

Packet
March 12, 2024,
Township Board Regular Meeting

Consent

Invoices
(to come in packet
addition)

Reports



Peninsula
COMMUNITY LIBRARY

MARCH 2024 DIRECTOR'S REPORT – VICTORIA SHURLY

The Board and Staff of PCL are sad to announce that PCL Board Trustee and Vice President, Lori Brickman, passed away March 3 unexpectedly. Lori had served on the Board since 2017 and saw the library through many changes including the construction of and move to the new building. Lori will be missed more than words can say. We will be hanging a plaque in her honor in the library in gratitude for all she has done.

Only 6 tickets remain for our 18th annual Books at the Boathouse fundraiser scheduled for April 22. Tickets are \$125 per person, available at PCL and include wine, appetizer, salad, main entrée and dessert. All funds earned support PCL. A live auction will be hosted by UpNorthLive news anchor Marc Schollett. Items offered include a gourmet meal prepared in your home and served with wine pairings for you and your guests, an afternoon sail with wine and appetizers, a feature article on your family in the Old Mission Gazette and more. Several hand turned wooden pieces will be auctioned including a bowl by Traverse Area District Library Board member Paul Deyo.

Our spring snail mail newsletter was sent out to 3800 households on Old Mission and to others by request. It is published quarterly.

March is Reading Month and patrons are invited to pick up a READING BINGO card at PCL. Read up, down, sideways or diagonally and turn the card in at PCL for a sweet treat. Old Mission Peninsula School students are participating as well!

Versiti hosted a blood drive at PCL February 14. 20 pints of blood were collected. The drive is held quarterly at PCL and patrons have expressed appreciation for not having to drive to town to donate. The next drive is set for June 19. The link to sign up is on our website at www.peninsulacommunitylibrary.org

Our goal this summer is to make the walking trail around our 5.25 acres, already approved on our SUP, a reality. Siler's Lawn Service will be mowing the trail around the perimeter of the property. Signs will be posted requiring people to clean up after their pets. The trail will not be maintained in the winter.

PCL Fun Fact: The land that PCL sits on was purchased in 1990. The library build started in 2018 and we moved in September 2019. Good things to come to those who wait!

***Circulation Feb 2024 1647 + 72 manual checkouts, Feb 2023: 1824
Feb Volunteers: 16 people (0 teens), 32 hours of time to PCL
Curbside pickups: 2. Home delivery: 0. New library cards: 7
Hold Transit Counts Feb: 689 to other libraries from PCL, 299 from other libraries to PCL
Programs Feb: 17 Participation Feb: 208 Reference Questions: 317
Website Hits: Not available this month Twilight Baby Bags: 0, 1000 Books Before Kindergarten: 3
Meeting Room Reservations: Wireless & computer users 106***

PENINSULA COMMUNITY LIBRARY 2893 ISLAND VIEW ROAD, TRAVERSE CITY, MI 49686 231-223-7700

www.peninsulacommunitylibrary.org

Like us on Facebook – Peninsula Community Library

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

Ph: 231.223.7322 Fax: 231.223.7117

www.peninsulatownship.com

03/05/2024

CASH SUMMARY BY FUND FOR PENINSULA TOWNSHIP

Fund	Description	Ending Balance 02/29/2024
101	GENERAL FUND	1,475,284.04
204	Roads Fund	5,253.66
206	Fire Fund	3,124,505.16
207	Police Fund	466,694.32
208	Parks Fund	68,889.84
209	Cemetery Fund	71,801.82
213	Hessler Log Home Fund	6,451.90
214	Pelizzari Natural Area Fund	397,227.67
216	Dougherty House/Replica Log Church Fund	7,932.46
252	Building Fund	2,855.59
298	Cable Council Fund	812,865.16
299	Spec Assesmt-2017-Landing Account	7,295.15
397	Purchase of Development Rights	4,964,729.22
502	Tower Fund	895,809.52
508	Lighthouse Fund	141,826.12
509	Lighthouse Gift Shop Fund	108,101.51
590	Sewer Fund	339,984.08
591	Water Fund	379,246.24
596	Compactor Station Fund	9,429.72
701	Trust and Agency Fund	50,926.56
703	Tax Collection	5,726,176.52
704	Imprest Payroll Fund	23,068.19
708	Library Trust and Agency Fund	477,360.65
853	Spec Assessmt-Braemar Drainage District	33,907.07
854	Spec Assessmt-Logan-MapleTerrace Drain	116,035.14
861	Spec Assessmt-Braemar Road Improvement	30,686.21
863	Spec Assessmt-Logan Hills Road Improvemnt	37,554.54
864	Spec Assesmt-MapleTerrace Road Improvemnt	67,619.62
865	Spec Asses-Old Mission Estate Rd Improve	72,304.42
866	Spec Assessmt-West Winds Road Improvemnt	71,518.21
867	Spec Assessmt-Maple Terrace Water System	116,414.68
	TOTAL - ALL FUNDS	20,109,754.99



Peninsula Township Fire Department
14247 Center Rd.
Traverse City, Michigan 49686
PH: 231-223-4443
fire@peninsulatownship.com



JANUARY 2024 FIRE DEPARTMENT REPORT

RUNS:

Incident Type Details

Click Row for Breakdown	2024	Total
100 - Fire	1	1
300 - EMS	20	20
400 - HAZMAT	2	2
500 - Service Call	3	3
600 - Series	3	3
700 - False Alarm	4	4
Total	33	33

Aid Given Or Received	2024	Total
Automatic aid received	1	1
Mutual aid given	2	2
None	30	30
Total	33	33

Mutual Aid for Structure Fires

Aid Given Or Received	2024	Total
Mutual aid given	1	1
Total	1	1

Level of Service	2024	Total
Advanced Life Support	13	13
Basic Life Support	11	11
ALS, Downgraded	1	1
Total	25	25

Disposition	Emergency Response (Primary Response Area)	911 Response	Public Assistance/Other Not Listed	Total
Cancelled (Prior to Arrival at Scene)	1			1
Patient Refused Evaluation/Care (Without Transport)	-	6	1	7
Transported No Lights/Siren	2	9		11
Patient Treated, Released (AMA)		1		1



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Disposition	Emergency Response (Primary Response Area)	911 Response	Public Assistance/Other Not Listed	Total
Patient Evaluated, No Treatment/Transport Required	1	2		3
Transported No Lights/Siren, Upgraded		1		1
Transported Lights/Siren	1			1
Total	5	19	1	25

TRAINING: For the month February 2024, the fire department trained on the following topics. Ice rescue and equipment, Rescue 7 use and operation, SCBA drills, area familiarization, pre-incident site plan review, customer service, OB EMS training and forcible entry training. Three members are in paramedic school, one member has passed state EMT requirements and another is preparing to take the test.

OTHER ACTIVITY: Chief working on 2024/25 budget. Chief working on union contract negotiations. Members did station tours and safety talks with the public. Made green address signs for multiple residents. Continued work on concepts for a new station 1, looking into potential finance options. Review specifications for the new fire truck that is due in 2025. Working on replacing kitchen cabinets at station 2, cabinets are in bad shape.

January through December

Zoning Ordinance	J	F	M	A	M	J	J	A	S	O	N	D	Total
Land Use Permit	1	1											2
Special Use Permit													0
Waterfront		1											1
Short Term Rental													0
Night Sky Violation	3	2											5
Outside Storage													0
Setback Violation													0
Sign Violation		2											2
Fence/wall													0
Other		1											1
Total Zoning	4	7	0	0	0	0	0	0	0	0	0	0	11
Other Ordinances													
Dangerous Bldg													0
Fireworks													0
Junk													0
Noise													0
Parks													0
PDR													0
Stormwater													0
Large Events													
Total Other Ordinances	0	0	0	0	0	0	0	0	0	0	0	0	0
Total All Ordinances	4	7	0	0	0	0	0	0	0	0	0	0	11
Citations Issued	0	0	0	0	0	0	0	0	0	0	0	0	0
Citizen Complaint Calls	3	5											8
Officer's Hours Worked	30.2	26.8											57.0
Officer's Miles Driven	89	74											163
Memo: other													
February (temporary building)													

Minutes

PENINSULA TOWNSHIP

13235 Center Road, Traverse City
MI 49686

www.peninsulatownship.com

Township Board Special Meeting February 13, 2024, 2:00 p.m. Township Conference Room Minutes

1. **Call to Order** by Wunsch at 2:01 p.m.

2. **Pledge**

3. **Roll Call**

Present: Wunsch, Achorn, Sanger, Sanders, Chown; Shanfelt arrived at 2:11 p.m.

Absent: Rudolph

4. **Citizen Comments:** none

5. **Approve Agenda**

Sanger moved to approve the agenda as presented with a second by Sanders.

Motion approved by consensus

6. **Conflict of Interest:** none

7. **Consent Agenda:** none

Business:

1. Potential closed session to consult with township attorneys regarding trial and settlement strategy in connection with pending WOMP v. Peninsula Township pursuant to MCL 15.268(e) and (h)

Wunsch moved to enter closed session to consult with township attorneys regarding trial and settlement strategy in connection with pending WOMP v. Peninsula Township pursuant to MCL 15.268(e) and (h) as discussion in an open meeting would have a detrimental financial effect on the litigating or settlement position of the township with a second by Sanger.

Roll call vote: yes – Achorn, Sanders, Sanger, Wunsch, Chown

Passed unan

[Shanafelt arrived after the board entered closed session]

Sanger moved to leave closed session and return to the open meeting with a second by Sanders.

Roll call vote: yes – Sanders, Sanger, Wunsch, Chown, Shanfelt, Achorn

Passed unan

8. **Citizen Comments:** none

9. **Board Comments:** none

10. **Adjournment**

Sanders moved to adjourn with a second by Sanger. Motion approved by consensus

Adjourned at 3:56 p.m.

PENINSULA TOWNSHIP

13235 Center Road, Traverse City
MI 49686

www.peninsulatownship.com

Township Board Regular Meeting

February 13, 2024, 7:00 p.m.

Township Hall

Minutes

1. **Call to Order** by Wunsch at 7:00 p.m.
2. **Pledge**
3. **Roll Call**

Present: Wunsch, Achorn, Sanger, Sanders, Shanafelt, Rudolph, Chown

4. **Citizen Comments**

Wunsch: before we open citizen comments, a few things. Alan Leman is here from the Grand Traverse County Road Commission; he asked to give an update during first public comment. Does anyone on the board object?

No board objection

Wunsch: if anyone is here for item two, public hearing on Peninsula Shores Special Use Permit #123, the applicant is still submitting information for review and asks for that item to be tabled until the March 12 meeting. We will not open for citizen comment for that item.

Todd Wilson, 782 Neahtawanta Road: three comments. First, I support your efforts in the WOMP [Wineries of Old Mission] lawsuit and your continued efforts to clarify and enforce zoning ordinances. You've been under a lot of pressure and sort of vilified recently and it's a difficult time to do your job. I also wanted to ask about the Friday Record-Eagle story about our previous attorney and the lawsuit. If anybody could please tell me and the rest of the township anything you know that would not violate any of your professional ethics or obligations... Last, I want to emphasize the letters you received, providing support and also asking the wineries to negotiate instead of litigate. If anybody would like to write additional letters, there's a template you can use on friendsofoldmissionpeninsula.org. Thank you.

Alan Leman: I'm your representative on the road commission. I discussed with Trustee Sanger in a couple of phone conversations the road commission's jurisdiction over the road ends on the Great Lakes. Our attorney and the County Road Association of Michigan's attorney thinks Michigan law is quite clear: the road ends are to be used as access and not for parks. They're not for beach fires, they're not for picnics, they're not for sunbathing. They are designed for emergency and non-emergency use to all citizens of Michigan. We encourage you, if you know road ends are being blocked, to have some enforcement people there. We support you in keeping them open. I understand that you have some regulatory powers for things like parking within our right of ways. I think our board would be supportive of any ordinances the township would enact about certain hours and the

limits of parking. If there's to be any enforcement of these ordinances, we really don't have police powers. We would not be enforcing them unless we saw something egregious like somebody blocking it and then we would probably call the sheriff's department or the state police. But unless it's really out of the ordinary, we probably wouldn't be involved. We would want to work with you to help you with problems you might have at the road ends. I've been told that people back their fishing boats in there if the site's accessible. That's okay. You want to carry your windsurfer in and out or kayaks. You want to walk the beach below the high-water mark where it's the public's property and not the property owners. Those are good access points. But it's not to set up picnic tables and make a road easement a park.

The other thing is Bluff Road. We had a good meeting last month about practical solutions and affordable fixes to reopen the road. We have some new leadership at the road commission behind our efforts to do this. We are going to look at ways to affordably get this road back into service. I believe we're gonna meet again next month. We've had some people within the township offer to help with specific fundraising ideas. We're really looking forward to getting some movement on that and getting Bluff Road opened back up. Thank you for your time. If you have anything you want to talk about, email me.

5. **Approve Agenda**

Chown: I have an amendment to G on the consent agenda. Under reports, it should be, "Parks Litter Collection," not "Parks Little Collection."

Sanders moved to approve the agenda as amended with a second by Shanafelt.

Approved by consensus

6. **Conflict of Interest**

Chown: I have a conflict of interest with item two under business and will ask to be recused for that discussion.

Cram: I'd like to give a brief verbal update as well under business if that can be added.

7. **Consent Agenda:**

1. Invoices (recommend approval)
2. Reports
 - A. Peninsula Community Library
 - B. Cash Summary by Fund
 - C. Revenue and Expenditure Report
 - D. Fire Department
 - E. Fire Department 2023 Annual Report
 - F. Ordinance Enforcement Officer
 - G. Old Mission Peninsula Lighthouse Park ~~Little~~ **Litter** Collection 2023 Annual Report
3. Minutes from December 11, 2023, Township Board Special Meeting, December 12, 2023, Township Board Regular Meeting, December 13, 2023, Township Board Special Meeting, and February 5, 2024, Township Board Election Commission
4. Grand Traverse County Board of Commissioners Meeting Notice for 2024
5. 2024 Annual Assessment Change Notices
6. Board of Review Appointment
7. Old Mission Women's Club Barn Sale

8. Old Mission Peninsula United Methodist Church Chicken Barbeque
9. Old Mission Peninsula Historical Society Log Cabin Days
10. Amendment to List of Election Inspectors Working at the February 27, 2024, Presidential Primary
11. Election Guidelines for Public Bodies in Compliance with MCFA (MI Campaign Finance Act)
12. Art and Mary Schmuckal Family Foundation grant award to construct sustainable trail at Pelizzari Natural Area
13. Correspondence
 - A. Dennis Arouca and Anne Treadway Arouca
 - B. Todd Wilson and Deb Crowe
 - C. Scott Phillips
 - D. Lissa Heald Skurnik
 - E. Judy Arnold
 - F. Louise Ladd
 - G. Bill Carruthers and Jim Carruthers
 - H. Jeremy Gibson
 - I. Pete and Kim Morrison
 - J. Molly Lewis
 - K. Dorothy Morrison
 - L. Anna Taylor
 - M. Ben Begley and Kathleen Wills
 - N. Elise Chapin
 - O. Diana Rowe
 - P. Sarah McKune
 - Q. Liz Lancashire
 - R. John Eaton
 - S. Ken and Susan Morrison
 - T. Brit and Amy Eaton
 - U. Jean Chapin
 - V. Jessica Ladd
 - W. T. Chris Remsperger
 - X. Sam Todd
 - Y. Jill (Gray) Hutchinson
 - Z. Jenny Magro
 - AA. Sally Van Vleck
 - BB. Nancy and Chris Shotwell
 - CC. Fran Bailey
 - DD. Susan Abrahams
 - EE. Lew Roubal
 - FF. Grant Parsons
 - GG. All correspondence contained within the January 9, 2024, Township Board Regular Meeting Packet

Shanafelt: I found two typos in the December 12 minutes. On page 5, Isaiah [Wunsch] says “Deal with these low timelines.” It should be “slow timelines.” On page 11, the second time

I'm speaking, it's written, "but he's not one of us." I actually said, and it matters in terms of the meaning, "and he's not one of us."

Rudolph moved to approve the consent agenda as amended with a second by Sanders.

Roll call vote: yes – Achorn, Sanger, Sanders, Shanafelt, Rudolph, Chown, Wunsch **Passed unan**

8. Business:

1. Peninsula Township Fire Department Awards (Gilstorff)

Chief Gilstorff: I appreciate you allowing us to present our annual awards for 2023 tonight. I have a host of dedicated firefighters. I'd like to thank them personally. They make my job easy. They enjoy working for this community, and I appreciate all their efforts. I'd like to start by going through the list of awards. There's a few of who aren't here. I will read what the award says to give them the accolades they deserve.

Lieutenant Kyle Sarber: receiving a fire department citation award in "recognition of hard work and dedication to the fire department team. Your leadership of the Department of Emergency Medical Services is much appreciated as you work to improve every aspect and spend hours training our staff in continuing education. Your work ethic to become a great officer of this department is admired. Completed Fire Officer I and II training and Fire Inspector trainings. Your dedication to become a good leader and improve our department is deeply appreciated by all our members. Job well done."

Nick Haines: department citation award in "recognition of hard work and dedication to the fire department team. Your work ethic is deeply appreciated. You're a great asset to the department as you're always willing to try to fix any issue we have with department equipment, whether on the trucks or in the stations. You keep all the trucks in order and functioning properly and will work on any item you feel you can fix. Having you on the department makes our team better. The department appreciate your hard work." He will fix anything. He's saved this township a ton of money.

Joe Sicoli: "For recognition of hard work and dedication to the fire department team. Your work in training the community, businesses, and schoolteachers in CPR and fire department staff in basic life support skills is greatly appreciated. Your willingness to tackle these tasks on short notice is admirable. The department commends you for all your efforts." Joe does all our CPR training. He was instrumental in getting quite a few of the teachers over at the school trained in CPR, which is a big deal.

Cobey Taylor: "Recognition of hard work and dedication to the fire department team. Your work and training the community, businesses, and schoolteachers and leading fire safety events is deeply appreciated. The management of the department fire safety message is a large task that you handle well. Our community is safer because of it. The department thanks you for all your hard work." Cobey ran the Touch a Truck event at the school this year that the kids absolutely loved. I heard nothing but good things about this event. I appreciate that and everything he does. He's also involved with the Peer Support Network for mental wellness for first responders. It's great to have him as an asset in case one of our folks is struggling. He does a great job.

Laura Martin: "Recognition of hard work and dedication to the Fire Department team. Your work in completing Firefighter I and II training along with the basic Emergency Medical Technician is greatly appreciated. The department appreciates all your time and effort you put into completing these trainings and looks forward to you becoming a great asset for our department." That's a year's worth of training, two nights a week and weekends. There's a lot that goes into it for our new people.

Logan Shananaquet: "Recognition of hard work and dedication to the fire department team. Your work in completing Firefighter I and II training along with basic Emergency Medical Technician is greatly appreciated. The department appreciates all the time and effort you put into completing these trainings and looks forward to you becoming a great asset for our team." Same as Laura; he went through the program with her and put in the time and effort to get that done. It's nice to have young people getting into our ranks who will hopefully stay here for a long time and continue to serve this community.

Luke Miller: "Recognition of hard work and dedication to the fire department team. Your work completing Firefighter I and II training is greatly appreciated. The department appreciates all the time and effort you put into completing these trainings and looks forward to you becoming a great asset to our department. Great job."

The next one is a department citation for a response we had on August 12, 2023, where a boat got stranded on the rocks outside the lighthouse with a family aboard.

Cobey Taylor: "For actions taken on August 12, 2023. Peninsula Township Fire Department was called for a boat in distress near the lighthouse. The boat was stuck in shallow waters on rocks with a family of six on board, four of them children. You and the team's actions using Marine One to safely remove each person from the stranded vessel is commended. The fire department thanks you for your dedicated skill while wading through the water to get to the stranded vessel and willingness to help others out of harm's way. Great job."

Nick Haines: for his actions taken on the same day. Nick operated the boat, and it took a lot of skill not to damage the boat in shallow waters; our boat is kind of big. But he was able to navigate that back and forth with Cobey going into the water to utilize the floatation type device. One by one, he took the family off the vessel and got them onto our boat and then we took them onto shore, got them in a warm ambulance, then arranged for a ride home. Great job by Nick as well.

Luke Miller and Dan Drew were on that event as well.

Griffin Dunn: Griffin was with me on the beach at the lighthouse and we were watching through binoculars, assisting them to get to the boat.

Next was a boat fire in May.

Jordan LaPoint: "For actions taken on July 23, 2023. Peninsula Township Fire Department was called for a boat on fire in West Bay. The crew responded with Marine One to a working fire. Your actions in providing assistance to the operator of Marine One are to be commended. Your actions and skills that day brought that situation under control rapidly. Great job."

Grant Blackmer: "For actions taken on July 23, 2023. Your actions in operating Marine One were well noticed as you navigated and used our deck gun to apply water to the fire. The fire was contained in less than five minutes. Your actions and skills that day brought the situation under control rapidly. Great job." The three of us were on that boat, and Grant has been here so long, I asked him if he'd ever responded to a boat fire and used the boat. He said, "No." He did a great job and put it out quickly. It sank, but we put the fire out. Next I have some years of service awards.

Thomas VanderMey: "Recognition of 15 years of service to the Peninsula Township Fire Department and the residents of the township. The fire department thanks you for all your hard work and dedication to the Peninsula Township community. To provide service for more than 15 years is an outstanding accomplishment and deeply appreciated by the township fire department."

The next one is for five years of service that basically reads the same and it's for Lieutenant Paul Lipke, who was recently promoted in October.

Joe Sicoli: five years of service. He was one of the initial batch of paramedics we hired before we started ALS. When he, Lieutenant Lipke, and one of the other individuals came, that allowed us to start the ALS program, which has been greatly beneficial. Of all the things we've been able to do since I've been here, getting ALS going has been the greatest benefit to this community. So for Joe, for "recognition of five years of service to the Peninsula Township Fire Department and residents of Peninsula Township, the fire department thanks you for all your hard work and dedication to the Peninsula Township community. To provide service for more than five years is an outstanding accomplishment and deeply appreciated by the Peninsula Township Fire Department."

The last one I have is for Dan Drew for five years of service. Unfortunately, he chose to resign. I wanted to recognize him for five years of service and appreciate everything he did for the fire department.

Last is the Chief Richard VanderMey Firefighter of the Year award. I want to recognize his wife Pam, here with the firefighters. She does so many things for us, feeds us, is involved with our events and anything she can do. Thank you, Pam.

This guy has been on our department for three years. He came to us from Florida. I knew when I talked to him the first time, "This guy is good." He got notice on a Friday, was here on Monday, sitting in the chair in front of us [for an interview]. He wowed us. [He's] been awesome since he came here. So with that, the fire department's firefighter of the year 2023 award goes to Calep Adams. Calep has been with the fire department since April 2021. He quickly established himself as a good team member, a dedicated individual, and a person who is trusted and relied on. During 2023, Calep passed his paramedic certification and became a great asset from a paramedic standpoint. He is dedicated to becoming the best paramedic he can be and has enhanced our paramedic service to the residents. Calep is willing to work whenever needed. He worked the most overtime of any member in 2023, many times with very short notice. I think he had almost 400 hours of overtime for the year, which is a tremendous amount. Calep has great knowledge of the pumps on fire trucks and has worked to train others in the pump operations. He did a lot of work on the

specifications you approved for the new fire engine. For those reasons and many more, it's an honor to name Caleb Adams the Chief Richard VanderMey Firefighter of the Year for 2023.

2. Public Hearing on Peninsula Shores Planned Use Development Special Use Permit #123, Amendment #4 (Cram)

Rudolph moved to recuse Chown with a second by Shanafelt. Approved by consensus

Cram: the property owner has requested that the item be tabled. He would like some additional information to be considered by staff and legal counsel and included as part of the public record. We did advertise this as a public hearing, so it will save money on the legal notice if we table to a date certain of March 12. We did receive some public comment that has been included in your packet for reference. The applicant asked that I address the comments related to condition two of amendment three. There has been concern that the condition to plant a double row of evergreen trees has not been met satisfactorily. I have been out in the field and observed the trees: they are being watered, they're in good health, and they meet all the requirements of the condition of approval and the landscape plan that was submitted. The applicant went above and beyond. One row of evergreens is nearly 20 feet tall, so it exceeds the height. The trees are spaced 8 to 10 feet on center. As the director of planning and zoning and the zoning administrator, I believe the condition has been met. I wanted to address that concern this evening so that when we conduct the public hearing next month, we can save time.

Sanger moved to table the public hearing for Peninsula Shores Planned Use Development Special Use Permit #123, Amendment #4, to the March 12 meeting of the township board with a second by Sanders. Motion approved by consensus

Sanders moved to bring Chown back to the board with a second by Achorn. Motion approved by consensus

3. PDR Monitoring Report for 2023 (Cram)

Cram: there is a memo in the packet from Susie Shipman, who has been contracted by the township to monitor our PDR easements. She notes that all 120 parcels subject to both the purchase of development rights and donation of development rights contracts were reviewed in 2023. Assessments included both a physical assessment of the site, interviews with landowners as available, an inventory of land features and uses, determinations of compliance and contract terms, photographs, maps, and final report preparation. Of the 120 parcels, 22 are also subject to the ACEP agreements. Separate reports were prepared and delivered to the Michigan ACEP coordinator in Lansing. Final written reports were shared with landowners in January of 2024. These reports exist on file in the Peninsula Township offices and are available for review.

It was found that most properties are being managed in compliance with the terms of the conservation easement contracts. Violations were noted in the summary spreadsheet. I'm happy to report we only had two violations this year, both related to not recording the appropriate note within the deed that transferred. I will be working with our assessor, Sally Murray, to reach out to those property owners and get those deeds into compliance.

Last, Susie has some suggestions on how to improve the program. One is a systematic review of all digital and hardcopy annual monitoring files to ensure files contain copies of original easements, easement amendments, baseline documentation reports, deeds, etc. Two is, following a transfer of PDR land, new owners are to receive a letter of introduction from the township program director and monitor with a copy of their easement and the PDR ordinance.

Third is implementing a tracking system for parcels within the Peninsula Township scenic viewshed to assist landowners and staff in understanding which parcels or portion of parcels are subject to viewshed restrictions.

I support these suggestions and look forward to working with Susie in the upcoming year to bring them to fruition. The attached spreadsheet provides a summary of the properties that were monitored, parcels that are subject to the ACEP-ALE [Agricultural Conservation Easement Program – Agricultural Land Easements], and the violation citations. Questions?

No board comments.

While we're on PDR, I would like to say that the appraisals for the applications that were submitted for round five are taking longer than anticipated. The new opportunity to sell not only residential development rights but development rights for a future farm processing facility or the like has proven to be more challenging than anticipated. I have been meeting on a regular basis with Laura Rigan from the Grand Traverse Regional Land Conservancy, John Wunsch, the chair of the selection committee, and Steve Nichols, the appraiser, to answer questions. Steve has the information he needs to complete the appraisal. We hope to have an update for you in the coming months.

4. Joey Jackson Development Sewer Closeout (Cram)

Cram: as a matter of housekeeping, Jennifer Graham [township engineer of record with Gourdie-Fraser] has reviewed all the appropriate documentation and prepared a letter. She noted that, in the past, items like this were placed under consent, but the property owner requested a more formal record. This item concerns accepting the sewer extension to the Joey Jackson development that includes the four lots off Center Road just north of Vineyard Ridge. The sewer line was extended there. Gourdie-Fraser supervised that installation to make sure it met our requirements. The township can now accept that sewer extension if you're comfortable with the information.

Achorn moved to accept this report for the Joey Jackson sanitary sewer extension with a second by Sanger.

Achorn: I'm glad we're doing this formally because it has an impact on our financial statements. We have to record that we are adding this piece of sewer to our list of assets, and it will be recorded in our audit for this year.

Sanders: I echo what Marge [Achorn] says, but out of curiosity, why did the owners want it on the agenda for discussion?

Cram: because they have certain commitments such as with bonding, so they wanted to make sure they were doing what they need to do to complete the process. They also have

a land use permit for a single-family dwelling that they can't connect [to the sewer line] until the board officially accepts this extension.

Chown: if it's added to our list of assets, that's something we need to talk to our insurance company about, correct?

Achorn: I don't know about underground. We have to formally add it to our inventory of sewer property.

Chown: I will look into that.

Roll call vote: yes – Sanger, Sanders, Shanafelt, Rudolph, Chown, Wunsch, Achorn **Passed unan**

5. Resolution 2024-02-13 #1, Peninsula Township Board Resolution to Sign Agreement for Collection of Summer School Property Taxes with Northwest Education Services (Achorn)

Achorn: this is a housekeeping item for Northwest Education Services. They used to be be ISD. They've completed their legal documentation to their new name. They're updating records so they require us to formally accept this in a resolution. Normally TCAPS just sends us a notice and there's no formal acceptance.

Achorn moved to accept Resolution 2024-02-13 #1 authorizing the treasurer to sign the letter and the supervisor and clerk to sign the agreement [to collect summer school property taxes with Northwest Education Services] that was passed through a resolution with a second by Sanders.

Roll call vote: yes – Sanders, Shanafelt, Rudolph, Chown, Wunsch, Achorn, Sanger **Passed unan.**

6. Charter Township Discussion (Shanafelt)

Shanafelt: the reason this item is on the agenda is that, following our prioritization discussion, there are a number of items we wanted to discuss on a continuing basis.

Moving to charter township or however you want to word it, funding our local government, was an item for discussion. The purpose of this initial discussion was to try to get a handle on what we believe we want to do as a local government, which in a lot of ways defines how we want to move forward with whether or not we'll move to charter township. Do we find some other ways to support ourselves or do we do nothing? It was the intent to get an understanding amongst ourselves and the public of the consequences of doing nothing. If we want to do something different than we're doing, what are the potential ways we could get there? And, again, what are the consequences of those different choices? This may be just the beginning of that discussion, but at least we can start with what are we looking for, with what we want to provide to our residents as a local government.

We essentially have three parameters to work with: quality, speed, and cost. In almost all situations, you can pick any two, but it's very difficult to have all three. If we don't do anything, what suffers? Is it quality or speed? If we want to try to reach a different level of service overall, that's going to cost money. People are paying for the services we provide. The amount of things our planning department has to deal with is huge. Planning, as far as

addressing a number of different aspects of what we do as local government, is the only support we have for getting those things. It doesn't affect everybody all the time. But when it does affect you, it's super important.

The other thing that is hidden is a treasurer's department that has a huge responsibility, is phenomenally complicated, and requires a great deal of institutional knowledge to execute. At its core, the treasury group and the treasurer are responsible for the funds that run the township. It's hugely critical to be correct so that everything works. Government structure in terms of accounting is very complicated; it's not like the accounting in the corporate world. It's more intertwined and egregiously difficult to work through. The simple effort of managing that is huge and maintaining that institutional knowledge is critical, as treasurers come and go over time. That department has to be staffed or we can't run.

The other thing of critical importance is elections. That is only the tip of the iceberg that the clerk is responsible for, and we haven't touched on the supervisor, who is easy to ignore. But I think that leadership role is critical because it all starts from the top. Putting it all together, dealing with the strategy, understanding how and thinking about the ways we need to address interesting issues like lawsuits, like how we plan for the future and think about what the community is going to look like, largely falls on the shoulders of the supervisor.

Planning is critical. Our ordinances need to be rewritten. We're already working on that, and we need to finish the master plan. We need to enforce our existing ordinances. If we do nothing in terms of raising funding, I think one consequence, and I'll be provocative, is that we go ahead and accept permit applications and SUPs and LUPs, but we put them on hold until we finalize a new set of ordinances.

We're significantly understaffed for even maintaining what we're trying to do. If we have a fixed budget, we can only work with the amount of money we have. I would frankly argue that we need to bolster the treasury department to ensure that transition is successful. We need to make sure the clerk's office runs [appropriately]. We need to make sure the assessor's department is going to be functional. We probably need another person to make that go. I can imagine reshuffling what we do to make those things happen, but the consequence is going to be no SUPs or LUPs are approved for 18 months to 24 months until we get the new zoning ordinances in place. And that's fine because that is a consequence of not funding what we need as a local government. If we don't want to provide that service, that's fine. That doesn't get to what's the right structure of government, but it does get to consequences about funding.

Sanders: I have loads to say about that. I don't think a moratorium on any of that –

Shanafelt: I didn't say moratorium.

Sanders: I know, but a stop is not the way to go.

Shanafelt: I agree.

Sanders: talking to Sally [Murray], the number of new sales that came into the township in just 2023 is huge. She hasn't published that dollar amount yet; you guys will see that soon.

It's a lot of money and it's going to continue in 2024. So that's not the way to go, but there's a path in there somewhere.

I want to go back to the charter township study group. This is something that came in on an email from somebody in the public. It [the name] was a great way to get attention to get that group up and running, but because you brought in all the other pieces that are involved in the township – to quote you, “Everything goes back to money” – maybe we should rename it so it won't be so inflammatory.

Shanafelt: I don't think it's inflammatory. I don't care what it's named; the point is it's looking at what we need to do.

Sanders: that's fine. To keep everyone on the same page, looking to move this forward, maybe we take “charter study group” out; maybe call it “finance committee” –

Shanafelt: it's not a finance committee.

Sanders: whatever it is, it's going to sound better than “charter township” because that sounds like we've already made a decision and we're going that way.

Shanafelt: it was one letter from one person.

Sanders: but I also have my opinion on that. I would rather not see that name because I think it looks like we've made a decision, and I am not on that train.

Shanafelt: so what do you want to see in terms of our government?

Sanders: I'm starting to do a process map for the whole township with each office. How are they all interconnected? I think that once we can all see that and actually see how stuff flows through the office, we can start working off of that. I one hundred percent agree with you that those offices need to be fully staffed. They need to be staffed with people who know what they're doing and who can afford to work at Peninsula Township.

Rudolph: we need continuity of staff. You have to be able to pay your staff enough that they can stay. Otherwise they're going to head out somewhere else where they can make more money. It's important not only to have it fully staffed but also that it pay enough that people can afford to work here.

Chown: the fire department knows all about that. It's true for the staff in the office as well. My immediate observation when I was appointed in 2019 was that we needed to professionalize these largely professional positions. They are professional positions, and we are public servants. People come in because they need something. They need the land use permit, they need to understand their taxes, they need to register to vote, they need to buy a cemetery plot. There's so much that they need, and we want to provide these services. We are residents too. It's frustrating not to have adequate space to work in, but it's also not sustainable. My office is crammed. Election administration is getting ever more complicated and is always essential. It's incredibly difficult to administer three elections from my tiny office in Peninsula Township. I don't know what to do about that because we can't spread out. My deputy clerk and I are overwhelmed with work. We both work very long hours, evenings, weekends, and early mornings, and we still struggle to keep up. There's too much for us to do, but we don't want to stop doing what we're doing because we're public servants. The sustainability issue is huge for me, but [I also want to continue]

professionalizing. That means paying staff enough to keep them working for us and not going somewhere else. It's clear that our funding mechanism is woefully insufficient. But there's an issue of timing that I think is an elephant in the room. Is this the right time?

Sanders: going back to the money piece, hiring the right people, having the continuity, being able to pay a wage that allows people to work here and do their jobs, I was putting together a year-to-year comparison report of home sales, single-family homes in Peninsula Township. The median sale price was \$885,000 for 2023. The year prior it was \$784,000. And that was the median. That's just single family. Even if you're looking at the low end for something out here, you're not finding anything below \$385,000. Take that number and assume it's a single person and extrapolate what it's going to cost to live in that house at that price out here. Will a job in this township office be able to cover those costs? It just won't.

Chown: to emphasize what you're saying, the individuals by and large moving into the community have more wealth than the average individual. These people expect to have a degree of professional service and not to have to wait six months for a land use permit. They want to be able to come in and have service with a smile and we want to provide it, but it takes resources to do that. I think there is an expectation for service that we are struggling to provide because we're not being funded at a level that allows us to provide what an increasingly sophisticated and constantly growing community is seeking.

Wunsch: I think it's also important, as I've seen in my role for the last 18 months, to note that the past hasn't worked terribly well. This board has been caught by the frugality of our predecessors. Every piece of litigation this board has faced, that it's had to pour resources into defending against, has been a result of inadequately funding legal and professional resources in the past. We're in a situation now where we have a gap in public trust. We've had pushback against the idea of going to a charter township. I think there's a lot of concern on the part of board members about asking our residents for more. But I think it's important for our residents to understand that we got to the point we're at because we failed historically to adequately fund planning, zoning, and legal review. There are some things we can do in the short term to try to shore that up. Historically, Peninsula Township has subsidized development to a large extent. Our taxpayers have borne the cost of permitting large-scale development of things that in many cases they are not strongly in favor of. Something we've been working on is shifting legal and engineering fees to the beneficiaries of those projects. In 2018, we established an escrow policy to make sure our residents aren't subsidizing development. Even with those changes, there's a pretty significant gap between where we are currently and where we need to be from a funding standpoint to really do a good job as fiduciaries of protecting our residents from legal risk.

Sanger: you've all raised great points. Each has been a segue into the request for proposals that Armen [Shanafelt] and his team put in the marketplace in January. I want to highlight the scope of work and it's going to ring true to what you've commented on. The first scope of work is to review and analyze the current organizational and financial structures of the township. Number two is to identify specific implementation alternatives. What we're looking for is help in terms of the advantages and disadvantages of remaining a general law

township versus incorporating as a charter township. It could be staying a general law township with different ways of funding, such as setting a millage for each item we need. It may be a possibility to incorporate part of the township as a village. Number three is to analyze the current organizational structure and propose specific structural changes going forward, looking, for example, at the changes due to growth in population. Look at all the statutory requirements and obligations. Number four, based on the analysis, is to provide one-year, five-year, ten-year inflation-adjusted projections of the ability of the township to meet mandated requirements. Armen has highlighted those: assessing, elections, tax collection, planning, zoning enforcement. Also, the add-ons to non-statutory duties. These are tasks your government has taken on that state law does not require the township to do. But over the years, the people in the township have determined these programs make sense. I'm talking about our parks, cemeteries...the library to an extent is a separate part of our government but very much a part of it. The last piece really is to help us understand graphs and charts that will help us explain all this research and analysis to the board and public. That RFP is due to come in this week.

Shanafelt: I think the the deadline is February 15.

Sanger: the RFP went out to almost 30 organizations. A number of those are members of the Michigan Chapter of the American Planning Association. This is the type of work they do professionally. Our general counsel, Chris Patterson, recommended MSU programs to give you some idea. Of the 29 that have gone out, we've only had three come back saying, "We're not going to respond." I'm pretty optimistic.

Shanafelt: the reason we did an RFP is that our study group had done a bottom-up analysis and realized it was too complicated to address in a reasonable period of time. As Isaiah pointed out, we probably should have done something as far as figuring out funding mechanisms for the township years ago. Delaying another year and having a group of volunteers try to figure it out didn't make sense. What I'm hearing is that we do feel we need more funding to be effective. The question is, how do we get that funding? We can save that for another night. Once we see what these proposals look like, we'll be able to get one selected. The thing to consider is how to make that work and what is practical. One idea that floats around is to run a millage for everything. One issue is that someone, not the township, needs to lead that effort. Who is going to do that each time and try to get public support for that? That's also a very reactive way to try to get things funded. If you need something for x and you run the millage and you're successful, you get that funding, but say you really only need it for two-year period. It's not fungible, it has to go for that thing. The lack of flexibility with that approach is limiting. It does not allow one to be proactive; it requires one to be reactive. And in terms of professionalization, say we ran a millage and were successful getting one for operations. That'll be ten years, five years, however much we can get. It doesn't provide security for anyone we're trying to hire who is at the level of experience and expertise we're looking for. I see that as a huge issue in using a millage strategy. It's the lack of security and stability it implies. As soon as that millage is not renewed, all that goes away. Again, I am not saying we should go to a charter township. What I am saying is, a charter township provides a functional avenue to make

our government work. And I'm more than open to other ways of funding ourselves that are functional and practical. I just don't know what that looks like.

Achorn: these proposals are good, but what are we going to do now? What can we do that will sustain us until a solution is arrived at? One way it can be done now is through a Headlee rollback. That lasts as long as Headlee is there and goes down gradually like it has for the last 40 years or so. It's a short-term solution that will bring in perhaps \$300,000, maybe \$400,000 at the most, but it will help in the meantime while we come up with a long-term solution.

Shanafelt: it will help to alleviate some of the stress on the system, but it's not sufficient. It gives us a little bit but we still have to figure out what we really need.

Chown: it buys us a little time.

Shanafelt: it helps alleviate some of the acute issues. It doesn't really buy time.

Chown: it buys time for trees. I'm thinking specifically of my work on the parks committee and the fundraising I've been doing. Having \$300,000 potentially come in that we could siphon a bit off of to construct the trail we so desperately need at Pelizzari...That's hugely meaningful and concrete; it's something we could accomplish in the next year.

Achorn: I'm not sure there's money for that. This Headlee rollback money needs to support operations. Not parks, not anything else. Parks is draining at least \$200,000 out of the other funds that we have.

Shanafelt: this is a point I wanted to bring up earlier. Parks are near and dear to my heart; it's how I got involved in all this. One of the consequences of not doing anything is to essentially stop funding parks.

Sanger: we have a great success story with our fire department. The fire department was able to increase its funding and deliver the services we've heard about tonight. I sat at this table 12 years ago when the fire board struggled with how to obtain the funding to bring the fire department up to a level the township needed. We didn't have a question of what we should do; we knew the answer. The answer was to hire a professional chief and fund the department as required, and that's what you see today. I support a Headlee rollback; four tenths of a mill takes us back to one mill. In case the public doesn't know, townships started out with one mill 30 years ago in the early '90s. Headlee came in and over time that has been chipped away. It's now down to .61 I think.

Wunsch: we are victims of our own success. The Headlee rollback is more severe the more valuable our properties become.

Sanger: the only way you keep a township going, to provide the services the public needs, is number one through increased taxable value. That works; it goes up each year. New homes coming in, new properties being built, add to the tax base. But when you have factors such as retaining employees, being able to compensate them, offer them career growth, when you have changes in state laws that add to your job such as happened to the clerk with elections, and I can say the same for the planning department, how can we make up what is happening? We're growing. The tax base is increasing but it's not keeping pace with the demand for services that come with that growth.

Shanafelt: one of the points we all are aware of but wasn't explicitly brought up is that the amount of taxes collected far exceeds the actual dollars that come into the township for operations. We get a tiny fraction. Even though home values go up, taxes go up, the net effect to us is incremental and relatively decreases. The intent of a Headlee rollback is for a general law township to stay a general law township and not get complicated. If we were a largely agrarian community, it makes perfect sense because you don't need the breadth of services that we are trying to provide. The difference is, we are not a largely agrarian community, and we have complicated needs for our community to provide.

Rudolph: in fact, we're less and less of a rural community all the time. Just looking at the growth here in the last 20 years, it's incredible the amount of people coming in, and we know there's property being sold and new houses going up all the time. The new houses are more complex, and the people coming here demand more services. And that's one of the issues that has been coming to mind for me. I've only been on the board maybe 18 months. It became apparent to me after a few months that we're still trying to run a township operation as if it's 1975 or 1980. We haven't grown with the growth of the population and the growth of the demands out here. That really is the crux of the problem. If people are going to demand the services, they have to be willing to pay for them and we have to find a way to make that happen.

Sanders: I think when election season is over, so early next year, that's when we get our next survey done. [The township is] going to be different in demographics and stuff like that. [It will help us figure out] how do people want their township to operate?

Chown: I like that timing. It gives us time to get that survey done and incubate the results a little bit and mull over what it means and what this community has an appetite for. And what it values.

Shanafelt: I think that's a great idea; a survey like that helps in thinking about the long-term plan. That's really what it's going to be good for. I frankly don't see how this survey is going to change the need for more funding for us to operate.

Sanders: It's not so much that. We know that that funding needs to go up. It's going to help the community as a whole better understand that the funding is needed.

Chown: it's part of the outreach and education.

Shanafelt: don't misunderstand me. I think it's hugely important to do. I just see it as two different issues.

Wunsch: I think our board has put a good amount of stock in the survey historically. I think a lot of the basic policy disagreements that I have with some of our residents are based on the fact that when I'm trying to make a decision about where I ought to go on the issues, I look at the survey. I hope the rest of the board members do the same. We have a limited number of data points we can use to inform our decision making. But even immediately after we had the 2019 survey done by one of the best regarded polling firms in Michigan, anyone who disagreed with the basic results said, "It's completely invalid." The folks who are on the other side are still going to immediately question the validity of the survey.

Shanafelt: you'll never make everybody happy all the time. Why don't we stop this discussion here for the moment? I gather that all of us feel that in order to provide the necessary level of services and the number of services our community expects, we need more funding than we currently have. Eliminating the Headlee rollback is a short-term solution that allows some acute alleviation of some of the issues but it's not a final solution. I would argue one action item is figuring out how we do the Headlee rollback and make that happen.

