to enforce the ordinance. Next is the discovery phase of the process. Both parties will engage in the exchange of documents to support their legal positions factually. The court will set a motion to dismiss and trial date once discovery is complete. In March, the parties will go into mediation as required by the court. This process is meant to save money and time if a compromise can be made. There is a new development: Protect the Peninsula intends to intervene to help further fight the battle and (Meihn) expects its arguments to align with the township's.

Was in trial last week with the Santucci case to enforce the required permits that must be applied for in the agricultural district. Santucci contested that a land use permit was not needed for a structure that was erected. Two additional attorneys were brought in to assist. The court sustained the township's position that Santucci must apply for a land use permit. Land use permits ensure you are doing exactly what the property is designed to do and ensure it conforms to

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Christina Deeren, Recording Secretary

the zoning ordinance. (We) won the case with a fine and a judgement granting four times the amount owed. Defending this case came at no extra cost to the township. There will be other matters to discuss at the next board meeting. Lawsuits are in place and those individuals have been served.

9. Citizen Comments

Dave Murphy, 943 East Shore Rd.: serves on the master plan and steering committees. Bill Delaney from Cherry Capital Cycling stated that it is dangerous to cycle on the peninsula. People are coming from other parts of the state and country to cycle here. Received feedback from the steering committee on the dangerous conditions on Peninsula Drive. This issue is on Bang the Table for community discussion to seek a longer-term solution. Believes we need to work on lowering the speed limits and adding more signage and education. Mr. Delaney can help with grants and as a liaison between the road commission and the township.

Asked if adjustments can be made to PDR contracts for off-road trails. Is unsure if adjustments can be made if the changes benefit residents.

10. Board Comments

Manigold: Thanked Gordon Hayward and staff for working to get the first part of the winery lawsuit turned down.

11. Adjournment

Moved by Wahl to adjourn, seconded by Sanger.

Roll call:

Passed Unan

Final adjournment: 7:50 p.m.

Monnie Peters
1425 Neahtawanta Road
Traverse City, MI 49686

To: Peninsula Township Board

Read at the Township Board meeting: Tuesday, February 9, 2021

On Business item 5: Request to approve 3-year attorney fee proposal:

I am reading this letter tonight because the Clerk did not include my letter from last month in any of the packets. She wrote in her email to me, "I didn't receive your letter (last month) in time to include it in the packet for the Jan. 12 meeting, and when the item was pulled that night, I didn't think to go back and get the letter."

I am glad to see the new proposal this month is far more specific. You now have a document from which you can make an educated "guess" on what legal services could cost going forward. It would be the annual fee of \$50,000 plus \$4680 to attend meetings, plus add-ons should certain actions occur, probably an amount that will come in over \$60,000. This is a substantial amount of money that covers an area where there often are confidentiality issues that can not be shared with the general public. Therefore, you, the Board, have an extra responsibility to spend these funds wisely.

I suspect you really have little or no information on the more important statistic of how much the Township has spent in total annually over the last three-five years. I'll guess that the amount actually spent may be as high as double the yearly fee of \$42,500, including peripheral expenditures and expenses to get here from down state.

Determining (in a ball park amount) where the money was spent and understanding why the Township is paying a great deal for legal services would be valuable. What actions are driving legal expenses? Is it just an unusual set of circumstances, or is there something more systemic.

You may feel you need to set up legal services this month and a serious review should take several months. Maybe you need two lawyers: one for standard/daily Township activities and one for litigation? And is there some underlying reason why there may now be more legal costs and litigation? Do you really need legal review of Land Divisions? Is that due to problems elsewhere?

If any of this is the case, I would recommend approving this fee proposal for only one year and then take the time to assess total legal expenditures.

Thank you and sincerely,

Monnie Peters



Peninsula Township Fire Department
14247 Center Rd.
Traverse City, Michigan 49685
PH: 231-223-4443
firechief@peninsulatownship.com



Re: Department Awards

February 9th, 2021

Dear Township board,

The Peninsula Township Fire Department would like to announce numerous awards to department members. The awards will be presented to each individual by the fire chief as we are still dealing with the Coronavirus pandemic. I respectfully request that this letter be read at a township board meeting to publicly recognize the strong work of these individuals.

The awards presented are for Firefighter of the Year, Life Saving Awards and Department Citations. I am grateful for the efforts of all the fire department staff and applaud them for their dedication and service to the community. They have all dealt with the very trying times of 2020 with a passion and fire to be safe and healthy and to continue to deliver a high-quality service to the residents of Peninsula township. They should all be applauded.

The awards will be as follows:

Firefighter of the Year- Lieutenant Ethan Passalacqua

Life Saving Awards – September 4th, 2020 - Lt. Ethan Passalacqua, Grant Blackmer, Jason Schuitema, Mike Vandermey and Cory Reamer.

Life Saving Awards – October 22nd, 2020 - Lt. Nick Haines, Bethany Wyman, Paul Lipke, Mike Vandermey and Chuck Downer

Life Saving Awards – September 21st, 2020 – Lt. Brent Strom, Kyle Sarber, Joe Sicoli and Mike Vandermey.

Department Citations- Lt. Brent Strom, Lt. Nick Haines, Kyle Sarber, Mike Vandermey, Joe Sicoli and Cory Reamer.

Stoney Beach Point House Fire – Lt. Ethan Passalacqua, Grant Blackmer, Jason Schuitema, Jordan LaPoint, Bethany Wyman, Mike Vandermey, Dan Drew and Wolstano Paniagua.

Please join me in congratulating these dedicated individuals who together help make the Peninsula Fire Department a great team.

Sincerely,

Fire Chief Fred Gilstorff

memo

To: Township Board
From: Randy Mielnik, AICP
Date: February 3, 2021
Re: Participate Old Mission

The recent newsletter announced the launch of Participate Old Mission. This is an on-line community engagement platform that exists at www.participateoldmission.com. It is now linked to the township website and can be found by internet search engines. Since this launch, we have had nearly ~~140~~ **325** site visits and we have nearly ~~45~~ **135** registrations. We are pleased with this response and the people at Engagement HQ/Bang the Table tell us we are off to a very good start. An initial focus of this effort is provide input to drive conversations about the Master Plan Update.

We hope that residents visit www.participateoldmission.com, register, take some time to explore this site, and contribute to meaningful conversations about the future of Peninsula Township. Over time, we expect this platform to grow and believe its value will directly relate to the number of residents who register and contribute their thoughts and ideas.