Wunsch: we as a board are going to have to make a decision at some point relatively soon about whether we put any of these issues on the ballot. Headlee rollback would have to go on the ballot. Charter township might not need to go on the ballot. But I think there's consensus with past board conversations that the board would want to put that to the public. What's the deadline to get an item on the November ballot?

Chown: I think it's early summer for the November ballot. I'll doublecheck that.

Sanger: because the responses are due back this week, I'm hopeful we can go through them quickly and bring back to the board one or two, maybe three, of the respondents. I went through the highlights, and if we can get our arms around these issues in a reasonable period, that's going to factor into what we should be looking to do this year.

Wunsch: I would guess if we selected one of the applicants for the RFP process, we would be limited for the next couple of years to either the status quo or to the Headlee rollback. Based on my almost 10 years of experience with municipal government, I'm not optimistic we would be able to select an applicant for a consulting project and get a result before the board by summer if we wanted to put charter on the ballot.

Shanafelt: the RFP is not about should we go to charter. Funding is independent from the survey, is independent from do we put charter township on the ballot. It's related, but really, they're independent.

Wunsch: we need to understand that if there's an action that's going to be taken within the next election, it would need to be a decision we would have to make before we were able to get either a survey done or RFP completed.

Shanafelt: hypothetically, the analysis would help us understand how we structure ourselves moving forward in the context of charter township, what we should do, how we should consider staffing, organization, etc. A lot of this I see as preparing for whatever we do going forward. Again, charter township is a way of doing it. There are other ways of doing it, I think, with the RFP and what we're asking for. If we were to put charter township on the ballot and it got rejected, we would still have other options we could act on based on what we expect to get out of this.

Sanger: we're trying to fast track, to be able to do a deep dive into the operation of the township and substantiate what we've talked about in the last 45 minutes. But, again, this is news for the public. And the analysis done by this group, if we proceed, will really substantiate what we're all concerned about.

7. Supplemental Fee Agreement for Special Counsel on the Meihn State Court Litigation (John Turck of Blaske & Blaske)

Wunsch: this is a fee agreement for the litigation that was recently filed on behalf of Peninsula Township by Blaske & Blaske regarding legal malpractice claims.

Turck: good evening, everyone. My name is John Turck. My firm is Blaske & Blaske. The board approved the pursuit of this claim, which has now turned into a lawsuit. I came up to the township board and met in a closed session meeting in early September. On February 1, 2024, I caused to be filed in the Grand Traverse County Circuit Court a legal malpractice complaint against the township's former lawyer Mr. Meihn and his partner Matthew Wise and their firms. The township previously hired me on a fee agreement that authorized the filing of the lawsuit but which contemplated a \$10,000 capped fee. That work has been done and now has resulted in the filing of a lawsuit. This proposed fee agreement that's in your meeting packet essentially would permit me to continue my work on behalf of the township going forward with a legal malpractice suit. Only recently was it sent to the defendants because it was only filed a little more than one week ago.

Conn [attorney from Fahey Schultz present by Zoom]: we have reviewed the standard contingency fee agreement. We didn't see anything that raised a red flag.

Sanger: I understand this is a contingency agreement, not a fixed price or a holding rate, and that's important. Perhaps one of the two lawyers could highlight that.

Turck: the township has the right to hire counsel on an hourly fee-for-services basis, which means an hourly rate multiplied by a number of hours worked, irrespective of result. In a contingency fee agreement, a lawyer is only paid for his or her time spent if there is a recovery earned for the client. In that situation, you are aligning as the client your financial interests with the lawyer, which is to provide a financial incentive to maximize the client's recovery. It allows the township to avoid the fees that are going to be many tens of thousands of dollars if this case is fully litigated. I can't give any prediction on how the litigation will go. It's too soon to know that. But I think it's safe to say that given what's already happening, what's already been spent in terms of time and fees in the winery's lawsuit, it's probably going to rival that in some significant way. There are pros and cons to both an hourly fee agreement and to a contingency fee agreement. If the township is confident it will quickly receive a significant favorable result, it's in the township's best interests to hire the lawyer on an hourly basis. If the township is wrong in that estimation, it may end up being in the township's best interests to hire the attorney on a contingency fee. But that's a decision that has to be made now, not at the end after everything is known. The board will of course do what it thinks is in the best interests of the township. What I would represent is a standard contingency fee agreement that is ethically aboveboard and I think lays out the obligations of the township and my firm.

Chown: thank you, John. I am comfortable with the contingency fee, and I think it is the fiscally responsible thing to do at this time for Peninsula Township.

Achorn: it looks like a signature is needed. I think we need some type of motion.

Sanger: I heard Mr. Conn say that he has reviewed this document and is comfortable with it; is that correct?

Conn: yes. We reviewed and we're comfortable with it.

Achorn: can you explain the \$10,000 and how that's going to work?

Turck: thank you. Before it was clear whether this legal malpractice lawsuit would be needed, the board began its investigation and consideration of this issue. At least as far back as June of 2023, the board wanted to be sure it had its ducks in a row and that it made sense to file a lawsuit, so it authorized the spending of \$10,000 towards my time to help get my perspective on what that lawsuit might look like and what the claims in that lawsuit might be. I spent that time, spent those hours. We spent more than \$10,000 of time but I'm not going to invoice the township for more because that was our agreement. If there's a recovery in a legal malpractice lawsuit, that \$10,000 fee will be credited dollar for dollar against any fee charged to the township for my time spent in that case. To draw a number out of the air, if hypothetically there was \$30,000 earned in the legal malpractice lawsuit, \$10,000 would essentially get deducted from that fee for money already spent, resulting in a total fee in that hypothetical of \$20,000.

Achorn: and we've paid none of that yet.

Turck: correct. But that's only because I've not submitted an invoice.

Sanger moved to authorize the supervisor to act on behalf of the township board in signing a contingency fee agreement with Blaske & Blaske to represent the client in connection with claims for damages arising out of an incident or event of legal malpractice with a second by Chown.

Roll call vote: yes – Shanafelt, Rudolph, Chown, Wunsch, Achorn, Sanger, Sanders **Passed unan**

8. Litigation update from Chris Patterson

Wunsch: Chris Patterson had a conflict. Eric Conn is going to give us an update. John, while you're here, the thing that we've had a lot of questions about in the last couple of weeks is the litigation that was basically covered in item number seven. To the extent that either of you could fill in the residents on that, we haven't spoken about it publicly. Is there any update you would be willing or able to provide?

Turck: let me be clear, Eric and Chris and their good firm represent the township on the winery's lawsuit. The legal malpractice is mine. The legal malpractice lawsuit was filed on February 1 [2024]. The summons that is issued to each defendant requires that they be served with a summons and the lawsuit papers within 91 days of February 1, which is May 2. I have mailed the complaint and the summons to each of the four defendants, Mr. Meihn, Mr. Wise, the Gordon Rees firm, and the Foley & Mansfield firm. I think those went out on February 5, after I got the papers back from the Grand Traverse County Circuit Court. I mailed them to those defendants by certified mail. I have not received the United States Postal Service return mail process yet, but I'm aware that at least one of them has been received by one of the defendants. Typically what happens is they will hire counsel, contact your insurance carriers, reach out to me, and we will talk about the bigger picture going forward and what to do next. From the court perspective, after I receive notice that the defendants have been served, I will file certificates of service with the court essentially telling the court the defendants have been served. That will, through the court, initiate either a scheduling order, setting various deadlines for completing work in the case, or, more likely, for our assigned judge, Judge Charles Hamlin, to establish a status conference date, essentially rounding up the lawyers to talk about the work that needs to get done on the case. I'll likely have more information to share in 60 to 90 days about who's appeared

for each of the summons and what Judge Hamlin is telling us we will be doing. At this point that's all I have.

Wunsch: thanks, John. Eric, if you want to go ahead with your update on other matters on behalf of Fahey Schultz?

Conn: the Family Orchards litigation is pretty much status quo. Most of the summary deposition has been filed and briefed. We are waiting for action to be taken by the court, and as soon as we hear from the court, we'll have an update. Then there's the winery litigation. We were in court last week for that particular matter. There are multiple motions currently pending, some on the basis of being in court last week, and there was oral argument on some. There's oral argument that needs to take place on others and we expect that to be scheduled at some point in the near future. There's also a settlement conference coming up in Grand Rapids in March in that case.

Cram: planning and zoning updates. I am sorry to report that the planning and zoning administrator position is still vacant. We thought we had filled the position but it didn't end up being a good fit. We will be reposting that position. In the interim we will continue to use the services of Beckett & Raeder's Sara Kopriva, who will be helping me with both the zoning office and the planning office. The number one priority right now is the master plan. We have a master plan committee that includes Maura [Sanders] from the board, Randy Hall and Kevin Beard from the planning commission, Erica Primo with Beckett & Raeder, and myself.

I've been working with Sara since September; we've done a thorough review of the master plan. The planning commission received the latest draft from December 8, 2021. I asked them to review it and provide comments, questions, concerns. Comments from the planning commission were due Monday. I've received comments from most planning commissioners; we'll be evaluating those to move the master plan forward.

The plan is that Sara and I will incorporate comments in a format that allows the community to see the changes that are being made. It will be very transparent. We'll be working on a PDF so we'll have to be creative because it's not as easy to track changes in a PDF, but everything will be represented. Our goal is to get it back to the planning commission to make sure they're comfortable with it.

The number one concern right now is the accuracy of the future land use map because that guides us in how we want the township to look in the future. Our hope is to have this back before the board for adoption in April to meet our goal of getting the master plan adopted in the first quarter of 2024.

The first part of the second quarter, we will be bringing shoreline regulations forward. A shoreline regulation study group was formed as a subcommittee of the planning commission. There are 13 diverse people on that study group. We are meeting every other week to work through the issues related to our shoreline regulations.

The other thing I've been working on with Beckett & Raeder is an update to our stormwater ordinance. I hope to soon have examples to share with the board. I'll be working with Andy Smits with the drain commission and our engineering firm to make sure the updated stormwater ordinance meets our intents and purposes.

Building height is moving along. We have draft language that the planning commission will be looking at again. We held a public hearing at the January meeting and received

comment. I'll be bringing revisions back to the planning commission and to the [township] board in March.

The next thing I will be focusing on is value-added agricultural amendments to the zoning ordinance, including signage.

I plan to bring you very quick updates at every meeting to keep you and the community informed of the work the planning and zoning department is doing outside of our day-to-day work of moving land use permits and special use permits forward.

Chown: when you're working on the master plan, do you need to take it back to the master plan steering committee or is that portion of the work complete?

Cram: that has been done. The master plan steering committee passed it off to the planning commission. The planning commission passed it off to the board. The board authorized the master plan to go out for review to outside agencies. That review period ended in February of 2022. We did receive some comments. We've been working behind the scenes to get other things done to move this forward. [Those individuals are] certainly welcome to comment and participate in upcoming meetings but they did an excellent job and it's a beautiful document. I'm really excited to get it adopted.

9. Citizen Comments

Grant Parsons, 6936 Mission Ridge: I appreciate as always the quality of discussion that's taken place. Some of these are just ideas for you to float on the various issues talked about tonight.

Before the meeting, I submitted correspondence asking for production of some records regarding this [Mari Vineyards] 5k run. If you are unable to comply or if you need a FOIA, let me know. I just wanted to keep it casual if I could. I'm asking for information about the application that should be completed by now for that 5k run. What is the mechanism to verify information? There's a question here whether this 5k run application, if it's been submitted, actually qualifies as a large event. Then it goes on to the large event ordinance that has a bunch of requirements for the applicant to satisfy before the permit is processed. As I understand it, 250 participants are the trigger level for a large event. If somebody misrepresents the number of participants to get around doing the application, all the health, safety, and welfare requirements to do a large event, is there a mechanism for requiring an affidavit of some sort, some sort of verification in advance, making sure that attestation of the size of the event is in writing so that somebody doesn't just casually after they have 500 people or 300 people show up say "Whoops, sorry"? I'd like you to think about the verification. And that would encompass a situation where somebody makes a bad faith estimate of an intended event.

The next point very briefly goes to Becky's comment about the parks. I live next to the hemlocks. It's a very important part of my life. That forest is going to come down if the roots are not protected. It's getting overused. The roots are exposed; the traffic is killing the hemlocks. I want to emphasize that point; those hemlocks are starting to come down.

And then finally the question about charter versus general law township. I assume MTA is able to provide a wealth of information and advice and counsel that would facilitate our analysis. The question raised in relation to the charter versus general law township is whether we remain an agrarian township. It involves PDR. We all know PDR was enacted

to help us maintain our status as an agrarian township. American Farmland Trust and the grandfathers of this thing really put a lot of effort into this. As Gordon Hayward said at the time, "Cherry trees don't call 911." The idea was, we were going to raise millions of dollars, which we are paying in taxes to maintain our agrarian status. But because of what we're trying to do as far as direct sales and changing the economic livelihood and sources of income for farms, are we killing our agrarian status and defeating PDR on one hand while taxing ourselves for PDR on the other? I just wanted to throw that out there. Again, thank you very much.

Nancy R. Heller, 3091 Blue Water Road: if there is such an urgent need for funds, you seem to be hesitant about making a decision until you get this person that is going to advise you. Why aren't you going out for an operating millage and the rollback for Headlee immediately? Why aren't you starting it? You're just, "We're going to wait and see." As far as charter township, I'm apprehensive about giving... We have what, seven people on the township board who may change every four years? You're giving permission to possibly unknown people to run this township. That's a given. That's how we operate. But the apprehension is cutting loose with up to five mills forever. I would rather see, which is tedious, individual requests to go on the ballot. You can put these things on the ballot. The residents know how long their financial commitment will be. I'm apprehensive about turning someone unknown loose with five mills. If that happens, only the very rich are going to be able to afford to live here. You have a large agricultural community. It hasn't been real great the last couple years. If an individual experiences a lack of income, how are they going to pay their taxes? They have commitments. You all run your own households. Some of you, businesses. We in the agricultural community, when hard times come, we tighten our belts. We look over the expenses. Have you looked over your expenses? Can the belt be tightened? I review the invoice list every month. Needless to say, I'm not privy to the complete operation of Peninsula Township, but I've been widowed for about 40 years and running businesses. Yes, I can use money every year. Yes, I have to delay things because the money just isn't coming in. I would suggest you do some soul searching about these things. Thank you.

TJ Andrews, County Commissioner District Seven: I just wanted to give you a quick update. As you know, it's been reported that the county commission has initiated an ad hoc committee consisting of Commissioner Sieffert, Commissioner Jewett, and myself to study other models for how to run a road commission in Michigan. This was decided at our January 17 meeting. It was not an item on the January 17 meeting agenda, but it also didn't come entirely out of the blue. To the contrary, I know it was an issue in Peninsula Township. The road commissioners' roadkill stance was the subject of numerous meetings and a lot of headlines. It was a subject of some time and consideration for members of your board. In the county's efforts to try to figure out what we could and should be doing about that situation, our board passed a motion last June to direct our administrator and legal counsel to look into alternatives or solutions to the roadkill situation, and I quote, "including the option for dissolution of the Grand Traverse County Road Commission." That decision passed six to three, a bipartisan vote last June. Since then, we have met with our attorney; we've studied the issue. Our attorney has led counties through this process in the past. We have decided that while things have improved with new administration, we

see systemic and long-term issues that have been building at the county road commission that are the result of what appears to be a system that supports cronyism by appointing commissioners for long terms with very little ability to oversee them. This is the only board we have such little control over once appointed. We don't control their budgets. We control the court's budgets, the sheriff's... Everybody else, we control it. We don't have almost any control [of the road commission] other than who we appoint. Michigan law changed in 2012 to permit counties to do this. So far in Michigan, seven counties have made the decision to switch from an appointed to a department or a county transportation department not unlike animal control and the health department and the building inspection permit department. Some other counties have also studied it and made the decision not to go that way. We also have the opportunity to convert to an elected board. Those are all the options. Our ad hoc has met. We are working with our administration to gather information and move that along. I wanted you to understand that it's a process that's ongoing. The decision in January when we made the motion to create the ad hoc was a unanimous decision of our board. It's an ongoing process and hopefully will lead to, if nothing else, some better understanding of what the alternatives are and what improvements we can make regarding the direction our road commission should be going.

We have a packed agenda of study sessions coming up in the next couple of months. We will be having a study session to consider our facility's master plan. The main issue there is a proposal to separate the county and city, to move the county out to LaFrainer and move the jail out to LaFrainer. That's a big chunk of the budget. I think there's some challenges around that part of the proposal in particular. It's really kind of presented at least as a package deal. It's going to take some work to see if we can tease out some lower hanging fruit. If anyone ever goes into the governmental center and you need to use the bathroom, you might notice there are none on the first floor of that building. You have to go upstairs or downstairs to use it. That seems like a pretty easy no-brainer. It's a project that's been put on the back burner for a long time and needs to happen. There are some similar things that we need to move forward while we think through some of these much bigger investments.

We also will be having a county study session regarding the housing situation and particularly the component of it that deals with summer nights at the homeless shelter, Safe Harbor. That's been an issue that's been widely reported on; the county was invited to the MOU on that. I brought the proposal to the county that we start by studying it first before jumping into that proposal.

Then finally we've got cannabis money that we're going to have a study session on this cycle to figure out how we want to invest those dollars.

I'm always happy to meet and talk about anything of mutual or divergent interests. Please don't be a stranger. Thank you for your service.

10. Board Comments

Ahorn: the first comment has to do with our deputies. A couple months ago, we were brought a proposal to authorize the purchase of a handheld speed detector that was super-duty and could see through rain, snow, and fog. We authorized that. After that an anonymous resident donated funds for a second one. Each of our vehicles and each of our

deputies will have one of these super-duty speed detectors. This last weekend, they were reading the directions and practicing, and they will be in force now, so beware.

The second comment is about reports from our litter control. We have volunteers who go along the roadsides at our lighthouse and pick up litter, from cigarette butts to unmentionables to furniture. I don't know how you can describe them.

Chown: heroes.

Achorn: they've grown in number and they have teams that do it now and I want to commend them. Like our fire chief, I think they deserve an award and applause. [Applause]

The third comment is perhaps some of you received one of these notices from the treasurer's department that said you still have not paid your taxes. And you said, "What in the world! I just paid them yesterday." This is the first year we've sent something like this. Last year when so many [overdue tax bills] were sent over to the county for collection, we were criticized to no end. "Why didn't you remind me? Why didn't you tell me I had forgotten?" It was my decision when, on February 1, we ran the report, and found that more than \$3 million was still not collected for summer and winter taxes on more than 1,500 individual parcels. I asked our staff to come up quickly with some type of report that would provide information that by the 14th, "Yes, you were on time," [or] "This is how much you owe." But after the 14th until the end of February, you would have additional interest that you would have to pay. I finished at 5:00 this evening answering all the emails and voicemails that I received. It's my fault. I sent the notices. We've taken sort of an impromptu survey. It's about 80 percent positive. We did help quite a few people, including me. I got two notices. And 20 percent raked me over the coals for wasting township money. We will refine this for next year. We tried to help you out. But with \$3 million still sitting out there, we knew we would be buried this week, and we have been. I apologize if I have offended you with my little letter. I take responsibility for it.

Shanafelt: hitting 80 percent approval is about as good as you can do.

Achorn: the problem was mainly that we had two people working with this printing of 1,500 pieces of paper. There was no time to batch them together because the system does not know your name or your company's name or match addresses and put them in order so that we could quickly put them in one envelope. I was criticized for wasting township dollars, but I felt it was worth it to do a service for all our taxpayers.

Sanger: it's another example of an increase in professionalism that requires more staffing. We're learning more that when we give good service, that's a good thing. But again, there's a cost to it. Not only financial cost but the time cost. It was a good move.

Chown: I was also going to mention the litter collection. If you haven't read the report, do. It's interesting, all the stuff they collect and how often they do it. And it is a tremendous service for everyone. I applaud that group.

I also want to call everyone's attention to the \$5,000 grant that Peninsula Township received from the Art and Mary Schmuckal Family Foundation to go toward the construction of the sustainable trail in Pelizarri Natural Area to save the hemlocks. The hemlocks are struggling and we're going to lose them. This is one of the only old-growth sections of hemlock trees in northern Michigan. It's very significant ecologically, and I'm not about to let those trees die because we can't find the money to construct that sustainable trail. I've been working hard for more than a year and have raised almost

\$100,000. We've got to keep going.

And Nancy, to your comment that you think this board is not prepared to put something on the ballot, I don't think that's accurate. I think this board is quite prepared to put the Headlee rollback on the ballot because it's something we can do quickly. And I repeat what I said earlier, it will buy us a little time and save the trees. I will be battling earnestly for that in the budget process that's coming up. We've got to do something more. The trees are our canary in the coal mine. I want to call your attention to the fact that there are people in this community working very hard to fundraise for things that our township budget cannot support. It means a lot and it means a lot in perpetuity. Not just today, not just for this board, but forever and for this planet. And it is worth doing and we need to keep the big picture in mind as we proceed.

Rudolph: we were happy to to host the fireman here and give out awards and things for them. We as a community are very lucky to have the professional fire department we have here. We gave rounds of applause to all the firemen, but I think we also need to give a round of applause to the fire chief. We have a professional man guiding this whole effort and it's really making a difference out here. [Applause]

11. Adjournment

Sanger moved to adjourn with a second by Rudolph. Motion approved by consensus
Adjourned at 9:22 p.m.

PENINSULA TOWNSHIP

13235 Center Road, Traverse City
MI 49686

www.peninsulatownship.com

Township Board Special Meeting

March 4, 2024, 3:30 p.m.

Township Conference Room

Minutes

1. **Call to Order** by Wunsch at 3:31 p.m.

2. **Pledge**

3. **Roll Call**

Present: Wunsch, Achorn, Sanger, Sanders, Chown; Rudolph arrived at 3:35 p.m.

Absent: Shanafelt

4. **Citizen Comments:** none

5. **Approve Agenda**

Chown moved to approve the agenda as presented with a second by Sanders.

Motion approved by consensus

6. **Conflict of Interest:** none

7. **Consent Agenda:** none

Business:

1. Potential closed session to consult with township attorneys regarding trial and settlement strategy in connection with pending WOMP v. Peninsula Township pursuant to MCL 15.268(e) and (h)

Sanger moved to enter closed session to consult with township attorneys regarding trial and settlement strategy in connection with pending WOMP v. Peninsula Township pursuant to MCL 15.268(e) and (h) as discussion in an open meeting would have a detrimental financial effect on the litigating or settlement position of the township with a second by Sanders.

Roll call vote: yes – Achorn, Sanders, Sanger, Wunsch, Chown

Passed unan

[Rudolph arrived after the board moved into closed session]

[Chown left the meeting at 4:10 while the board was still in closed session]

Sanders moved to leave closed session and return to the open meeting with a second by Sanger.

Roll call vote: yes – Sanders, Sanger, Wunsch, Rudolph, Achorn

Passed unan

8. **Citizen Comments:** none

9. **Board Comments:** none

10. **Adjournment**

Rudolph moved to adjourn with a second by Sanger. Motion approved by consensus

Adjourned at 4:46 p.m.

Final List of Election Inspectors

**Final List of Election Inspectors for February 27, 2024,
Peninsula Township Presidential Primary**

Early Voting

Kathleen Rhodes, D

Dilys Tosteson Garcia, D

Precinct 1

Greg Meenan, co-chair, D

Barb Soullier, co-chair, R

Deb Crowe, D

Braun Campbell, R

Dilys Tosteson Garcia, D

Jan Merrell, D

Dave Merrell, D

Claudia T'Kindt, R

Len Mayhew, D

David McClary, D

Wendy Warren, R

Elena Dritsas, D

William Gittlen, D

Karen Rieser, D

Nora Francis, D

Mary Lou Piehl, D

Precinct 2

Ann Swaney, chair, D

Shirl Wacłowski, co-chair, R

Dawn Shattuck, D

Jane Winter, D

Julie Brinks, R

Greg Brinks, R

Marcia Lee, D

Bob Robbins, R

Robert Bonhag, R

Jan Lewin, D

William Dubensky, I

Dean Francis, D

Shelley Cowan, D

David Tucker, D

Susan Zion, D

Precinct Subs

Thomas Piehl, D

Ann Higley, D

AVCB 1

Nancy Davy, chair, R

William Stott, co-chair, D

Robbin Stott, D

Lisa Trombley, R

Monnie Peters, D

Nancy Tucker, D

Chris Cipko, D

Charlotte Aaron, D

Carol Turner, R

AVCB 2

Kris Prescott, chair, D

Beau Buisson, co-chair, R

RJ Prescott, D

Candy Brody, D

Madelyn Ryan, D

Al Decker, D

Tom Petzold, D

Katie Clark, R

Receiving Board

Lola Jackson, D

Wendy Warren, R

Map of New Area in the Green Section

3rd. Addition to the Plat of Peninsula Township Cemetery,
in part of the Northwest 1/4 of the Southwest 1/4 of
Section 15, Town 29 North, Range 10 West,
Peninsula Township, Grand Traverse County Michigan



2024 Ballot Proposal Filing Deadlines

**2024 BALLOT PROPOSAL
FILING DEADLINES
MCL 168.646A
(Filing Deadline: 12th Tuesday before election)**

ELECTION DATES	FILING DEADLINES (By 4:00 P.M.)
February 27, 2024 Presidential Primary	December 5, 2023
May 7, 2024 Special Election	February 13, 2024
August 6, 2024 Primary Election	May 14, 2024
November 5, 2024 General Election	August 13, 2024
PROPOSAL SUBMISSION	REQUIREMENTS
Townships, City, Schools, Libraries, BATA, Etc.	Must submit ballot wording with a copy of motion/resolution passed by their board to County Clerk by filing deadline.
County	<p>Must adhere to Policy for Submission of County- wide Millage Requests and file with County Clerk by filing deadline.</p> <p>4/15/20 – BOC passed a motion that county- wide ballot proposals can only be placed on November elections.</p>

Correspondence

Becky Chown

From: Nancy Davy <nancydavy@gmail.com>
Sent: Saturday, March 2, 2024 5:17 PM
To: Isaiah Wunsch; Marge Achorn; Becky Chown; David Sanger; Rudy Rudolph; armen.peninsulatrustee@gmail.com; maura.peninsulatwptrustee@gmail.com
Cc: Meg Thomas Ackerman; Linda Burkey
Subject: Old Mission Women's Club - Bayshore Marathon

Dear Peninsula Township Board Members,

I am pleased to report to you that arrangements have been made for members of the OMWC to provide volunteer work for the Bayshore Marathon on the pre-race preparation day. I have been in communications with the volunteer coordinator, Meg Ackerman, and we are delighted with the arrangements. She has assured me that we will receive \$3,500 for our efforts as in past years.

I know that members of the TC Track Club will be on the agenda for the March 12 meeting with the Township Board. I hope that our satisfactory agreement with the Track Club takes this item off the table so that the Township Board may focus on the more significant details of arrangements for the event.

Thank you all for your service to the community.

Regards,
Nancy Davy, President Old Mission Women's Club

Becky Chown

From: robin dailey <robinldailey@gmail.com>
Sent: Wednesday, March 6, 2024 10:17 AM
To: Becky Chown; info@friendsofoldmissionpeninsula.org; info@brysestate.com; info@cgtwines.com; bill@hawthornevineyards.com; info@tabonevineyards.com; info@bowersharbor.com; info@2lwinery.com; info@bonobowinery.com; wine@chateauchantal.com; wine@marivineyards.com; clopez@blackstarfarms.com; john@peninsulacellars.com
Subject: Township support and WOMP moratorium

Dear Township Board Members,

We support your continued efforts to resolve the WOMP lawsuit through negotiation. The wineries should uphold the agreements that they helped craft and willingly signed at the origins of their conversion of agricultural zoned land into winery operations and tasting rooms. These original agreements were created in the spirit of enhancing OMP farming and viticulture opportunities, keeping agricultural zones in production, and respecting the quiet residential needs of our community. Any changes should continue in this same spirit so that all interested parties can thrive, not just the wineries.

We are including OMP wineries in this email to let them know we have suspended all purchases of their products, services, and event operations until they return to transparent negotiations with the township, rather than trying to force their demands on our community through a federal court. We are encouraging our friends and neighbors to do the same. It is only through you, our township representatives, that the local community can have a voice in shaping a satisfactory outcome.

Respectfully yours,

Ann Lea Dailey

13958 Bay View Ave.
Traverse City, MI 49686

Business

Water and Sewer Costs in 2024



MEMO

To: Marge Achorn, Peninsula Township
From: John DiVozzo
Date: 02/26/2024
Subject: 2024 Peninsula Water/Sewer Budgets and Rate Recommendations

Attached are the water and sewer budgets for Peninsula Township for Calendar Year 2024. A summary of these budgets is listed below for reference.

Peninsula Twp

General	2.5% Peninsula Sewer	3.7% Peninsula Water
Capital Outlays	0	0
Other Services & Charges *	9,037	13,375
Personnel	34,875	51,615
Supplies *	2,847	4,213
Contingency *	946	1,400
Subtotal	47,705	70,604

O/M

Capital Outlays	67,025	83,437
Other Services & Charges	122,430	178,295
Personnel	0	0
Supplies	11,575	21,220
Contingency	10,000	20,000
Subtotal	211,030	302,952

Total Budget (2024)	258,735	373,556
2023	194,939	283,589
Change	63,796	89,967

The main increase in cost is the upgrade to the SCADA System scheduled for 2024, which is expected to be completed in 2026.

Upon reviewing the rate study recently completed for the township and the decision to set rates at 2025 levels in November 2023, the DPW does not recommend increasing rates for this year. Previous correspondence is attached for reference. The DPW will recommend annual increases beginning in the 2025 Fiscal Year of approximately 3%.

Thank you.

* NON-PERSONNEL SHARED COSTS : \$ 12,830 for Sewer; \$18,988 for water.

Township O&M Budgets + Payroll	Peninsula Sewer	Peninsula Water
	690 451	690 458
CAPITAL OUTLAY	67,025	83,437
97700 Machinery & Equipment	400	592
Township Portion of WWTP Bond	32,000	0
97707 Telemetering Equipment	30,000	76,000
97800 Vehicle (over \$5,000)	4,625	6,845
98000 Office Equipment/Furniture (over \$5,000)	0	0
OTHER SERVICES & CHARGES	132,430	198,295
90900 Advertising		
98265 Assessment Act 165		1,800
80800 Attorney Fees		
93000 Building Repair / Maintenance		
99200 CONTINGENCY	10,000	20,000
81800 Contract Services	4,020	7,445
86001 Conventions & Conferences		
94201 County Indirect		
81001 Dues/Memberships		
85600 Employee Training & Development		
94900 Engineering	2,000	2,000
93200 Equipment Repair/Maintenance		
92595 Front Street Lift Station	5,000	
91100 Insurance Payments - MMRMA		
92383 Hydrant Maintenance		315
81201 Internet Access		
81200 IT - Charges-Data Processing		
85300 MISS Dig	315	465
94300 Office Space/Rental		
73000 Postage	1,600	1,525
72900 Printing & Binding	175	175
92599 Sewer System Disposal - WWTP Fees	86,400	
92499 Sewer System Utility Expense	5,470	
81000 Subscriptions		
85200 Telemter Expense	1,450	1,200
85000 Telephone		
85099 Telephone - Mobile		
86000 Travel		
92100 Utilities - Electric		
92000 Utilities - Heat		
92400 Utilities - Solid Waste		
92300 Utilities - Water & Sewer		
93400 Vehicle Maintenance		
92395 Water Purchase from City		135,000
92385 Water System Utility Expense		28,370
92594 WWTP CIP Projects		
92596 WWTP Membrane Installation	1,600	
92597 WWTP Membrane Replacements	14,400	
PERSONNEL	34,875	51,615
SUPPLIES	11,575	21,220
74502 Clothing		
74800 Gasoline (for Trucks)		
74850 Gas & Oil for Stations	150	450
77500 Janitorial Supplies		
72700 Office Supplies	145	135
74200 Safety Equipment		
75250 Sewer System Maintenance & Supplies	6,000	
75300 Sewer System Materials	5,000	
74700 Small Tools & Supplies		
94102 Software Expense	280	260
74500 Uniforms & Accessories		
75350 Water System Maintenance & Supplies		11,000
75300 Water System Materials		9,375
TOTAL	245,905	354,567
2023	194,939	283,589
Shared Costs	12,830	18,988
Total Budget	258,735	373,555



MEMO

To: Peninsula Township

From: John Divozzo

Date: 10/25/22

Subject: Water/Sewer Rate Increases

In 2021, the DPW prepared a rate study for the township water and sewer systems. The recommended rate increases were contingent upon when the increase would go into effect. If an increase in 2021 could be approved, then scenario number 1 was recommended; however, if the increase was to wait until the following year, then scenario number 2 was recommended.

Below is a table illustrating each scenario and its effects:

Peninsula Rate Adjustment Recommendations

2020 Ready-to-Serve Charge \$26.00
2020 Commodity Rate \$2.30 per 100 cf

2020 Cost per REU \$21.00

Water			Ready-to-Serve		Commodity	
Scenario #1			Increase	Total	Increase	Total
2021	18%		\$4.75	\$30.75	\$0.41	\$2.71
2022	18%		\$5.54	\$36.29	\$0.49	\$3.20
2023	18%		\$6.53	\$42.82	\$0.58	\$3.78
2024	2.90%		\$1.24	\$44.06	\$0.11	\$3.89
2025	2.90%		\$1.28	\$45.34	\$0.11	\$4.00
2026	2.90%		\$1.31	\$46.65	\$0.12	\$4.12

Sewer			Rate per REU	
Scenario #1			Increase	Total
2021	11%		\$2.25	\$23.25
2022	10%		\$2.32	\$25.57
2023	10%		\$2.56	\$28.13
2024	2.90%		\$0.82	\$28.94
2025	2.90%		\$0.84	\$29.78
2026	2.90%		\$0.86	\$30.65

2020 Ready-to-Serve Charge \$26.00
2020 Commodity Rate \$2.30 per 100 cf

Water			Ready-to-Serve		Commodity	
Scenario #2			Increase	Total	Increase	Total
2022	30%		\$7.80	\$33.80	\$0.69	\$2.99
2023	30%		\$10.14	\$43.94	\$0.49	\$3.20
2024	3.50%		\$1.54	\$45.48	\$0.60	\$3.80
2025	3.50%		\$1.59	\$47.07	\$0.13	\$3.93
2026	3.50%		\$1.65	\$48.72	\$0.14	\$4.07

Current
Minimum
Recommended

The DPW recommends that the township continue to apply rate increases per scenario number 1 for the next two years. We can review budget needs and determine an inflationary increase for the years following.

Please contact me with any questions.

Thank you.

Note: Current Rates set @ 2025 Levels!

Meeker Addition Update

PENINSULA TOWNSHIP BOARD OF TRUSTEES RESOLUTION 2022-06-14 #1

Land Acquisition Resolution – Pelizzari Natural Area Meeker Addition

June 14, 2022

Upon motion made by Fanger, seconded by Achorn,
the following resolution was adopted:

RESOLVED, the Peninsula Township Board of Trustees approves the appropriation of \$200,000 plus customary escrow or closing fees from the Pelizzari Natural Area Fund for the acquisition and execution of a conservation easement with the Grand Traverse Regional Land Conservancy of the *Pelizzari Natural Area – Meeker Addition, a portion of 28-11-030-051-55 (Section 30, T28N-R10W) in Peninsula Township, Grand Traverse County* on June 14, 2022,

WHEREAS, the exploration of appropriate locations to enhance or enlarge the Pelizzari Natural Area is supported by the Peninsula Township Parks and Recreation Plan and the Pelizzari Natural Area Management Plan,

WHEREAS, the continued positive collaboration with the Grand Traverse Regional Land Conservancy is supported by the Peninsula Township Parks and Recreation Plan,

NOW THEREFORE, the board hereby authorizes the appropriation of \$200,000 plus customary escrow or closing fees from the Pelizzari Natural Area Fund and the Peninsula Township supervisor to sign or otherwise execute all necessary documents for the acquisition and execution of a conservation easement with the Grand Traverse Regional Land Conservancy of the *Pelizzari Natural Area – Meeker Addition* property.

The following aye votes were recorded:

The following nay votes were recorded:

Absent:

Abstain:

RESOLUTION # 2022-06-14 #1 WAS ADOPTED X DENIED _____

STATE OF MICHIGAN)

COUNTY OF Grand Traverse) ss

Dated: 6/14/22

By: [Signature]

Peninsula Township Supervisor

I, Rebecca Chown, clerk of Peninsula Township, Grand Traverse County, Michigan, hereby certify that the above is a true and complete copy of the resolution duly adopted by the Peninsula Township Board of Trustees at a meeting held June 14, 2022, and that same has not been repealed or amended, and remains in full force and effect.

Dated: June 14, 2022

By: [Signature]

DRAFT
CONSERVATION EASEMENT

DATE:

OWNER: Peninsula Township, a Michigan municipal corporation, whose address is 13235 Center Road, Traverse City, MI 49686 ("Owner").

CONSERVANCY: Grand Traverse Regional Land Conservancy, a Michigan nonprofit corporation, whose address is 2846 3 Mile Rd N, Traverse City, Michigan 49686 ("Conservancy").

PROPERTY: Legal description attached hereto as **Exhibit A**. For purposes of this Conservation Easement, "Property" means all or any part or portion of the described lands.

CONVEYANCE: The Owner conveys and warrants to the Conservancy a perpetual conservation easement over the Property. The scope of this Conservation Easement is set forth in this agreement.

CONSIDERATION: This conveyance is a gift from the Owner to the Conservancy. Accordingly, it is exempt from Transfer Tax pursuant to MCL §§ 207.505(a) and 207.526(a).

THE OWNER AND THE CONSERVANCY AGREE TO THE FOLLOWING:

1. CONSERVATION PURPOSES OF THIS CONSERVATION EASEMENT AND COMMITMENTS OF THE OWNER AND CONSERVANCY.

A. This Conservation Easement:

- (1) Protects a relatively natural habitat of wildlife, plants or similar ecosystem; and
- (2) Preserves open space and will yield a significant public benefit
 - a. For the scenic enjoyment of the general public and
 - b. Pursuant to a clearly delineated federal, state, or local governmental conservation policy as further defined in Paragraph 2.C.

These purposes will be referred to as the "Purposes" in this Conservation Easement.

- B. This Conservation Easement assures that the Property will be perpetually preserved in its predominantly natural, scenic, forested, and open space condition. The Purposes of this Conservation Easement are to protect the Property's natural resource and watershed values; to retain quality habitat for native plants and animals, and to maintain and enhance the natural features of the Property.
 - C. The Owner is the fee simple title owner of the Property and is committed to preserving the Conservation Values of the Property. The Owner agrees to confine use of the Property to activities consistent with the Purposes and the preservation of the Conservation Values. Any uses of the Property that may impair or interfere with the Conservation Values are expressly prohibited.
 - D. The Conservancy (1) is a qualified holder of this Conservation Easement committed to preserving the Conservation Values of the Property and upholding the terms of this Conservation Easement; (2) is a tax-exempt Michigan nonprofit corporation qualified under Internal Revenue Code Sections 501(c)(3) and 170(h)(3) and under Subpart 11 of Part 21, Conservation and Historic Preservation Easement, of the Natural Resources and Environmental Protection Act ("NREPA"), MCL §§ 324.2140 et seq.; (3) has the resources to enforce this Conservation Easement; (4) protects natural habitats of fish, wildlife, plants, and the ecosystems that support them; and (5) preserves open spaces, including farms and forests, where such preservation is for the scenic enjoyment of the general public or is pursuant to clearly delineated governmental conservation policies and where it will yield a significant public benefit.
- 2. CONSERVATION VALUES.** The Property possesses natural, open space, biological, and ecological values of prominent importance to the Owner, the Conservancy, and the public. These values are referred to as the "Conservation Values" in this Conservation Easement and are further described in the Baseline Documentation Report. Certain Conservation Values may have relevance to more than one Purpose, even though they are listed only once. The Conservation Values include the following:
- A. The Property contains significant natural habitat in which wildlife, plants, or the ecosystems that support them thrive in a natural state, as demonstrated by:
 - (1) The Property provides a vital corridor of upland wildlife habitat, which serves as a connection for wildlife movement and creates a natural "greenway" from Pelizzari Natural Area to McKinley Road on Old Mission Peninsula.
 - (2) The Property is noteworthy for its gently rolling dry-mesic northern forest habitat (S3 – State Vulnerable) which is part of a larger landscape of forestland and orchards providing ecological connectivity and resilience.
 - (3) Though not visually confirmed, the Property contains suitable habitat for rare, endangered, or threatened species of animal including: the Red-shouldered hawk (*Buteo lineatus*), a state species of special concern, and the Northern Goshawk (*Accipiter gentilis*), a state species of special concern.
 - (4) The Property contains sustainable habitat for diverse vegetation, birds, amphibians, and terrestrial animals. The Conservancy has documented the existence of White-tailed Deer (*Odocoileus virginianus*), Red-eyed vireo (*Vireo olivaceus*), Ovenbird (*Seiurus aurocapilla*), American Goldfinch (*Spinus tristis*), Yellow-bellied Sapsucker (*Sphyrapicus varius*), Tufted Titmouse (*Baeolophus bicolor*), Wintergreen (*Gaultheria procumbens*), Canada mayflower (*Maianthemum canadense*), Ghost Plant (*Monotropa*

uniflora), Bracken Fern (*Pteridium aquilinum*), and Common Trillium (*Trillium grandiflorum*) on the Property.

- (5) Valued native forestland exists on the Property, which includes diverse native species, trees of many age classes and structural diversity, including a multiple-story canopy, standing dead trees, and downed logs. Its dominant vegetation is Red Oak (*Quercus rubra*), White Oak (*Quercus alba*), and White Pine (*Pinus strobus*), as well as secondary species of Red Maple (*Acer rubrum*) and Sugar Maple (*Acer saccharum*), Hemlock (*Tsuga canadensis*), and American beech (*Fagus grandifolia*). These communities are in a relatively natural condition and support the full range of wildlife species found in these habitat types.
- (6) The Property provides important natural land within the Old Mission watershed. The vegetated slopes of the property would be susceptible to erosion damage and accelerated storm water runoff that could adversely affect water quality if the trees or other vegetation were removed.
- (7) Protection of the Property in its natural and open space condition helps prevent fragmentation which contributes to the ecological viability of the area.
- (8) Preservation of the Property enables the Owner to integrate the Conservation Values with other neighboring lands.
- (9) The Property lies in close proximity to the following conserved properties that similarly preserve the existing natural habitat: Pelizzari Natural Area (62 acres), Underwood Farm Conservation Easement (77 acres), and Leorie Vineyards Conservation Easement (18.12 acres).

B. Pursuant to U.S. Treasury Regulation § 1.170A-14 for Qualified Conservation Contribution, the Property provides open space for the scenic enjoyment of the general public and will yield a significant public benefit through:

- (1) A scenic landscape and natural character that would be impaired by modification of the Property.
- (2) A scenic panorama visible to the public from publicly accessible sites such as East Grand Traverse Bay that would be adversely affected by modifications of the natural habitat.
- (3) Relief from urban closeness.
- (4) Biological integrity of other land in the vicinity has been modified by intense urbanization, and the trend is expected to continue.
- (5) There is a reasonable possibility that the Conservancy may acquire other valuable property rights on nearby or adjacent properties to expand the Conservation Values preserved by this Conservation Easement.
- (6) The Property is desirable for substantial residential development because of its size, location, and orientation, and in the absence of this Conservation Easement the Property could be developed in a manner that would destroy the Conservation Values.

C. The Property is preserved pursuant to a clearly delineated federal, state, or local conservation policy and yields a significant public benefit. The following legislation, regulations, and policy statements establish relevant public policy:

- (1) The State of Michigan has recognized the importance of protecting our natural resources as delineated in the Michigan Constitution: "The conservation and development of the natural resources of the state are

hereby declared to be of paramount public concern in the interest of the health, safety, and general welfare of the people. The legislature shall provide for the protection of the air, water, and other natural resources of the state from pollution, impairment, and destruction.” (1963 Constitution, Article IV, Section 52.)

- (2) NREPA Part 355, Biological Diversity Conservation, MCL §§ 324.35501 et seq. (Legislative Findings § 324.35502).
- (3) NREPA Part 361, Farmland and Open Space Preservation, MCL §§ 324.36101 et seq.
- (4) NREPA Parts 91 and 93, Soil Conservation, Erosion, and Sedimentation Control, MCL §§ 324.9101 et seq., §§ 324.9301 et seq. (Legislative Policy, § 324.9302).

3. BASELINE DOCUMENTATION. Specific Conservation Values of the Property have been documented in a natural resource inventory signed by both Owner and the Conservancy (“Baseline Documentation Report”). The Baseline Documentation Report, incorporated herein by reference, consists of maps, a depiction of all existing human-made modifications, prominent vegetation, identification of flora and fauna, land use history, distinct natural features, and photographs. The Owner and Conservancy agree that the Baseline Documentation Report is an accurate representation of the Property at the time of execution of this Conservation Easement. Changes in the conditions on the Property may be documented from time to time through a Changed Condition Report. In enforcing the provisions of this Conservation Easement, the Conservancy may use the Baseline Documentation Report, any Changed Condition Report, and any and all other available evidence to show a change in conditions. Any characterization of this Conservation Easement contained in the Baseline Documentation Report shall not be interpreted as altering, amending, or otherwise modifying this Conservation Easement. In the event of any alleged or actual conflict or inconsistency between the terms of this Conservation Easement and the Baseline Documentation Report, the terms of this Conservation Easement shall prevail.

4. PERMITTED USES. The Owner retains all ownership rights that are not expressly restricted by this Conservation Easement, provided that they are exercised only in a manner that is consistent with the Conservation Purposes and that is not detrimental to the Conservation Values. In particular, the following rights are reserved:

- A. Right to Convey. The Owner retains the right to sell, lease, mortgage, bequeath, or donate the Property, subject to the terms of this Conservation Easement. All subsequent owners are bound by all of the provisions in this Conservation Easement. At least 30 days prior to transfer of any of Owner’s rights in the Property, Owner or Owner’s representative shall give the proposed transferee of the Property a complete recorded copy of this Conservation Easement and submit written notice to the Conservancy of the proposed transfer, including the full name(s) and address(es) of the prospective transferee(s). Owner at all times shall provide Conservancy with up-to-date contact information including mailing address, telephone number, and email address.
- B. Right to Manage Public Access and Use. The Owner retains the right to manage public access to the Property, if necessary, to ensure that such access does not impair the Conservation Values protected by this Conservation Easement. This right includes, but is not limited to, channeling visitor use away from sensitive

natural features, directing visitor use to prevent or minimize erosion or other detrimental effects on the natural resources, restricting access to unauthorized dumping areas, and restricting visitor access to protect areas with threatened or endangered species. The Owner also retains the right to manage and set rules for groups or activities which may cause larger impacts on the Property and for types of public recreational use which may conflict with other visitors' use and enjoyment.

- C. Right to Undertake Recreational Activities. The Owner retains, for personal and public use, the right to undertake low-impact, non-motorized, non-commercial recreational uses on the Property such as hunting, wildlife observation, hiking, cross-country skiing, jogging, and sledding. Recreational uses do not include groomed or manicured fields or facilities for organized recreational or sports activities such as soccer fields, baseball diamonds, golf courses, camp grounds, or dog parks.
- D. Right to Add and Maintain Trails and Recreational Infrastructure. The Owner retains the right to add and maintain trails on the Property by removing groundcover and shrubs and trimming tree branches for low-impact pedestrian use, provided such removal and trimming does not adversely impact the Conservation Values of the Property. The right to remove and trim vegetation for this purpose does not include the right to remove trees.

The Owner also retains the right to construct and maintain recreational infrastructure, including, but not limited to, walkways, steps, stairs, bridges, boardwalks, benches, wildlife-viewing blinds, and overlook platforms to guide visitor access and protect sensitive areas, provided such construction does not adversely impact the Conservation Values of the Property. Signs, plaques, monuments, or other structures for donor recognition are also permitted.

At least thirty (30) days prior to clearing or constructing any proposed trail or trail-related structure the Owner shall deliver a written plan to the Conservancy for review and approval pursuant to the terms set forth in paragraph 6.D. herein. Owner shall also install stakes or flags on the Property identifying the location of the proposed trail/structures. This provision shall not apply to maintenance of existing trails on the Property.

- E. Right to Maintain Roads and Driveway. The Owner retains the right to maintain the existing two-track roads in their unpaved and pervious condition and the existing driveway in its paved and impervious condition, as illustrated on the Baseline Documentation Map in Exhibit B herein.
- F. Right to Construct and Maintain Gates. The Owner retains the right to construct and maintain gates on the existing driveway on the Property, as illustrated on the Baseline Documentation Map in Exhibit B herein, to control or discourage unauthorized vehicle access to the Property. Any gating of the Property shall be constructed in a manner that does not impede wildlife movement on or across the Property.
- G. Right to Operate Motorized Vehicles. The Owner retains the right to operate motorized vehicles on the Property on the existing two-track roads and driveway,

as illustrated on the Baseline Documentation Map in Exhibit B herein. The Owner also retains the right to operate motorized vehicles off-road on the Property for the purpose of achieving the permitted maintenance/management uses described herein and for the Owner's personal access. However, the right to operate motorized vehicles off-road may be extinguished if the Conservancy determines that use of off-road vehicles is adversely impacting the Conservation Values of the Property.

H. Right to Manage Vegetation and Conduct Forestry Activities. The Owner retains the right to cut vegetation and conduct forestry activities on the Property as follows:

- (1) Dangerous, Diseased, or Invasive Trees and Vegetation. Pruning, trimming, or removing trees or other vegetation is permitted under the following conditions:
 - a. To remove trees that pose real danger to a structure or to humans in frequently used areas due to a structural issue or health defect of the tree;
 - b. To remove trees in order to reduce a natural threat of infestation posed by diseased vegetation as documented by a registered forester or other natural resource specialist and as approved by the Conservancy; and/or
 - c. To respond to, minimize, and/or eliminate threats from invasive or non-native plant species.
- (2) Firewood. The Owner retains the right to cut and use trees that are downed as a result of natural occurrence for personal use as firewood without a management plan, provided that such use retains adequate woody debris on the forest floor for habitat and soil productivity purposes. Except as provided in paragraph 4.H.1 above, any removal of live or standing dead trees, whether for firewood or other purpose, is considered forest management and is subject to requirements of the Forest Management Plan and Notice of Harvest provisions described below.
- (3) Forest Management. Forest management for the growth and harvest of trees including the production of forest products for use or commercial sale is permitted on the Property in accordance with the following criteria:
 - a. It is in accordance with a Forest Management Plan (see below) prepared by a forester registered in the state of Michigan, or other qualified natural resource specialist that is pre-approved by the Conservancy.
 - b. It meets the minimum standards set forth in the then-current Best Management Practices, as outlined in the Michigan Department of Natural Resources' publication, "Michigan Forestry Best Management Practices for Soil and Water Quality" (revised 07/10/2023), or similar successor publications approved by the Conservancy.
 - c. Any commercial harvest must be marked and supervised by a professional forester in order to ensure adherence to the Forest Management Plan and protection of the Conservation Values.
 - d. Forest Management shall be conducted under written contract(s) with the forester and a competent logging operator(s). The contract(s) shall specify relevant requirements for compliance with

this conservation Easement and the approved Forest Management Plan.

- e. The forested character of the Property is maintained for habitat and scenic values.
- f. Populations and diversity of native plant species and habitat for native animal species is preserved.
- g. Water quality, wetlands, and riparian zones are protected.
- h. It is undertaken in a manner not detrimental to the Conservation Values of the Property.

(4) Forest Management Plan. The Forest Management Plan must be prepared prior to any management activities or harvesting is conducted; updated at least every fifteen (15) years; and shall be provided to the Conservancy for review and approval pursuant to the terms set forth in paragraph 6.D. herein. Additionally, a plan must include the following;

- a. Date the plan was prepared and the date of expiration for the plan (no more than 15-year term);
- b. Reference to this Conservation Easement, the Conservation Values of the Conservation Easement, and forest management criteria required by paragraph 4.H.3 herein;
- c. Specific management goals and objectives of the forest management plan;
- d. Stand delineation and maps with acreage of stands;
- e. Stocking level and size class distribution information (both before and after harvest);
- f. Prescription of silvicultural treatments used to achieve stand goals;
- g. Explanation of harvest method and recommended equipment to be used;
- h. Timeline for implementation with anticipated harvest schedule; and
- i. Signatures of Owner, forester, and Conservancy representative.

(5) Notice of Harvesting. At least thirty (30) days prior to the commencement of harvesting, the Owner shall provide the Conservancy with a written Notice of Harvest. The Notice shall include:

- a. The location of the harvest, explanation of harvest method, and equipment to be used;
- b. Contemplated dates for the harvest;
- c. A plan for ingress and egress and the location of staging area(s);
- d. Required reclamation work; and
- e. A description of any other activities and practices intended to achieve compliance with the requirements of the Conservation Easement.

The Owner shall also notify the Conservancy of harvest completion.

- I. Right to Conduct Ecological Restoration. The Owner retains the right to conduct ecological restoration on the Property. Ecological Restoration includes, but is not limited to, planting native species, removing non-native or invasive species, installing erosion control structures, or installing fencing necessary for the re-establishment of native vegetation. Such activities shall be conducted pursuant to an Ecological Restoration Plan prepared by a qualified natural resource

professional prior to any restoration activities and provided to the Conservancy for review and approval pursuant to the terms set forth in paragraph 6.D. herein.

- J. Right to Conduct Research and Educational Activities. The Owner retains the right to conduct research and educational activities on the Property, including but not limited to wildlife, habitat, and plant research, provided that such activities do not impair the Conservation Values of the Property protected by this Conservation Easement.
- K. Right to Construct and Maintain Wildlife Hunting and Viewing Blinds. The Owner retains the right to construct and place blinds on the Property for the purpose of hunting and viewing wildlife. Blinds shall not have a foundation constructed with concrete or other permanent materials. The Owner may affix permanent tree stands that are constructed from wood or fasten tree stands that are portable and non-permanent made from any material that is common or standard for such devices.
- L. Right to Develop Subsurface Mineral Resources.
 - (1) Exploration. Exploration for minerals conducted in a manner that will not have a detrimental impact on the Conservation Values of the Property, including but not limited to certain methods of seismic testing, is permitted pursuant to a written plan submitted to the Conservancy for review and approval pursuant to the terms set forth in paragraph 6.D. herein.
 - (2) Development. The Owner retains the right to extract oil, gas, hydrocarbons, or petroleum from the Property for commercial purposes, provided that no exploration, development, or testing for or extraction of minerals shall be conducted on, from, or across the surface of the Property, except as provided for herein. The Owner may enter into a non-developmental lease if said lease is part of a pool for oil, gas, hydrocarbons or petroleum which solely permits the extraction of oil, gas, hydrocarbons, or petroleum. Extraction shall not involve any surface alteration of the Property or construction or placement of any structures, including pipelines, on, over, or across the Property.
- M. Right to Conduct Limited Commercial Activities. The Owner retains the right to conduct *de minimis* commercial recreational activity on the Property as such term is referenced in Internal Revenue Code Section 2031(c)(8)(B). The right to conduct limited commercial activity may be extinguished if the Conservancy determines that such activity is adversely impacting the Conservation Values of the Property.
- N. Right to Place Signs. The Owner retains the right to place signs on the Property relating to Property ownership and management as well as permitted activities described in Section 4. This right includes, but is not limited to, the right to place kiosks or other structures to accommodate signs for the display of educational, public safety, or recreational information, as well as signs, plaques, monuments or other structures for donor recognition. The size and placement of signs shall not adversely impact the Conservation Values of the Property.

5. PROHIBITED ACTIONS. Any activity on, or use of, the Property that is inconsistent with the Conservation Purposes or that is detrimental to the Conservation Values is expressly

prohibited. By way of example, but not by way of limitation, the following activities and uses are explicitly prohibited:

- A. Division. The legal or *de facto* division, subdivision, or partitioning of the Property, including any subdivision, short subdivision, platting, binding site plan, testamentary division, creation of a site condominium or other submission of the Property to a condominium form of ownership, or other process by which the Property is divided into lots or in which title to different portions of the Property are held by different owners is prohibited.
- B. Inclusion of Gross Area. The inclusion of the Property or any portion thereof as part of the gross area of any other property not subject to this Conservation Easement for the purposes of meeting density, lot coverage, or open space requirements under other applicable laws, regulations, or ordinances controlling land use and building density is prohibited.
- C. Commercial Activities. Any commercial activity on the Property is prohibited, except as reserved or permitted in Section 4. Permitted Uses herein. By prohibiting more than a *de minimis* use of the Property for commercial recreational activity, it is the intent of the parties to prevent the Property from becoming a commercial campground, a commercial site for skiing, snowmobiling, off-road vehicle or camper use, the commercial storage of recreational equipment, or other similar intensive commercial use, but this may not be construed to prohibit Owner's right to permit occasional or casual use of or access to the Property by individuals or groups who pay a modest fee to a guide, educator, or outfitter and which does not adversely impact the Conservation Values on the Property.
- D. Industrial Activities. Any industrial activity on the Property is prohibited.
- E. Construction. The placement or construction of any human-made modifications, including structures, buildings, fences, roads, and parking lots is prohibited, except as reserved or permitted in Section 4. Permitted Uses herein.
- F. Cutting Vegetation. Cutting down or otherwise destroying or removing trees or other vegetation whether living or dead is prohibited, except as reserved or permitted in Section 4. Permitted Uses herein.
- G. Land Surface Alteration, Mining. Any surface mining or other disturbance or alteration of the surface of the land is prohibited, including extraction or alteration of any substance that must be quarried or removed by methods that will consume or deplete the surface estate, including, but not limited to, the removal of topsoil, sand, gravel, aggregate, rock, stone, ore, mal, limestone, gypsum, salt, coal, clay, sod, and peat. Treatment, processing, storage, transportation, and other handling of overburden, effluent, tailings, or other waste or byproducts created or produced during mining is also prohibited. In addition, exploring for, developing, and extracting oil, gas, hydrocarbons, or petroleum products is prohibited, except as specified in Section 4. Permitted Uses herein. Strip mining of any sort on the Property, including the removal of sand and/or gravel, is expressly prohibited.

- H. Waste. Processing, retention, storage, transporting, dumping, or disposal or injection of liquid, solid, natural, or man-made waste, refuse, or debris on the Property is prohibited.
- I. Water Courses, Ground Water. Natural water courses, lakes, rivers, streams, creeks, wetlands, or other bodies of surface water or groundwater may not be altered or impounded. Water from ground or surface sources may not be diverted, blocked, extracted, pumped, or piped from the Property or degraded or polluted.
- J. Off-Road Recreational Vehicles. Motorized off-road vehicles such as, but not limited to, snowmobiles, dune buggies, all-terrain vehicles, dirt bikes, and motorcycles may not be operated off of designated roads on the Property, except as specified in Section 4. Permitted Uses herein.
- K. Livestock. Raising or housing of livestock, poultry, or horses, commercial breeding, and commercial aquaculture are prohibited on the Property.
- L. Signs and Billboards. Billboards and signs are prohibited, except as reserved or permitted in Section 4. Permitted Uses herein.

6. RIGHTS OF THE CONSERVANCY. The Owner conveys the following rights upon the Conservancy to perpetually maintain the Conservation Values of the Property:

- A. Right to Enter. The Conservancy and its authorized agents have the right to enter the Property at reasonable times (and on multiple occasions, as necessary) to monitor the Property and to enforce compliance with, or otherwise exercise the Conservancy's rights under this Conservation Easement. The Owner shall fully cooperate with the Conservancy in the Conservancy's exercise of its rights and responsibilities under this Conservation Easement, and shall provide access to all areas of the Property required for such exercise. Except in the case of emergency or if there is an imminent threat to the Conservation Values, the Conservancy shall make reasonable efforts to notify Owner in advance of Conservancy's planned entry onto the Property. The Conservancy will not unreasonably interfere with the Owner's use and quiet enjoyment of the Property or permit others to enter the Property. The general public is not granted access to the Property under this Conservation Easement.
- B. Right to Preserve. The Conservancy has the right to prevent any activity on or use of the Property that is inconsistent with the Conservation Purposes or detrimental to the Conservation Values of the Property.
- C. Right to Require Restoration. The Conservancy has the right to require the Owner to restore the areas or features of the Property which are damaged by any activity inconsistent with this Conservation Easement to the condition that existed on the date of execution of this Conservation Easement, or to such other condition as may then exist, provided such other condition is consistent with the terms of this Conservation Easement. The Owner shall conduct restoration in accordance with a written plan submitted to the Conservancy for review and approval pursuant to the terms set forth in paragraph 6.D. herein.

- D. Right to Review and Approve. Wherever herein the Conservancy is granted the right to review and approve any proposed plan for the use, modification, or restoration of any portion of the Property or improvements thereon, such approval shall be granted or denied by the Conservancy, in writing within thirty (30) days of the date the Owner delivers notice of the proposed plan, unless otherwise provided herein. The Conservancy may obtain an additional thirty (30) day period to review a plan by notifying Owner of its need for an extension. The Owner shall not undertake any activity on the Property requiring Conservancy approval unless and until it receives such approval.

The Conservancy's approval for a proposal may be withheld only upon a reasonable determination by the Conservancy that the proposed action(s) would be contrary to or inconsistent with the terms of this Conservation Easement or detrimental or adverse to the Conservation Values of the Property. The Conservancy may request additional information in support of the request for approval, including without limit, documentation of the Owner's right to undertake the proposal, copies of permits, and other documents that the Conservancy in its sole discretion deems necessary to evaluate whether the proposal complies with this Conservation Easement. If the Conservancy fails to grant or deny approval within the review period, the request for approval shall be deemed constructively denied. Because a constructive denial is not a decision by the Conservancy based on the merits of the Owner's request, it is not final or binding and the Owner may resubmit the same or similar request for approval. In its sole discretion, the Conservancy may withdraw an approval for the use, modification, or restoration of the Property given under this paragraph 6.D if not commenced within three (3) years of the approval date.

If the Owner fails to notify and/or seek approval from the Conservancy of any proposed activity that requires notice and/or approval herein, then the Owner undertakes any such activities and/or incurs any related expenses at its own risk. By way of example only, if, upon discovery, the Conservancy denies approval for the construction or activity, then the Conservancy may in its sole discretion require the Owner to undo the activity or remove the construction and restore the Property at its own expense. In any action to enforce the terms of this Conservation Easement, the fact that the Owner incurred expenses related to the unapproved activity shall not prejudice or limit the Conservancy's available remedies.

- E. Right to Place Signs. The Conservancy has the right to place signs on the Property that identify the land as protected by this Conservation Easement. The number and location of any signs are subject to the Owner's approval.

7. CONSERVANCY'S REMEDIES.

- A. Delay in Enforcement and Waiver of Certain Defenses. To the fullest extent permitted by law, the failure or delay of the Conservancy to discover a violation or initiate enforcement of this Conservation Easement shall not constitute a waiver, laches, or estoppel of its rights to do so later.
- B. Third Person Violations. Notwithstanding the Owner's obligations under this Conservation Easement and the Conservancy's right to require restoration of the

Property, the Owner and Conservancy shall have the following rights for acts or occurrences on the Property beyond the direct or indirect control of the Owner:

- (1) The Conservancy may not bring an action against the Owner for modifications or damage to the Property or its Conservation Values resulting from natural causes beyond the Owner's control, including natural disasters, unintentional fires, floods, storms, natural earth movement, changes recognized to be driven by climate change, or other acts of nature.
 - (2) The Owner shall be responsible for modifications or damage to the Property that impair or damage the Conservation Values of the Property and result from the acts of third persons whose use of, or presence on, the Property is authorized by the Owner. In such event, the Conservancy may require the Owner to restore the Property as provided in paragraph 6.C. herein.
 - (3) In the event of an unauthorized third-person violation of this Conservation Easement or damage to the Property or its Conservation Values, the Conservancy shall not seek restoration or exercise remedies available to it if, and so long as, the Owner diligently pursues all available legal remedies against the violator. In the event actions taken by unauthorized third persons impair the Conservation Values protected by this Conservation Easement, the Conservancy reserves the right, either jointly or singly, to pursue all appropriate civil and criminal penalties to compel restoration. Owner assigns any claim or right to recover against such third persons to the Conservancy.
- C. Notice and Demand. If the Conservancy determines that the Owner is in violation of this Conservation Easement, or that a violation is threatened, the Conservancy shall provide written notice to the Owner. The written notice will identify the violation and request corrective action to cure the violation and, where the Property has been injured, to restore the Property. If at any time the Conservancy determines, in its sole and absolute discretion, that the violation or threatened violation constitutes immediate and irreparable harm, no written notice is required, and the Conservancy may then immediately pursue its remedies to prevent or limit harm to the Conservation Values of the Property. If the Conservancy determines that this Conservation Easement is or is expected to be violated, and the Conservancy's good faith and reasonable efforts to notify the Owner are unsuccessful, the Conservancy may pursue its lawful remedies to mitigate or prevent harm to the Conservation Values without prior notice and without awaiting the Owner's opportunity to cure.
- D. Failure to Act, Available Remedies. If, within thirty (30) days after written notice, the Owner does not implement corrective measures requested by the Conservancy, the Conservancy may bring an action at law and/or in equity to enforce the terms of the Conservation Easement. In the case of immediate or irreparable harm, as determined in the sole discretion of the Conservancy, or if the Owner is unable to be notified, the Conservancy may invoke these same remedies without notification and/or awaiting the expiration of the thirty (30) day period. The Conservancy is entitled to enjoin a violation or threatened violation through temporary or permanent affirmative and prohibitive injunctive relief and is entitled to seek specific performance, declaratory relief, rescission of a deed granted in violation of the Conservation Easement, restitution, reimbursement of expenses,

and/or an order compelling the Owner to restore the Property, without the necessity of bond or other security. The Conservancy's claim for injunctive relief or specific performance for a violation of this Conservation Easement shall not require proof of actual damages. Such relief shall be against the Owner and/or any person or entity acting in concert with the Owner and in addition to damages and other remedies available to the Conservancy. The Owner agrees if a violation of this Easement is threatened or occurs, the harm and injury to the Conservancy will be irreparable such that the Conservancy will have no adequate remedy at law and could not be compensated adequately by damages.

- E. Recovery of Costs and Reimbursement. If the court determines that the Owner has failed to comply with this Conservation Easement, the Owner shall reimburse the Conservancy for all reasonable enforcement costs, including staff time, litigation costs or costs associated with other dispute resolution procedures, Conservancy's reasonable attorney's fees, and all costs of corrective action or Property restoration incurred by the Conservancy.
 - F. Frivolous Litigation. If the Conservancy initiates litigation against the Owner to enforce this Conservation Easement, and if the court determines that the Owner is the prevailing party and also determines that (1) the litigation was initiated with the primary purpose to harass, embarrass, or injure the Owner; (2) the Conservancy did not have a reasonable basis to believe that the facts underlying the Conservancy's legal position were true; or (3) the Conservancy's legal position was devoid of arguable legal merit, then the court may require the Conservancy to reimburse the Owner's reasonable costs and reasonable attorney's fees in defending the action.
 - G. Cumulative Remedies. The preceding remedies of the Conservancy are cumulative. Any or all of the remedies may be invoked by the Conservancy if there is an actual or threatened violation of this Conservation Easement.
8. **REGULATORY AUTHORITY**. The Owner is solely responsible for obtaining any applicable permit or authorization or otherwise ensuring that any proposed use, building, construction, design, location, or other specification related to the Property meets all applicable local, state, and federal zoning, requirement, regulation, rule, policy, or standard. In accepting this Conservation Easement, or in review and/or approving any use, building, construction, design, location, or any other specification related to the Property or the use or development of the Property, the Conservancy makes no warranty that the proposed use, building, construction, design, location, or other specification meets any local, state, or federal zoning, requirement, regulation, rule, policy, or standard.
9. **AMENDMENT**. Owner and Conservancy may jointly amend this Conservation Easement provided that an amendment shall: (1) be approved by the Conservancy in its sole and absolute discretion; (2) not affect the qualification of this Conservation Easement or the status of the Conservancy under any applicable laws, including MCL §§ 324.2140-324.2144 or Section 170(h) of the Code; (3) be consistent with the Purposes; (4) not affect the perpetual duration of this Conservation Easement; (5) have a net positive or neutral effect on the Conservation Values; (6) not extinguish this Conservation Easement over any portion or all of the Property; and (7) not create an impermissible private benefit or private inurement. Any such amendment shall be in writing and recorded in the Register

of Deeds of Grand Traverse County, Michigan, and any other jurisdiction in which such recording is required.

10. SUBORDINATION. The Owner represents and warrants that as of the date of execution and recording of this Conservation Easement, the Property is not subject to any lease, land contract, mortgage, lien, claim, or interest which has not been subordinated to this Conservation Easement. Any lease, land contract, mortgage, lien, claim, lease, or interest in the Property arising after the date of recording of this Conservation Easement shall be subject and subordinate to the terms of this Conservation Easement.

11. CONSERVATION EASEMENT REQUIREMENTS UNDER MICHIGAN LAW AND UNITED STATES TREASURY REGULATIONS.

A. This Conservation Easement is an immediately vested interest in real property created pursuant to Subpart 11 of Part 21 of NREPA, Conservation and Historic Preservation Easement, MCL §§ 324.2140 et seq. Owner and Conservancy agree that this Conservation Easement has a fair market value that is at least equal to the proportional value that the Conservation Easement at the time of execution bears to the value of the Property as a whole at that time. This proportionate value shall remain constant.

B. This Conservation Easement is established for conservation purposes pursuant to the Internal Revenue Code, 26 USC §§ 170(h)(1)-(6), 2031(c), 2055, and 2522, and under Treasury Regulations at 26 CFR §§ 1.170A-14 et seq., as amended.

C. The Conservancy is qualified to hold conservation easements pursuant to these statutes. It is a publicly funded, non-profit 501(c)(3) organization.

12. OWNERSHIP COSTS AND LIABILITIES In accepting this Conservation Easement, the Conservancy shall have no liability or obligation for costs, taxes, assessments, insurance, maintenance, or other liabilities of any kind related to the Property. The Conservancy's rights do not include the right, in absence of a judicial decree, to enter the Property for the purpose of becoming an operator of the Property within the meaning of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 USC §§ 9601 et seq., and/or NREPA Part 201, Environmental Remediation, MCL §§ 324.20101, et seq. or any similar statute or regulation. The Conservancy, its trustees or directors, officers, employees, and agents have no liability arising from injury or death to any person or physical damage to any personal property on the Property. The Owner agrees to defend, indemnify, and hold harmless the Conservancy against such claims arising during the term of the Owners' ownership of the Property.

13. HAZARDOUS MATERIALS. The Owner represents and warrants that Owner has no knowledge of any release, discharge, dispersal or storage of hazardous substances, or hazardous wastes on the Property. The Owner agrees to defend, indemnify, and hold harmless the Conservancy against all claims of hazardous materials contamination on the Property.

14. CESSATION OF EXISTENCE. If the Conservancy ceases to exist or if it fails to be a "qualified organization" for purposes of Internal Revenue Code Section 170(h)(3), or if the Conservancy is no longer authorized to acquire and hold conservation easements, then this Conservation Easement shall become vested in another entity. This entity shall be a

“qualified organization” for purposes of Internal Revenue Code Section 170(h)(3). The Conservancy’s rights and responsibilities shall be assigned to any entity having similar conservation purposes to which such right may be awarded under the *cy pres* doctrine.

15. ASSIGNMENT. The Conservancy may assign its rights and obligations under this Conservation Easement only to an organization that, at the time of the assignment, is a “qualified organization” under Section 170(h)(3) of the Code, as amended. The Conservancy shall require as a condition of assignment that the assignee assume all obligations of the Conservancy under this Conservation Easement and continue to carry out the Purposes of this Conservation Easement in perpetuity.

16. FUTURE CONDITIONS. No use shall be made of the Property and no activity thereon shall be permitted which is, or is likely to become, inconsistent with the Purposes of this Easement. The Owner and the Conservancy acknowledge that, in view of the perpetual nature of this Easement, they are unable to foresee all potential future land uses, technologies, climate changes, evolution in flora and fauna, other natural resources, and other circumstances, occurrences, and conditions affecting the Property or the Purposes of this Easement.

17. EXTINGUISHMENT. This Conservation Easement may be extinguished only by an unexpected change in condition which causes it to be impossible to fulfill the Purposes, or by exercise of eminent domain.

- A. Unexpected Change in Conditions. If subsequent circumstances render the Purposes of this Conservation Easement impossible to fulfill, then this Conservation Easement may be partially or entirely terminated, but only by judicial proceedings. The Conservancy will then be entitled to compensation in accordance with the provisions of the Internal Revenue Code Treasury Regulations Section 1.170A-14(g)(6)(ii) or its successor. Notwithstanding the foregoing, the Owner and Conservancy intend that this Conservation Easement shall not be subject to the legal doctrine of “changed conditions” that is applied to traditional servitudes. In making this grant, Owner has considered the possibility that uses prohibited by the terms of this Easement may become more economically valuable than permitted uses, and that neighboring properties may in the future be put entirely to such prohibited uses. The unprofitability of conducting or implementing any or all of the uses permitted under the terms of the Conservation Easement shall not impair the validity of this Conservation Easement or be considered grounds for its termination or extinguishment. It is the intent of the Owner that any such economic changes shall not be deemed to be changed conditions or a change of circumstances justifying the judicial termination, extinguishment, or amendment of this Conservation Easement.
- B. Eminent Domain. If the Property is taken, in whole or in part, by power of eminent domain, then the Conservancy will be entitled to a share of the proceeds of any sale, exchange, or involuntary conversion of the Property, according to Conservancy’s proportional interest in the Property, as determined and as required under Treas. Reg. 1.170A-14(g)(6)(ii) or its successor.
- C. Payment and Usage. Payment shall not be later than subsequent sale, exchange, or involuntary conversion of the property, whichever occurs first. Conservancy

shall use any such proceeds in a manner that is consistent with the conservation purposes as set forth in Internal Revenue Code Section 170(h)(4)(A).

- 18. LIBERAL CONSTRUCTION.** This Conservation Easement shall be liberally construed in favor of maintaining the Conservation Values of the Property and in accordance with Subpart 11 of Part 21, Conservation and Historic Preservation Easement, of NREPA.
- 19. NOTICES.** For purposes related to this Conservation Easement, notices may be provided to either party by personal delivery, by mailing written notice to the party at its last known address via United States Postal Service first class mail, or by email.
- 20. SEVERABILITY.** If any portion of this Conservation Easement is determined to be invalid, the remaining provisions shall remain in force.
- 21. SUCCESSORS.** This Conservation Easement is binding upon, and inures to the benefit of, the Owner and the Conservancy's successors in interest. All subsequent owners of the Property are bound to all provisions of this Conservation Easement to the same extent as the Owner.
- 22. TERMINATION OF RIGHTS AND OBLIGATIONS.** A party's future rights and obligations under this Conservation Easement terminate upon transfer of that party's interest in the Property. Liability for acts or omissions occurring prior to transfer will survive the transfer.
- 23. MICHIGAN LAW AND FORUM.** This Conservation Easement shall be construed in accordance with Michigan law. The Owner and Conservancy agree and consent that all litigation with respect to or arising out of this Easement shall be filed, heard, and decided by a Michigan court with jurisdiction over the Property or where the Conservancy maintains its principal place of business in Michigan.
- 24. EXHIBITS.** This Conservation Easement includes and incorporates the following exhibits:
- A. Legal Description
 - B. Baseline Documentation Map
- 25. ENTIRE AGREEMENT.** This Conservation Easement sets forth the entire agreement of the parties. It is intended to supersede all prior discussions or understandings.

[Signatures follow next page.]

OWNER
PENINSULA TOWNSHIP

By: Isaiah Wunsch
Its: Supervisor

STATE OF _____)
COUNTY OF _____) ss
_____)

The foregoing instrument was subscribed and sworn to before this ____ day of _____
2024, by Isaiah Wunsch, Peninsula Township Supervisor.

Notary Public

_____ County, Michigan

My commission expires: _____

CONSERVANCY

By: Glen A. Chown
Its: Executive Director

STATE OF MICHIGAN _____)
COUNTY OF Grand Traverse _____) ss
_____)

The foregoing instrument was subscribed and sworn to before this ____ day of _____
2024, by Glen A. Chown, Executive Director of the Grand Traverse Regional Land Conservancy.

Notary Public

_____ County, Michigan

My commission expires: _____

Instrument prepared by and after recording return to:
Claire Herman, Grand Traverse Regional Land Conservancy,
2846 3 Mile Rd. N, Traverse City, Michigan 49686

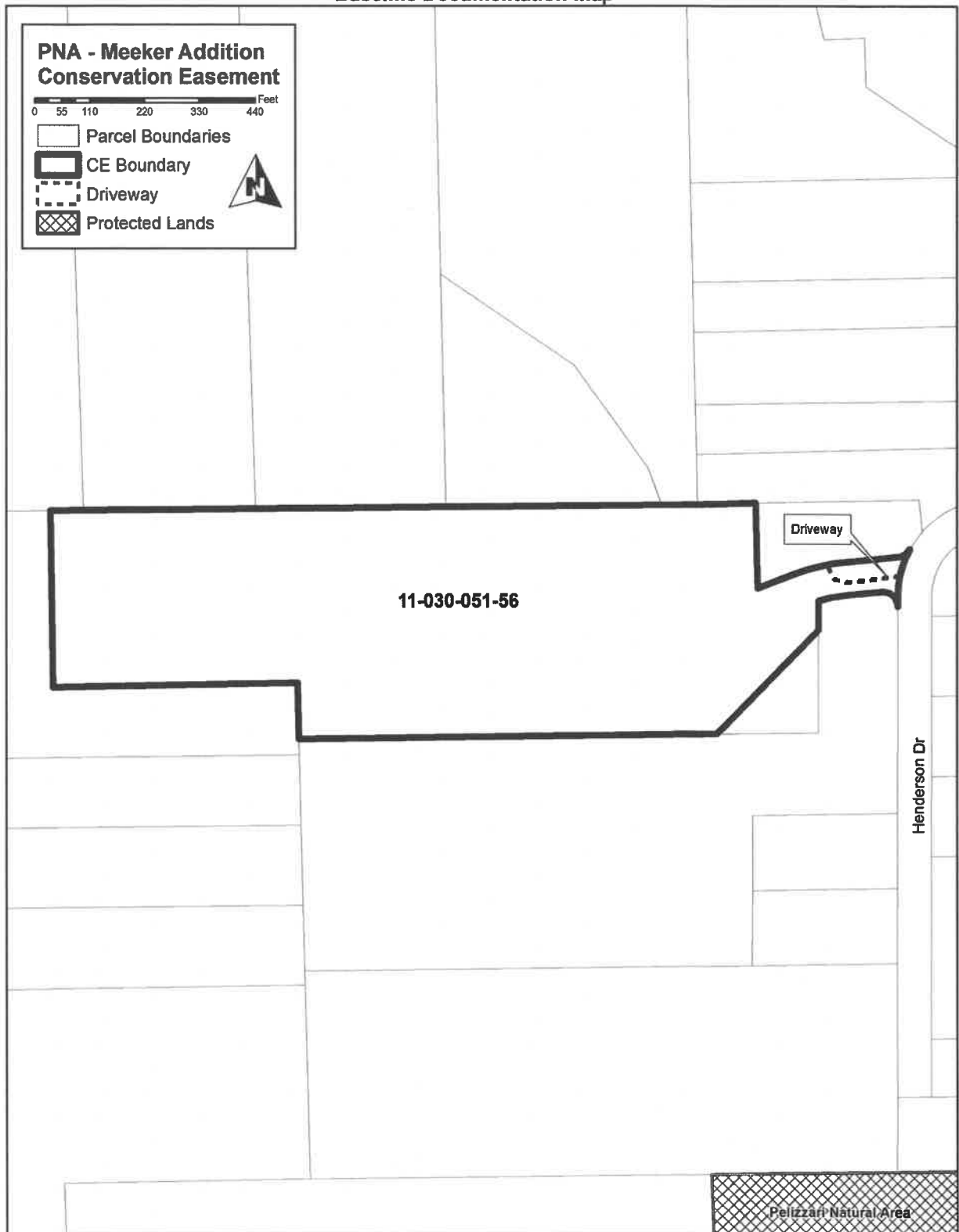
EXHIBIT A
Legal Description

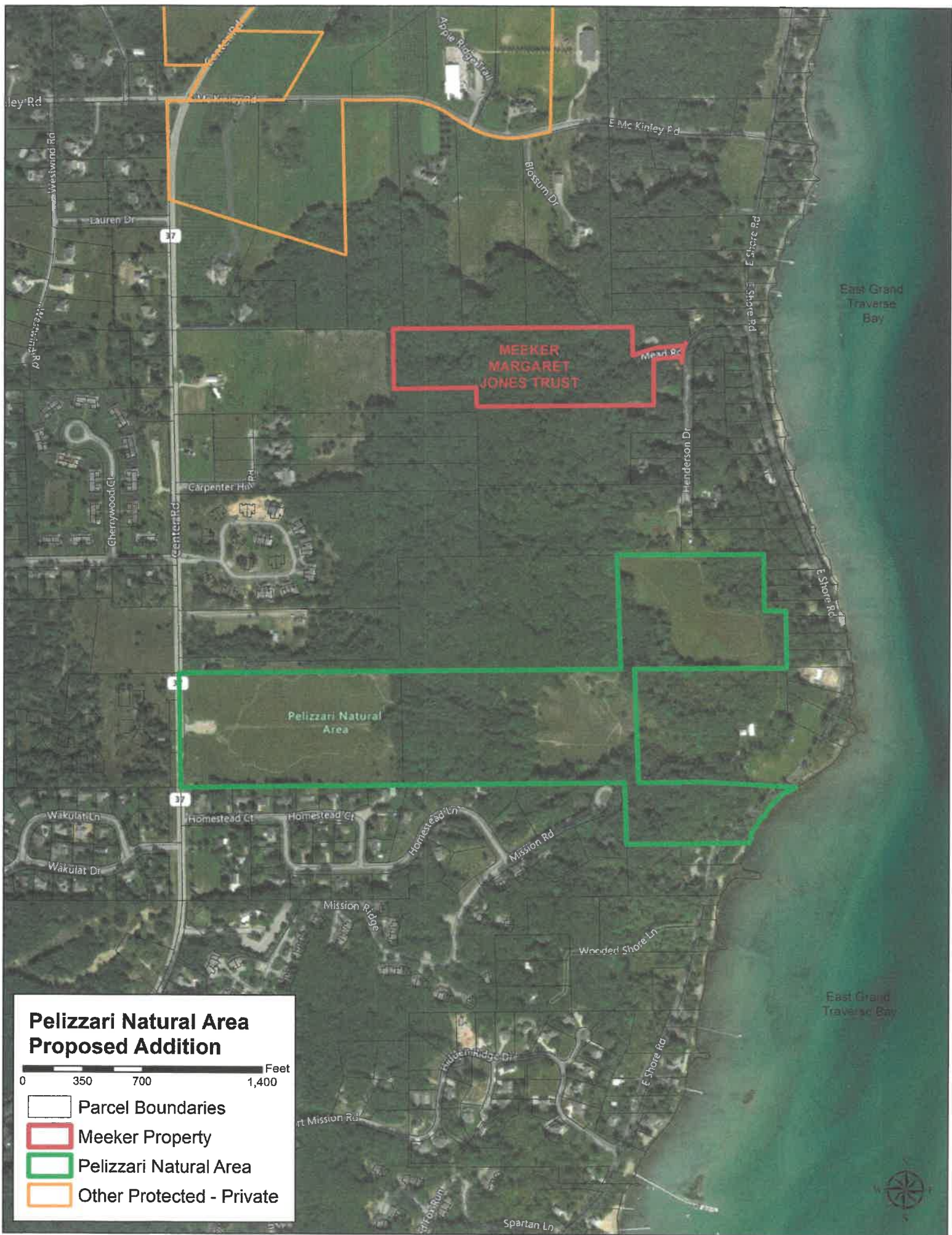
Part of the South 1/2 of Section 30, T28N, R10W, Peninsula Township, Grand Traverse County, Michigan, more fully described as follows:

Commencing at the South 1/4 corner of said Section 30; thence along the North-South 1/4 line of said section, N 00°21'27" E 1335.96 feet, to a concrete monument at the Northwest corner of Government Lot 4 and the Point of Beginning; thence along the North line of Government Lot 4, S 89°46'49" E a distance of 114.94 feet to a concrete monument; thence S 00°14'40" W a distance of 196.44 feet to an iron bar with cap on the North line of an easement for ingress and egress; thence along the North line of said easement, N 70°17'15" E a distance of 77.53 feet to a large spike; thence along the arc of a 395.92 foot radius curve to the right, a distance of 108.31 feet, the central angle being 15°40'25", and a chord bearing and distance of N 78°07'28" E 107.97 feet to an iron bar with cap; thence N 85°56'11" E a distance of 104.06 feet to an iron bar with cap; thence along the arc of a 30.00 foot radius curve to the left, a distance of 29.20 feet, the central angle being 55°45'49", and a chord bearing and distance of N 58°03'09" E 28.06 feet, to a concrete monument on the west right-of-way of Henderson Drive; thence along said west right-of-way, along the arc of a 190.73 foot radius curve to the left, a distance of 95.94 feet, the central angle being 28°22'25", and a chord bearing and distance of S 15°47'07" W 94.96 feet to a concrete monument thence S 01°34'22" W a distance of 22.73 feet to an iron bar with cap on the South line of aforesaid easement for ingress and egress; thence along the South line of said easement on the arc of a 30.00 foot radius curve to the left, a distance of 50.03 feet, the central angle being 95°32'53", and a chord bearing and distance of N 46°25'04" W 44.43 feet to an iron bar with cap; thence S 85°56'11" W distance of 64.45 feet to an iron bar with cap; thence along the arc of a 329.92 foot radius curve to the left, a distance of 64.00 feet, the central angle being 11°06'51", and a chord bearing and distance of S 80°22'45" W 63.90 feet to an iron bar with cap, thence leaving the South line of said easement, S 01°34'56" W a distance of 57.05 feet to an iron bar with cap 57817; thence S 45°39'55" W a distance of 291.53 feet to an iron bar with cap; thence N 89°18'37" W a distance of 832.46 feet to a concrete monument; thence parallel with the West 1/8 line of said section, N 00°13'30" E a distance of 112.35 feet to a concrete monument thence N 89°23'47" W a distance of 484.02 feet to an iron bar with cap on the West 1/8 line of said section; thence along said West 1/8 line, N 00°13'30" E a distance of 352.18 feet to the center of the Southwest 1/4 of said section, said point lies S 00°17'30" W, 0.42 feet from a concrete monument; thence along the South 1/8 line of said section, S 89°04'23" E a distance of 1290.31 feet to the Point of Beginning, having an area of 14.25 acres more or less.

Together with an easement 66 foot wide for ingress and egress to Henderson Drive described in Liber 2, Page 720 of surveys. Subject to Easement in favor of Michigan Public Service Company recorded in Liber 128, page 448.

EXHIBIT B
Baseline Documentation Map





Lighthouse Bids

Becky Chown

From: Ginger Schultz, Mission Point Lighthouse Manager <missionpointlight@gmail.com>
Sent: Monday, February 26, 2024 10:47 AM
To: Becky Chown; Marge Achorn; Jennifer Cram; Isaiah Wunsch
Subject: bid for the replacement boardwalk and beach stairs
Attachments: bids for boardwalk replacement.docx

To the Township Board:

For about two years, I have been trying to get bids for the replacement of the wooden boardwalk on the north side of the lighthouse and the replacement of the beach stairs. I finally have three complete bids and one separate lumber bid. All are from licensed and insured builders. Two other builders that I met with did not provide bids. The bids I have are from Moeller Builders Inc., Zack Kelly - Elite Interiors, David Shier - Boardman Building Company and Clark Construction.

I think we should go with the detailed proposal from Boardman Building Company, David Shier. I have verbal recommendations from local residents about his fine work too.

This is a project that will take about 2-3 weeks to complete and I would like to have it done well before July. 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

Bids for the replacement of the beach stairs and boardwalk on the north side of the lighthouse.

Elite Interiors - \$45,016

Moeller Builders Inc. – \$59,800

Clark Construction (lumber only) - \$6007.43

Boardman Building Company - \$27,416

Old Mission Lighthouse Boardwalk Restoration



Name	Ginger Schultz	Company	Boardman Building Company
Address	13235 Center Road	Name	David Shier
City, State ZIP	Traverse City, Mi 49686	Address	711 S Union St
Phone	231-645-0759	City, State ZIP	Traverse City, Mi 49684
Email	missionpointlight@gmail.com	Phone	231-392-1670
		Email	david@boardmanbuilding.com
Project name	Old Mission Lighthouse Boardwalk Renovation	License #	242000434

The focus of this project is to install a new deck surface on the Old Mission Lighthouse Boardwalk. It involves removal of the existing deck boards, railing and steps from the boardwalk down to the beach. The boardwalk surface will be replaced with new deck boards, new rails installed and new steps down to the beach. The new steps will be 6 feet wide to accomodate traffic in both directions. In lieu of raising the surface of the boardwalk, this proposal includes the cost to install a 6" x 6" timber border on the East side of the walk to separate the boardwalk from the lighthouse yard area. The railing/barrer on the West side of the boardwalk is approximately 36" high and if the boardwalk is raised, the railing and supporting posts may need to be raised as well. The current steps from the boardwalk to the beach are approximately 3' wide and will be rebuilt at 6' wide with the additional width extending to the South side of the current steps.

Boardman Building Co will work closely with Lighthouse Manager, Ginger Schultz to insure that the boardwalk is renovated according to quality and schedule expectations.

The scope of work accounted for within this proposal related directly to the boardwalk surface is to remove the deck boards on the boardwalk and replace them with new deck boards. A cursory inspection shows that the deck boards appear to be fixed to a 2" x 6" pressure treated wood structure (4 - 2' x 6" treated joist systems running the length of the boardwalk) which appears to be intact. If this structure needs to be removed and replaced, the cost will be billed on a time (\$65 per man hour) and material basis. Any time and material work will be communcated to Ginger Schultz prior to beginning.

We estimate that the project will take approximately 3 weeks to complete

Our estimated budget for the project is \$27,416.00 which includes all labor, materials and equipment necessary.

Any required permitting is not included in the scope of work.

Unforeseen expenses outside of the scope of work will be discussed and agreed upon prior to commencement of additional/unforeseen work.

A deposit of 30% will be requested prior to beginning the project. The remainder of the project cost will be invoiced upon completion of the project.

Submitted by David Shier

Date

I, _____ accept the above scope of work for the amount of \$27,416.00.

Signature

Date

Cost Details

List of materials and costs

Qty.	Description	Cost	Total
9	Sand removal and area prep	\$65.00	\$585.00
11	Prep area adjacent to yard for 6" x 6" border	\$65.00	\$715.00
33	Deck board removal	\$65.00	\$2,145.00
21	Stairway removal	\$65.00	\$1,365.00
17	Rail/barrier removal	\$65.00	\$1,105.00
17	Shore up existing boardwalk structure	\$65.00	\$1,105.00
16	Prepare area for new steps	\$65.00	\$1,040.00
65	Install new deck boards	\$65.00	\$4,225.00
16	Install timber border	\$65.00	\$1,040.00
50	Install new stairway	\$65.00	\$3,250.00
34	Install rails and barrier	\$65.00	\$2,210.00
16	Finishings	\$65.00	\$1,040.00
1	Material - Deck boards, stair material, rails and barriers, fasteners, stair post footings.	\$4,402.68	\$4,402.68
1	Misc Materials and supplies	\$500.00	\$500.00
1	Equipment	\$750.00	\$750.00
1	Safety - supplies	\$150.00	\$150.00
1	Disposal	\$1,200.00	\$1,200.00
1	Material Markup of 12%	\$588.32	\$588.32
		Subtotal	\$27,416.00
		Tax rate	0.00%
		Tax	\$0.00
		Grand total	\$27,416.00

LIGHT HOUSE



6"x6" TIMBER
RETAINER- 1 COURSE

HANDRAIL/BARRIER

15-16 STEPS
6' WIDTH →

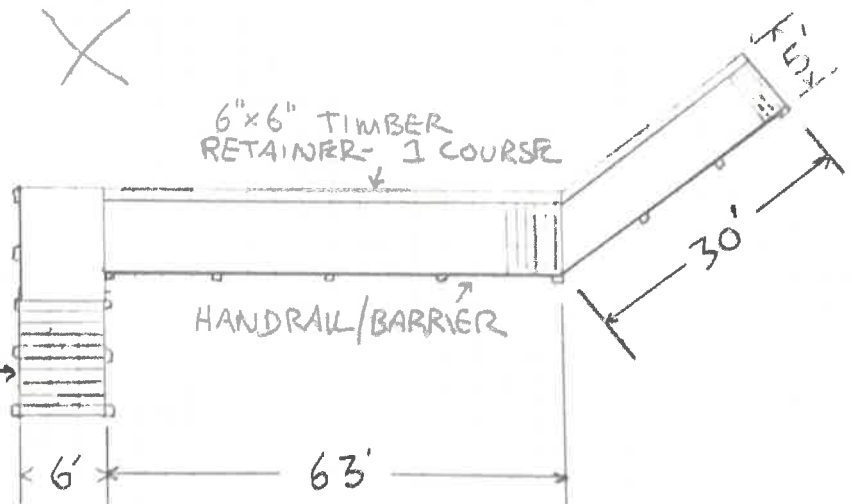
6'

63'

30'

4'x4'

← N



Amendment #204

Building Height

03.12.24 DRAFT Clean

**PENINSULA TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN
ZONING ORDINANCE AMENDMENT NO. 204**

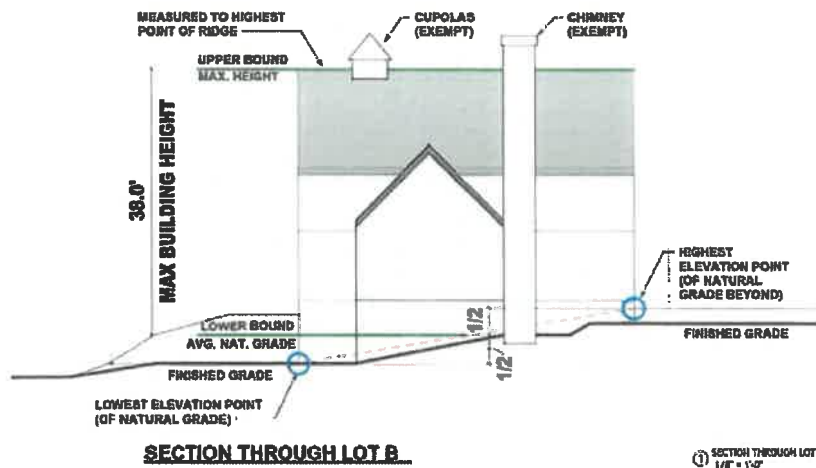
Section 1. Amendment of Section 3.2, Definitions: The Peninsula Township Zoning Ordinance, Section 3.2, shall be amended as specified below:

Section 3.2 Definitions:

Average Natural Grade: The average between the lowest and highest elevations of the Natural Grade where the foundation or exterior walls of a structure meets the ground. **(ADDED BY AMENDMENT 204)**

Basement: A story having part, but not more than one-half (1/2) of its height below finished grade. **(REVISED BY AMENDMENT 204)**

Building Height of: The vertical distance measured from the mean elevation of the Average Natural Grade to the highest point of the roof. **(REVISED BY AMENDMENT 204)**



Cellar: A story having its entire height below finished grade. **(REVISED BY AMENDMENT 204)**

Finished Grade: The completed elevation of land after any movement of soil or alteration by human intervention. **(ADDED BY AMENDMENT 204)**

Natural Grade: The elevation or contour of the land prior to any movement of soil or alteration by human intervention. **(ADDED BY AMENDMENT 204)**

Story, Height of: The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists.

Section 2. Amendment of Section 6.8, Schedule of Regulations: The Peninsula Township Zoning Ordinance, Section 6.8, shall be amended to read as follows:

Maximum Height of Structures	Feet
	38

Section 3. Amendment of Subsection 7.9.3(4), Airport Overlay District Height Limitations: The Peninsula Township Zoning Ordinance, Subsection 7.9.3 (4), shall be amended to read as follows:

- (4) Provided, however, a structure having a height of 38 feet or less, will be allowed to penetrate any surface area and will not be subject to this section.

Section 4. Amendment of Subsection 8.3.5(5), PUD Maximum Permissive Height: The Peninsula Township Zoning Ordinance, Subsection 8.3.5 (5), shall be amended to read as follows:

- (5) Maximum Permissive Building Height: Not exceeding 38 feet. Accessory buildings shall not exceed a height of 15 feet. Provided that the height of agricultural buildings may be increased pursuant to Section 7.3.3 Permitted Exceptions, Agricultural Districts.

03.12.24 DRAFT Redlined

**PENINSULA TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN
ZONING ORDINANCE AMENDMENT NO. 204**

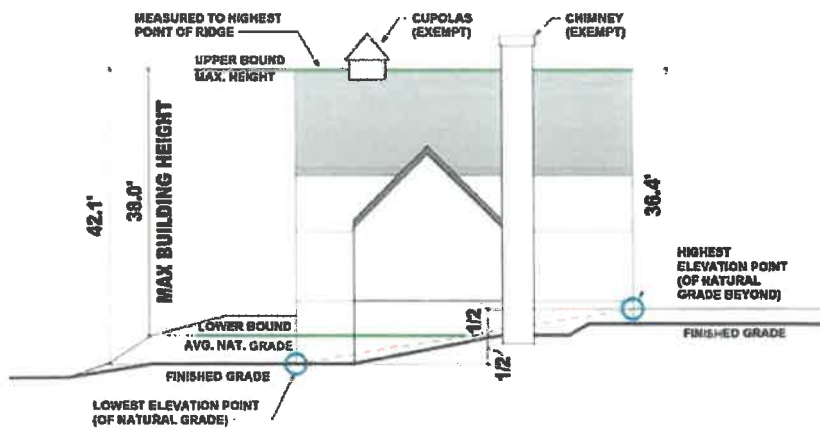
Section 1. Amendment of Section 3.2, Definitions: The Peninsula Township Zoning Ordinance, Section 3.2, shall be amended as specified below:

Section 3.2 Definitions:

Average Natural Grade: The average between the lowest and highest elevations of the Natural Grade where the foundation or exterior walls of a structure meets the ground. **(ADDED BY AMENDMENT 204)**

Basement: A story having part, but not more than one-half (1/2) of its height below finished grade. ~~A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or if used for business or dwelling purposes.~~ **(REVISED BY AMENDMENT 204)**

Building, Height of: The vertical distance measured from the mean elevation of the ~~finished-Average Natural grade-Grade line of the ground about the front of the building~~ to the highest point of the roof. **(REVISED BY AMENDMENT 204)**



SECTION THROUGH LOT B - SHOWING OPTION 1

SECTION THROUGH LOT B
1/8" = 1'-0"

Cellar: A story having ~~more than one-half (1/2) of its~~ entire height below the average finished level of the adjoining groundgrade. A cellar shall not be counted as a story for the purposes of height measurement in stories. (REVISED BY AMENDMENT 204)

Finished Grade: The completed elevation of land after any movement of soil or alteration by human intervention. (ADDED BY AMENDMENT 204)

Natural Grade: The elevation or contour of the land prior to any movement of soil or alteration by human intervention. (ADDED BY AMENDMENT 204)

Story, Height of: The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists. (No Change needed)

~~(REVISED BY AMENDMENT 204)~~

Section 2. Amendment of Section 6.8, Schedule of Regulations: The Peninsula Township Zoning Ordinance, ~~Subsection~~ Section 6.8, shall be amended to read as follows:

Maximum Height of Structures	Stories	Feet
	2-1/2	<u>35-38</u>

Also See Exhibit 1

Section 3. Amendment of Subsection 7.9.3(4), Airport Overlay District Height Limitations: The Peninsula Township Zoning Ordinance, Subsection 7.9.3 (4), shall be amended to read as follows:

- (4) Provided, however, a structure having a height of ~~35-38~~ feet or less, will be allowed to penetrate any surface area and will not be subject to this section.

Section 4. Amendment of Subsection 8.3.5(5), PUD Maximum Permissive Height: The Peninsula Township Zoning Ordinance, Subsection 8.3.5 (5), shall be amended to read as follows:

~~(5)~~ Maximum Permissive Building Height: ~~2-5 stories but not~~ exceeding ~~35-38~~ feet. Accessory buildings shall not exceed a height of 15 feet. Provided that the height of agricultural buildings may be increased pursuant to Section 7.3.3 Permitted Exceptions, Agricultural Districts.

SECTION 6.8 SCHEDULE OF REGULATIONS (REVISED BY AMENDMENT 91), (AMENDMENT 107D) (AMENDMENT 204)

The Regulations contained herein shall govern the Height, Bulk, and Density of Structures and Land Area by Zoning Dist.

Zoning District	Minimum Zoning		Maximum Height of Structures	Minimum Yard Setback Per Lot in Feet from Each		Normal High Water Mark	Maximum %	
	Area	Lot Size Per Dwelling Unit	Stories Feet	Front	Rear		of lot area Covered by All Structures	Minimal
R-1A, Rural & Hillside	1 Acre	150 (b)	2 1/2 (c)	30 (j)	15 (j)	30 (j)	15	24'
R-1A, PUD; R-1B PUD	(e)	(e)	2 1/2 (c)	30 (e)	15 (e)	30 (e)	15	24'
R-1C, PUD; R-1D PUD	(e)	(e)	2 1/2 (c)	30 (e)	15 (e)	30 (e)	15	24'
R-1B, Coastal Zone	25,000	100 (b)	2 1/2 (c)	30 (j)	15 (j)	30 (j)	15	24'
Single and Two-Family	20,000	100 (b)	2 1/2 (c)	25 (j)	15 (j)	30 (j)	25	24'
R-1D, Suburban Residential	15,000	100 (b)	2 1/2 (c)	25 (j)	15 (j)	30 (j)	30	24'
Single and Two-Family	25,000	150	2 1/2 (c)	35	10	30	35	24'
C-1 Commercial	5 A.	330 (g,h,i)	2 1/2 (c)	35 (j)	50 (f,j)	50 (f,j)	60 (d)	
A-1, Agricultural								

Section 6.8.1 Schedule Limiting Height, Bulk, Density, and Area by Zoning District. Footnotes -- Additional Requirements

(b) In the case where curvilinear street pattern produces irregularly-shaped lots with nonparallel side lot lines, a lessor frontage width at the street line may be permitted provided that the lot width at the building line is equal to the lot width for that district.

(c) Allowable height variations are subject to the provisions of Article VII, Section 7.3

(d) Does not include fishing, boating or swimming docks, open decks, and boat hoists as provided in Section 6.2.2(2) (c) and 6.2.2(2) (d).

(e) As approved under Section 8.3.

(f) The minimum setback for other than residential structures shall be fifteen (15) feet. PROVIDED, HOWEVER, the minimum side yard setbacks for residences shall be fifteen (15) feet on lots of record with lot widths of one hundred ninety-nine (199) feet or less that were recorded prior to the adoption of Amendment No. 91 by the Township Board on June 9, 1992. (REVISED BY AMENDMENT 108)

(g) Where a lot in the Agricultural District has its access on a public road, the lot shall have a minimum lot width and frontage width of 330 feet. Where a lot in the Agricultural District has as its access a frontage road, that lot shall have a minimum lot width and frontage width of 100 feet and if the lot also abuts a public road, the lot shall also have a width of not less than 330 feet on the public road side of the lot. Where a lot has been created by Planned Unit Development, the minimum frontage width shall be that which is approved by the Township Board.

(h) REQUIRED LOT SHAPE A lot in the Agricultural District shall be of such shape that a square measuring 210 feet on a side can be located within the parcel. The square has no relevance to structure location or setbacks. (REVISED BY 107D)

(i) Access to residential building sites on farmland subject to a recorded Conservation Easement consistent with the intent of Ordinance No. 23 shall be regulated by the provisions of Section 6.7.5. (ADDED BY AMENDMENT 117B)

(j) See Section 7.7.1.1 for required setbacks of residences adjacent to agricultural lands. (ADDED BY AMENDMENT 138A)

01.22.24 DRAFT Redlined

(Redlines show the revisions made based on public comment received during the public hearing on 01.22.24 as recommended by the planning commission to staff)

DRAFT AMENDMENTS FOR MEASURING BUILDING HEIGHT

FOR DISCUSSION PURPOSES ONLY. These amendments will likely evolve based on public comment and planning commission input before moving onto the board. Additional support materials will be provided in the January 22, 2024, packet for the public hearing with the planning commission.

Section 3.2 Definitions

Average Natural Grade: The average between the lowest and highest elevations of the Natural Grade where the foundation or exterior walls of a structure meets the ground.

Building, Height of: The vertical distance measured from the Average Natural Grade to the highest point of ~~to the highest point of the a flat roof, the deck line of a mansard roof, and the median between the eave and highest point of a gable, hip or gambrel~~ roof. (See diagrams with roof examples and cross sections)

Finished Grade: The completed elevation of land after any movement of soil or alteration by human intervention.

Natural Grade: The elevation or contour of the land prior to any movement of soil or alteration by human intervention.

Section 6.8 Schedule of Regulations

~~Change 2.5 stories to 3 stories.~~ Remove reference to stories change maximum of 35 feet to 38 feet.

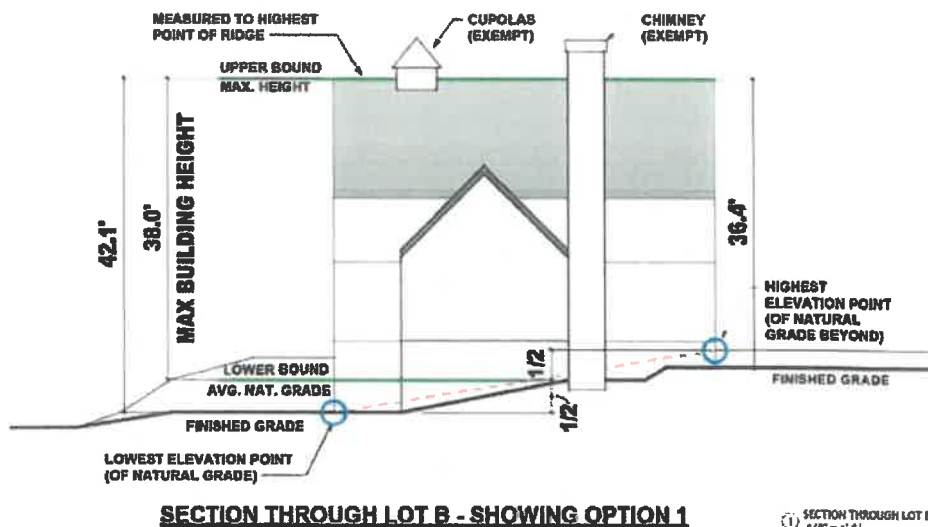
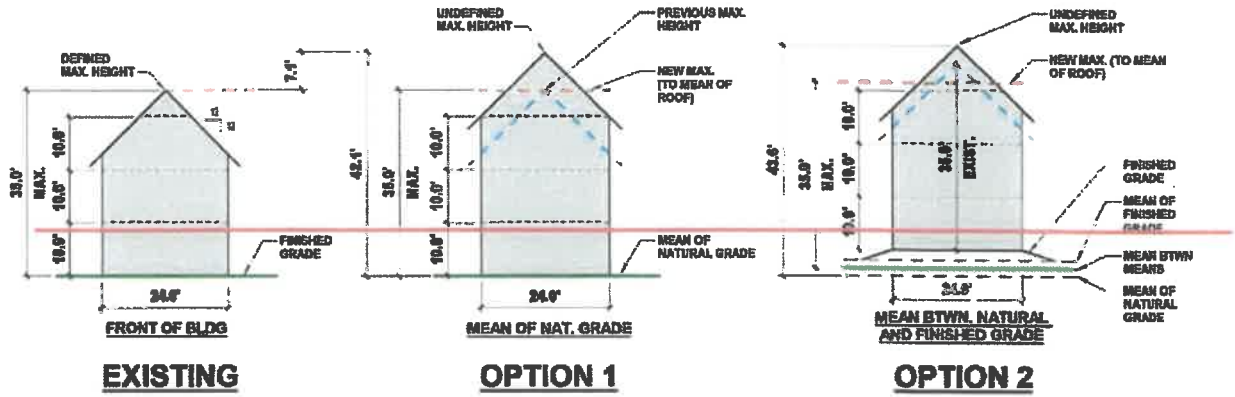


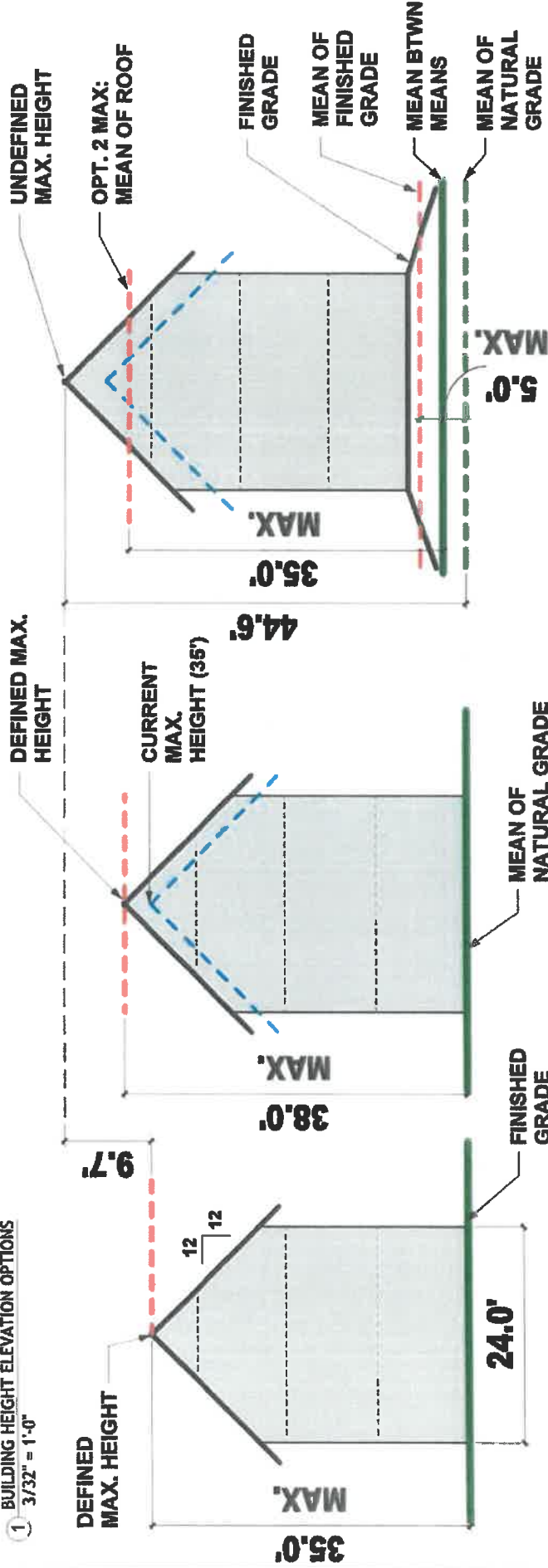
Diagram illustrating various roof profiles and their corresponding height measurements:

- GABLE:** Shows a standard gable roof with a vertical height dimension line.
- HIP:** Shows a hip roof with a vertical height dimension line.
- SHED:** Shows a shed roof with a vertical height dimension line.
- SALTBOX:** Shows a saltbox roof with a vertical height dimension line.
- FLAT:** Shows a flat roof with a vertical height dimension line.
- A-FRAME:** Shows an A-frame roof with a vertical height dimension line.
- MANSARD:** Shows a mansard roof with a vertical height dimension line.
- GAMBREL:** Shows a gambrel roof with a vertical height dimension line.
- BARREL:** Shows a barrel roof with a vertical height dimension line.



Building Height Diagrams

1 BUILDING HEIGHT ELEVATION OPTIONS
3/32" = 1'-0"



CURRENT

FINISHED GRADE
@ FRONT OF BLDG
TO MAX HEIGHT

OPTION 1

MEAN OF NAT. GRADE
TO MAX HEIGHT (35' +)

OPTION 2

MEAN BTWN. NATURAL AND
FINISHED GRADE
TO MEAN OF ROOF



WILLS-BEGLEY
ARCHITECTURE + DESIGN
ELLIS WILLS-BEGLEY
(971) 483-1313
ELLIS@WILLS-BEGLEY.COM

BUILDING HEIGHT STUDIES

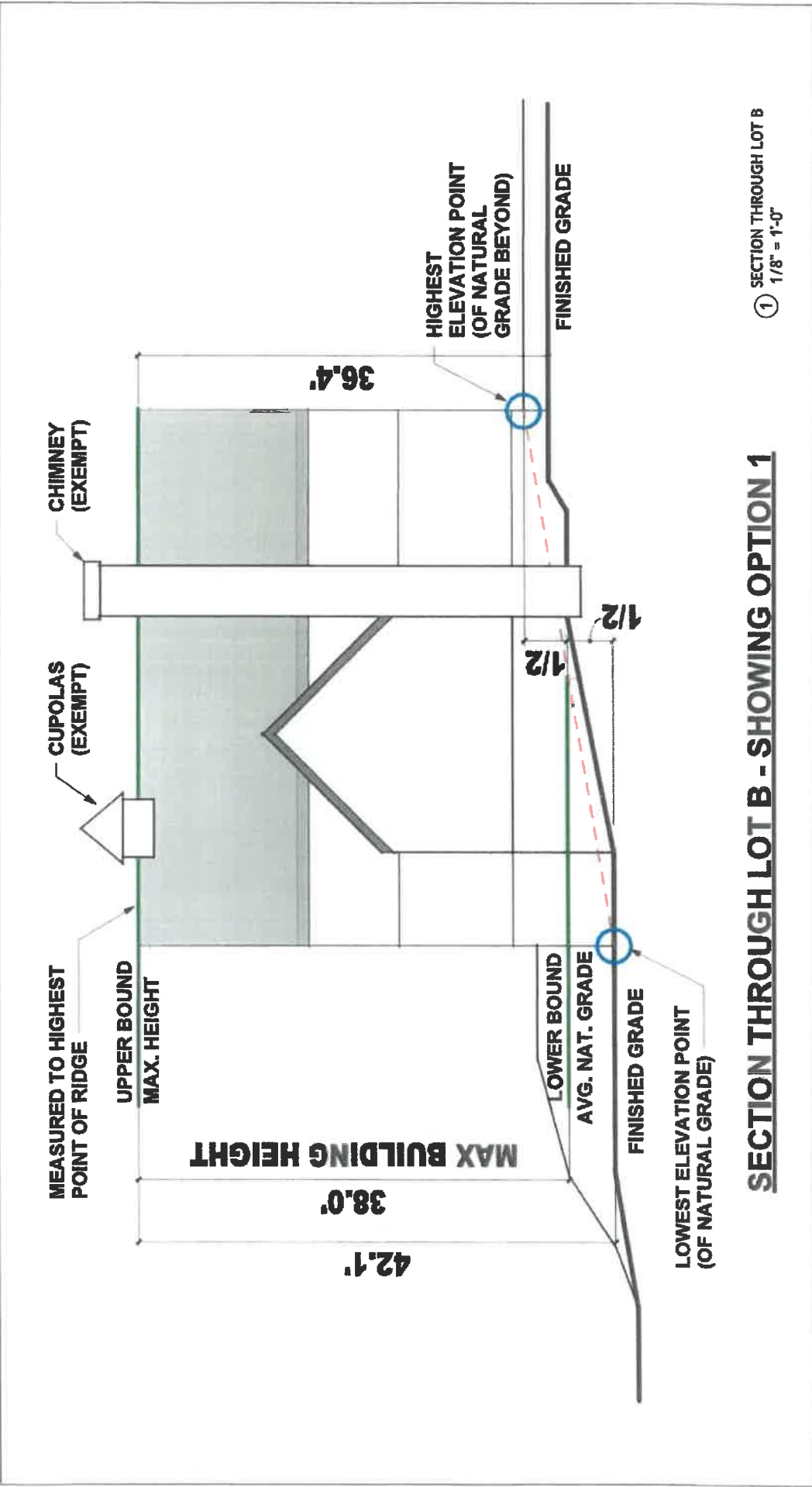
PENINSULA TOWNSHIP

No.	Description	Date

BLDG. HEIGHT ELEVATIONS

Project number	2313
Date	2.14.23
Drawn by	Ellis
Checked by	JC
Scale	3/32" = 1'-0"

A101





**WILLS-BEGLEY
ARCHITECTURE + DESIGN**
WILLS WILLS-BEGLEY
2311 262-3133
ELL@WILLSBEGLEY.COM

BUILDING HEIGHT STUDIES

PENINSULA TOWNSHIP

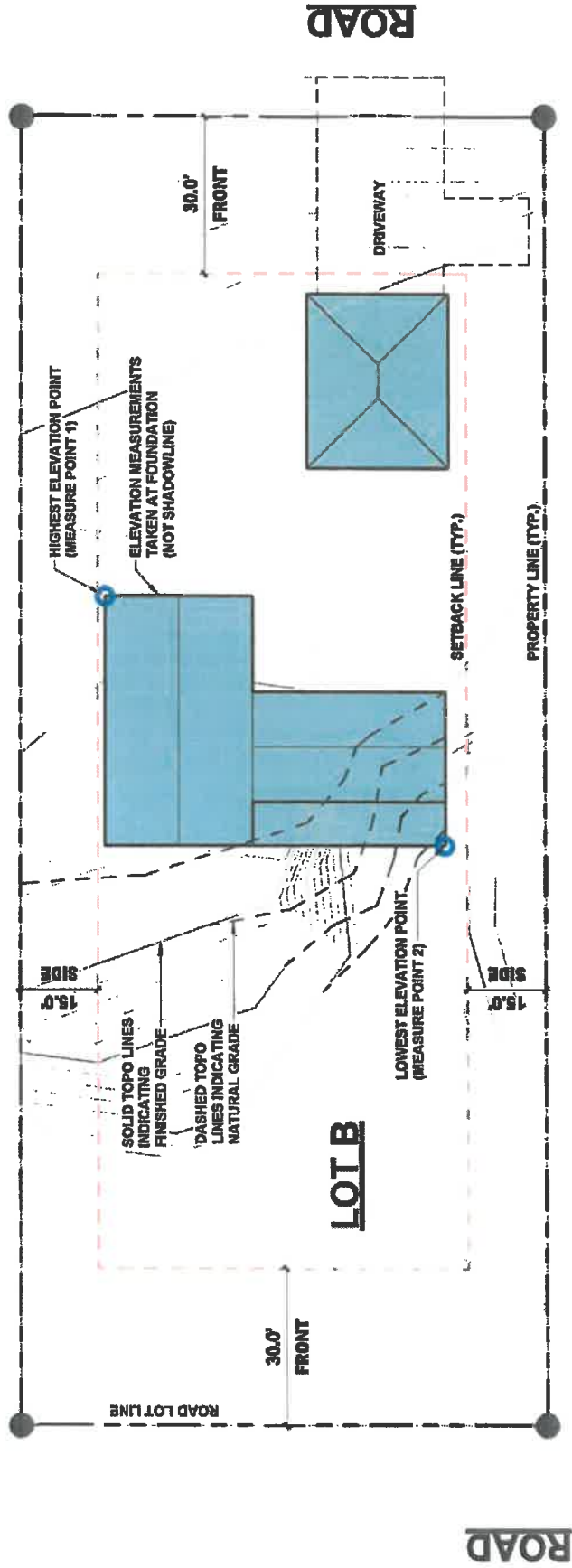
OPTION 1 - SECTION

Project number	2313
Date	2.14.23
Drawn by	EWB
Checked by	JC

A102

Scale 1/8" = 1'-0"

No.	Description	Date



SITE PLAN DIAGRAM

① Site Plan
1" = 20'-0"

SITE PLAN - INLAND			
Project number	2313	A100	
Date	2.14.23		
Drawn by	EWB		
Checked by	JC	Scale 1" = 20'-0"	

No.	Description	Date

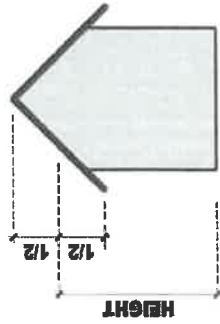
BUILDING HEIGHT STUDIES
PENINSULA TOWNSHIP



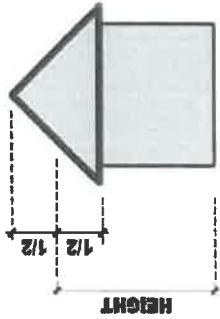
WILLS-BEGLEY
ARCHITECTURE + DESIGN
ELLIS WILLS-BEGLEY
(201) 492-9133
ELLISWILLSBEGLEY@GMAIL.COM

ROOF MEASUREMENT DIAGRAMS

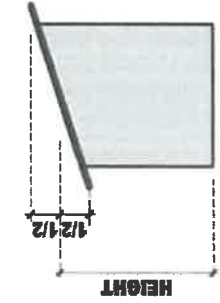
1 ROOF MEASUREMENT DIAGRAMS
1/4" = 1'-0"



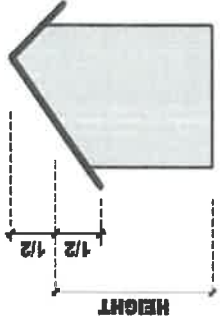
GABLE



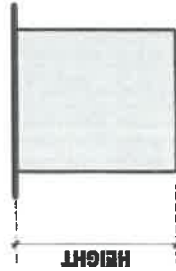
HIP



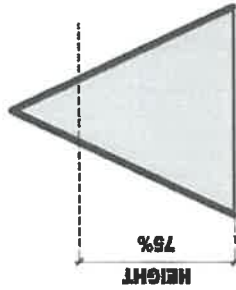
SHED



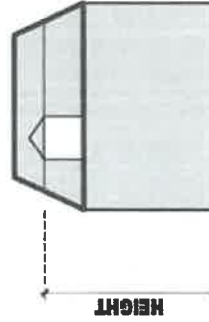
SALTBOX



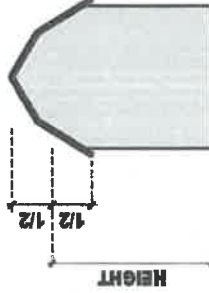
FLAT



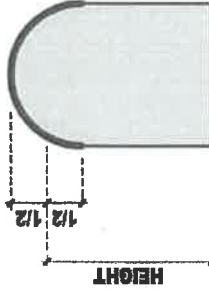
A-FRAME



MANSARD



GAMBREL



BARREL



WILLS-BEGLEY
ARCHITECTURE + DESIGN
ELLIS WILLS-BEGLEY
2311 462-3135
ELLIS@WILLS-BEGLEY.COM

BUILDING HEIGHT STUDIES

PENINSULA TOWNSHIP

No.	Description	Date

ROOF DIAGRAMS

Project number	2313	A103
Date	2.14.23	
Drawn by	EWB	
Checked by	JC	
Scale 1/4" = 1'-0"		

APPROVED Planning Commission Minutes
January 22, 2024

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

Ph: 231.223.7322

PENINSULA TOWNSHIP PLANNING COMMISSION MINUTES

January 22, 2024

7:00 p.m.

1. **Call to Order:** by Hall at 7:00 p.m.
2. **Pledge**
3. **Roll Call:** Present: Alexander, Hall, Hornberger, Dloski, Beard; Excused: Shanafelt, Shipman; Also present: Jenn Cram, Director of Planning and Zoning and Beth Chan, Recording Secretary; Remotely, Wayne Beyea, Fahey, Schultz, Burzych & Rhodes
4. **Approve Agenda:**
Moved by Hornberger to approve agenda, as presented, seconded by Alexander
approved unanimously
5. **Brief Citizen Comments (For Non-Agenda Items Only)** None
6. **Conflict of Interest:** None
7. **Consent Agenda:**
 - a. Approval of Meeting Minutes: Planning Commission and Township Board Joint Meeting, November 14, 2023, and Planning Commission Regular Meeting December 18, 2023.
Beard: correction to December 18, 2023, minutes: strike *no action taken* on page seven and nine.
Moved by Hornberger to approve the consent agenda, as amended, seconded by Alexander
approved unanimously
8. **Business:**
 - a. Special Use Permit (SUP) #132 – Bowers Harbor Vineyards, Amendment #1 – Introduction
2896 Bowers Harbor Road, Traverse City, MI 49686
Cram: this is the introduction to an amendment to SUP #132 that was approved by the township board on July 23, 2019; the approved findings of fact and conditions can be found in the packet. Explained the specific timeline, they did not meet the deadline. The amendment to the SUP is to build an addition to the single-family dwelling. The single-family dwelling was included in the SUP to meet the fifty-acre requirement for a winery-chateau. They received a variance from the ZBA for acres under the fifty-acre requirement. Additional plantings were also a requirement. With Amendment 201, Farm Processing, dated December 13, 2022, this winery chateau is a legally non-conforming use, and the single-family home is a use that is allowed by right in the A-1 zoning district.
Alexander: are all immediate action items finished?
Cram: yes, and verified in the field.
Beard: will this continue as a single-family residence and is there a substantive change in the application?
Cram: yes, it will continue as a single-family residence.
Marc McKellar, Kuhn Rogers, 4033 Eastern Sky Drive, Traverse City: this is exactly the same request as before and is presented as a use by right.

Cram: presented site plan on the screen shown with the addition to the residence.

Discussion of the number of bedrooms and bathrooms in the single-family home and near action items

McKellar: the e-mail sent to the planner this afternoon addresses the near action items.

Moved by Dloski, seconded by Hornberger, to schedule a public hearing for Special Use Permit (SUP) #132 – Bowers Harbor Vineyards, Amendment #1, 2896 Bowers Harbor Road, Traverse City, MI 49686 for the February meeting of the planning commission, with the date to be determined.
approved by consensus

b. Public Hearing on Proposed Zoning Ordinance Amendment #204 Related to Building Height
Hall closes the regular meeting and opens the public hearing for Zoning Ordinance Amendment #204 related to Building Height.

Cram: Summarized the memo contained in the packet and the study group recommendations. The consensus of the group was to abandon focusing on the number of stories, but to just look at the maximum height. The study group also agreed that it would allow for more flexibility to measure building height to the mean between the eave and the highest peak of the roof. Currently building height is measured from finished grade to the peak of the roof and the maximum is two and a half stories and thirty-five feet. There have been challenges issuing land use permits, thus this discussion is taking place and has evolved. Reviewed the three options on the screen. Reviewed information for the diagrams on the screen. There is potential for taller structures than we have customarily seen on the peninsula if we go with the study group policy recommendations. Discussed the details of a walk-out basement in the measurement process.

Hall: asked for an explanation to retain the term story

Cram: pointed to the option of average of natural grade measured to the mean of the roof. There could be four stories or more as the roof pitch gets steeper. The mean changes as the roof gets steeper. Presented photos with fill and homes that are taller than adjacent homes. This can change the character of the neighborhood.

Scott Norris, 5250 Lone Tree Road: Summarized items from the study group where discussion deviated from/or what was the consensus of the study group. Discussed the need to create positive drainage from the foundation. Discussed the topography of Old Mission Peninsula which is often sloped and mentioned existing grade; for example: a driveway that comes down from the road, the existing grade is the measurement, the house cannot be lifted, the actual height becomes lower. In addition, it was suggested that there should be a limit on the number of feet that can be between the mean of the natural grade and the mean of finished grade. For the height in stories, it can vary, but the top and bottom parameters prevent it from being too tall. By eliminating the story language, it eliminates the problem of figuring out what is a story and allows design flexibility. Brought up steep slopes (30%), larger parcels, and other possible exceptions to the height rule to process the permit and to avoid variances from the ZBA.

Beard: mentioned the necessity to get above a water table in areas near the shoreline as a legitimate need for fill. In addition, steep slopes near a road where fill is brought in to lessen the slope and get the floor and driveway aligned. There needs to be a rationale for a need for fill.

Norris: there are some legitimate exceptions, and if they can be named, could speed up the application process.

Todd Wilson, 782 Neatawanta Road: glad to see that “volcano tower homes” are being addressed. It is visually unappealing. There is a lot of water run-off and the backfill can kill the trees.

Ellis Wills-Begley, 15419 Dunn Drive: discussed the different measuring process of the building height as discussed in the study group. With design flexibility and change in how building height is measured, buildings could increase in height on the peninsula. The township should adopt a clear upper bound, a maximum height; whatever option is considered. Fill language should be addressed outside of building height policy. Recommends option number one because of design flexibility within those parameters, thirty-five feet might need to increase to thirty-eight feet for reasons that Scott Norris mentioned for areas where additional height is needed because of the water table.

Hornberger: if we go with option number one and make it thirty-five or thirty-eight and there is a walkout, would this accommodate the thirty-eight feet?

Wills-Begley: Yes, gave examples of walkout basement that accommodates for that without limiting stories, one could excavate lower and add stories. Limiting the stories to three encourages more efficient building footprints.

Cram: shows and explains option number one on the screen. With this option, the maximum building height at the peak at thirty-eight feet allows flexibility.

Hall: to clarify, would you recommend the three-story limit?

Discussion

Rudy Rudolph, 4784 Forest Avenue: commended the committee for their hard work. Remarked that the safety issue associated with a taller structure and the firemen getting a ladder high enough to rescue occupants of a home. This is especially important for homes on steep slopes. The fire chief should be consulted.

Cram: Chief Fred Gilstorff has been consulted and has been included in these discussions. Currently, the ladder height is twenty-four feet.

Laura Howe, 6251 Peninsula Drive: participant in the study group. In favor of the mean of the roof. Covered points that were proposed that differed from what the study group had discussed. Recently went through the land use permit and building permit process, which dealt with half stories, thirty-eight feet with dormers, which the builder said was a half story. The project required non-standard trusses. Discussed roof peak to achieve a walk out basement. Discussed other issues in building a home such as the height, number of stories, slope, architectural interest, and roof peak. Talked about the ordinances in municipalities around Peninsula Township, mentioning building code versus land use permits.

Sally Erickson, 2228 Kaukauna Court, Traverse City: participated in the study group as a builder and developer. Joined out of concern for building heights. Agreed with Scott Norris on his analysis of what occurred in the study group. Detailed reasons to use walk-out basements which was defined as a story and walk out basement incorporates a safety component. Discussed place-maker homes built with large budgets. Homes are about humans and safety is always a concern. Safety can be dealt with at plan approval. Discussed maximum average peak of the roof and ways to measure roof peak/pitch. Overall, there is a need to come up with a parameter.

Discussion on the number of stories and the styles of homes

Hall: discussed study groups; referred to Section G in the Peninsula Township Bylaws on study groups and advisory committees.

Cram: reviewed options one through three

Discussion

Kathleen Wills, 15419 Dunn Drive: involved in the architectural process for thirty-two years. Built their home thirty years ago and knew the limitation was thirty-five feet, with a sloped flat lot. It was not a problem to build within the thirty-five-foot limit. It should be black and white, in favor of option one. Discussed scale and the fact that trees are killed when fill is brought in to a site. Flexibility comes in the fact that you are measuring from the high point to the low point and then taking the mid-center point and then measuring up to a roof height.

Hall: the builder community is with option one, more than thirty-five feet is needed.

Discussion of height limit with the options presented

Ben Mauer, 9805 E. Carter Road, Traverse City: talked about the new flood plain map that FEMA issued last August. The map effectively moved the bottom of a footing up by about four or five feet. That changes the depth on lakefront lots and affects the grade, finished and natural grade. This could push homes closer toward the road and could make buildings taller.

Ben Begley, 15419 Dunn Drive: has been an architect in the area for over thirty years. Discussed the home shown on the screen raised with fill. The adjacent properties are designed with the site that he was involved in, and the home shown has fill; the fill was needed in order to get the footings at the right height for a walkout basement. The other homes on that road had crawl spaces. Discussed the effect of fill on trees and that they are compromised. The homes on fill do not fit in with the rest of the community.

Discussion on fill and measuring to natural grade.

Wilson: discussed the fill situation in his neighborhood.

Alexander: asked for a defined height to the peak. Liked the discussion on option number one, with the determined height. Commented on mechanicals, in commercial properties: they should be addressed in maximum height calculations.

Cram: have not discussed commercial property.

Beard: mechanicals were the topic of a fight in the City of Traverse City, in most municipalities, they are not counted in the overall height. It would be unusual to find a code that restricted that. Does not have a problem with eliminating references to the number of stories. The critical element is the lower boundary, where you are going to start measuring from. Used examples of finished grade and truckloads of fill to achieve height. That is not the intent. Inclined to go with natural grade as the starting point with consideration for situations for steep slope and high-water table issues. The township could have an ordinance that requires a survey; could be required for a demolition permit, to determine the starting grade a survey could be done. For untouched land, a prohibition on re-grading or clear-cutting could be put in place until you get a permit for development. In this, the terrain is not altered. For option one, the 33.4 feet on one side and 39 on the other. There have been discussions about the previous determinations of building height and what the starting point was on the front of the structure. In the old system, the 33.4 would come below, under the revised option with the average natural grade, three stories are achieved, and the backside is thirty-nine feet. It can be achieved with option one. It needs to be the average of natural grade.

Hornberger: leaning toward thirty-eight feet.

Beard: this is consistent with surrounding municipalities.

Hall: for thirty-eight feet under option one, does the varied topography in Peninsula Township constitute a higher number?

Ellis Begley: the township's topography is similar to adjacent areas.

Cram: summarized discussion. Will redline draft language to be presented at the February meeting.

Hall closed the public hearing and opens the regular meeting.

c. Planning Commission Meeting Dates for 2024

Cram: discussed the day/date changes for the planning commission, proposed a change to the first Tuesday of the month. Asked for availability for Thursday, February 22, 2024, and the first Tuesday in March.

Discussion of the approval of the calendar with and preparation of a resolution.

9. Reports and Updates:

a. Special Use Permit (SUP) #35 OMP Seven Hills Development, Amendment #3 – Update

Cram: Seven Hills are planning to apply for an amendment for a component of a microbrewery.

b. Shoreline Regulations Study Group Update

Cram: the first meeting will be Monday, January 29, 2024, at 5:00 p.m. The public is welcome to come and listen. Public comments taken at the end.

Hornberger: mentioned letter from Heather Smith, the Watershed Center

Cram: Smith would like the planning commission to amend the zoning ordinance for setbacks to a creek.

10. Public Comments:

Monnie Peters, 1425 Neahtawanta Road: Reviewed meeting from November of 2019 held to discuss shoreline issues. Reminded the planning commission that November 5, 2019, Jane Boursaw, *The Old Mission Gazette*, wrote an article and there is a publication that accompanied the meeting. At that meeting, Mark Brederland, from Michigan Sea Grant, and Heather Smith, from the Watershed Center, spoke. Discussed the water cycle.

Curt Peterson, 1356 Buchan Drive: a resident of his association who would like to be a member of this committee, Scott Duensing.

Cram: I will follow up with him

11. Other Matters or Comments:

Hall: the Michigan Municipal League Planning Commission Handbook has been emailed to members, proposed a study session in the future to focus on the planning enabling ordinance, which established the planning commission, and the by-laws.

Cram: the other books have arrived and will make them available. Also, the most recent master plan is available for the planning commission to review. Goal is to adopt in the first quarter of this year.

12. Adjournment: at 9:00 p.m.

Moved by Beard to adjourn, seconded by Dloski.

approved by consensus

**Bowers Harbor Vineyard
SUP #132, Amendment #1**

Peninsula Township Planning Department
13235 Center Road
Traverse City, MI 49686

SPECIAL USE PERMIT (SUP)
FINDINGS OF FACT AND CONDITIONS
SUP #132, Amendment #1 – Bowers Harbor Vineyard
March 12, 2024

PENINSULA TOWNSHIP PLANNING COMMISSION

Applicant: Spencer Stegenga on behalf of Bowers Harbor Vineyard (Langley Vineyards LLC)
2896 Bowers Harbor Road
Traverse City, Michigan 49684

Hearing Date(s): January 22, 2024 – Introduction to Planning Commission
February 22, 2024 – Public Hearing with Planning Commission
March 12, 2024 – Public Hearing with Township Board

PROPERTY DESCRIPTION

Parcel ID#: 28-11-121-077-10, 28-11-128-001-12, and 28-11-128-001-11
Property Address: 2896 Bowers Harbor Road
Zoning: A-1 - Agricultural District

BACKGROUND AND INTRODUCTION

Special Use Permit (SUP) #32 was approved by the board on April 14, 1992. The approval of this SUP allowed for wine tasting, wine sales and limited retail sales at a Roadside Stand. The zoning ordinance amendment 95 that authorized the sale of alcoholic beverages as a use allowed in conjunction with a Roadside Stand was repealed after the approval of the SUP.

An amendment to SUP #32 was approved on August 10, 2010. The approval of this amendment allowed for twenty (20) outdoor catered dinners per year with no more than two (2) per week. Food was to be catered by the Boat House. No tents or amplified sound was permitted. A bathroom facility was required for the use. A Michigan Liquor Control Commission license defined the outdoor area where wine tasting/dining could take place.

On April 11, 2019, the Zoning Board of Appeals granted a variance to allow Bowers Harbor Vineyard to apply for a Winery-Chateau with 45.77 acres of land, where 50 acres is required.

On July 23, 2019, the board approved SUP #132 for Bowers Harbor Vineyard to operate as a Winery-Chateau under Section 8.7.3 (10) of the zoning ordinance. Permitted activities are detailed in the findings of fact and

TOWNSHIP BOARD – March 12, 2024

conditions attached as **Exhibit #2**. The SUP was approved with fourteen (14) conditions of approval including timeframes by which specific conditions needed to be completed (see Exhibit #2 pages 15 and 16). Condition number 14 identified four (4) Immediate Action Items and two (2) Near Term Action Items.

Immediate action items were completed as evidenced in the email chain and site plan attached as **Exhibit #3**. As such, Bowers Harbor Vineyard has been able to operate as a Winery- Chateau and SUP #32 and associated amendments were rescinded.

Near Term Action Item #5 of SUP #132 specified the planting of trees of no less than 1.2 acres of grapes or fruit trees. The applicant provided a survey prepared by GFA in 2023 that shows the location where the additional 1.2 acres of grapes or fruit trees should be planted. The applicant also provided copies of receipts showing that twenty (20) trees were purchased on April 8, 2020. The number of trees planted per the receipts is inconsistent with what the Township believes the density of grapes or fruit trees to be planted should be. Since the original approval, the parties in good faith have agreed to a density of 66 trees per acre, which rounds up to 80 trees for the 1.2 acres. The applicant has agreed to plant 60 fruit trees on the property in 2024 netting 80 trees in total with the 20 already planted. This proposal meets the spirit and intent to have the equivalent of 1.2 acres of fruit tree or grapes on the property. A condition of approval has been included to address this.

The applicant did not come in and apply for land use permits to construct the deck, tasting room addition, pavilion addition, single-family residence addition or garage within one year of July 1, 2020. As such those elements of the SUP approval have expired per Section 8.1.2 (5). As noted in Condition #6, the remedy for failure to obtain land use permits in a timely manner is to apply for an amendment to the SUP.

The subject parcels within the SUP are zoned A-1 and total 45.77 acres. Public access to the winery operations is from Bowers Harbor Road and the existing residence has access from Seven Hills Road.

On December 13, 2022, the board adopted amendment 201 to the zoning ordinance related to Farm Processing Facilities and the Winery-Chateau use was repealed in its entirety. Under the current effective Township zoning ordinance, the applicant's Winery-Chateau is a legally non-conforming use provided they continue to operate in compliance with the approved special use permit.

Single-family dwellings are a use permitted by right in the A-1 zone district.

The applicant would like to construct two additions to the existing single-family dwelling included in the SUP. A copy of the application and submittal materials is attached as **Exhibit #1**.

SECTION 8.1.3 BASIS FOR DETERMINATIONS

FINDINGS - SECTION 8.1.3 (1) GENERAL STANDARDS

General Standards. *The Peninsula Township Board of Trustees shall review each application for the purpose of determining that each proposed use meets the following standards, and, in addition, shall find adequate evidence that each use on the proposed location will:*

- a) Be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.

The character of the area surrounding the subject property is generally agricultural and rural residential in nature. The proposed additions to the existing single-family dwelling are architecturally compatible and will not change the essential character of the subject property or surrounding area.

The board finds this standard has been met.

- b) Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.

The proposed additions will be a substantial improvement to the existing single-family dwelling and consistent with the original SUP approval as a whole.

The proposed additions do not increase the intensity of use or density of the approved SUP. There should be no increase in traffic as a result of approving the proposed additions.

The board finds this standard has been met.

- c) Be served adequately by essential facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.

The existing uses and proposed additions will be served adequately by essential services. The proposed additions do not place any additional burden on adjacent roadways, public emergency services, public utilities, or schools. The residence is served by a well and on-site septic system. Evidence that the on-site septic system has appropriate capacity for the existing dwelling and proposed additions will be required from the Grand Traverse County Environmental Health Department prior to issuance of a land use permit.

The board finds this standard has been met.

- d) Not create excessive additional requirements at public cost for public facilities and services.

Proposed additions to the single-family dwelling will not create any additional requirements at public cost for public facilities and services.

The board finds this standard has been met.

- e) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by fumes, glare or odors.

As stated above, a single-family dwelling is a land use permitted by right within the A-1 zone district. The existing single-family dwelling was included in the SUP approval. An addition to the single-family dwelling was proposed as part of the approved SUP, but not implemented in a timely manner. It is not anticipated that the proposed additions will be detrimental to any persons, property, or the general welfare by fumes, glare or odors beyond what is customary for residential construction. Construction of the additions will be temporary.

The board finds this standard has been met.

FINDINGS - SECTION 8.1.3(3) SPECIFIC REQUIREMENTS:

Specific Requirements. *In reviewing an impact assessment and site plan, the town board and the planning commission shall consider the following standards:*

- (a) That the applicant may legally apply for site plan review.

Spencer Stegenga is one of the owners of Langley Vineyards LLC/Bowers Harbor Vineyard.

The board finds this standard has been met.

- (b) That all required information has been provided.

All required information is provided as part of this application. (Exhibit #1).

The board finds this standard has been met.

- (c) That the proposed development conforms to all regulations of the zoning district in which it is located. **A Winery-Chateau with single-family dwellings were allowed in the A-1 zone district prior to the adoption of Amendment 201 in 2023. The development was approved as a Winery-Chateau via SUP #132 in 2019. The existing single-family dwelling was approved as part of the SUP. The Winery-Chateau as approved is treated as a legally non-conforming use provided it continues to operate in compliance with the approval of SUP #132. A single-family dwelling is a use permitted by right within the A-1 zone district. Additions to single-family homes are allowed with the approval of a land use permit. The applicant may apply for a land use permit for the proposed additions to the single-family dwelling if the proposed amendment to the SUP is approved.**

The board finds this standard has been met.

- (d) That the plan meets the requirements of Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services.

The proposed additions if approved will require approval of a land use permit prior to issuance of a building permit. Adequate water, sewage disposal and drainage will be reviewed and approved during the land use permit process. We do not anticipate that there will be any issues with meeting township and county requirements.

The board finds this standard has been met.

- (e) That the plan meets the standards of other governmental agencies, where applicable, and that the approval of these agencies has been obtained or is assured.

As noted above, the proposed additions will go through the land use permit process prior to issuance of a building permit. The applicant and their contractor have been working with the county to ensure that the proposed additions meet requirements for water and sewage disposal.

The board finds this standard has been met.

- (f) That natural resources will be preserved to a maximum feasible extent and that areas to be left undisturbed during construction shall be so located on the site plan and at the site per se.

The subject property is largely developed with a vineyard, tasting room, associated parking and single-family dwellings and will remain as such. Any disturbance is limited to the areas where additions are proposed. No mature trees or natural resources will be affected because of construction of the additions.

The board finds this standard has been met.

- (g) That the proposed development property respects floodways and floodplains on or in the vicinity of the subject property.

There are no floodways or floodplains in the vicinity of this site.

The board finds this standard has been met.

- (h) That the soil conditions are suitable for excavation and site preparation and that organic, wet, or other soils that are not suitable for development will either be undisturbed or modified in an acceptable manner.

The soils have been and continue to be suitable for construction activities.

The board finds this standard has been met.

- (i) That the proposed development will not cause soil erosion or sedimentation problems.

A soil erosion and sedimentation control permit will be required as part of the land use permit process.

The board finds this standard has been met.

- (j) That the drainage plan for the proposed development is adequate to handle anticipated stormwater runoff and will not cause undue runoff onto neighboring property or overloading of water courses in the area.

The proposed additions will result in a minimal increase in storm water runoff. Storm water can easily be managed on-site. The proposed additions do not rise to the level of requiring a storm water control permit as they are less than one acre in size.

The board finds this standard has been met.

- (k) That grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties.

Proposed grading is limited to the area associated with the additions on the north and south sides of the existing single-family dwelling. The general character of the site remains essentially unchanged.

The board finds this standard has been met.

- (l) That structures, landscaping, landfills, or other land uses will not disrupt air drainage systems necessary for agricultural uses.

Proposed additions will not change the cold air drainage flow of the site.

The board finds this standard has been met.

- (m) That phases of development are in a logical sequence so that any one phase will not depend upon a subsequent phase for adequate access, public utility service, drainage, or erosion control.

According to the application, this project will not be developed in phases. This amendment addresses proposed additions to the existing single-family dwelling only and can be completed in one phase. If the applicant wishes to construct the deck, tasting room addition, pavilion addition or garage, an amendment to the SUP will be required.

The board finds this standard has been met.

- (n) That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems, and water sewage facilities.

No expansion of public streets, drainage systems, or utility systems is required or proposed.

The board finds this standard has been met.

- (o) That landscaping, fences, or walls may be required by the town board and planning commission in pursuance of the objectives of this ordinance.

No additional landscaping is proposed or required as a result of proposing two additions to the existing single-family dwelling.

A condition of approval has been proposed noting that the applicant shall provide a cash bond to the Township in the amount of the cost of the 60 trees before a land use permit for the home can be issued. The Township shall refund the applicant the cash bond in full within 15 days of receipt of evidence of planting of the trees.

The board finds this standard has been met.

- (p) That parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets.

The required number of parking spaces has been provided. The proposed additions to the existing single-family dwelling does not necessitate the requirement for additional parking

spaces.

The board finds this standard has been met.

- (q) That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.

Vehicular and pedestrian traffic does not change as a result of the proposed additions. Traffic will enter and exit the property on Bowers Harbor Road. The existing single-family dwelling also has access on Seven Hills Road.

The board finds this standard has been met.

- (r) That outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.

Outdoor storage of garbage and refuse does not change because of the proposed additions.

The board finds this standard has been met.

- (s) That the proposed site is in accord with the spirit and purpose of this ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this ordinance and the principles of sound planning.

The proposed development, under the conditions set forth on pages 6 and 7 of this Special Use Permit, meets the objectives of the ordinance and the principles of sound planning by improving the existing single-family dwelling with proposed additions.

The board finds this standard has been met.

COMPLIANCE WITH GOVERNMENTAL REGULATIONS:

The petitioner shall comply with all state, county, township, and other governmental regulations relative to the establishment of the special use for a parcel zoned A-1, which includes meeting the requirements of the Michigan Department of Transportation (MDOT), Michigan Liquor Control Commission (MLCC), the Grand Traverse County Drain Commissioner (GTCDC), the Grand Traverse County Road Commission (GTCRC), and the Grand Traverse County Health Department (GTCHD). Zoning compliance is based on the governing special land use document, approved site plan, and Articles 6 and 8 of the Peninsula Township Zoning Ordinance.

APPROVAL CONDITIONS AND SAFEGUARDS:

Pursuant to Section 8.1.3 (2), the board may require such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for ensuring that the intent and objectives of the ordinance will be observed. The breach of any condition, safeguard, or requirement shall automatically invalidate the permit granted. Specific conditions and requirements for a land use permit include:

- 1) All use of the property shall continue to comply with the original approval of SUP #132.
- 2) All prior findings and conditions imposed by the Peninsula Township Board of Trustees for SUP #132 remain in effect.

- 3) The applicant shall provide a cash bond to the Township in the amount of the cost of the 60 trees before a land use permit for the home can be issued. The Township shall refund the applicant the cash bond in full within 15 days of receipt of evidence of planting of the trees.
- 4) Continued compliance with permitting necessary with the Grand Traverse County Health Department and Construction Code is required.
- 5) All existing and proposed lighting shall be compliant with Section 7.14 of the Township Zoning Ordinance. Final exterior lighting details will be reviewed at Land Use Permit.
- 6) The site shall be developed consistent with an updated final plan to be approved by the board and with the information contained in the application and packet materials. The applicants shall be subject to all other verbal or written representations and commitments of record for the approval of Special Use Permit #132, Amendment #1. Any future changes to the use of the property require the approval of an amendment to Special Use Permit #132
- 7) This SUP amendment shall expire one year after the final date of approval unless a Land Use Permit is applied for and issued for the additions to the existing single-family dwelling.

COMMENCEMENT AND COMPLETION

The commencement and completion of special land uses are governed by Section 8.1.2(5) of the Peninsula Township Zoning Ordinance. Violations of the special land use permit and accompanying site plan are enforceable, and remedies are available under Section 3.2 of the Zoning Ordinance.

EFFECTIVE DATE OF SPECIAL LAND USE:

The special land use shall be effective when the application has been approved by the Peninsula Township Board of Trustees, subject to the above conditions. By resolution, the Township Board approved this Special Use Permit.

AYES	_____
NAYS	_____
ABSTAINING	_____
ABSENT	_____

The undersigned hereby certifies that she is the clerk for the Township of Peninsula, Grand Traverse County, Michigan, and that the foregoing special use permit was approved by the Peninsula Township Board of Trustees on _____.

The undersigned further certifies that a quorum was present at said meeting and that said meeting complied with all applicable laws and regulations.

Rebecca Chown, Peninsula Township Clerk

Approved by the Peninsula Township Board by and through a resolution on _____

Isaiah Wunsch, Peninsula Township Supervisor

THIS PERMIT SHALL BE ATTACHED TO THE SITE PLAN AND BECOME A PART THEREOF.

I hereby acknowledge that I have received a true and correct copy of this first amendment of Special Land Use Permit #132, and I have been informed of said requirements of this amended permit and of the requirements of the Peninsula Township Zoning Ordinance.

Spencer Stegenga on behalf of Bowers Harbor
Vineyard (Langley Vineyards LLC)
2896 Bowers Harbor Road
Traverse City, Michigan 49684

DRAFT Planning Commission Minutes

February 22, 2024

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

Ph: 231.223.7322

PENINSULA TOWNSHIP PLANNING COMMISSION MINUTES

February 22, 2024

7:00 p.m.

1. **Call to Order:** by Hall at 7:00 p.m.

2. **Pledge**

3. **Roll Call:** Present: Alexander, Hall, Hornberger, Beard, Shanafelt; Excused: Dloski, Shipman; Also present: Jenn Cram, Director of Planning and Zoning, and Beth Chan, Recording Secretary; Remotely: Wayne Beyea, Fahey, Schultz, Burzych & Rhodes

4. **Approve Agenda:**

Moved by Hornberger to approve agenda, as presented, seconded by Beard

approved unanimously

5. **Brief Citizen Comments (For Non-Agenda Items Only)**

Curt Peterson, 1356 Buchan Drive: commented on the procedure to adopt Amendment #204; an email was sent that outlines the proper procedure. He stated that in accordance with Michigan Zoning Statutes, there is a sequence to follow according to the Michigan Zoning Enabling Act. The planning commission has made a change since the public hearing, and what will go to the township board will be illegal. The procedure is wrong. Peterson gave an example. Asked the commission to follow the correct legal procedure.

Hall: Peterson's comments were taken seriously; an opinion was received by the township's legal counsel and the planning commission's process complies with the law.

6. **Conflict of Interest:** None

7. **Consent Agenda:**

a. Approval of Meeting Minutes: Planning Commission Regular Meeting January 22, 2024.

Moved by Hornberger to approve the consent agenda, as amended, seconded by Alexander

approved unanimously

8. **Business:**

a. Special Use Permit (SUP) #132 – Bowers Harbor Vineyards, Amendment #1 –Public Hearing 2896 Bowers Harbor Road, Traverse City, MI 49686

Cram: summarized the background of SUP #132, found in the packet under Draft Findings of Fact and Conditions, SUP #132, Amendment #1-Background and Information.

Shanafelt: all acres were included to get close to the fifty acres, today it is legally nonconforming. Single-family residences are allowed as a use by right.

Alexander: this is for the house only.

Cram: discussed the addition to the home.

Hornberger: if this was not a part of the SUP, they would not need to be here.

Hall: approved plan

Cram: the site plan is specific to the additions to the single-family home. There will be a more detailed plan for the township board. Read a letter from Cathy O'Connor, 3159 Ogidaki Trail into the public record dated February 12, 2024.

Dear Peninsula Township Planning and Zoning Department, I am in full support of Erica and Spencer Stegenga's house addition. It is my understanding that this project was originally approved in 2019 and now for some reason, it appears to be stalled. I sincerely hope this is not some form of retaliation towards them and the fact that they own one of the best wineries on the peninsula.

Marc McKellar, Kuhn Rogers, 4033 Eastern Sky Drive, Traverse City: this process has gone well. A plan was set to isolate the house, so both parties are clear. There is a typo on page 6, C-1 should be corrected to A-1. The cash bond covers the plantings.

Hall: Regarding the updated site plan, the attorney mentioned rights for the future, it will be worked on before it goes to the township board.

Hall closed the regular meeting and opened the public hearing.

Hall: called for public comment, no comment was made.

Hall closed the public hearing and opened the regular meeting.

Beard moved to recommend approval of Special Use Permit (SUP) #132, amendment #1 for Bowers Harbor Vineyard subject to the seven conditions contained in the Staff Report, with the change in language for #3: the applicant shall provide a cash bond to the Township in the amount of the cost of the 60 trees before a land use permit for the home can be issued. The Township shall refund the applicant the cash bond in full within 15 days of receipt of evidence of planting of the trees and #6: the site shall be developed consistent with an updated final plan to be approved by the township board and with the information contained in the application and packet materials. The applicants shall be subject to all other verbal or written representations and commitments of record for the approval of Special Use Permit #132, Amendment #1. Any future changes to the use of the property require the approval of an amendment to Special Use Permit #132, seconded by Alexander.

Roll Call: Hall: yes, Hornberger: yes, Beard: yes, Shanafelt: yes, Alexander: yes
approved unanimously

b. Proposed Zoning Ordinance Amendment #204 Related to Building Height-Continued discussion and possible recommendation

Cram: thanked the study group for their work. The public hearing was held on January 22, 2024. Showed Zoning Ordinance Amendment No. 204 on the screen, included in the packet. Reviewed the amended definitions, diagram, and the Schedule of Regulations and explained the changed language. If the planning commission is comfortable it could go to the township board where another public hearing will be held.

Hall: would like to take public comment.

Beyea: public comment is appropriate.

Hall: called for comment, but there was none.

Hornberger: does this include barns?

Cram: there is currently an exemption, and there is a process that can be followed.

Shanafelt: this is simple and clear.

Cram: thanked Ellis Wills Begley for his assistance with diagrams.

Beard: clarified that on the diagram, 42.1 feet and 36.4 feet will be removed and option 1 will be deleted.

Moved by Beard to recommend that Zoning Ordinance Amendment #204 related to Building Height, be forwarded to the township board for approval with the revisions noted in the

diagram removing the dimensions of 42.1' and 36.4' and removing the phrase option 1, seconded by Hornberger.

Roll Call: Hall: yes, Hornberger: yes, Beard: yes, Shanafelt: yes, Alexander: yes

approved unanimously

9. Reports and Updates:

a. Master Plan Adoption

Cram: working with Beckett and Raeder on the master plan. Have reviewed planning commission comments received by February 12. A red-lined version of recommended edits will be available at the March meeting. Many of the action items have been accomplished since the draft was released. The official zoning district map is from 1972; past planners created an electronic version, but it was never officially adopted. Proposing to remove the zoning district map for now and will look to review, revise, and officially adopt an electronic version of the zoning district map in the future. The future land use map is also under review and the philosophy of how it was developed will be discussed at the March meeting.

b. Shoreline Regulations Study Group Update

Cram: thirteen diverse members have met three times. The next meeting is on February 26, 2024, at the library. The issues currently being addressed are single waterfront ownership. We hope to bring a draft of proposed amendments forward in April.

10. Public Comments:

Todd Wilson, 782 Neatawanta Road: nice to see progress.

11. Other Matters or Comments:

Shanafelt: the prep work was very good.

12. Adjournment: at 8:05 p.m.

Moved by Alexander to adjourn, seconded by Beard

approved by consensus

Exhibit 1

PENINSULA TOWNSHIP APPLICATION FOR SPECIAL USE PERMIT NO.

Parcel Code/s #28-11-121-077-10, 128-001-12, 128-001-11

Property Address: 2896 Bowers Harbor Rd., Traverse City, MI

Applicant Address: 2896 Bowers Harbor Rd., Traverse City, MI



 Review Fee 9768.00 1221 11/30/23
 Check No. Date
APPLICATION REQUIREMENTS

1. Each application is submitted through the Zoning Administrator, and shall be accompanied by a fee as established by the Peninsula Township Board.
2. The applicant will assume direct costs for any additional professional review determined necessary by the Planning Commission or the Township Board, subject to prior review and approval of the applicant.
3. No part of any fee is be refundable and no portion of the fee covers the cost of any individual land use permit that may be issued on any of the building sites located in a Planned Unit Development.
4. Requirements for documents and information filled out in full by the applicant:
 - (a) A statement of supporting evidence showing compliance with the requirements of Section 8.1.3.
 - (b) Site plan, plot plan, development plan, drawn to scale (preferable 1"=50'), of total property involved showing the location of all abutting streets, the location of all existing and proposed structures and their uses, and the location and extent of all above ground development, both existing and proposed.
 - (c) Preliminary plans and specifications of the proposed development.
5. This application, along with all required data shall be submitted to the Zoning Administrator.
 - (a) Upon receipt of a completed application and the required data by the Zoning Administrator, it is transmitted to the Township Planning Commission for review.
 - (b) The Planning Commission may hold a public hearing on the application.
 - (c) Following a study by the Planning Commission it is transmitted to the Township Board for consideration.
 - (d) The Township Board may deny, approve, or approve with conditions, a request for special land use approval.

 received 12/4/23
 An

6. Specific Requirements: In reviewing an impact assessment and site plan, the Town Board and the Planning Commission shall consider the following standards:

Ordinance Reference - Section 8.1.3

Include a statement of HOW the proposed project meets the standards:

Section 8.1.3 Basis for Determinations: Before making recommendation on a special use permit application, the Town Board shall establish that the following general standards, as well as the specific standards outlined in each section of this Article, shall be satisfied.

- (1) **General Standards:** The Town Board shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use on the proposed location will:
 - (a) Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
 - (b) Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
 - (c) Be served adequately by essential facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.
 - (d) Not create excessive additional requirements at public cost for public facilities and services.
 - (e) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by fumes, glare or odors.
- (2) **Conditions and Safeguards:** The Town Board may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.
- (3) **Specific Requirements:** In reviewing an impact assessment and site plan, the Town Board and the Planning Commission shall consider the following standards:
 - (a) That the applicant may legally apply for site plan review.
 - (b) That all required information has been provided.
 - (c) That the proposed development conforms to all regulations of the zoning district in which it is located.

- (d) That the plan meets the requirements of Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services.
- (e) That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.
- (f) That natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so located on the site plan and at the site per se.
- (g) That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.
- (h) That the soil conditions are suitable for excavation and site preparation, and that organic, wet or other soils which are not suitable for development will either be undisturbed or modified in an acceptable manner.
- (i) That the proposed development will not cause soil erosion or sedimentation problems.
- (j) That the drainage plan for the proposed development is adequate to handle anticipated stormwater runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
- (k) That grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties.
- (l) That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.
- (m) That phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility service, drainage or erosion control.
- (n) That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.
- (o) That landscaping, fences or walls may be required by the Town Board and Planning Commission in pursuance of the objectives of this Ordinance.
- (p) That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.
- (q) That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.

- (r) That outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties.
 - (s) That the proposed site is in accord with the spirit and purpose of this Ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.
7. A public hearing on a special land use request is held by the Township Board if:
- a. A public hearing is requested by the Township Board, the applicant for special land use authorization, a property owner, or the occupant of a structure located within three hundred (300) feet of the boundary of the property being considered for a special land use.
 - b. The decision on the special land use request is based on discretionary grounds.
8. Complies with Section 7.7 Developments Abutting Agricultural Lands.

Special Use Permit - Planned Unit Development Checklist

Project Name Bowers Harbor Vineyards

Special Use Permit Number 132

Parcel Code/s #28-11- - -
121-077-10, 128-001-12, 128-001-11

Property Address: 2896 Bowers Harbor Rd., Traverse City, MI

Applicant: <u>Bowers Harbor Vineyards, 2896 Bowers Harbor Rd., Traverse City, MI</u> <u>231-218-1170</u>		
Name	Address	Phone

ARTICLE VIII

Ordinance Reference - Section 8.1.2 Permit Procedures:

Submission of Application:

- a. \$768 Fee No part of any fee shall be refundable.

Ordinance Reference - Section 8.1.3

Section 8.1.3 Basis for Determinations: Before making recommendation on a special use permit application, the Town Board shall establish that the following general standards, as well as the specific standards outlined in each section of this Article, shall be satisfied.

Section 8.1.3 (1) General Standards: The Town Board shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use on the proposed location will:

General Standards - Include a statement of HOW the proposed project meets the standards::

- | | | |
|----|----------|---|
| b. | <u>✓</u> | Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. |
| c. | <u>✓</u> | Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole. |
| d. | <u>✓</u> | Be served adequately by essential facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools. |
| e. | <u>✓</u> | Not create excessive additional requirements at public cost for public facilities and services. |
| f. | <u>✓</u> | Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by fumes, glare or odors. |

Section 8.1.3 (2) Conditions and Safeguards: The Town Board may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.

Section 8.1.3 (3) Specific Requirements: In reviewing an impact assessment and site plan, the Town Board and the Planning Commission shall consider the following standards:

Include a statement of HOW the proposed project meets the standard: *Enclosed.*

- a. ☒ That the applicant may legally apply for site plan review.
- b. ☒ That all required information has been provided.
- c. ☒ That the proposed development conforms to all regulations of the zoning district in which it is located.
- d. ☒ That the plan meets the requirements of Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services.
- e. ☒ That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.
 - i. ☐ *n/a* Grand Traverse County Road Commission
 - ii. ☐ *n/a* Grand Traverse County Drain Commissioner
 - iii. ☐ *n/a* County DPW standards for sewer and water if public.
 - iv. ☒ Grand Traverse County Health Department for private systems
 - v. ☐ *n/a* State and Federal Agencies for wetlands, public sewer and water.
- f. ☒ That natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so located on the site plan and at the site per se.
- g. ☒ That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.
- h. ☒ That the soil conditions are suitable for excavation and site preparation, and that organic, wet or other soils which are not suitable for development will either be undisturbed or modified in an acceptable manner.
- i. ☒ That the proposed development will not cause soil erosion or sedimentation problems.
- j. ☒ That the drainage plan for the proposed development is adequate to handle anticipated stormwater runoff, and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
- k. ☒ That grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties.
- l. ☒ That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.
- m. ☒ That phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility service, drainage or erosion control.
- n. ☒ That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.
- o. ☒ That landscaping, fences or walls may be required by the Town Board and Planning Commission in pursuance of the objectives of this Ordinance.
- p. ☒ That parking layout will not adversely affect the flow of traffic within the site,

- or to and from the adjacent streets.
- q. ✓ That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.
- r. ✓ That outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties.
- s. ✓ That the proposed site is in accord with the spirit and purpose of this Ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.

4. **Present 8 copies of Site plan, plot plan, development plan**

Drawn to scale (preferable 1"=50'), of total property involved showing:

- a. ✓ the location of all abutting streets,
- b. ✓ the location of all existing and proposed structures and their uses
- c. ✓ the location and extent of all above ground development, both existing and proposed.
- d. Preliminary plans and specifications of the proposed development. *This preliminary plan shall be in a form that can be easily reproduced on transparencies that can be used for public presentation.*

Is the project to be developed in Phases? ____ Yes; ✓ No.

5. If the project is to be phased, provide documentation that:

- a. ____ Upon completion, each phase will be capable of standing on its own in terms of the presence of services, facilities, and open space, and contains the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the project and the residents of the surrounding area.
- b. ____ Shows a proposed commencement date for each phase of the project.

Revised August 29/2005



Special Use Permit Amendment Request
Peninsula Township

Owners/Applicant:

Bowers Harbor Vineyards

Special Use Permit #132

**2896 Bowers Harbor Rd
Traverse City, MI 49686**

Planning Consultant:

**Northview 22, LLC
PO Box 3342
Traverse City, MI 49685
sarah@northview22.com**



Section 8.1.3(1) General Standards

- a. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.

Bowers Harbor Vineyards has been in existence since 1992 and was approved as a Winery-Chateau Special Use in 2019. This use is supported within the 2011 Master Plan as acceptable land use within the Rural Agricultural Future Land Use Category. In order to complete the proposed residential addition from 2019, this amendment request will allow for the construction to take place. The residential addition, already approved in 2019, will be appropriate to the character of the area.

- b. Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.

The use and activity on this site shall not impact the neighboring area. Parking, lighting and noise does comply with Peninsula Township ordinances. The parcel has significant acreage to buffer adjacent properties from the use.

- c. Be served adequately by essential facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.

The site is located on a public road and is easily accessible by police and fire department. Drainage, refuse and water/sewer are handled all on site. The Grand Traverse County Health Department has approved the residential addition (included in packet).

- d. Not create excessive additional requirements at public cost for public facilities and services.

This existing facility/site is not proposing any additions that will incur public cost to public facilities / services.

- e. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by fumes, glare or odors.

Bowers Harbor Vineyards use, processing, or activities do not contribute any fumes, glare or odors and are regulated by Township ordinance and the Right to Farm act.

Section 8.1.3(3) Specific Requirements

- a. _____ That the applicant may legally apply for site plan review.

Applicant has included ownership deeds for all land included in this request.

- b. _____ That all required information has been provided.

Site plans and exhibits have been included to show necessary information.



Special Use Permit Amendment Request
Peninsula Township

- c. _____ That the proposed development conforms to all regulations of the zoning district in which it is located.
The site meets all applicable setbacks, parking, lot coverage and size requirements, as shown on the attached site plans.
- d. _____ That the plan meets the requirements of Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services.
There are no proposed changes in this Amendment application that will affect the requirements of Peninsula Twp for fire and police or water or sewage treatment. Soil Erosion and storm water management permits, if necessary, will be applied for at the time of the proposed building addition.
- e. _____ That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.
____n/a____ Grand Traverse County Road Commission
____n/a____ Grand Traverse County Drain Commissioner
____n/a____ County DPW standards for sewer and water if public.
____y____ Grand Traverse County Health Department for private systems
____n/a____ State and Federal Agencies for wetlands, public sewer and water.
- f. _____ That natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so located on the site plan and at the site per se.
The existing or proposed uses will not disrupt the natural resources.
- g. _____ That the proposed development property respects floodways and flood plains on or in the vicinity of the subject property.
There are no flood plains on subject parcels.
- h. _____ That the soil conditions are suitable for excavation and site preparation, and that organic, wet or other soils which are not suitable for development will either be undisturbed or modified in an acceptable manner.
Soil conditions are suitable for the proposed residential addition. The areas of wetlands in the southwest corner will not be impacted.
- i. _____ That the proposed development will not cause soil erosion or sedimentation problems.
At the time of construction for future additions/buildings, a soil erosion permit will be applied for to confirm.



Special Use Permit Amendment Request
Peninsula Township

- j. _____ That the drainage plan for the proposed development is adequate to handle anticipated stormwater runoff and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
All stormwater is maintained and managed onsite.
- k. _____ That grading or filling will not destroy the character of the property or the surrounding area, and will not adversely affect the adjacent or neighboring properties.
There is no proposed grading that will affect the parcel or surrounding areas.
- l. _____ That structures, landscaping, landfills or other land uses will not disrupt air drainage systems necessary for agricultural uses.
Air drainage is not impeded by existing usage of the site.
- m. _____ That phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility service, drainage or erosion control.
No phases proposed.
- n. _____ That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems and water sewage facilities.
No additional services or facilities are needed or anticipated on or off site to accommodate the use.
- o. _____ That landscaping, fences or walls may be required by the Town Board and Planning Commission in pursuance of the objectives of this Ordinance.
The site is well vegetated with vineyards, hardwoods/pines and aesthetic landscaping.
- p. _____ That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.
Parking accommodations have been made pursuant to the Special Use Permit for Winery-Chateau approval in 2019.
- q. _____ That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.
Vehicular traffic, including shuttle bus routes, and pedestrian flows are laid out to safely allow maneuvering of all. One-way routes are designated and marked to allow for the drop-off of customers and then move on to designated parking areas. Shuttle buses and vehicular parking areas are designated.
- r. _____ That outdoor storage of garbage and refuse is contained, screened from view and located so as not to be a nuisance to the subject property or neighboring properties.
Outdoor storage will be located in trash receptacles, screened from view.
- s. _____ That the proposed site is in accord with the spirit and purpose of this Ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this Ordinance and the principles of sound planning.



Special Use Permit Amendment Request
Peninsula Township

Bowers Harbor Vineyards has been an agricultural site for many years and has been expanded to include uses that are similarly found within this district. The site has suitable acreage to provide buffer and enough area to contain all uses and features such as parking and vehicular traffic.



RECEIVED

OCT 12 2022

Environmental Health

**GRAND TRAVERSE COUNTY
ENVIRONMENTAL HEALTH
WELL & SEPTIC STATUS FORM - \$25**

☐ DEMOLITION
☐ CHANGE OF USE

☒ REMODEL/ ADDITION
☐ FILE REVIEW/OTHER _____

☐ HOME REPLACEMENT

Property Address: 13975 Seven Hills Rd

Property Tax ID: 11-128-001-12

Township: Peninsula Twp.

Owner's Name: Erica & Spencer Stegenga - SCHOENHERR VINEYARDS LLC

Owner's Mailing Address: 13975 Seven Hills Rd

City, State, Zip: Traverse City, MI 49686

Owner's Phone: _____

Owner's email: spencer@bowersharbor.com

Applicant (if other than owner): Paul Maurer General Contracting Inc.

Applicant Address: 10167 E Cherry Bend Road

City, State, Zip: Traverse City, MI 49684

Applicant Phone: 231-941-1448

Applicant Email: info@paulmaurer.com Benz@paulmaurer.com

Brief summary of the proposed changes to the property: addition and remodel of existing home

☒ RESIDENTIAL

Current # of Bedrooms: 4

Current # of Bathrooms: 3

Proposed # of Bedrooms: 4

Proposed # of Bathrooms: 6

Garbage Disposal: ☒ YES ☐ NO

Other changes: _____

☐ COMMERCIAL (please attach a brief business plan)

Type of Facility: _____

Current Max # of Employees: _____

Current # of Bathrooms: _____

Proposed Max # of Employees: _____

Proposed # of Bathrooms: _____

Max Customers Per Day: _____

Drinking Fountain: ☐ YES ☐ NO

Please note that additional information may be required depending on proposed change or use

Benjamin R. Maurer

Signature of Owner/Contractor

10/12/2022

Date

(TO BE COMPLETED BY SANITARIAN)

Grand Traverse County Environmental Health WELL & SEPTIC STATUS FORM

☒ EXISTING PERMIT AVAILABLE PERMIT # 22178 DATE OF ISSUE: 5/6/94
☐ EXISTING PERMIT NOT AVAILABLE

☐ Well shall be properly plugged according to Part 127 of Act 368, P.A. 1978, as amended. Abandoned well plugging record shall be submitted to the Health Department. A new well may be required.

☐ Septic tank(s) and any other tank(s) associated with the wastewater system shall be pumped by a licensed septage hauler, crushed, and filled or removed. A new wastewater system may be required.

☒ Existing well meets current well construction code requirements and is approved for use as an:

☒ Private Residential Well

☐ Irrigation Well

☐ Public Well circle type: TYPE II TYPE III

☒ Existing septic system meets current design requirements for proposed use and meets all isolation requirements. Tank(s) Size(s): 2000 DBL Final Disposal: 24' x 50'

Existing septic system will serve:

☒ Residential home with 4 bedrooms

Garbage Disposal: (YES) NO

☐ Commercial facility with design daily flow of _____ gal/day

☐ Other use with design daily flow of _____ gal/day

☐ Existing septic system does not meet current design requirements, but is considered "grand-fathered" for proposed use.

Comments: _____


Signature of Health Department Representative

10/12/22
Date

OFFICE USE ONLY

w/ Soil Erosion

Receipt Date: _____

Receipt #: _____

Initials: lm



2007R-20374
STATE OF MICHIGAN
GRAND TRAVERSE COUNTY
RECORD

11/02/2007 09:42:40AM
PAGE 1 OF 5 TRID 64984
PEGGY HAINES
REGISTER OF DEEDS

QUIT CLAIM DEED

THE GRANTORS:

OMENA INVESTMENTS LIMITED PARTNERSHIP (a/k/a Omena Investments, LP), a Nevada limited partnership, as to an undivided 50% interest as a tenant in common, and R. LEE SCHOENHERR, a married man, as to an undivided 50% interest as a tenant in common, and JOAN SCHOENHERR, his wife, who signs this Deed solely to bar and release any dower interest she may have in the Property,

WHOSE RESPECTIVE ADDRESSES ARE:

8535 Underwood Ridge,
Traverse City, Michigan, 49686, and,

One Longfellow Place,
Ludington, Michigan 49431,

QUIT CLAIMS
TO THE GRANTEE:

SCHOENHERR VINEYARDS LLC, a
Michigan limited liability company,

WHOSE ADDRESS
IS :

One Longfellow Place,
Ludington, Michigan 49431,

the real estate situated in the Township of Peninsula, Grand Traverse County, Michigan, more fully described on **Exhibit A** attached to this Deed, together with all improvements, fixtures, easements, hereditaments, and appurtenances associated with the real estate ("Property").

As to Parcel 1:

The Grantors grant to the Grantee the right to make four (4) division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended ("Act"). In doing so, the Grantors intend to transfer to the Grantee the right to create five (5) parcels from the Property. The Grantors also grant to the Grantee the right to create two (2) bonus parcel(s) if the Grantee qualifies the Property for such bonus parcel(s) under Section 108(3) of the Act. The Grantors

intend to transfer to the Grantee the right to make all divisions, bonus divisions and redivisions of the Property as the Grantors may have under the Act. The Grantors make no representation or warranty regarding the number, extent or nature of the division, bonus division or redivision rights or rights to create parcels owned or transferred by the Grantors to the Grantee.

As to Parcel 2:

The Grantors grant to the Grantee the right to make three (3) division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended ("Act"). In doing so, the Grantors intend to transfer to the Grantee the right to create four (4) parcels from the Property. The Grantors intend to transfer to the Grantee the right to make all divisions, bonus divisions, and redivisions of the Property as the Grantors may have under the Act. The Grantors make no representation or warranty regarding the number, extent, or nature of the division or redivision rights or rights to create parcels owned or transferred by the Grantors to the Grantee.

This Property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

This Deed is given without consideration and is exempt from the real estate transfer taxes under MCLA §§ 207.505(a) and 207.526(a) because the value of the consideration given is less than One Hundred Dollars (\$100).

This Deed is exempt from the real estate transfer tax under MCLA § 207.526(s) because the Grantee is sufficiently related to the Grantors to be considered a single employer with the Grantors under §§ 414(b) or (c) of the Internal Revenue Code of 1986, 26 U.S.C. § 414.

Dated: October 13, 2007.

OMENA INVESTMENTS LIMITED
PARTNERSHIP (a/k/a Omena Investments,
LP), a Nevada limited partnership

By OMENA INVESTMENTS, INC., a
Nevada corporation,
Its General Partner

By 
Edward W. Albert, Jr.
Its President

STATE OF MICHIGAN

COUNTY OF GRAND TRAVERSE)
ss:

Acknowledged before me in Grand Traverse County, Michigan on October 12, 2007, by Edward Y. Albert Jr., as President of Omena Investments, Inc., a Nevada corporation, the General Partner of Omena Investments Limited Partnership (a/k/a Omena Investments, LP), a Nevada limited partnership, for the partnership.

ANNE N. OLSON
Notary Public, State of Michigan
County of Grand Traverse
My Commission Expires 05-04-08

Anne N. Olson
Notary public, State of Michigan, County of Grand Traverse
My commission expires 5-4-08
Acting in the County of Grand Traverse

R Lee Schoenherr
R. Lee Schoenherr (previously a married man
~~recorded as Lee R. Schoenherr~~)

Joan C Schoenherr
Joan Schoenherr (who signs this Deed
solely to bar and release any dower
interest she may have in the Property)

STATE OF MICHIGAN)

COUNTY OF Mason)

)ss:

Acknowledged before me in Mason County, Michigan on October 12,
2007, by R. Lee Schoenherr (previously recorded as Lee R. Schoenherr) and Joan Schoenherr,**
~~husband and wife~~ *a married man
**(who signs this Deed solely to bar and release any dower interest she may have
in the Property)

Patricia A Myers
Notary public, State of Michigan, County of Mason
My commission expires 09/07/2011
Acting in the County of Mason

PREPARED BY AND RETURN TO:

Robert M. Davies
WARNER NORCROSS & JUDD LLP
111 Lyon Street, NW, Suite 900
Grand Rapids, Michigan 49503-2487
Telephone: (616) 752-2133

Patricia A. Myers, Notary Public
State of Michigan, County of Mason
My Commission Expires 9/7/2011
Acting in the County of Mason

EXHIBIT A

Property

TOWNSHIP OF PENINSULA, GRAND TRAVERSE COUNTY, MICHIGAN

Parcel 1:

Part of Southeast quarter of Section 21, and part of Northeast quarter of Section 28, Town 29 North, Range 10 West, more fully described as: Commencing at the North quarter corner, Section 28, Town 29 North, Range 10 West; thence South 89° 08' 54" East, 1166.44 feet to Point of Beginning; thence South 0° 45' 42" West, parallel with the East 1/8 line of said section 880.08 feet; thence North 89° 40' 35" East, 1507.14 feet to centerline of Seven Hills Road; thence North 0° 23' East, 871.58 feet along said centerline to Northeast section corner; thence North 01° 33' West, 437 feet along said centerline to a point where Bowers Harbor Road and Seven Hills Road meet; thence North 55° 01' West, 313.95 feet along centerline of Bowers Harbor Road; thence North 57° 21' 0" West, 100 feet along said centerline; thence North 65° 21' 0" West, 100 feet along said centerline; thence North 74° 21' 0" West, 20 feet along said centerline; thence South 01° 33' 30" East, 366.98 feet; thence South 74° 05' 40" East, 69.90 feet; thence South 57° 22' 40" East 47.81 feet; thence South 20° 08' East, 98.50 feet; thence South 04° 58' West, 121.88 feet; thence South 24° 06' West, 117.86 feet; thence South 01° 14' 13" West, 410.02 feet; thence North 89° 08' 54" West, 580.01 feet; thence North 0° 45' 42" West, parallel with the East 1/8 line, 425 feet to the North line of Section 28; thence North 89° 08' 54" West along the North line 563.72 feet to Point of Beginning.

EXCEPT: That part of the Northeast quarter of Section 28, Town 29 North, Range 10 West, more fully described as follows: Commencing at the North quarter corner of said Section 28; thence South 89° 08' 54" East, along the North line of said Section 1166.44 feet, to the Point of Beginning; thence continuing South 89° 08' 54" East, along said North line, 563.72 feet; thence South 00° 45' 42" East, parallel with the East 1/8 line of said Section, 425.00 feet; thence North 89° 08' 54" West, parallel with said North line, 563.72 feet; thence North 00° 45' 42" East, 425.00 feet to the Point of Beginning.

Parcel 2:

That part of the Northeast quarter of Section 28, Town 29 North, Range 10 West, more fully described as follows: Commencing at the North quarter corner of said Section 28; thence South 89° 08' 54" East, along the North line of said Section 1166.44 feet, to the Point of Beginning; thence continuing South 89° 08' 54" East, along said North line, 563.72 feet; thence South 00° 45' 42" East, parallel with the East 1/8 line of said Section, 425.00 feet; thence North 89° 08' 54" West, parallel with said North line, 563.72 feet; thence North 00° 45' 42" East, 425.00 feet to the Point of Beginning.

The tax parcel number listed below is provided solely for informational purposes, without warranty as to accuracy or completeness. If the information listed below is inconsistent in any way with the legal description listed above, the legal description listed above shall control.

Tax Parcel No.: 28-11-128-001-11

Prepared by:
RUNNING, WIST and WILSON
By: Patrick J. Wilson
325 State St. 2nd
Traverse City, Michigan

Grand Traverse - Leelanau
Antrim Bar Association
Form

For Register Use
AUG 30 12 58 PM '83
CLERK OF DEEDS

WARRANTY DEED

THIS INDENTURE, Made this 25th day of March 19 83

WITNESSETH, That PAMELA W. WILLISIE, Trustee of the Pamela A. Willisie Trust dated 11/17/81, of 2896 Bowers Harbor Road, Traverse City, Michigan,

for the sum of ONE HUNDRED SIXTY TWO THOUSAND FIVE HUNDRED (\$162,500.00) CONVEY AND WARRANT to JACK B. STEGENGA and LINDA G. STEGENGA, husband and wife, of 2565 S. Bluff Road, Traverse City, Michigan

the following described lands and premises situated in Township of Peninsula County of Grand Traverse and State of Michigan, viz:

Part of the Southeast quarter of Section 21, and part of the Northeast quarter of Section 28, Town 29 North, Range 10 West, more fully described as: Commencing at the Southeast corner of said Section 21; thence South 1°33' East, 15.0 feet; thence West, 366.82 feet, parallel with the North line of said Section 28 to the Point of Beginning; thence West, 511.57 feet, parallel with the North line of said Section 28; thence North 1°39' West, 862.16 feet to the centerline of a county road; thence South 74°12' East, 389.89 feet, along said centerline; thence Southeasterly, 72.05 feet, along said centerline and the arc of a 858.16 foot radius curve to the right, the long chord of which bears South 71°47'40" East, 72.03 feet; thence South 1°33'30" East, 366.98 feet; thence South 74°05'40" East 69.9 feet; thence South 57°22'40" East, 47.81 feet; thence South 20°08' East, 98.50 feet; thence South 4°58'45" West, 121.88 feet; thence South 24°06'35" West, 117.86 feet to the Point of Beginning.

Subject to reservations, restrictions and easements of record.

Real Estate Transfer Tax: \$178.75

Signed in presence of

David C. Skinner

James A. Jennings

Signed on the date first above written

PAMELA A. WILLISIE, Trustee
of the Pamela A. Willisie Trust

STATE OF MICHIGAN,

COUNTY OF GRAND TRAVERSE

On this 25th day of March 19 83 before me, a Notary Public in and for said County personally appeared PAMELA A. WILLISIE, Trustee of the Pamela A. Willisie Trust

to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be her free act and deed. The said Trust

My Commission Expires

July 27

1986

George A. Paulin

Notary Public Grand Traverse County, Michigan

Hereby certify that there are no Tax Liens or Titles held by the State or any individual against the within description, and all Taxes on same are paid for five years previous to the date of this instrument as appears by the records in my office. This does not cover taxes in the process of collection by Township, City or Village.

Date AUG 30 1983

County Treasurer

GRAND TRAVERSE

County, Michigan

EXHIBIT B

121.077.10

 Springer

PROJECT NAME/ADDRESS:
RENOVATIONS & ADDITIONS
TO THE STEGENA RESIDENCE
13975 SEVENS HILLS RD.
TRAVERSE CITY, MI

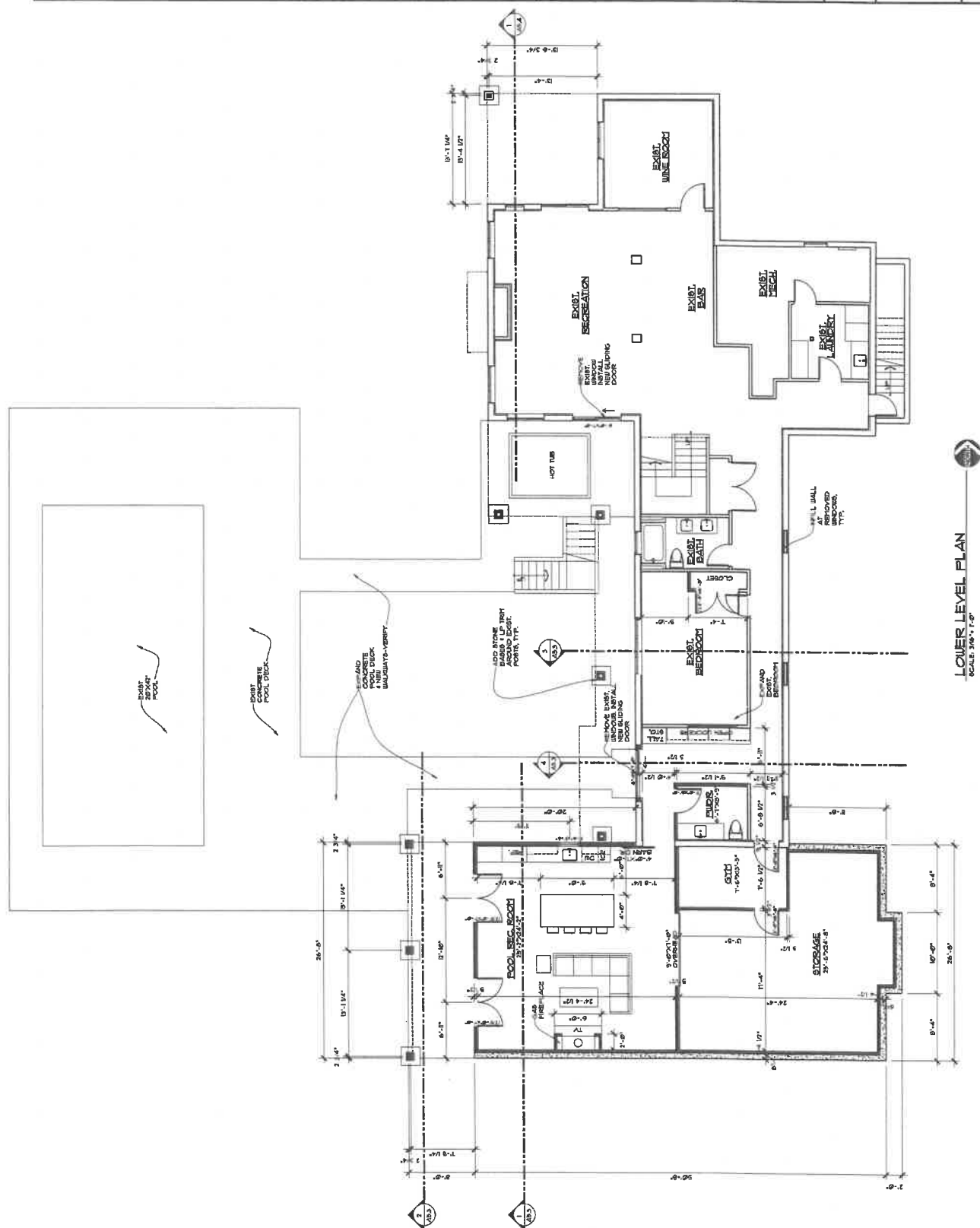
ISSUE DATES:

Date: 1-19-77
Issued for: CONSTRUCTION

SHEET TITLE:
LOWER LEVEL
FLOOR PLAN

HSSET NO.:

A2.0



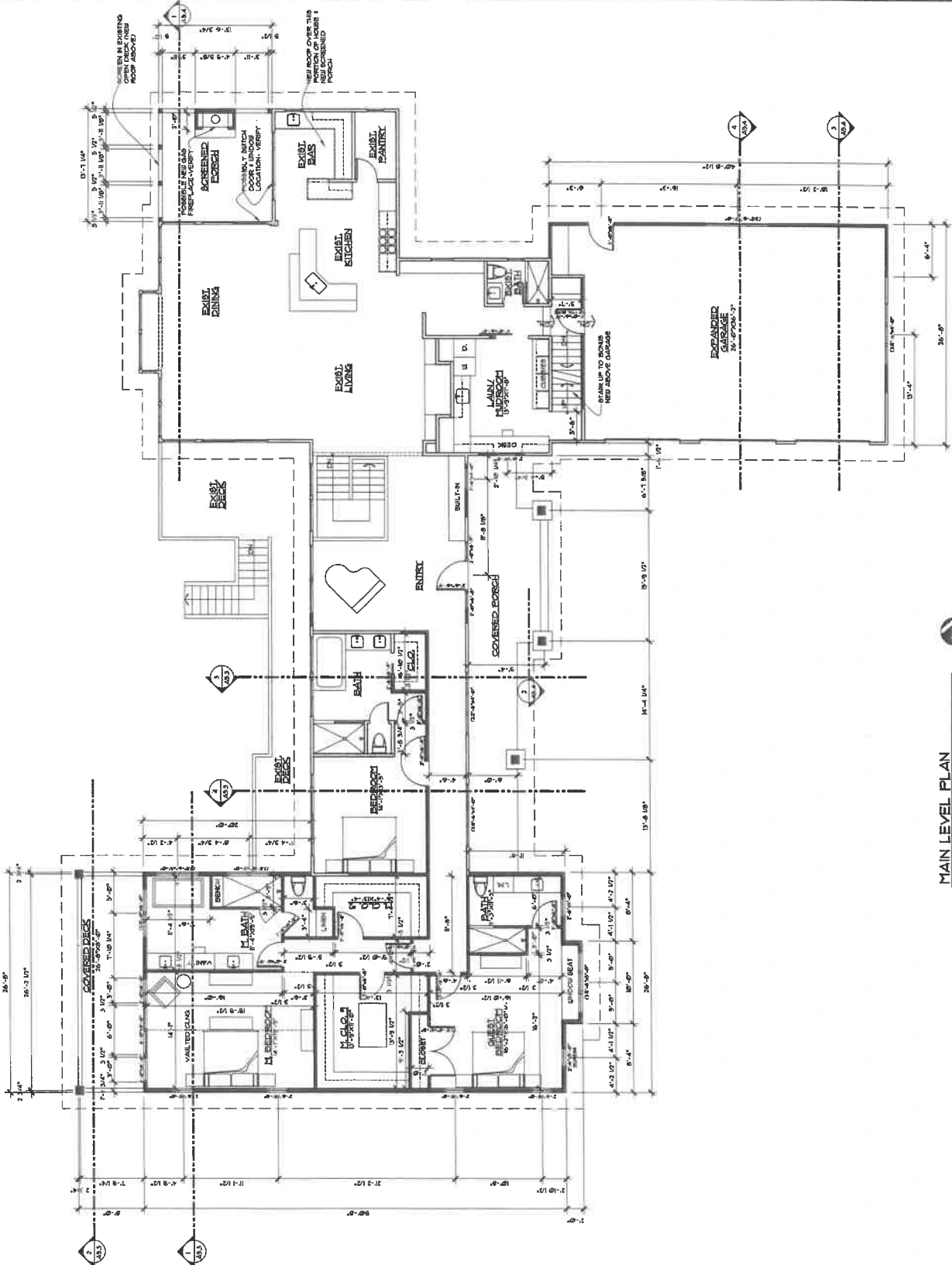
ARCHITECT: VanHouzen Stroud
607 W. Orchard Dr.
Traverse City, MI 49781
231-937-4378
vanhouzen@gmail.com

PROJECT NAME/ADDRESS:
RENOVATIONS & ADDITIONS
THE LEGENDA RESIDENCE
13975 NEWBERRY RD.
TRAVERSE CITY, MI

ISSUE DATE:
DATE: 11/17/17
DESCRIPTION:
REVISION:
REVISION:
REVISION:
REVISION:
REVISION:
REVISION:

SHEET TITLE:
MAIN LEVEL PLAN

SHEET NO:
A2.1



MAIN LEVEL PLAN
 SCALE: 3/16" = 1'-0"
 ROOM ADDITION: 1391 SQ. FT.
 GARAGE ADDITION: 288 SQ. FT.

ARCHITECT:
Jessica VanHouzen Stroud
607 W. Orchard Dr.
Traverse City, MI
231-631-4376
jvanhou@gmail.com

PROJECT NAME/ADDRESS:
RENOVATIONS & ADDITIONS
TO THE STEGENA RESIDENCE
13975 SEVENS HILLS RD.
TRAVERSE CITY, MI

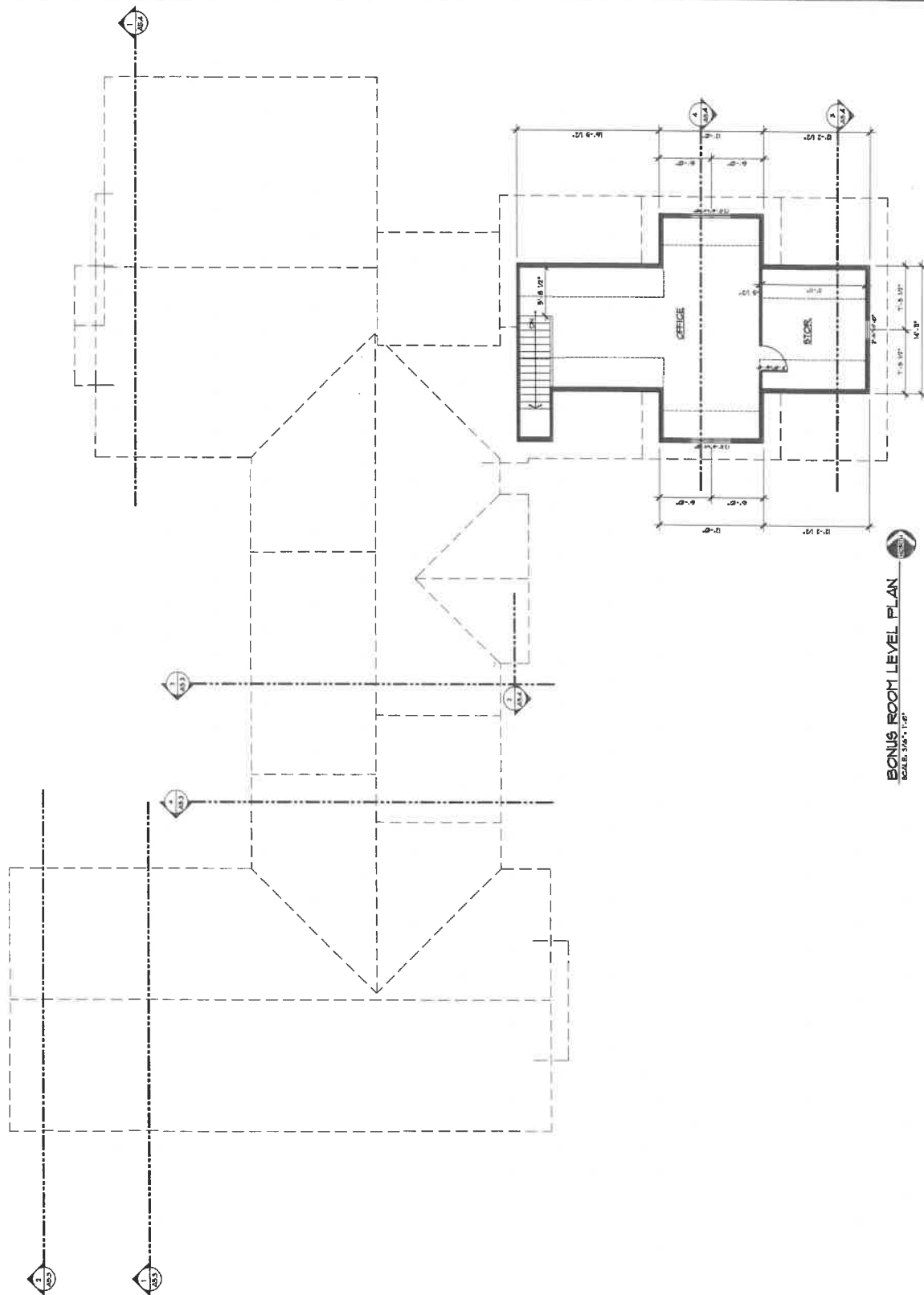
ISSUE DATES:

DATE 1-10-72

SHEET TITLE:
**BONUS ROOM
FLOOR PLAN**

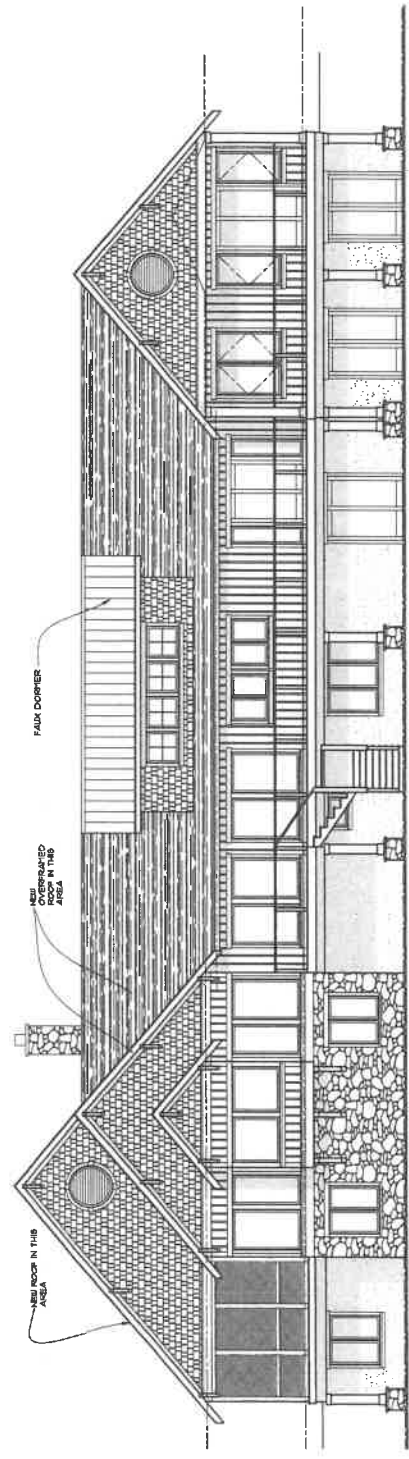
SHEET NO.:

A2.2

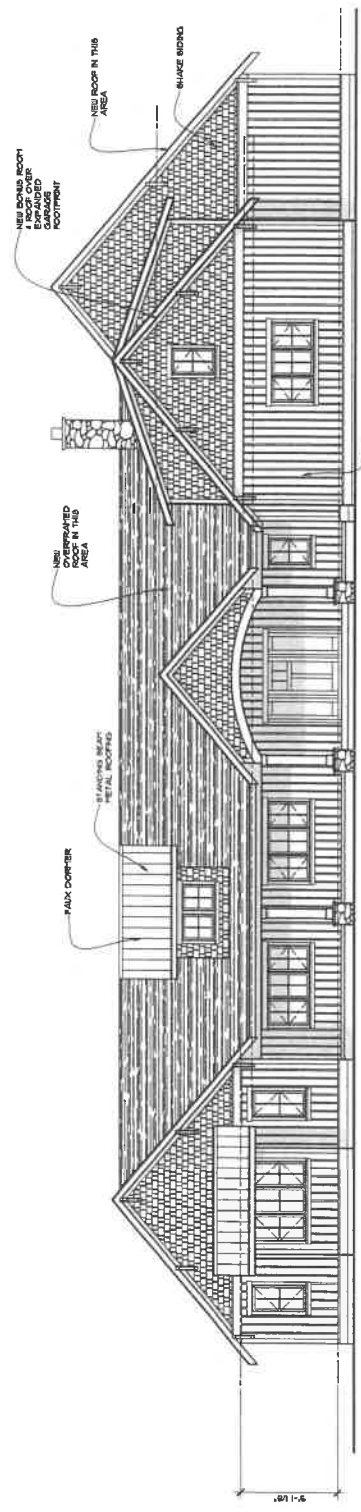


BONUS ROOM LEVEL PLAN
SCALE: 3/4" = 1'-0"

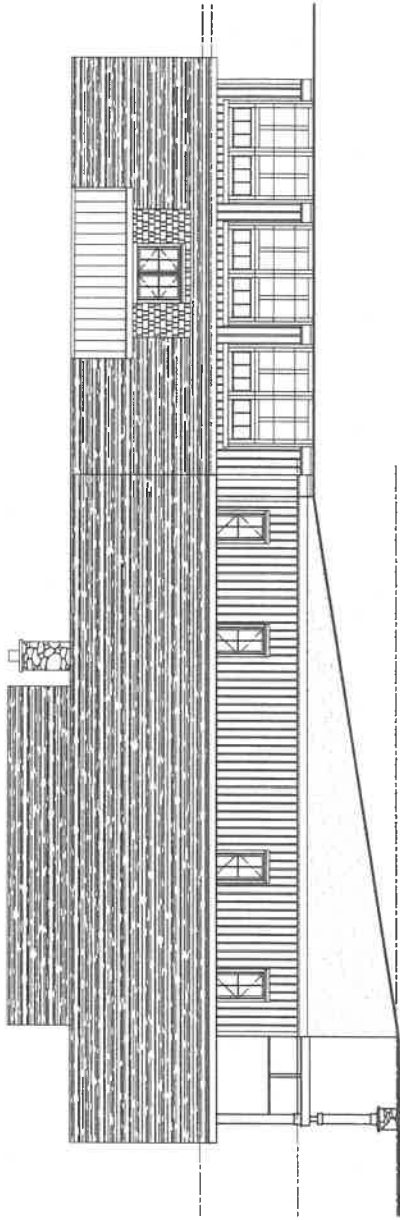
2010-11-10



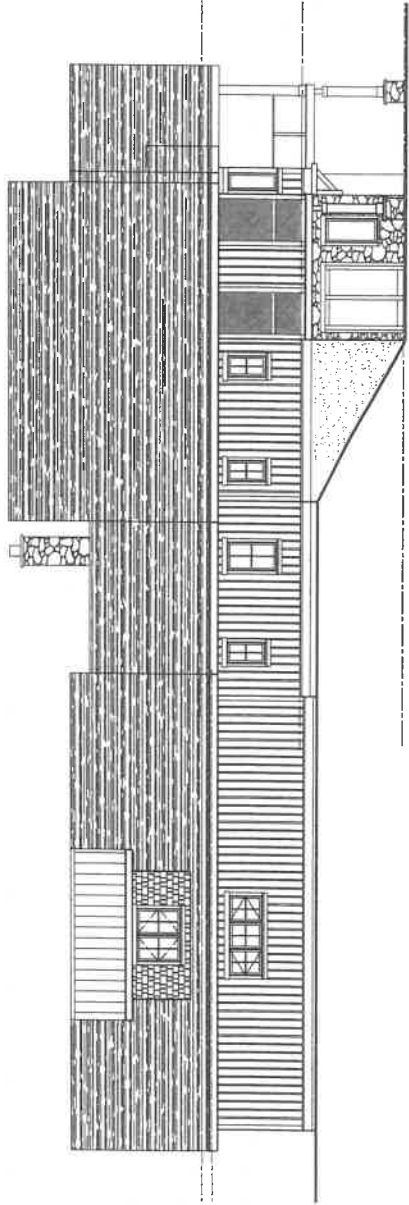
WEST ELEVATION
SCALE 3/8" = 1'-0"



EAST ELEVATION
SCALE 3/8" = 1'-0"

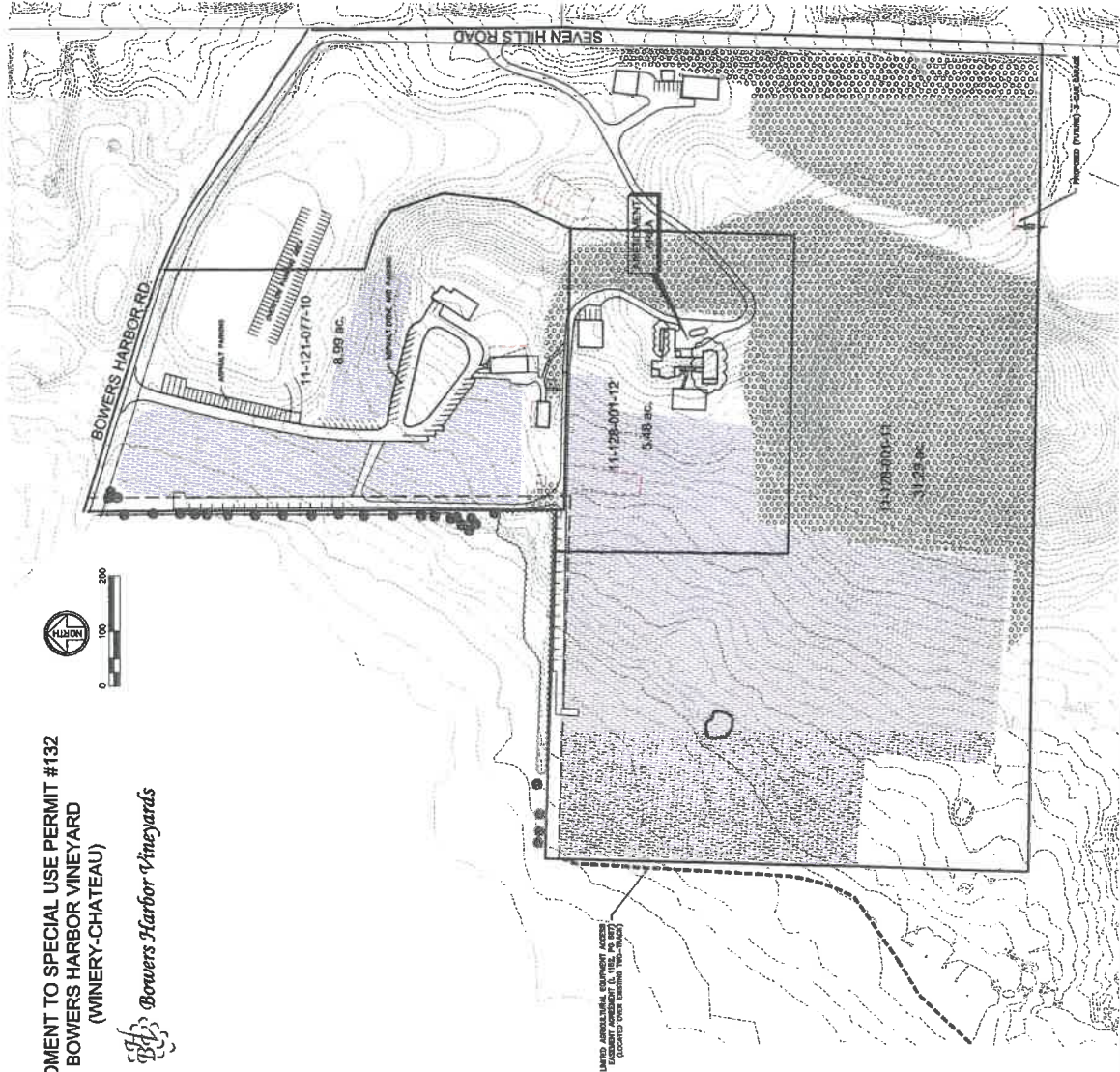


SOUTH ELEVATION
SCALE: 3/8" = 1'-0"



NORTH ELEVATION
SCALE: 3/8" = 1'-0"

AMENDMENT TO SPECIAL USE PERMIT #132
BOWERS HARBOR VINEYARD
(WINERY-CHATEAU)

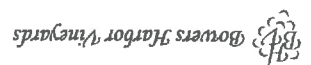


CROP CALCULATIONS			
Area	Area in Acres	Planting Density	Total Permitted
Existing Vineyard	14.75	77	-
Proposed Vineyard	24.65	77	24.65
Total Vineyard Area		24.65	24.65
Note: 2018, 1.2 acre of vineyard area has been planted, per owner. New planting area.			



PROJECT LOCATION MAP

LOCATIONS:
PENNSULA TWP, GRAND TRAVERSE COUNTY,
MICHIGAN
PART OF SECTIONS 21 & 29, T29N, R10W,
15-23-2021 TWP SUBMITTAL



Parcel Address:
11-128-001-12
11-128-001-13
11-128-001-14
11-128-001-15
11-128-001-16
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11-128-001-100

AREAS

1. VINEYARD
2. WINE TASTING
3. WINE CELLAR
4. WINE BOTTLING
5. WINE STORAGE
6. WINE DISTRIBUTION
7. WINE SALES
8. WINE MARKETING
9. WINE EDUCATION
10. WINE RESEARCH
11. WINE DEVELOPMENT
12. WINE INNOVATION
13. WINE EXPERIMENTATION
14. WINE COLLABORATION
15. WINE PARTNERSHIP
16. WINE ALLIANCE
17. WINE NETWORK
18. WINE COMMUNITY
19. WINE CULTURE
20. WINE HERITAGE
21. WINE IDENTITY
22. WINE CHARACTER
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94. WINE SPIRIT
95. WINE SOUL
96. WINE HEART
97. WINE MIND
98. WINE BODY
99. WINE SPIRIT
100. WINE SOUL

NOTES

1. SHEET TITLE
GENERAL PLAN INFORMATION
C1.1
SITE EXHIBIT

SHEET INDEX

C1.0

GENERAL PLAN INFORMATION

2018-107

PROJECT

Exhibit 2

SPECIAL USE PERMIT
SUP #132 Bowers Harbor Vineyard (Winery – Chateau)
FINDINGS OF FACT AND STATEMENT OF CONCLUSIONS

Special Use Permit (SUP) #132 is issued and entered into on October 28, 2019, by and between the Township of Peninsula and an entity doing business as Bowers Harbor Vineyard, 2896 Bowers Harbor Road, Traverse City, Michigan, hereinafter referred to as the petitioners. Bowers Harbor Vineyard as petitioner is associated with two LLCs. R. Lee Schoenherr is the signing member of the Schoenherr Vineyards LLC that owns parcels 11-128-001-11 and 11-128-001-12. Linda Stegenga is the signing member for Langley Vineyards, LLC owner of parcel 11-121-077-10. This SUP is issued to and applies to all three subject properties pursuant to the authority granted to the Peninsula Township Board of Trustees by Article 8 of the 1972 Peninsula Township Zoning Ordinance, as amended, and P.A. 110 of 2006, the Michigan Zoning Enabling Act, as amended.

WHEREAS, an application for a SUP has been filed by Bowers Harbor Vineyard to create SUP #132 permitting a winery-chateau located upon three existing parcels of land in Peninsula Township (11-121-077-10, 11-128-001-11, 11-128-001-12). **(EXHIBIT 1)**.

WHEREAS, after due notice as required by law, the Peninsula Township Planning Commission reviewed the application and recommended approval to the Peninsula Township Board on June 25, 2019.

THEREFORE, BE IT RESOLVED, after consideration of the request, the following statement of conclusions specifying the basis for decision and conditions imposed and the special land use document outlining standards of development and conditions were adopted by the Peninsula Township Board on July 23, 2019 permitting said operation:

1. PERMITTED ACTIVITY

The petitioner is hereby permitted to make the following physical improvements, vehicular circulation changes, signage changes, and engage in the following activities as depicted on a site plan prepared by Northview 22 dated 5-1-19 and subsequently amended on 6-19-19.

1) Physical Improvements (shown on drawing C1.0)

- i. Expand the existing tasting room with an addition that will be 20'x 65' in size
- ii. Expand the single-family residence toward the south side of the property with a proposed addition of living space and a new deck/pool
- iii. Construct a 16x16 deck
- iv. Construct a 3-car garage
- v. Expand the existing pavilion that will be 10'x 46.5' in size

2) Vehicular Parking and Circulation

- i. Add parking and vehicular circulation as shown on Drawing C1.1

3) Signage Changes

- i. Add directional and Informational signs near main entrance as shown on Drawing C1.1

4) Specific Activities

- i. Wine tasting, limited to areas in and around the pavilion, tasting room, and deck (as illustrated on drawing C1.2)
- ii. Retail sale of non-food items which promote the winery or Peninsula agriculture
- iii. Guest activities and events (proportionate to growing or purchasing Old Mission grapes per Section 8.7.2 (10), up to a maximum of 111 per Section 8.7.2 (10))

Future Improvements. Future improvements are depicted on the site plan prepared by Northview 22 dated 1-19 and revised on 6-19-19. A sparkling wine facility is planned for the future, the footprint of which is shown with red dashed lines on drawing C1.1 toward the east side of the property. This improvement is not now authorized by this SUP but is a planned future improvement to be considered as a future amendment to this SUP.

All activities are located upon parcels (11-127-016-01, 11-127-002-00, 11-127-016-02) as legally described in Section 27, Peninsula Township, in accordance with Article 6 and Article 8, specifically Section 8.7.3 (10) of the Peninsula Township Zoning Ordinance, as amended, and requirements put forth as part of the special land use, including the final site plan and accompanying documents, as retained in the file of the Peninsula Township Planning Department, located at the Peninsula Township Hall, 13235 Center Rd., Traverse City, Michigan.

2. GENERAL FINDINGS OF FACT

2.1 Property Description:

- a) The board finds that the three subject parcels are located in Peninsula Township with road frontage on both Bowers Harbor Road and Seven Hills Road. The frontage on Bowers Harbor Road is about 975 feet. The frontage on Seven Hills Road is about 1,320 feet. **(EXHIBIT 1 AND 2)**
- b) The board finds the total acreage included with all three parcels is 45.77 acres **(EXHIBIT 1 AND 2)**. A variance was granted in April, 2019, to allow Bowers Harbor to propose establishing a winery chateau on less than 50 acres **(EXHIBIT 2A)**.

2.2 Action Request:

- a) The Board finds that the applicant is seeking approval to establish a Winery Chateau pursuant to the general requirements of Article VIII and the specific requirements of Section 8.7.2 (10).

2.3 Zoning/Use:

- a) The board finds that the proposed site is zoned A-1 (Agricultural) encompassing three (3) parcels that are considered conforming to local zoning. **(EXHIBIT 3)**
- b) The board recognizes that the applicant presently operates under the provisions of a previous special use permit that was originally granted in 1992 (identified as SUP #32), and this SUP was subsequently amended in 2010.

2.4 Land Use Pattern:

- a) The board finds the following land uses and zoning to be in existence per the date of this report adjacent to the proposed development **(EXHIBIT 3)**:

North: The land to the north of the subject properties is zoned R-1A (Rural & Hillside). Existing land uses include agricultural production and rural home sites.

South: The land to the south of the subject properties is zoned A-1 (Agricultural) and C-1. Existing land uses include commercial (office) property and rural home sites. A large wooded area also appears north of Devils Dive.

East: The land to the east of the subject properties is zoned A-1 (Agricultural) and R1-C. Existing land uses include agricultural production and rural home sites. A large wooded area is also included.

West: The property west of the subject is also zoned A-1 and includes Bowers Harbor Park, rural home sites, and open spaces.

The Board finds that according to the future land use map contained in the 2011 Master Plan, the general area is planned to be a rural agricultural area (EXHIBIT 4).

3. SPECIFIC FINDINGS OF FACT – SECTION 8.1.3 (BASIS FOR DETERMINATIONS)

3.1 General Standards: The board shall review each application for the purpose of determining that each proposed use meets the following standards, and, in addition, shall find adequate evidence that each use on the proposed location will:

- a) Be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
 - i. The board finds that architectural plans to expand the tasting room (20X65) have been provided and the design and use of this structure is harmonious and appropriate in appearance with the existing or intended character of the general vicinity (EXHIBIT 5).
 - ii. The board finds the existing single-family residence toward the south side of the property is proposed to be expanded with a three-level addition of living space and a new deck/pool. A land use permit (No. 5958) was issued on 6/6/19 for a 20x40 in-ground pool on parcel number 11-123-001-12). Architectural plans have been provided and the design and use of this structure is harmonious and appropriate in appearance with the existing or intended character of the general vicinity (EXHIBIT 6).
 - iii. The board finds that the pavilion is proposed to be expanded on the north side. The size of the expansion is 10x46.5 and the design of this expansion is consistent with the existing structure (EXHIBIT 6A AND EXHIBIT 2).
 - iv. The board finds that a new deck is planned to be constructed west of the existing pavilion. The design of this deck is consistent with the character of the area (EXHIBIT 6B AND 2).

This standard HAS been met.

- b) Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.

- i. The board finds that the operation of Bowers Harbor Vineyard has not recently produced negative complaints regarding their production operation or services to the general public.
- ii. The board finds that there is potential conflict between activities normally associated with a tasting area and the normal activities associated with a public park (Bowers Harbor Park) to the west. This issue is mitigated to some degree by the fact that the southeast corner of Bowers Harbor Park is vegetated with hardwood trees (next to the defined tasting area) along with existing trees and a decorative fence running the length of the shared property line. To reduce potential land use conflicts between outdoor wine tasting and related activities and the natural and passive nature of Bowers Harbor Park activities (that may be enjoyed by minors), the applicant has agreed to defining the tasting area as being set back at least 25 feet from Bowers Harbor Park. This is shown on drawing C1.2 (EXHIBIT 2) and required as a condition of approval (item 1, Page 15).

Photos of the existing area between Bowers Harbor Park and Bowers Harbor Vineyards is shown in (EXHIBIT 12).

This standard WILL BE met by Approval Conditions and Safeguards (Page 15).

- c) Be served adequately by essential facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.
 - i. The board finds that the proposed expansion plans, and transition to a Winery Chateau pursuant to the zoning ordinance, will not require additional essential facilities or services since there are no public water or public waste facilities on site.
 - ii. The board finds that the existing driveway will continue to be used.
 - iii. The board finds that only a minimal amount of additional impervious surfaces is being added to the site with limited additional runoff. Additional impervious space is generated by the 24 parking spaces along the eastern side of the entrance drive and the addition pavement necessary to allow for emergency vehicle movement within the circle drive (EXHIBIT 7).
 - iv. The board finds that the Peninsula Township Fire Chief has reviewed proposed plans provided by Bowers Harbor Vineyards and has made recommendations (EXHIBIT 7). These recommendations relate to emergency vehicle access and represent approval conditions.

This standard WILL BE met by Approval Conditions and Safeguards (Page 15).

- d) Not create excessive additional requirements at public cost for public facilities and services.
 - i. The board finds that excessive costs associated with future essential facilities or additional public services are not expected.

This standard HAS been met.

- e) Not involve use, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by fumes, glare, or odors.

- i.* The board finds that the proposed use of the site will not involve any change in uses or activities that produce negative impacts upon the existing neighborhood via fumes, glare, noise, or odors.

This standard HAS been met.

3.2 Conditions and Safeguards: The board may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for ensuring that the intent and objectives of the ordinance will be observed. The breach of any condition, safeguard, or requirement shall automatically invalidate the permit granted.

The Board finds that the conditions and safeguards listed on Page 15, are necessary.

3.3 Specific Requirements: In reviewing an impact assessment and site plan, the planning commission and the township board shall consider the following standards:

- a) That the applicant may legally apply for plan review.

- i.* The board finds that the township attorney has recommended that this SUP application be signed by representatives of both LLCs that own involved parcels. Linda Stegenga signed the application on behalf of Langley Vineyard LLC (parcel 28-11-121-077-10) and Lee Schoenherr signed on behalf of Schoenherr Vineyards LLC (parcels 28-11-128-001-12 and 28-11-128-001-11) (**EXHIBIT 1**).

This standard HAS been met.

- b) That all required information has been provided.

- i.* The board finds that the applicant has provided all the required information necessary to act on this special use permit application and upon the provided final site plans, with the exception of the following:
 - a. The applicant will construct driveway improvements and drive isle improvements in accordance with the recommendations provided by the Fire Chief in **EXHIBIT 7**.
 - b. The applicant will define 65 overflow parking spaces and 24 spaces on an asphalt surface as shown on the site plan (C1.1). Both areas are east of the entrance drive and are subject to on-site review by the Township Engineer.

This standard WILL BE met by Approval Conditions and Safeguards (Page 15).

- c) That the proposed development conforms to all regulations of the zoning district in which it is located.
 - i.* The board finds that the property is zoned A-1 and a winery chateau is a special use in A-1. It is also found that the approved proposal will require subsequent land use permit for the improvements and activities allowed by this special use permit. No land use permits may be approved until all approval conditions stated herein are complied with.

This standard WILL BE met by Approval Conditions and Safeguards (Page 15).

d) That the plan meets the requirements of Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services.

- i. **Grand Traverse County Road Commission:** *The Board finds that a new driveway is not proposed and therefore a driveway permit is not required from the Grand Traverse County Road Commission.*
- ii. **Grand Traverse County Sheriff's Department:** Sheriff Bensley has been informed of this proposed project, and A/Lt. Chris Oosse has indicated that the sheriff's office does not see concerns with respect to safety and security with the expansion projects.
- iii. **Peninsula Township Fire Department:** *See fire chief's letter and approval conditions. (EXHIBIT 7) and Approval Conditions on Page 15.*
- iv. **Grand Traverse County Construction Code Office:** *The applicant will need to apply to and receive a permit from the construction code office prior to beginning construction on this project. (See Approval Conditions on Page 15).*
- v. **Grand Traverse County Health Department:** The applicant has been in contact with the health department, and no issues are known to exist (EXHIBIT 10). Ongoing compliance with health department regulations is required. (See Approval Conditions on Page 15).
- vi. **Grand Traverse Soil 16, & Sedimentation Department:** A soil erosion permit is not required as the project will not disturb more than one acre and the site is more than 500 feet from a lake or stream.
- vii. The board finds that all final permits will be received by the township prior to any construction taking place onsite per approval conditions.

This standard WILL BE met by Approval Conditions and Safeguards (Page 15).

e) That the plan meets the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured.

- i. *The board finds that the applicant has obtained a letter from the Peninsula Township Fire Department, and that compliance with Soil Erosion & Sedimentation Regulations is not required. The board also finds that the applicant is required meet the Grand Traverse County Construction Code and the applicant has coordinated with the Grand Traverse County Health Department to ensure compliance with all regulations (EXHIBIT 10).*

This standard WILL BE met by Approval Conditions and Safeguards (Page 15).

f) That natural resources will be preserved to a maximum feasible extent, and that areas to be left undisturbed during construction shall be so located on the site plan and at the site per se.

- i. The board finds that the applicant will not be moving substantial quantities of earth and that a Grand Traverse County soil erosion permit is not required.*

This standard HAS been met.

- g) That the proposed development property respects flood ways and flood plains on or in the vicinity of the subject property.

- i. The board finds that there is no indication of any existing drains, floodways, or flood plains on the site (EXHIBIT 1 AND 2).*

This standard HAS been met.

- h) That the soil conditions are suitable for excavation and site preparation, and that organic, wet, or other soils that are not suitable for development will either be undisturbed or modified in an acceptable manner.

- i. The Board finds that there is no indication of soil conditions that are not suitable for development on the site.*

This standard HAS been met.

- i) That the proposed development will not cause soil erosion or sedimentation problems.

- i. The board finds that the proposed development will disturb only a small area and a Grand Traverse County soil erosion permit is not required. The township engineer has reviewed the proposed plans for parking in terms of suitability and stability given existing slopes and has made preliminary recommendations.*

This standard WILL BE met by Approval Conditions and Safeguards (Page 15).

- j) That the drainage plan for the proposed development is adequate to handle anticipated storm-water runoff and will not cause undue runoff onto neighboring property or overloading of water courses in the area.

- i. The board finds that the proposed development will disturb only a small area and a Grand Traverse County soil erosion permit is not required.*

This standard HAS been met.

- k) That grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties.

- i. The board finds that only minimal grading or filling is proposed.*

This standard HAS been met.

- l) That structures, landscaping, landfills, or other land uses will not disrupt air drainage systems necessary for agricultural uses.

i. The board finds that the site plan ([EXHIBIT 1 AND 2](#)) shows the air drainage system and proposed structures are not expected to affect the air drainage systems. The township board and planning commission concur with opinions concerning air drainage systems (Application Materials in [EXHIBIT 1 AND 11A](#)), including the proposal to locate 65 parking spaces in an area defined as a cold air drainage area.

This standard HAS been met

- m) That phases of development are in a logical sequence so that any one phase will not depend upon a subsequent phase for adequate access, public utility service, and drainage or erosion control.

ii. The board finds that the construction of the sparkling wine facility is will occur at a later date and will be handled as a future SUP amendment. This represents a logical sequence of development.

This standard HAS been met.

- n) That the plan provides for the proper expansion of existing facilities such as public streets, drainage systems, and water sewage facilities.

i. The board finds that no additional services or facilities are needed at this time.

This standard HAS been met.

- o) That landscaping, fences, or walls may be required by the township board in pursuance of the objectives of this ordinance.

i. The board finds that no additional landscaping, fences, or walls are required.

This standard HAS been met.

- p) That parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets.

i. The Board finds that the applicant and township planning staff have generated a parking analysis showing the need for up to 153 parking spaces given existing facilities, proposed expansions, and planned events. A total of 153 parking spaces are provided on C1.1, along with 8 bus parking spaces. This assumes 30% of visitors arrive by buses ([EXHIBIT 13](#)). Improvements to the width of the driveways and turning radiuses are necessary as described in the letter from the fire chief ([EXHIBIT 7](#)) and are a condition of approval.

ii. Twenty-eight parking spaces are proposed to be aligned North/South and East/West on the west side of the subject property line. This lot line is shared with Bowers Harbor Park. At the far east end of this parking area is an agricultural access easement that connects to Devils Dive Road to the south. This access easement in Bowers Harbor Park is for

agricultural purposes only and may not serve as a secondary exit or entrance for Bowers Harbor visitors or employees. Turn around space is provided.

- iii. Off-premises parking is not allowed. Bowers Harbor Vineyards will make every effort to prevent guests, visitors, and bus drivers from parking in Bowers Harbor Park or in the public right-of-way.
- iv. The board finds that the applicant has developed a written parking plan to help manage traffic flow at events. This plan includes providing two parking attendants at different locations (EXHIBIT 13).

This standard WILL BE met by Approval Conditions and Safeguards (Page 15)

- q) That vehicular and pedestrian traffic within the site, and in relation to streets and sidewalks serving the site, shall be safe and convenient.
 - i. The board finds that the location and plans for pedestrian circulation and vehicular and bus parking are adequate given proposed improvements required by the fire chief (EXHIBIT 7).

This standard WILL BE met by Approval Conditions and Safeguards (Page 15)

- r) That outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
 - i. The board finds that there are no changes to the existing accommodations for garbage and refuse storage.

This standard HAS been met.

- s) That the proposed site is in accordance with the spirit and purpose of this ordinance and not inconsistent with, or contrary to, the objectives sought to be accomplished by this ordinance and the principles of sound planning.
 - i. The Board finds that the proposed changes are consistent with the agricultural A-1 district farmland preservation goals and policies of the 2011 Master Plan, when all approval conditions and safeguards are met.

This standard WILL BE met by Approval Conditions and Safeguards (Page 15)

4. SECTION 8.7.3 (10) WINERY-CHATEAU REGULATIONS:

The board finds that under Section 8.7.3 (10), the presented site plan and special use permit request meets the conditions associated with said provision as explained within the following:

- a) It is the intent of this section to permit construction and use of a winery, guest rooms, and single-family residences as part of a single site subject to the provisions of this ordinance. The developed site must maintain the agricultural environment, be harmonious with the character of the surrounding land and uses, and shall not create undue traffic congestion, noise, or other conflict with the surrounding properties.

- i. The board finds that guest rooms are not included among the proposed uses and that Bowers Harbor Vineyard was among the first places on Peninsula Township to provide wine tasting. Wine tasting was originally approved at a road side stand by Peninsula Township, and in 1992 a special use permit was approved to allow wine tasting, wine sales, and limited retail sales. In 2010, this special use approval was amended to expand the tasting room and tasting areas.
- ii. The board finds that Bowers Harbor Vineyards holds a small winemakers license from the Michigan Liquor Control Commission has represented that it manufactures sparkling wine on the premises and is a purchaser of grapes from the farmers of Peninsula Township.
- iii. The board finds that two single-family residences are located on the site and the plans do not include additional residences.

This standard HAS been met.

- b) The use shall be subject to all requirements of Article VII, Section 8.5, Food Processing Plants in A-1 Districts, and the contents of this subsection.
 - i. The Board finds that the applicant's special use was previously approved in 1992 and amended in 2010.

This standard HAS been met.

- c) The minimum site shall be fifty (50) acres, which shall be planned and developed as an integrated whole. All of the principal and accessory uses shall be set forth on the approved site plan.
 - i. The board finds that the applicant's site encompasses a total of 45.77 acres. The Peninsula Township Zoning Board of Appeals granted a variance on April 11, 2019, to allow Bowers Harbor Vineyard to receive consideration as a winery chateau with 45.77 acres (EXHIBIT 2A).

This standard HAS been met.

- d) The principal use permitted upon the site shall be winery, guest rooms, manager's residence, and single-family residences shall be allowed as support uses on the same property as the winery. In addition to the principal and support uses, accessory uses for each such use shall be permitted provided that all such accessory uses shall be no greater in extent than those reasonably necessary to serve the principal use.
 - i. The board finds that Bowers Harbor Vineyard is essentially a winery as defined in the zoning ordinance and in the context of Michigan Liquor Control Commission Regulations.
 - ii. The board finds that the site plan includes future development of a more substantial production warehouse/winery.
 - iii. The board finds that, in addition to grapes grown on site, Bowers Harbor Vineyard purchases a substantial amount of Old Mission grapes from local farmers that are processed off site.
 - iv. The board finds the site plan includes a manager/owner residence and another residence, along with accessory uses and buildings.

- v. The board finds that the proposed winery chateau includes a pavilion and tasting room.

This standard HAS been met.

- e) For purpose of computation, the principal and each support use identified in sub-section (d) above shall be assigned and "area equivalent" as set forth herein. The total "area equivalent" assigned to the principal uses shall not exceed the actual area of the site. "Area equivalents" shall be calculated as follows:

Winery with tasting room: five (5) acres.

Manager's residence: five (5) acres;

Single-family residences: five (5)

Guest rooms: N/A

- i. The board finds the total equivalents allowed are 15

This standard HAS been met.

- f) The number of single-family residences shall not exceed six (6). The manager's residence shall not contain or be used for rental guest rooms. The number of guest rooms shall not exceed twelve (12).

- i. The Board finds there is one single family residence on this site and one managers/owner residence on the site.

This standard HAS been met.

- g) Not less than seventy-five percent (75%) of the site shall be used for the active production of crops that can be used for wine production, such as fruit growing on vines or trees.

- i. The board finds that the applicant has 45.77 acres in the chateau use boundary and 34.25 acres in area devoted to crop production according to a drawing prepared by Northview 22. **EXHIBIT 2.** This equals 75% and broken is down as follows:

Area	Acres in Production in 2019	Areas in Future Planting	Total	Percent
Estate Grapes	14.75	.8	15.35	
Maple Trees for Syrup Wine	10.5		10.5	
Cold Air Drainage Area	8			
Fruit Trees		.4		
	33.25	1.2	34.45	75%

Documentation with respect to cold air drainage areas is found in **EXHIBIT 11**. Evidence of a precedent for considering cold air drainage as part of the acreage calculations is found in **EXHIBIT 11A**.

This standard HAS been met.

h) The facility shall have at least two hundred feet of frontage on a state or county road.

- i. The board finds that the frontage on Bowers Harbor Road is about 975 feet. The frontage on Seven Hills Road is about 1,320 feet.*

This standard HAS been met.

i) The winery chateau shall be the principal building on the site and shall have an onsite resident manager.

- i. The board finds that the winery-related buildings provide the primary purpose people visit the property.*
- ii. The board finds that the resident manager resides on-site.*

This standard HAS been met.

j) All guest rooms shall have floor areas greater than two hundred fifty (250) square feet. Maximum occupancy shall be limited to five (5) persons per unit. No time sharing shall be permitted.

- i. The board finds that no guest rooms are proposed.*

k) No exterior lighting shall have a source of illumination or light lenses visible outside the property line of the site and shall in no way impair safe movement of traffic on any street or highway.

- i. The board finds that some lighting information is provided (Exhibit 8). All new exterior lighting fixtures must comply with section 7.14 of the Zoning Ordinance and all existing exterior lighting fixtures must comply with section 7.14.*

This standard WILL BE met by Approval Conditions and Safeguards (Page 15)

l) Accessory uses such as facilities, meeting rooms, and food and beverage services shall be for registered guests only. These uses shall be located on the same site as the principal use to which they are accessory and are included on the approved site plan. Facilities for accessory uses shall not be greater in size or number than those reasonably required for the use of registered guests.

- i. The board finds that the application does not include facilities for registered guests or accessory uses.*

This standard HAS been met.

m) Proof of evaluation of the well and septic system by the Grand Traverse County Health Department and conformance to that agency's requirements shall be supplied by the owner.

- i. The Board finds evidence of steps to comply with the Grand Traverse County Health Department (EXHIBIT 10).*

This standard WILL BE met by Approval Conditions and Safeguards (Page 15)

- n) All transient lodging facilities shall conform to the Michigan State Construction Code section regulating fire safety. An onsite water supply shall be available and meet the uniform published standards of the Peninsula Township Fire Department. A floor plan drawn to an architectural scale of not less than 1/8" = 1 foot shall be on file with the fire department. Each operator of a transient lodging facility shall keep a guest registry that shall be available for inspection by the zoning administrator at reasonable times and police and fire officials at any time. Master keys for all rooms shall be available at all times.
- i. The board finds that no guest rooms are proposed.
 - ii. The board finds that the Peninsula Township Fire Chief has reviewed proposed plans provided by Bowers Harbor Vineyards and has made recommendations (EXHIBIT 7).
 - iii. The board finds evidence of steps to comply with The Grand Traverse County Health Department (EXHIBIT 10).

This standard WILL BE met by Approval Conditions and Safeguards (Page 15)

- o) In the event that the township board determines that noise generation may be disturbing to the neighbors or that the establishment is in an area where trespass onto adjacent properties is likely to occur, then the township board may require that fencing or a planting buffer be constructed and maintained.
- i. The board finds that the expected noise generation will not require fencing or plantings. This finding also recognizes that, per approval conditions, no wine tasting shall occur within 25 feet of the property line shared with Bowers Harbor Park.

This standard WILL BE met by Approval Conditions and Safeguards (Page 15)

- p) Rental of snowmobiles, ATVs or similar vehicles, boats, and other marine equipment in conjunction with the operation of the establishment shall be prohibited.
- i. The board finds that rental of equipment is not proposed or permitted on site.

This standard HAS been met.

- q) Activities made available to registered guests shall be on the site used for the facility or on lands under the direct control of the operator either by ownership or lease. Outdoor activities shall be permitted if conducted at such hours, and in such manner, as to not be disruptive to neighboring properties.
- i. The board finds that no guest rooms are proposed.

This standard HAS been met.

- r) Signs shall be in accordance with Section 7.11, which governs signs in the A-1 agricultural district.
- i. The Board finds that there is one existing sign located east of the driveway.

- ii. The Board finds that 3 additional signs are shown the plans. One sign is a “chalkboard” event sign (7.5 sq. ft.) to advertise “events.” One sign is a shuttle bus directional sign (1.5 sq. ft) and the other sign in for guest parking (1.5 sq. ft.).
- iii. No other signs shall be allowed except those that identify bus or handicapped parking.

This standard WILL BE met by Approval Conditions and Safeguards (Page 15)

- s) A two hundred-foot (200’) setback shall be maintained between guest accommodations and facilities and agricultural crops, unless it is demonstrated that a lesser setback can be maintained that will provide for an equal level of protection from agricultural activities to residents, visitors and guests of the winery-chateau. Upon such demonstration, the township board may permit a lesser setback.

- i. The board finds that guest accommodations are not part of the proposed plans.

This standard HAS been met.

- t) The township board may approve guest activity uses (activities by persons who may or may not be registered guests) as an additional support use, subject to the following:

The winery-chateau section of the ordinance requires seventy-five percent (75%) of the site to be used for the active production of crops that can be used for wine production such as fruit growing on vines or trees. It does not require that any of the wine produced on the site be made from wine fruit grown on Old Mission Peninsula. However, maximum participants at guest activities is related to wine fruit production on Old Mission Peninsula if guest activity uses are allowed to take place at a winery-chateau facility.

- i. The board finds that the applicant owns a 45.77-acre site. Apart from crops produced on site, Bowers Harbor Vineyard has provided documentation attesting to the purchase of 84.06 tons of grapes from Peninsula Township farmers in 2018. Per the Zoning Ordinance, the maximum number of people at one or more Guest Activities on the SUP property at one time will be in accordance with Ordinance Section 8.7.3 (10) (u) 3.

This standard WILL BE met by Approval Conditions and Safeguards (Page 15)

- u) Guest activity uses are intended to help in the promotion of Peninsula Township agriculture by:

- Identifying “Peninsula Produced” food or beverage for consumption by the attendees.
- Providing “Peninsula Agriculture” promotional brochures, maps, and awards.
- Including tours through the winery and/or other Peninsula Township agriculture locations.

- i. The board finds that the applicant intends to continue promoting Peninsula Township-based agriculture throughout its operations and that the applicant will be limited to conducting those uses allowed under section 8.7.3 (10) (u) 2 such as wine and food seminars, meetings of non-profit groups, and meeting of agriculturally related groups.

This standard HAS been met.

5. COMPLIANCE WITH GOVERNMENTAL REGULATIONS:

The petitioner shall comply with all state, county, township and other governmental regulations relative to the establishment for a parcel zoning A-1, agricultural, with the above permitted use(s) on site, which includes meeting the requirements of the Michigan Department of Transportation (MDOT), the Grand Traverse County Drain Commissioner (GTCDC), the Grand Traverse County Road Commission (GTCRC), and the Grand Traverse County Health Department (GTCHD). Zoning compliance is based on the governing special land use document, approved site plan, and Articles 6 and 8 of the Peninsula Township Zoning Ordinance.

6. APPROVAL CONDITIONS AND SAFEGUARDS:

Conditions and Safeguards: The board may require such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of the ordinance will be observed. The breach of any condition, safeguard, or requirement shall automatically invalidate the permit granted. Specific conditions include:

1. No wine tasting within 25-feet of Bowers Harbor Park (as shown on Drawing C1.2).
2. The applicant will construct driveway improvements and drive isle improvements in accordance with the recommendations provided by the fire chief in (EXHIBIT 7).
3. The applicant shall comply with reporting requirements stipulated by the Grand Traverse County Health Department (EXHIBIT 10).
4. All new and existing exterior lighting fixtures must comply with section 7.14 of the Zoning Ordinance.
5. Building permits must be obtained from the Grand Traverse County Construction Code Office prior to beginning construction on this project. A certificate of occupancy must be obtained before building use.
6. The access easement across Bowers Harbor Park, west of Bowers Harbor Vineyard, is for limited agricultural equipment access only, and may not serve as an exit or entrance for Bowers Harbor visitors or employees.
7. Guest activities may not be scheduled so close together that there are conflicts in vehicular circulation for ingress and egress, or overlapping demand for parking. Per the Zoning Ordinance, the maximum number of people at one or more Guest Activities on the SUP property at one time will be in accordance with Ordinance Section 8.7.3 (10) (u) 3.
8. Bowers Harbor Vineyards acknowledges that employees, guests, visitors, and bus drivers must park on-site and may not utilize Bowers Harbor Park or the public right-of-way. Failure to effectively control and manage parking demand (as described in EXHIBIT 13) may result in action taken by the Township Board pursuant to Section 8.7.3 (10), which could result in closing all guest activity uses on the premises.
9. Per the zoning ordinance, no activities or events may take place in or otherwise involve tents, or temporary structures.
10. No other signs shall be allowed except those illustrated on C1.1 and those that identify bus or handicapped parking, or those necessary for public safety.
11. Parking area plans have been reviewed by the township engineer and further review is needed to address minor issues concerning a safe transition between the overflow parking and the existing asphalt drive, and that gravel is to be provided at the west and north employee parking turn-arounds.
12. The approval of this special use should, in no way, be considered to be precedent setting in terms of either future amendments to this special use permit (SUP), or in terms of any similar properties in Peninsula Township. Approval of this SUP was enacted to address long-standing issues associated with Bowers Harbor Vineyard that predate the establishment of local wineries and winery regulations in the zoning ordinance itself.

13. Bowers Harbor Vineyard will plant no less than 1.2 acres of grapes or fruit trees to meet the Winery Chateau Requirements as described on Drawing C1.0.
14. This SUP approval contains specific timeframes for necessary for actions to be taken in the immediate and near-term. These are described below:

Immediate action items – (necessary to fulfill SUP conditions operate as a Winery Chateau)	
Action	Outcome/Results
1. Modify the circle drive to allow for emergency vehicle access.	Necessary improvements are built, and the Fire Chief provides a written statement to Peninsula Township that he approves of the turning radiuses and lane widths for emergency vehicles.
2. Consult with the Township Engineer to address all issues pertaining to grades, lines of sight, paved parking area, turn-around and stormwater management.	Improvements are built and the Township Engineer provides a written statement to Peninsula Township that she approves of the grades, line, of sight, turn-arounds and drainage. This includes construction of asphalt parking area along existing drive and establishment of all other parking shown on the site plan C1.1 (dated 6-19-19).
3. Provide all 153 parking spaces shown on the site plan.	All parking shown on the site plan is provided before guest activities may begin.
4. All existing and new exterior lighting fixtures comply with section 7.14 of the Zoning Ordinance.	All existing exterior lighting fixtures not in compliance with Section 7.14 are changed to comply.
Near-Term Action Items – (Necessary to continue with an established SUP indefinitely in accordance with all approval conditions listed above)	
Action	Outcome / Results
5. Plant no less than 1.2 acres of grapes or fruit trees.	Planting occurs on, or before, July 1, 2020 and is maintained thereafter. Failure to comply is a violation of this SUP.
6. Apply for a Land Use Permits to construct the deck, tasting room addition, pavilion addition, house addition and garage.	Applications for land use permits and related Grand Traverse County permits, are made within one year of completion of action items 1-4 above. Failure to comply results in the need to amend this SUP to subsequently include these item(s).

Bowers Harbor Vineyard may continue wine tasting and related activities allowed under SUP #32 and Township Board action allowing dining in the vines until Immediate Action Items listed above are completed, at which time Bowers Harbor Vineyard may conduct Guest Activity Uses (pursuant to Section 8.7.3 (10) (u)), and SUP #32 is rescinded.

7. COMMENCEMENT AND COMPLETION OF SPECIAL LAND USE:

The commencement and completion of special land uses are governed by Section 8.1.2(5) of the Peninsula Township Zoning Ordinance. Violations of the special land use and accompanying site plan are enforceable and remedies available under Section 3.2 of the zoning ordinance.

8. EFFECTIVE DATE OF SPECIAL LAND USE:

The Special Land Use shall be effective when the application has been approved by the Peninsula Township Board of Trustees, subject to the above conditions. The board approves by a vote of:

AYES
NAYS
ABSTAINING
ABSENT

Wunsch, Achorn, Biddle, Wahl, Sawyer, Chown
Manigold

The undersigned hereby certifies that she is the Clerk for the Township of Peninsula, Grand Traverse County, Michigan, and that the foregoing special use permit was approved by the Peninsula Township Board of Trustees on July 23, 2019.

The undersigned further certifies that a quorum was present at said meeting and that said meeting complied with all applicable laws and regulations.

Rebecca Chown
Rebecca Chown, Peninsula Township Clerk

Approved by the Peninsula Township Board on July 23, 2019.

Rob Manigold
Rob Manigold, Peninsula Township Supervisor

THIS PERMIT SHALL BE ATTACHED TO THE SITE PLAN AND BECOME A PART THEREOF.

I hereby acknowledge that I have received a true copy of the special land use permit and I have been informed of said requirements of this special land use permit and of the requirements of the Peninsula Township Zoning Ordinance pertaining to the operation of the approved Winery-Chateau.

Linda Stegenga
Linda Stegenga
Joan R. Lee Schoenherr
Joan R. Lee Schoenherr
Trustee

Exhibit 3

Sarah Keever

From: Sarah Keever
Sent: Thursday, January 18, 2024 1:24 PM
To: planner@peninsulatownship.com
Cc: Marc S. McKellar II; cpatterson@fsbrlaw.com
Subject: FW: Driveway Project Schedule, Winery Chateau Status
Attachments: email.pdf

RE: Bowers Harbor Vineyard

Jenn,

This is an email chain regarding the Winery-Chateau status, about items 1-4 that were completed by 2019. They were reviewed by, Randy Meilnick, GFA and the owner, Linda Stegenga, provided written confirmation of the top course paving, which Spencer can confirm was completed.

I will show these items as completed on the plan (along with item 5, which was referenced on the GFA survey I emailed you) for visible reference, but wanted you to have the documentation that these were completed- Randy signed off in 2019 and maybe you have that in a file.

I will provide the site plan to show these above items.

Thanks,
Sarah

From: planner@peninsulatownship.com <planner@peninsulatownship.com>
Sent: Thursday, October 24, 2019 10:33 AM
To: 'Kristy McClellan' <info@bowersharbor.com>; 'Gregory M. Meihn' <gmeihn@foleymansfield.com>; 'Zoning' <Zoning@peninsulatownship.com>
Cc: Sarah Keever <sarah@northview22.com>; 'Linda Stegenga' <linda@bowersharbor.com>; 'Spencer Stegenga' <spencer@bowersharbor.com>; 'Infante, Joseph M.' <infante@millercanfield.com>; 'Jennifer Hodges' <jennifer@gfa.tc>; firechief@peninsulatownship.com
Subject: RE: Driveway Project Schedule, Winery Chateau Status

Kristy – Just one minor thing from this morning. See attached email. I have requested the written statements as indicated.

Randy A. Mielnik, AICP
Director of Planning
Peninsula Township
13235 Center Road
Traverse City MI, 49686
Phone - 231-223-7314
Fax – 231-223-7117
planner@peninsulatownship.com

From: Kristy McClellan <info@bowersharbor.com>
Sent: Wednesday, October 23, 2019 4:35 PM
To: planner@peninsulatownship.com; 'Gregory M. Meihn' <gmeihn@foleymansfield.com>; 'Zoning' <Zoning@peninsulatownship.com>

2

3. Provide all 153 parking spaces shown on the site plan.	All parking shown on the site plan is provided before guest activities may begin.
4. All existing and new exterior lighting fixtures comply with section 7.14 of the Zoning Ordinance.	All existing exterior lighting fixtures not in compliance with Section 7.14 are changed to comply.
Near-Term Action Items – (Necessary to continue with an established SUP indefinitely in accordance with all approval conditions listed above)	
Action	Outcome / Results
5. Plant no less than 1.2 acres of grapes or fruit trees.	Planting occurs on, or before, July 1, 2020 and is maintained thereafter. Failure to comply is a violation of this SUP.
6. Apply for a Land Use Permits to construct the deck, tasting room addition, pavilion addition, house addition and garage.	Applications for land use permits and related Grand Traverse County permits, are made within one year of completion of action items 1-4 above. Failure to comply results in the need to amend this SUP to subsequently include these item(s).

Randy A. Mielnik, AICP
 Director of Planning
 Peninsula Township
 13235 Center Road
 Traverse City MI, 49686
 Phone - 231-223-7314
 Fax – 231-223-7117
planner@peninsulatownship.com

From: Kristy McClellan <info@bowersharbor.com>
Sent: Friday, September 20, 2019 12:09 PM
To: Gregory M. Meihn <gmeihn@foleymansfield.com>; planner@peninsulatownship.com; Zoning <Zoning@peninsulatownship.com>
Cc: Sarah Keever <sarah@northview22.com>; Linda Stegenga <linda@bowersharbor.com>; Spencer Stegenga <spencer@bowersharbor.com>; 'Infante, Joseph M.' <infante@millercanfield.com>
Subject: Driveway Project Schedule, Winery Chateau Status
Importance: High

Randy, Christina and Greg-

I wanted to send you an update on our driveway expansion. Elmer's plans on expanding our driveway on October 14-18.

I understand Jennifer, the township engineer, will have to visit after the driveway is complete to review it and make sure it matches the plan.

After that, are we immediately under the Winery Chateau Ordinance? And can we then apply for land permits and building permits to start construction?

Is there anything else you need from us? Any other paperwork? We look forward to getting this done and want to make sure all our bases are covered so we can move forward confidently.

Thank you for your help and time.

Kristy McClellan
 Director of Operations
 Bowers Harbor Vineyards
 231-223-7615

www.bowersharbor.com



Bowers Harbor Vineyards is a family-owned and operated winery located in the heart of the Napa Valley. We are proud to produce world-class wines from our own vineyards. Our wines are made with the highest quality grapes and are available in a variety of styles. We are committed to providing our customers with the best possible experience. For more information, please visit our website at www.bowersharbor.com. We are located at 1000 Bowers Harbor Road, Napa, CA 94558. Our phone number is (707) 251-1234. Our email address is info@bowersharbor.com. We are open from 10am to 6pm, Monday through Saturday. We are closed on Sundays. We are a family-owned and operated business. We are committed to providing our customers with the best possible experience. We are proud to produce world-class wines from our own vineyards. We are available in a variety of styles. We are committed to providing our customers with the best possible experience. For more information, please visit our website at www.bowersharbor.com. We are located at 1000 Bowers Harbor Road, Napa, CA 94558. Our phone number is (707) 251-1234. Our email address is info@bowersharbor.com. We are open from 10am to 6pm, Monday through Saturday. We are closed on Sundays. We are a family-owned and operated business.

Large Event #2024 - 01

Traverse City Track Club for the Bayshore Marathon

Large Events Ordinance #52

**PENINSULA TOWNSHIP
LARGE EVENTS ORDINANCE
NO. 52 OF 2014**

AN ORDINANCE TO REQUIRE A PERMITTING PROCEDURE FOR LARGE OUTDOOR EVENTS TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE BY PROPER PLANNING, USE OF TOWNSHIP SERVICES AND PERSONNEL AND FOR PROTECTION OF ADJOINING PROPERTIES.

PENINSULA TOWNSHIP ORDAINS:

Section 1. Definitions.

The following terms, as used in this Ordinance, are hereby defined to mean:

“Course Map” shall mean an illustration of all areas of the Township where participants of an event may occupy for purposes of the given event.

“Event” shall mean an organized and open to the general public event where two hundred fifty (250) people or more will be in attendance at one time and held on either public or private real property or on the roads within the Township and may be held at one or more sites; provided, however, an event shall not include an activity of any size that is sponsored by an elementary or secondary school recognized as such by the State of Michigan for purposes of supporting that entity and held on school premises or as otherwise authorized in the zoning ordinance.

“Permitee” shall mean any person, entity and/or sponsor to whom a permit is issued pursuant to this Ordinance.

“Person” shall mean any natural person, partnership, corporation, limited liability company, association, organization, or other legal entity.

“Site(s)” shall mean the location(s) where the event is to be held.

“Sponsor” shall mean any person or entity that organizes, promotes, conducts or causes to be organized promoted or conducted an event.

“Temporary Structure” shall mean any structure erected or placed for the use of an event which is transient in nature and easily removed without causing undo harm to any site hosting an event subject to this ordinance.

“Township” shall mean Peninsula Township.

“Township Board” shall mean the Supervisor, Clerk, Treasurer and four Trustees of Peninsula Township or its designated representative(s).

Section 2. Permit Requirements.

2.1 Necessity of Permit

A person shall not sponsor, maintain, conduct, promote or permit an event in Peninsula Township without first obtaining an approval from the Township Board for each such event and obtaining a permit for the approved event from the Peninsula Township Zoning Administrator.

2.2 Application for Permit

No later than one hundred twenty (120) days before the proposed event, the person or sponsor(s) of the event shall submit in writing an application for an event permit to the Planning & Zoning Department on such forms and in such manner as the Township prescribes. If the person or sponsor(s) fails to provide all the information required by this Ordinance, then the application shall be deemed incomplete, shall not be processed, and may be denied by the Planning & Zoning Department on that basis. The application shall contain:

- (1) The name(s), address(es) and telephone number(s) of the sponsor(s) of the proposed event.
- (2) If the event is to be held on private property, the name(s), address(es) and telephone number(s) of the owner or lessee whose presence will be required during the event.
- (3) The date(s) and estimated hours of the proposed event.
- (4) A description of the kind, character and type of the event proposed.
- (5) The address or location of the site(s) at which the proposed event will be held, including a written statement from the real property owner consenting to the use of his or her property for the proposed event.
- (6) An estimate of the maximum number of people expected to attend (including staff, vendors, and volunteers) the proposed event.
- (7) A copy of the notice required to be sent per Section 2.7 of this ordinance.
- (8) A rendering of all signage proposed as part of the event with dimensions and in compliance with Peninsula Township Zoning Ordinance requirements.
- (9) A written statement that indicates how the sponsor(s) plans to provide for the following:
 - (a) Police and fire protection.
 - (b) Medical facilities and services; including emergency vehicles and equipment.
 - (c) Food and water supply facilities.
 - (d) Health and sanitation facilities.
 - (e) Vehicle access and parking facilities.

(f) Cleanup and waste disposal.

(g) Noise control & trespass.

(h) Road closures

(i) Insurance or bonding arrangements.

(j) A list of the names and addresses of all persons to whom the public notification document is to be sent as per Section 2.7 of this Ordinance.

(10) A site plan illustrating the following uses as part of the proposed event:

(a) Parcel boundaries of the site(s).

(b) Location of event area on the site(s).

(c) Location of parking areas and ingress/egress as required by Section 2.3 of this Ordinance.

(d) Location of sanitary facilities.

(e) Location and number of temporary structures.

(f) Location of medical facilities.

(g) Location of waste disposal facilities.

(h) A course map, if applicable, of the event including location and description of what activities will take place upon those areas of the Township subject to the proposed event.

(i) Location of all signage on site(s) and along the event's course.

2.3 Parking requirements

(1) One (1) parking space is required for every three (3) persons attending/participating in the event.

(2) Parking spaces shall measure a minimum of ten (10) feet by thirty (30) feet in size.

(3) All parking spaces shall be located on the event site(s).

2.4 Pre-Application Meeting

Prior to any official application being accepted by the Planning & Zoning Department the applicant must meet with the Township staff. This meeting will be scheduled with the assistance of the Planning & Zoning Department and shall include other permitting agencies and services as necessary.

2.5 Emergency Services

Large outdoor events may require additional emergency services. The event sponsor shall be responsible for all expenses incurred as a result of contracting the required emergency services.

2.6 Road Closures

Any proposed road closures within Peninsula Township will require the support and approval of the Township Board.

2.7 Public Notification

Following application for an event, and at least fifteen (15) days prior to the meeting of the Township Board where the application will be discussed the applicant shall send by first class mail a written notice of the of the hearing to all owners and occupants of real property within 300 feet of the of the site(s). The notice shall contain the following information:

- (a) The location of the proposed event and its course, if applicable.
- (b) The date(s) and time(s) of the proposed event.
- (c) The date, time and location of the public hearing where the application will be discussed.
- (d) A statement that the site plan and application for the proposed event is available for public inspection at the Township offices.

Upon granting of the permit and at least fifteen (15) days but not more than thirty (30) days prior to the event the applicant shall send by first class mail a written notice of the approved event to all owners and occupants of real property within 300 feet of the of the site(s). The notice shall contain the following information:

- (a) The location of the proposed event and its course, if applicable.
- (b) An estimate of the maximum number of people expected to attend the event.
- (c) The date(s) and time(s) of the proposed event.
- (d) A statement that the site plan and application for the proposed event is available for public inspection at the Township offices.

2.6 Additional Permit Approvals

Any event (including temporary structures and/or accessory equipment) which may be subject to any local, State, or Federal regulations shall provide approved permits for closure of roadways, sales of alcohol, usage of public facilities, and sanitation requirements.

Any site or business within the Township which has an existing Land Use Permit (LUP) or Special Use Permit (SUP) must also continue compliance with the regulations outlined in that permit.

2.7 Application Fee

Each application for an event permit shall be accompanied by a nonrefundable fee in an amount established by the Township Board.

2.8 Action on Application

After receiving a complete application for an event permit and the appropriate fee, the Township Board shall consider the information contained in the application and shall, if necessary, investigate or cause to be investigated the circumstances surrounding the proposed event, including the suitability of the site(s) location and course for the proposed event, the time span of the proposed event, the number of people anticipated to attend, whether there is a conflict with other uses of the site(s), the increased demands on the Township, County Police, Township Fire Department, and emergency medical resources, and the sponsor's plans to provide adequate food and water facilities, bathroom facilities, disposal of solid waste and garbage, vehicle parking and access to the site(s).

Within sixty (60) days after receiving a complete application (as determined and stated in writing by staff) for an event permit, the Township Board shall consider the application and approve the event, unless after considering the above factors, it finds that holding the event as proposed in the application would be detrimental to the public health, safety and welfare of the Township.

If the Township Board denies or revokes an event permit, the Planning & Zoning Department shall send by certified mail written notice and the reasons for such actions to the sponsor(s) of the event.

2.9 Basis for Determination

The Township Board shall find that each proposed event meets the following standards:

- (a) That the sponsor can legally apply for an event permit.
- (b) That the event meets the requirements of Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services.
- (c) That the event meets the standards of all other governmental agencies where applicable, and the approval of these agencies has been obtained or is assured.
- (d) That the parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.

(e) That vehicular and pedestrian traffic within the site(s) and course, and in relation to streets and sidewalks serving the site, shall be safe and convenient.

(f) That outdoor storage of garbage is located so as to not be a nuisance to the subject property or neighboring properties and a plan for removal upon completion of the event is outlined.

(g) That the sponsor(s) have an adequate plan to assure that all signage approved in conjunction with the event be removed within 24 hours of the end of the event.

(h) That the event will not have a substantially negative impact on township or county resources or on adjacent properties. When considering this standard, the Township Board shall consider the type, time of year, and impact of the proposed event as well as the impacts and number of previously approved events in the same calendar year, and shall apply this standard in a manner to avoid overuse of township or county resources or to avoid repetitive, negative impacts on the same adjacent property or properties. In addition, the Township Board shall find adequate evidence that each event will:

(i) Not be hazardous to existing uses in the same general vicinity.

(ii) Be served adequately by essential facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, and water and sewage facilities.

(iii) Not create additional requirements at public cost for public facilities and services.

2.10 Insurance and Conditions

(a) The sponsor shall maintain general liability insurance of no less than \$1,000,000.00 (one million dollars) naming Peninsula Township as an additional insured and shall as a condition of receiving a permit under this Ordinance, provide a copy of the insurance policy binder as well as the name, telephone number and, if applicable, email address of the name of the insurance company agent who issued the insurance policy.

(b) The Township Board may attach reasonable condition with the approval of an event under this Ordinance. Any such condition shall be imposed to ensure continuing compliance with the requirements of this Ordinance.

Section 2.11 Annual Permit Renewal

If the event is to happen on an annual basis and in the same location a permit may be issued upon review by Planning & Zoning staff for up to two subsequent years after initial permit request provided the applicant provides the following information:

(a) Number of participants expected and that number does not exceed permitted participants by more than ten (10) percent; and

(b) Any changes to initial permit application.

Section 3. Violations.

3.1 Municipal Civil Infractions

Any person who violates any provision of this Ordinance or any condition imposed under this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Section 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.

3.2 Enforcement Official

The Township Supervisor and the Zoning Administrator are hereby designated as the authorized Township officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

3.3 Nuisance Per Se

A violation of this Ordinance is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.

3.4 Civil Remedies

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 4. Conflicts With Other Ordinances.

To the extent that any section of this Ordinance conflicts with the provisions of any Ordinance adopted by Peninsula Township, the provisions of the other Ordinance shall supersede and govern.

Section 5. Severability.

If any portion of this Ordinance shall be found to be invalid by any court of competent jurisdiction and venue, the remaining provisions of this Ordinance shall be severable and valid.

Section 6 . Effective Date.

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the Township.

Peter A. Correia, Township Supervisor
Peninsula Township

Monica A. Hoffman, Township Clerk
Peninsula Township

Bayshore Application

Peninsula Township Large Event Permit Application

Proposed Event: Traverse City Track Club Bayshore Marathon, Half Marathon, 10K & Kids Marathon

#1 Sponsor of proposed event:

Traverse City Track Club
PO Box 4026
Traverse City, MI 49685

Joe Dimambro - Race Director, 810-869-1950, joe@playmakersfoundation.org

#2 If event is to be held on private property: name, address, & phone number of owner/lessee.

N/A – event will not be held on any private properties.

We are currently seeking permission to once again use the Peninsula Township land on Devils Dive Road.

#3 Dates and estimated hours of event

May 25, 2024
6:15am to 1:15pm

#4 Description of the kind, character and type of the event proposed

Road Race

#5 Address or location of the site(s) at which the event will be held, including a statement of any property owners with their consent to use their property.

This event is held on public roads. The Half Marathon start will be staged at the property on Devils Dive Rd., per Peninsula Township request.

Course maps attached

#6 Estimate of the maximum amount of people expected to attend the proposed event.

8,500 possible participants between the 3 adult events. Historically there is a 25% no show rate for the 10K and marathon, with a 13% no show rate for the half marathon. There are also close to 1,200 volunteers or workers. Note that not all these volunteers/workers will be in Peninsula Township. There are a number of volunteers/workers at our finish area and along the first 2 miles of the course, which is outside of Peninsula Township.

#7 Copy of the notices required to be sent per Section 2.7 of Peninsula Township Ordinance No. 52 of 2014.

Postcard for notice of township board meeting:

[The attached course map will appear on this postcard]

The 42nd Bayshore Marathon is coming!
Saturday May 25th

For details on the event, please visit:

www.bayshoremarathon.org

Dear Resident,

There will be a Peninsula Township Board meeting on Tuesday, March 12 to discuss the Traverse City Track Club permit application for the 2024 Bayshore Marathon. This is an opportunity for residents to voice their support for this event. The meeting, site plan, and application for the proposed event are all at the Township offices (13235 Center Rd, Traverse City, Michigan 49686).

The TCTC Bayshore Marathon will occur on Saturday May 25th, 2024 from 6:15am to 1:15pm.
The Bayshore Marathon, Half Marathon, and 10K will be taking place along East Shore Drive, Center Road, and Bluff Road, with the start for the Half Marathon on Devils Dive Road.

For course maps and event details, please visit www.bayshoremarathon.org. If you have any questions or concerns, please reach out to us at registration@bayshoremarathon.org.

Thank you,

The Traverse City Track Club and Bayshore Race Committee

Postcard for notice of event:

[The attached course map will appear on this postcard]

The 42nd Annual Bayshore Marathon is coming!
Saturday, May 25th

For details on the event, please visit:
www.bayshoremarathon.org

Dear Resident,

We wanted to remind you that the Bayshore Marathon, Half Marathon, and 10K will be taking place along East Shore Drive, Center Road, and Bluff Road on the morning of May 25th between the hours of 6:15am and 1:15pm. Please note that up to 8,000 participants will be on race course roads during this window of time and they will be closed to vehicle traffic. For detailed course maps, as well as suggested detour routes that avoid closures, please visit www.bayshoremarathon.org. We invite you to come out and cheer on participants as they celebrate the journey of thousands of miles that got them to the start line! Thank you for your understanding.

The site plan and application for the event is available for public inspection at the Township offices located at 13235 Center Rd., Traverse City, MI 49686. If you have any questions or concerns, please reach out to us at registration@bayshoremarathon.org.

For course maps and event details, please visit www.bayshoremarathon.org.

Sincerely,

The Traverse City Track Club and Bayshore Race Committee

#8 Rendering of all signage proposed as part of the event:

The signs below will be in place on the side of the road on Friday. Signs will be set up early Saturday morning. As the event passes these signs by, they will be taken down and placed on the side of the road throughout the day on Saturday. All signs will then be picked up by Tuesday.

Signs to be used:



2 Road Closed Ahead 48" x 48"

- On Center Rd between Bluewater and Island View facing North
- On Center Rd before McKinley facing South



2 Detour Ahead 48" x 48"

- On Center Rd between Bluewater and Island View facing North
- On Center Rd before McKinley facing South



2 Road Closed 48" x 30"

- On Center Rd and Island View facing North
- On Center Rd before McKinley facing South



2 Road Closed to Thru Traffic 60" x 30"

- Center Rd and Gray Rd facing East
- Wilson facing East



6 M4-9 Detour Arrow signs 30" x 24"

- Right Arrow on Peninsula Drive and Island View facing South
- Left Arrow on Island View and Peninsula Drive facing East
- Two-sided Straight Arrow before Gray Rd facing South and North
- Two-sided Straight Arrow before Wilson Rd facing South and North
- Left arrow on Peninsula Drive before McKinley facing north
- Right arrow on McKinley before Peninsula Drive facing East

2 M4-10 Detour Arrow signs 48" x 18"

- Left arrow on Center before McKinley sign facing South
- Right arrow on Center before Island View sign facing North

[no picture available]

3 Special Signs 48" x 24"

- 2 Center Rd Closed between Island View and McKinley 7am to 1pm
 - Sign on Center Rd and Island View facing North
 - Sign on Center Rd before McKinley facing South
- 1 Gray Rd closed to thru traffic 7am-1pm
 - Sign on Craig Rd before Gray Rd facing North



8 Type III barricades 8'

- 2 at McKinley and Center blocking northbound and eastbound traffic
- Wilson and Center blocking Wilson
- Montague and Center blocking Montague
- Gray and Center blocking Gray
- Center and Bluff blocking Center
- 2 on Center and Island View totally blocking southbound traffic

[no picture available]

Digital sign at the base of the Peninsula placed on Monday prior to event detailing road closures and times

4 Type III barricades 8'

- 2 one on each end of Bluewater
- End of Gray Rd before Peninsula Dr
- End of Wilson Rd before Peninsula Dr

4 Road Closed to Thru Traffic 60" x 30"

- 2 one on each end of Bluewater
- On Gray Rd before Peninsula Dr facing west
- On Wilson Rd before Peninsula Dr facing west

#9 Written statements indicating how sponsor plans to provide:

A: Police & Fire Protection

Traverse City Track Club contracts with both Traverse City and Peninsula police, fire, and emergency departments.

Grand Traverse County Sheriff: 5 Road Patrol Deputies, 5 Reserve deputies

Deputy - Center and Kroupa Road from 6:15am to 7:15am to prevent SB Center Rd traffic/re-route down Kroupa to Peninsula Drive; then Bluff Road from 7:15 to 1:30pm to monitor and assist local traffic as necessary.

Deputy - Center and Blue Water Road from 6:15am to 7:15am to prevent SB Center Rd traffic/direct traffic NB to Kroupa Road; then East Shore Road from 8:15am to 1:30pm to monitor and assist local traffic as necessary.

Deputy - Center and Blue Water Road from 6:15am to 8:15am to prevent NB Center Rd traffic/hold traffic or send SB to Island View Rd; then Center Road between Bluff and East Shore from 8:15am to 1:30pm to monitor and assist local traffic as necessary.

Deputy - Center and McKinley Road from 6am to TBD to prevent NB Center Rd traffic/send WB McKinley to Peninsula Dr for NB thru traffic.

Deputy - Center and Gray Road from 6am to TBD to monitor traffic and crowd control.

Reserve Deputy - Seven Hills and Bowers Harbor Rd from 6:15am to 7am, then Center and Island View from 8am to TBD

Reserve Deputy - Devils Dive and Seven Hills Road from 6:15am to 7:15am

Reserve Deputy - Center and East Shore Road from 6am to TBD

Reserve Deputy - Center and Wilson Road from 6am to TBD

Reserve Deputy - McKinley and East Shore Road from 6am to TBD

B: Medical facilities and services; including emergency vehicles and equipment

TCTC contracts with MMR and Peninsula Township Emergency Services. TCTC also works with the Emergency Management Supervisor.

MMR:

One fully staffed & equipped ALS unit

Two bike medics

Two Paramedics at Medical Tent

TCTC Fire Department:

One ALS standby

Two TCFD Paramedics with TCFD Rescue

Peninsula Township Emergency Services

Medical Standby

They are typically located at the end of East Shore, by McKinley or the boat launch at Center and East Shore

There is also a mass casualty unit typically located at Peninsula Fire

C: Food & water supply facilities

TCTC provides water at the Half Marathon start and at aid stations throughout the course. There are a total of 9 aid stations along the course. The aid station locations are at the following mile marks from the marathon/10K start at the college:

- 1.6 - East Bay Park
- 2.6 - Timberlane Rd
- 4.1 - At intersection of McKinley Road (across from 7427 E Shore Drive)
- 5.1 - At dirt pullover area on east side, just before the corner of Shore Drive and Center Road
- 7.2 - Archie Park just before Bluff Rd
- 8.4 - By the Eagles Landing gazebo near 10891 Bluff Road
- 10.3 - near 12005 Bluff Road
- 11.7 - near 13349 Bluff Road
- 12.9 - Mission Hills – Mallard Drive (on south side of drive)

D: Health and sanitation facilities

There will be 80 porta-johns at the Half Marathon start, as well as 29 strategically placed along the course. Porta John locations:

- Near 805 East Shore
- McKinley/East Shore
- Center/East Shore
- Wilson/Center
- Pine Point/Center
- Grey/525' west of Center Rd
- Eagles Landing/Bluff
- Bluff Ridge Rd/Bluff
- Blue Water Drive/Bluff
- Mallard Place/Bluff
- Marathon turnaround on Boursaw Rd

E: Vehicle access and parking facilities

We bus most participants from TCCHS and NMC. For 2024, we are allowing up to 250 vehicles to park at the property on Devils Dive Road.

We will be allowing limited parking on Gray Road. While this road still will remain closed, we want to try to eliminate the parking that has been taking place at or near the intersection of Peninsula Drive and Gray Road.

F: Clean-up and waste disposal

TCTC contracts with BARC

There are many groups that will help clean up any litter or debris that this event may cause. Our goal, which has been met the past 9 years, is to leave everything cleaner than we found it. First, BARC goes through the course and picks up trash bags and any trash they find. Second, the aid stations are all assigned their surrounding area to clean up any and all trash. Third and fourth, we have two groups sweeping the course just to find anything at all left behind by BARC and the aid station groups. Finally, the Volunteer & Aid Station Coordinator drives the course the day following the event to gather any remaining items along the course route.

G: Noise control & trespass

Noise control: There will be announcements and music playing on the 50 acre plot of land on Devils Dive Road. However, we will do a sound check to make sure that any houses in the area will not be affected by the music played. This is done simply by standing by the property and seeing if the music can be heard. If it is, we can turn down the volume as much as necessary.

Trespass: Historically, Bayshore runners have been a respectful group. This event will be held on public roads and we will have permission for any property we tread on that is not public. If there are areas of concern along the course or staging area we will "rope off" these areas so no trespassing occurs.

H: Road closures

There are signs and volunteers at all road closure intersections, as well as police where they deem necessary. TCTC pulls a permit to close Gray Road from Peninsula Drive to Center Road from 6am to 1pm. The Peninsula Township pulls a permit to close Center Road (M-37), from McKinley to Island View from 5am to 1pm. On the advice of the Peninsula Township Board and Emergency workers, we have pulled permits to officially close any other roads.

I: Insurance or bonding arrangements

A copy of additional insured liability insurance certificate is provided at time of the event.

J: List of names and addresses of all persons to whom the public notification will be sent

We do a "blanket mailing". Our goal is to reach not only those along the course route, but everyone on the peninsula that may be affected by our event that morning. The mailing will go out to all official registered residents and businesses within Peninsula Township. This mailing (according to Peninsula Township staff) will reach nearly 3,000 doors. We use Mitchell Graphics/Progress Printers to do our mailing. We give them postal routes, they obtain the information needed from the USPS (which changes monthly) and we mail to the appropriate addresses.

#10 Site plan illustrating uses as part of proposed event

See course map on event website: www.bayshoremarathon.org

Attached is a proposed layout for the start of the Half Marathon located on Devils Dive Rd (attachment not to scale)

Addendum regarding the fee schedule for the Peninsula Township Large Event Permit:

The Traverse City Track Club and Peninsula Township have begun discussions regarding the Township's Large Event Permit fee schedule for participant fees. The Traverse City Track Club seeks further understanding and agreement around the fee's proportionate cost to the services rendered due to the permit. This addendum acknowledges that continued discussion will occur toward resolving a permissible fee under Michigan Law. The submission of this application should not be construed as consent by the Traverse City Track Club to pay the increased participant fees stated in the fee schedule on the Peninsula Township website.



- Full Marathon
- Half Marathon
- 10 K
- Spectator Route
- Viewing Area
- Portable Toilets

Aid Stations

- 1.5 - water and sports drink
 - 2.5 - water and sports drink
 - 4 - water, sports drink, GU
 - 5 - water and sports drink
 - 7.1 - water, sports drink, and GU
 - 8.3 - water and sports drink
 - 10.2 - water, sports drink, and GU
 - 11.6 - water and sports drink
 - 12.8 - water, sports drink, GU
- There are nine aid stations on the course, all of which have water and gatorade. Four of the nine stations will also have GU available.

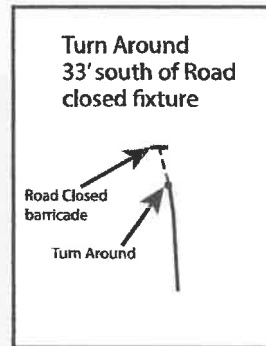
Center Rd will be closed from McKinley to Island View



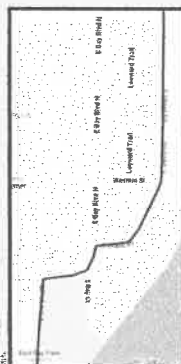
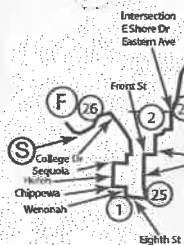
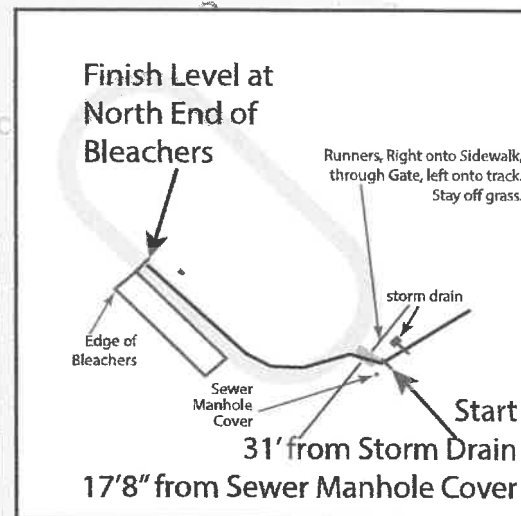
Bayshore Marathon Traverse City, MI



- Mile 1 Huron/Chippewa Intersection
- Mile 2 414 E. Shore
- Mile 3 6470 E. Shore
- Mile 4 7336 E. Shore
- Mile 5 8181 E. Shore
- Mile 6 9145 Center Rd.
- Mile 7 9921 Center Rd.
- Mile 8 S. of 10707 Bluff Rd. at open lot
- Mile 9 S. of 11160 Bluff Rd. northern-most curve
- Mile 10 11887/11909 Bluff Rd.
- Mile 11 Open Lot/Boulder on W. side of Bluff Rd.
- Mile 12 13700 Bluff Rd.
- Mile 13 14690 Bluff Rd.
- Mile 13.1 Turnaround 14690 Bluff Rd.
- Mile 14 at 13803 Bluff Rd.
- Mile 15 at 12875/12871 Bluff Rd.
- Mile 16 at 11931 Bluff Rd.
- Mile 17 at 11178 Bluff Rd.
- Mile 18 at 10753 Bluff Rd.
- Mile 19 9983 Center Rd.
- Mile 20 Center Rd. at gasoline by on Montague Rd. sign
- Mile 21 and 8348 Center rd.
- Mile 22 at Center Rd./McKinley Intersection
- Mile 23 at 6536 E. Shore
- Mile 24 at 501 E. Shore
- Mile 25 S. of Winona/Chippewa Intersection
- Mile 26 College Dr. at Chestnut Lot entrance



Note:
This course was measured using the Shortest Possible Route (SPR).
Runners are allowed full width of road from the start to the intersection of Eastern Avenue and E Shore Dr. (near 2 mile mark) where Runners must stay in the right lane throughout the remainder of the course until they return to the Corner of Eastern Avenue and E Shore Dr (near 24 mile mark) where they may once again utilize the full width of the road to the finish.



Measured: October 15, 2023
Measurer: Michael Hammond
Phone: 517.282.3821
email: runnermike79@gmail.com



BARC Containers

40 x 60 tents

Approx. 118 yards

Approx. 129 yards

Volunteer and paid
participant parking

Porta Johns

Bag
Drop

Devils

Devils Dive Rd

Devils Dive Rd

Devils Dive Rd

Dive Rd





Centenni

Hedeen F

TRAVERSE CITY TRACK CLUB

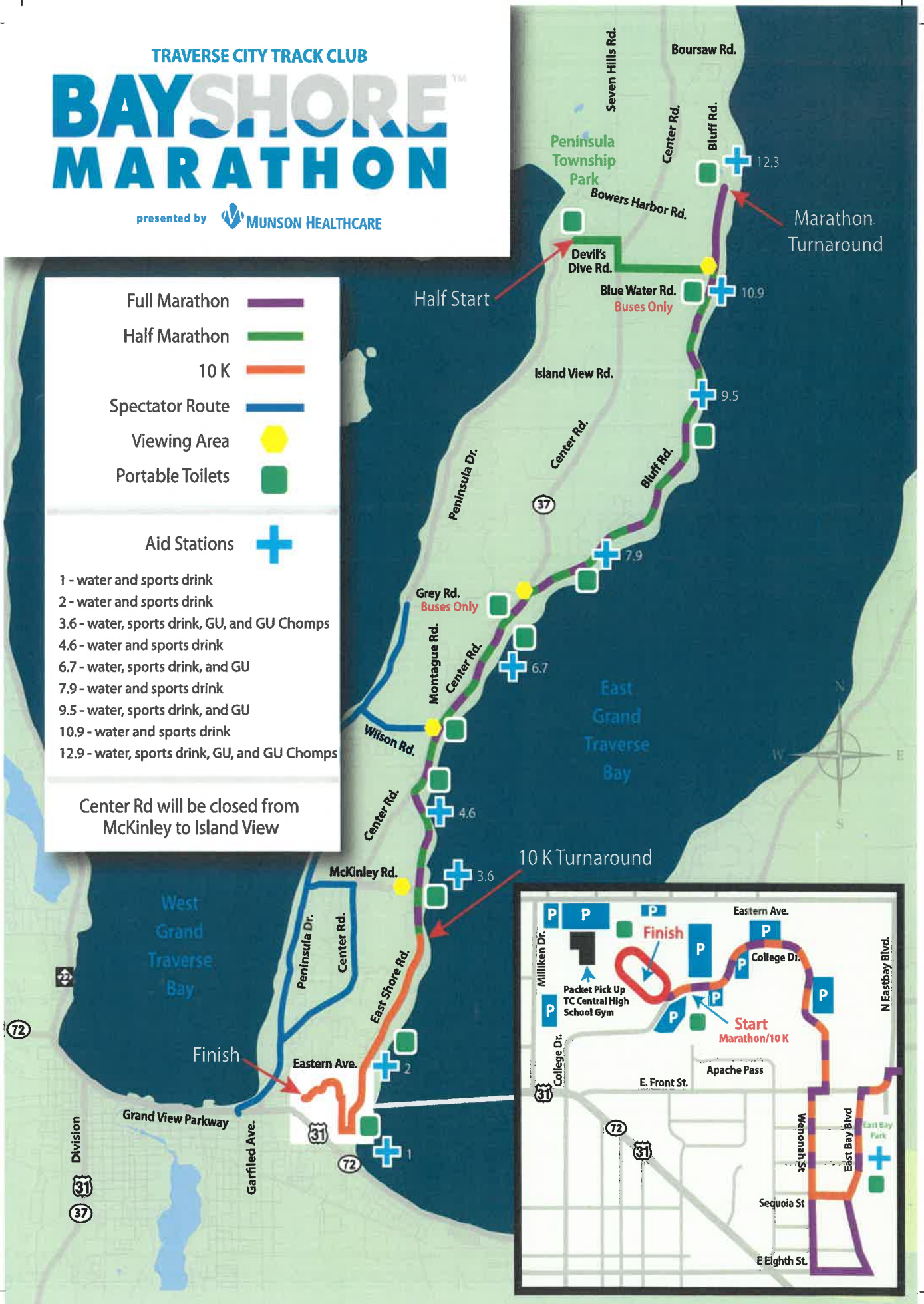
BAYSHORE MARATHON™

presented by  MUNSON HEALTHCARE

Full Marathon	
Half Marathon	
10 K	
Spectator Route	
Viewing Area	
Portable Toilets	
Aid Stations	

1 - water and sports drink
2 - water and sports drink
3.6 - water, sports drink, GU, and GU Chomps
4.6 - water and sports drink
6.7 - water, sports drink, and GU
7.9 - water and sports drink
9.5 - water, sports drink, and GU
10.9 - water and sports drink
12.9 - water, sports drink, GU, and GU Chomps

Center Rd will be closed from McKinley to Island View



#7 - 1st postcard sent

The 42nd Annual Bayshore Marathon is coming! Saturday May 25th

For details on the event, please visit:
www.bayshoremarathon.org

Dear Resident,

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For course maps and event details, please visit
www.bayshoremarathon.org.

If you have any questions or concerns, please reach out to us at
registration@bayshoremarathon.org.

Thank you,
The Traverse City Track Club and Bayshore Race Committee

To learn more about the community impact of our charitable giving, please visit www.tctrackclub.com/communitygiving.



**TRAVERSE CITY
TRACK CLUB**

USPS Mktg. Mail
U.S. Postage Paid
Traverse City, MI
Permit No. 226
ECRWSS

*****ECRWSSDDM*****
**Local Postal Customer
TRAVERSE CITY, MI 49686**

Postage Statement—USPS Marketing Mail

Transaction Number: 202405713541235 M1		CAPS / EPS Transaction Number: 417931582		Postage Statement Number: 599435089		
Mailing Group	Mailing Group ID 461424328			Mailing Job Number AS99IP2		
	Preparer 226-PI-MITCHELL GRAPHICS			Origin MailXML		
	Job Description 6124			Open Date 02-26-2024		
Mailer	Permit Holder's Name and Address and Email Address, if Any MITCHELL GRAPHICS 1445 WOODMERE AVE TRAVERSE CITY, MI 49686-4309 Contact Name: IAN STEWART (231)947-5311 MAIL1@MITCHELLGRAPHICS.COM			Name and Address of Mailing Agent (If other than permit holder) MITCHELL GRAPHICS 1445 WOODMERE AVE TRAVERSE CITY, MI 49686-4309 CRID: 3054064		
	EPS Cust. Ref. No: 61248 CRID: 3054064			Name and Address of Individual or Organization for Which Mailing is Prepared (If other than permit holder) Traverse City Track Club PO BOX 4026 TRAVERSE CITY, MI 49685-4026 CRID: 19720465		
Mailing	Post Office of Mailing TRAVERSE CITY MI 49686		Processing Category Flats		Mailing Date 02/26/24	
	Type of Postage Permit Imprint		SSF Transaction ID #		Federal Agency Cost Code	
	Permit # 226		For Mail Enclosed Within Another Class <input type="checkbox"/> Bound Printed Matter <input type="checkbox"/> Library Mail <input type="checkbox"/> Periodicals <input type="checkbox"/> Media Mail		Statement Seq. No. 095325	
	For Automation Rate Pieces, Enter Date of Address Matching and Coding / /		For Carrier Route Pieces, Enter Date of Address Matching and Coding / /		Total # of Pieces in Mailing 2,732	
			Weight of a Single Piece 0.0250 lbs.		Total Weight 68.3000 lbs.	
			Combined Mailing		No. & Type of Containers Sacks: 0 1 ft. Letter Trays: 0 2 ft. Letter Trays: 0 EMM Letter Trays: 0 Flat Trays: 4 Pallets: 0 Other: 0	
			[] Mailpiece is a product sample. % Samples			
For Automation Rate Pieces, Enter Date of Address Matching and Coding / /		For Carrier Route Pieces, Enter Date of Address Matching and Coding / /		For Carrier Route Pieces, Enter Date of Carrier Route Sequencing 02/22/24		
For Pieces Bearing a Simplified Address Enter Date of Delivery Statistics File or Alternative Method / /						
Move Update Method: Alternative Address Format						
This is a Political Campaign Mailing No		This is Official Election Mail No		[] Letter-size or flat mailpiece contains DVD/CD or other disc.		
Postage	Parts Completed F					
	Subtotal Postage (Add parts totals) \$587.38					
	Complete if the mailing includes pieces bearing metered/PC Postage or precanceled stamps. Rate at Which Postage Affixed (Check one) <input type="checkbox"/> Correct <input type="checkbox"/> Lowest <input type="checkbox"/> Neither _____ pcs. x \$ _____ = Postage Affixed \$0.000					
	Incentive/Discount \$0.00					
	Fee \$0.00					
	Net Postage Due \$587.38					
	For USPS Use Only: Additional Postage Payment (State reason)					
Total USPS Adjusted Postage \$587.38						
Certification	Incentive/Discount Claimed: N/A Type of Fee: N/A					
	The mailer certifies acceptance of liability for and agreement to pay any revenue deficiencies assessed on this mailing, subject to appeal. If an agent certifies that he or she is authorized on behalf of the mailer then that mailer is bound by the certification and agrees to pay any deficiencies. In addition, agents may be liable for any deficiencies resulting from matters within their responsibility, knowledge, or control. The mailer hereby certifies that all information furnished on this form is accurate, truthful, and complete; that the mail and the supporting documentation comply with all postal standards and that the mailing qualifies for the prices and fees claimed; and that the mailing does not contain any matter prohibited by law or postal regulation. I understand that anyone who furnishes false or misleading information on this form or who omits information requested on this form may be subject to criminal and/or civil penalties, including fines and imprisonment. Privacy Notice: For information regarding our Privacy Policy visit www.usps.com					

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March 6, 2024

Peninsula Township Board
13235 Center Road
Traverse City, MI 49686

Re: Bayshore Marathon Events 2024 Permit Meeting

Dear Trustees of the Peninsula Township Board,

Thank you for the opportunity to share more information about our 42nd annual Bayshore Marathon events. In the attached packet of information from the Traverse City Track Club, you will find additional factsheets about the Traverse City Track Club's Bayshore Marathon, including the impact for Peninsula Township. You'll also find letters of support from some of our Club's key partners, like Munson Health Care and Traverse Area Recreation and Transportation Trails (TART), as well as dozens of residents of Old Mission Peninsula. I hope you enjoy hearing more directly from them about what the Bayshore Marathon events means to them, their families and friends, and the people they serve.

I also wanted to take a moment to briefly introduce myself, as a fellow neighbor and resident on Old Mission Peninsula. My family and I moved to OMP in January 2023, buying the old Hooper Farm, which we now operate as Moondance Flower Farm. We still can't believe we get to live on this little slice of heaven surrounded by flowers, vineyards, and the bays. We are proud to be a part of the local farming community, and we feel lucky to have been welcomed in our new home, where we already know we have made lifelong friendships.

My past professional experience is not in agriculture, but in executive positions with state and federal government. When the Traverse City Track Club role became available a couple of months ago, I was eager for the opportunity for a community engagement and leadership role in my new hometown. I was also excited to work with folks within our local community – the runners of course, but also the amazing nonprofits and businesses the Track Club has partnered with for decades, including local governments.

The Traverse City Track Club continues to stand ready to partner with Peninsula Township and the entire OMP Community to bring another safe, positive event to fruition for the 42nd Bayshore Marathon. We appreciate the amazing support of our local community, including from the 133 runners on Old Mission Peninsula signed up for this year's race so far! And we are so grateful for the amazing cheer squads of OMP residents that line the Bayshore route. Thank you for sharing your little slice of heaven to make runners' dreams come true – to qualify for the Boston Marathon and the U.S. Olympic Trials, or just finishing something incredibly challenging that they never imagined they could do.

Sincerely,
Lindsay McLaughlin

Executive Director, Traverse City Track Club
Farmer, Moondance Flower Farm

2399 Kroupa Road, Traverse City MI 49686

BAYSHORE MARATHON REPORT

Lindsay McLaughlin, Executive Director

Prepared for Peninsula Township Board of Trustees – March 12, 2024



WHO IS TCTC?

The Traverse City Track Club is a membership-based 501(c)(3) nonprofit organization. Founded in 1962, we are the largest running club in the state of Michigan with about 900 members! We serve members who love to run and walk in Antrim, Benzie, Grand Traverse, Kalkaska, and Leelanau Counties.

The Traverse City Track Club puts on events and programs for members and non-members in northern Michigan, including the Bayshore Marathon events, which are owned and operated by TCTC.

Our mission is to promote and encourage health, fitness, fellowship, community service, family recreation and competition via running and walking. We welcome all ages and abilities.

Charitable Giving Impact

Over our 42 years of the Bayshore Marathon events, the Traverse City Track Club has raised over \$2 million to give back to our community. This includes hundreds of thousands of dollars in scholarships to young people who love to run and are pursuing higher education. In 2023, **nearly 1/3 of our scholarships were awarded to Peninsula Residents**, and dozens have been issued to Peninsula Township youth over the past four decades.

TCTC also created the Golden Shoe Fund, which partners with area running coaches and running stores to help athletes grades 3 through 12 receive new running shoes so they can participate in running sports.

TCTC issues community grants to other 501(c)(3) non-profit organizations, Native nations, local units of government, and local education institutions for projects that are running/ walking-related and align with our mission. **Old Mission Peninsula has benefitted from tens of thousands of dollars of these charitable grants.**

Last year, TCTC donated \$10,000 to Peninsula Township for a Pelizzari Natural Area improvement project. TCTC has donated \$25,000 to the Bowers Harbor Trail initiative, \$15,000 to the Peter Dougherty Society Trail, and \$1,500 to the Old Mission Peninsula School track. Additionally, TCTC donated significantly to improve the Mission Point Lighthouse Trails.



Every year we have 30+ members of the Peninsula Community Library Friends group volunteer for this event and they all enjoy participating. The Traverse City Track Club donates to the Friends of the Peninsula Community Library... These funds are used exclusively to fund the programs and activities that the Peninsula Community Library uses to support their patrons on Old Mission Peninsula.

- Bill Stott & Bill Ryan
(Peninsula Residents)



TCTC on Old Mission Peninsula

- 10% of TCTC's members are Peninsula Residents
- 133 runners signed up for 2024 Bayshore races are Peninsula Residents
- 7 scholarships awarded to Peninsula Residents in 2023
- \$10,000 grant awards to Pelizzari Natural Area in 2023
- Over \$40,000 in other OMP grants for other trails
- 3 OMP nonprofits sign up annually to volunteer for Bayshore, and receive thousands of dollars back in return for their time
 - Old Mission Women's Club
 - Friends of the Peninsula Community Library
 - Old Mission Peninsula School PTO
 - 8-12 TC Central Athletic Teams

ECONOMIC IMPACT

Kent State University conducted an economic impact study in 2022, which showed the Bayshore Marathon events generated \$7.75 million in increased economic activity for our community - which increased local residents' earnings by \$4.2 million and **had an employment impact the equivalent to 139 full-time equivalent jobs.**



HEALTH IMPACT

As our partners at Munson Healthcare and TART Trails have shared, the Bayshore Marathon events have immeasurable positive, societal health impacts for our community. When one person signs up for a race and trains for it, they of course improve their physical and mental health. However, they also inspire their friends, family, and co-workers as well. That ripple effect improves our community health, decreases the burden to our health system, and allows people to live more well, full, and happy lives!

Last year, we had over 390 youth participate in the Bayshore Kids Marathon, which encourages kids to run 26.2 miles leading up to race day.



RUNNING COMMUNITY IMPACT

Bayshore is consistently considered the fastest marathon course in Michigan, making it a great race for runners looking to qualify for the Boston Marathon and other world major marathons. Bayshore was ranked #19 for "Best Boston Marathon Qualifying Races in 2023" - last year 21% of the field had a qualifying time! Last year, we had 3 runners qualify for the U.S. Olympic Trials!



**Thank You Friends for
Volunteering at the 2023
PCL Aid Station**

TRAVERSE CITY TRACK CLUB
BAYSHORE™
presented by  **MUNSON HEALTHCARE**





You Make a Difference!



Economic Impact Study for the 2022 Bayshore Marathon

By Dr. Shawn Rohlin, Professor at Kent State University¹

Executive Summary

The 2022 Bayshore Marathon generated almost \$7.75 million in increased economic activity. The event continues to create benefits and provide an economic stimulus to the local economy. The 2022 races consisted of 5,823 race participants with 89.7% of those being non-local runners.² The largest component of economic impact comes from non-local participants who spent \$5.2 million in the local economy while visiting. Using the Grand Traverse County regional econometric input-output model this direct spending created an additional \$2.45 million in indirect spending in local economy making the total economic impact of non-local participants roughly \$7.6 million. Non-local guests, who are out-of-town non-participant visitors of local residents spent an additional \$13,000 in the local economy for a total economic impact of \$19,000. Lastly, local import substitution from local runners, which is additional money that was kept in the local economy that would have been spent elsewhere in the absence of the race, added an additional \$39,400 in direct spending and a total impact of \$68,400. In total, the race added \$7.75 million to the local economy, which increased local residents' earnings by \$4.2 million and had an employment impact the equivalent to 139 full-time equivalent jobs. The majority of the economic activity was generated across a number of industries including hotels, restaurants, entertainment, and retail stores. The table below shows the summary of the economic effects from the Bayshore Marathon. Overall, this report finds that the race provides substantial economic value to the Grand Traverse County region.

Table 1: Overall Bayshore Marathon's Impact on Output, Income, and Employment					
Source	Direct Spending	Indirect Spending	Total Spending Impact	Earnings Impact	Employment Impact
Non-local Participants	\$5,217,184.33	\$2,449,815.77	\$7,667,000.10	\$4,218,764.00	138.57
Non-local Guests	\$13,383.91	\$6,474.99	\$19,858.90	\$11,206.21	0.12
Local Import Substitution	\$39,407.89	\$28,984.51	\$68,392.40	\$5,788.21	0.49
Totals:	\$5,269,976.13	\$2,485,275.27	\$7,755,251.40	\$4,235,758.41	139.17

¹ Dr. Rohlin can be contacted by email at srohlin@kent.edu or by phone: 330-672-1098

² Non-local participants are classified as those residing outside Grand Traverse County, MI .

Email Correspondence

Becky Chown

From: execdir@tctrackclub.com
Sent: Wednesday, March 6, 2024 3:32 PM
To: Jennifer Cram
Cc: Joe Dimambro; Isaiah Wunsch; Isaiah Wunsch; Katie Clark; Janice Beyer; Becky Chown; Marge Achorn
Subject: RE: Escrow and Board Mtg Packet
Attachments: Peninsula TWP Packet TCTC.pdf

Good afternoon,

Thank you for all of the information. At this time, we are going to hold off on creating an escrow account. We would like to continue these discussions in the future, but at this time we think it is important to focus on the race itself.

I have attached information to be included with the packet for Tuesday's meeting. We will plan to get you the additional information about the liability insurance before 9am on Monday as well.

Is there anything else outstanding at this time we can assist with?

Thank you,
Lindsay

Lindsay McLaughlin, Executive Director
Traverse City Track Club
execdir@tctrackclub.com
(248) 505-5810

-----Original Message-----

From: "Jennifer Cram" <planner@peninsulatownship.com>
Sent: Wednesday, March 6, 2024 9:46am
To: "Joe Dimambro" <joe@playmakersfoundation.org>
Cc: "Isaiah Wunsch" <wunschis23@gmail.com>, "execdir@tctrackclub.com" <execdir@tctrackclub.com>, "Isaiah Wunsch" <supervisor@peninsulatownship.com>, "Katie Clark" <deputytreasurer@peninsulatownship.com>, "Janice Beyer" <janice5beyer@gmail.com>, "Becky Chown" <clerk@peninsulatownship.com>, "Marge Achorn" <treasurer@peninsulatownship.com>
Subject: RE: Escrow and Board Mtg Packet

Received, thank you. This will go in the packet.

Just waiting on general liability insurance now. That can be included in a packet addition as noted.

Jenn Cram
Peninsula Township Director of Planning and Zoning
13235 Center Road
Traverse City MI 49686
phone - 231-223-7314
fax - 231-223-7117
planner@peninsulatownship.com

Office Hours: Mondays 7:30 am to 6:30 pm, Tuesdays – Thursdays 7:30 am to 5 pm and closed Friday – Sunday and Holidays.

From: Joe Dimambro <joe@playmakersfoundation.org>

Sent: Wednesday, March 6, 2024 9:43 AM

To: Jennifer Cram <planner@peninsulatownship.com>

Cc: Isaiah Wunsch <wunschis23@gmail.com>; execdir@tctrackclub.com; Isaiah Wunsch <supervisor@peninsulatownship.com>; Katie Clark <deputytreasurer@peninsulatownship.com>; Janice Beyer <janice5beyer@gmail.com>; Becky Chown <clerk@peninsulatownship.com>; Marge Achorn <treasurer@peninsulatownship.com>

Subject: Re: Escrow and Board Mtg Packet

Hi Jenn,

Here is the confirmation from USPS for our first postcard mailing.

Thanks,

Joe

On Tue, Mar 5, 2024 at 1:07 PM Jennifer Cram <planner@peninsulatownship.com> wrote:

Joe, received, thank you.

I will propose a condition of approval to address the required pre-application meeting with other permitting agencies. Please note that I am not available the week of April 15-19 or April 29 – May 3.

Jenn Cram

Peninsula Township Director of Planning and Zoning

13235 Center Road

Traverse City MI 49686

phone - 231-223-7314

fax - 231-223-7117

planner@peninsulatownship.com

Office Hours: Mondays 7:30 am to 6:30 pm, Tuesdays – Thursdays 7:30 am to 5 pm and closed Friday – Sunday and Holidays.

From: Joe Dimambro <joe@playmakersfoundation.org>

Sent: Tuesday, March 5, 2024 12:21 PM

To: Jennifer Cram <planner@peninsulatownship.com>

Cc: Isaiah Wunsch <wunschis23@gmail.com>; execdir@tctrackclub.com; Isaiah Wunsch <supervisor@peninsulatownship.com>; Katie Clark <deputytreasurer@peninsulatownship.com>; Janice Beyer <janice5beyer@gmail.com>; Becky Chown <clerk@peninsulatownship.com>; Marge Achorn <treasurer@peninsulatownship.com>

Subject: Re: Escrow and Board Mtg Packet

Hi Jenn,

I have attached the postcard and have requested evidence of its mailing from our vendor. As soon as I receive that I will forward that to you as well.

We do not have a specific date determined for our meeting with other permitting agencies, but plan to have it at a similar date as last year's meeting. I will be sure to pass along additional details regarding this aspect of the event.

Thanks,

Joe

On Tue, Mar 5, 2024 at 12:06 PM Jennifer Cram <planner@peninsulatownship.com> wrote:

Lindsay, I am attaching a copy of Ordinance Amendment #196 to Section 4.3 of our zoning ordinance related to escrow.

The treasurer's office has recommended that we start with \$5,000, more may be needed to complete your request. Any unused escrow will be returned. I am happy to assist you in setting up an escrow account if you wish to proceed.

In preparation for the board packet I will need some additional information by end of day tomorrow. I could also include required information in a packet addition if additional time is needed. The deadline for inclusion in a packet addition is 9 am Monday, March 11.

- Provide a copy of the postcard and evidence of its mailing no later than February 26, per Section 2.7.
- We also need a copy of your liability insurance per Section 2.10, copy below. Your application notes that you will provide this at the time of the event. In looking at past packets, it has been provided as part of

the packet before the board. I know the board will want to see this based on questions and comments from last year's public hearing.

2.10 Insurance and Conditions

(a) The sponsor shall maintain general liability insurance of no less than \$1,000,000.00 (one million dollars) naming Peninsula Township as an additional insured and shall as a condition of receiving a permit under this Ordinance, provide a copy of the insurance policy binder as well as the name, telephone number and, if applicable, email address of the name of the insurance company agent who issued the insurance policy.

(b) The Township Board may attach reasonable condition with the approval of an event under this Ordinance. Any such condition shall be imposed to ensure continuing compliance with the requirements of this Ordinance.

You, Joe and I conducted a preapplication meeting prior to the submittal of your application on January 25, 2024. Section 2.4 of the ordinance notes that a preapplication meeting with other permitting agencies will also be conducted. **Do you have a date in mind for this meeting?** I assume you have been in discussions with the fire department, sheriff's department, emergency services, etc. Do you have any emails or correspondence to share that demonstrates that outside agencies have reviewed your request this year and have no concerns, or concerns are being addressed? We can also condition any approval on requiring that the preapplication meeting with other permitting agencies be conducted within 30 days, or a reasonable timeframe in advance of the event.

Please let me know if you have any additional questions.

I look forward to seeing you next week.

Jenn Cram

Peninsula Township Director of Planning and Zoning

13235 Center Road

Traverse City MI 49686

phone - 231-223-7314

fax - 231-223-7117

planner@peninsulatownship.com

Office Hours: Mondays 7:30 am to 6:30 pm, Tuesdays – Thursdays 7:30 am to 5 pm and closed Friday – Sunday and Holidays.

From: Isaiah Wunsch <wunschis23@gmail.com>

Sent: Tuesday, March 5, 2024 10:29 AM

To: execdir@tctrackclub.com

Cc: Isaiah Wunsch <supervisor@peninsulatownship.com>; Jennifer Cram <planner@peninsulatownship.com>; Katie Clark <deputytreasurer@peninsulatownship.com>; Joe Dimambro <joe@playmakersfoundation.org>; Janice Beyer <janice5beyer@gmail.com>; Becky Chown <clerk@peninsulatownship.com>; Marge Achorn <treasurer@peninsulatownship.com>

Subject: Re: Virtual introduction

Lindsay,

We can certainly have our legal counsel draft a legal opinion if that would be helpful for your counsel. We can also direct staff to develop a detailed financial analysis of how both the large event fees and the per participant costs are allocated to various township overhead cost centers. However, because legal opinions cost several thousand dollars to draft, and because your past requests have already incurred a nominal cost to the township, the Treasurer's Office has requested that you open an escrow account to cover the costs of legal work and staff time that are external to a typical large event permitting process. It may be more efficient to have our legal counsel do a call with your legal counsel if that would be acceptable to you, but our process would also require that your event draw out of escrow for the hourly cost of such a call. Please let Jenn know if you would like to open an escrow to cover these costs.

Thanks,

Isaiah

On Mon, Mar 4, 2024 at 9:03 PM execdir@tctrackclub.com <execdir@tctrackclub.com> wrote:

Thank you, Isaiah. Our legal counsel is requesting that you please provide us with something in writing from your legal counsel explaining:

1. how does the large permit fee increase comply with Bolt and Headlee, and
2. the data relating to the overhead expenses associated with owning and operating parks and other infrastructure that support large events.

Thank you for your help with this additional information so that we can determine whether we can pay this fee in compliance with Michigan law.

Lindsay

Lindsay McLaughlin, Executive Director
Traverse City Track Club
execdir@tctrackclub.com
(248) 505-5810

-----Original Message-----

From: "Isaiah Wunsch" <wunschis23@gmail.com>

Sent: Monday, March 4, 2024 2:37pm

To: "execdir@tctrackclub.com" <execdir@tctrackclub.com>

Cc: "Isaiah Wunsch" <supervisor@peninsulatownship.com>, "Jennifer Cram" <planner@peninsulatownship.com>, "Katie Clark" <deputytreasurer@peninsulatownship.com>, "Joe Dimambro" <joe@playmakersfoundation.org>, "Janice Beyer" <janice5beyer@gmail.com>, "Becky Chown" <clerk@peninsulatownship.com>

Subject: Re: Virtual introduction

Good afternoon Lindsay,

Our legal counsel is aware of the Bolt vs Lansing case but disagrees with its applicability to our large event fees. He believes that our fees are justifiable based on the overheads associated with owning and operating parks and other infrastructure that supports large events. I hope that this helps.

Thanks,

Isaiah

On Wed, Feb 28, 2024 at 1:42 PM execdir@tctrackclub.com <execdir@tctrackclub.com> wrote:

Hi Isaiah,

Thank you for your response. I am sharing a legal decision and accompanying explainer that our legal counsel has advised sets precedent in the state of Michigan around the parameters for fees associated with municipal permits and ordinances. If your attorney has not yet reviewed this decision, can you please share this with him for consideration and let us know if this impacts his legal determination? If your attorney does believe the Township is complying with the Headlee Amendment, can you please help us understand how the Township is meeting the legal standard with the increased fees?

Thank you for the continued discussion,
Lindsay

Lindsay McLaughlin, Executive Director
Traverse City Track Club
execdir@tctrackclub.com
(248) 505-5810

-----Original Message-----

From: "Isaiah Wunsch" <wunschis23@gmail.com>

Sent: Tuesday, February 27, 2024 3:20pm

To: "execdir@tctrackclub.com" <execdir@tctrackclub.com>

Cc: "Isaiah Wunsch" <supervisor@peninsulatownship.com>, "Jennifer Cram" <planner@peninsulatownship.com>, "Katie Clark" <deputytreasurer@peninsulatownship.com>, "Joe Dimambro" <joe@playmakersfoundation.org>, "Janice Beyer" <janice5beyer@gmail.com>, "Becky Chown" <clerk@peninsulatownship.com>

Subject: Re: Virtual introduction

Good afternoon Lindsay,

We have discussed with our legal counsel, and he is confident that our per participant fee is legal and above board. If your legal counsel disagrees, we are more than happy to review a contradictory opinion and to share with our attorney for his analysis and with the board for their consideration. If the Bayshore is approved at the 3/12 meeting,

the fee structure will be \$600 + \$5/participant. If you have any additional information, please do share it and we will circulate it to our attorney and board.

Thanks,

Isaiah

On Tue, Feb 27, 2024 at 8:36 AM execdir@tctrackclub.com <execdir@tctrackclub.com> wrote:

Good morning,

I'm reaching out in hopes of gathering more information from the Township regarding any insights you're able to share on legal review and costs associated with the large event permit. We were planning on receiving this additional information by 2/20 per our conversation on 2/6, so I am just following up given how close we are getting to the 3/12 meeting. Again, happy to hop on a call or schedule a quick meeting if that is easier than email exchanges at this point, please just let me know.

Thank you,
Lindsay

Lindsay McLaughlin, Executive Director
Traverse City Track Club
execdir@tctrackclub.com
(248) 505-5810

Public Comments

March 1, 2024

Peninsula Township
13235 Center Road
Traverse City, MI 49686

Re: Bayshore Marathon

Dear Trustees of the Peninsula Township Board,

We are writing to express our support for the Bayshore Marathon. As a long-time sponsor and key community partner, we value the health benefits, economic impact, and inspiration the Bayshore races bring to our community each year.

From community members, current and former patients, our employees and even the two of us personally, many people from across our region look forward to this race each year as the motivation they need to either begin or elevate their health and wellness goals. Our purpose at Munson Healthcare is to improve lives. Exercise and healthy habits are an essential component of improving lives and ensuring the long-term health of our communities.

We look forward to the healthy competition again this year and express our sincere support of the Bayshore Marathon and the Traverse City Track Club.

Sincerely,

Laura Glenn
Chief Operating Officer
Munson Healthcare

Megan Brown
Chief Marketing & Communications Officer
Munson Healthcare

Traverse Area Recreation
and Transportation
Trails Inc.



PO Box 252
Traverse City, MI 49685

231-941-4100
traversetrails.org

**Connecting
Communities**

BOARD OF DIRECTORS

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Nan Ray

Rick Simonton

Russ Soyring

March 4, 2024

Peninsula Township
13235 Center Road
Traverse City, MI 49686

Subject: Bayshore Marathon

Dear Trustees of the Peninsula Township Board,

I am writing to express Traverse Area Recreation and Transportation Trails' strong support of the Bayshore Marathon. As a long-time community partner with the Traverse City Track Club, we can attest to the incredible impact we have been able to make in elevating our community's access to safe and accessible trails thanks to grants made possible by the Track Club's Bayshore Marathon.

Because of the Bayshore Marathon, the Track Club has supported projects that transformed our community and enhance our regions' culture of healthy and active lifestyles including the Sleeping Bear Heritage Trail, Leelanau Trail, Boardman Lake Loop Trail, TART Trail, Nakwema Trailway, Boardman/Ottaway River Trail, Buffalo Ridge Trail, Traverse Ridge Trail and TART Improvement and Extension. The Track Club has also supported numerous events, volunteer programs and general support that help support strong community support of how the trails look and feel. The contribution adds up to hundreds of thousands of dollars over the years, and was possible thanks to the income from the Bayshore Marathon. Without these grants, the TART Trails network would not be what it is today.

Over the past four decades, the Bayshore Marathon races have positively affected our local and regional community, creating a safe and inclusive way for people to enjoy running and walking within our communities and along the beautiful waters of Lake Michigan. The benefits of the Bayshore Marathon extend well beyond race day; and are instrumental in creating a healthier and more active local community year round. Safe trails for outdoor recreation and transportation improve personal wellbeing and community health and we believe the Bayshore Marathon is a cornerstone event critical to providing these connections.

We look forward to another year of this beloved community event and express our strong support of the Bayshore Marathon and the Traverse City Track Club.

Sincerely,

Julie Clark, CEO
TART Trails

Becky Chown

From: Tom Lewis <lewis.tom.k@gmail.com>
Sent: Thursday, February 22, 2024 9:42 AM
To: Becky Chown; info@friendsofoldmissionpeninsula.org; info@brysestate.com; info@cgtwines.com; bill@hawthornevineyards.com; info@tabonevineyards.com; info@bowersharbor.com; info@2lwinery.com; info@bonobowinery.com; wine@chateauchantal.com; wine@marivineyards.com; clopez@blackstarfarms.com; john@peninsulacellars.com
Subject: Township Support & WOMP Moratorium

Dear Township Board Members,

We support your continued efforts to resolve the WOMP lawsuit through negotiation. The wineries should uphold the agreements that they helped craft and willingly signed at the origins of their conversion of agricultural zoned land into winery operations and tasting rooms. These original agreements were created in the spirit of enhancing OMP farming and viticulture opportunities, keeping agricultural zones in production, and respecting the quiet residential needs of our community. Any changes should continue in this same spirit so that all interested parties can thrive, not just the wineries.

We are including OMP wineries in this email to let them know we have suspended all purchases of their products, services, and event operations until they return to transparent negotiations with the township, rather than trying to force their demands on our community through a federal court. We are encouraging our friends and neighbors to do the same. It is only through you, our township representatives, that the local community can have a voice in shaping a satisfactory outcome.

Respectfully yours,

Tom and Mindy Lewis
2373 Harbor Reach Dr.

Traverse City MI 49686

Becky Chown

From: John Jacobs <jjacobs@jjacobs.com>
Sent: Tuesday, February 27, 2024 5:03 PM
To: Becky Chown
Subject: Event Fee Increase

To Peninsula Township Board:

I was disheartened to read the recent story in the "Ticker" about a fee increase for upcoming running events. In it, the Township's decision to raise fees was portrayed as a capricious money grab. I know that's not the case, and that this issue was carefully deliberated. Good governance is tough. No decision pleases everyone. From everything I've observed, our town board and staff are all highly dedicated to the welfare of our citizens. I'm proud to be part of a community with such a competent board and staff who consistently demonstrate a strong commitment to well-reasoned and informed decision making that strikes the best balance to address the needs of all PT residents.

As to the fee increase for the running event: we pay lavish taxes for the privilege of living here. At the same time, because only a small fraction of those taxes stays in our township, we are plagued by projects such as park maintenance that are deferred for lack of funding. It is not unreasonable to ask the running organization to absorb a long overdue fee increase. That fee increase would almost certainly be passed along to each runner, thereby keeping the running organizations' finances sound. I, like many other residents, am inconvenienced by the traffic disruption on race days. It is perfectly reasonable for us to ask that our township be fairly compensated for that.

Keep up the good work.

John Jacobs - 5290 Forest Ave.

February 28, 2024

Peninsula Township Board

13235 Center Road

Traverse City, MI 49686

RE: Support for the Bayshore Marathon

Dear Trustees of the Peninsula Township Board,

As a resident of Old Mission Peninsula, I am writing to express my strong support for the Bayshore Marathon

As a resident of Bay East Village Association neighborhood, I have both spectated and participated in the event every year for 10 years. This is a fantastic event that many of my neighbors and fellow residents of Peninsula Township participate in. Our neighborhood often gathers to cheer, have a picnic, and enjoy each other's company.

I am also a member of the Traverse City Track Club. I'm proud of the Traverse City Track Club's \$2 million dollar and counting donations to the greater Traverse City area.

I'm sure you're already aware of the \$10,000 donated to support the Pelizzari Natural Area improvement project, the \$25,000 for the Bowers Harbor Trail initiative, and tens of thousands of dollars to support improvements to the OMP School track, the Peter Dougherty Society Trail, and the Mission Point Lighthouse trails.

My children and their classmates have volunteered at aid stations to raise money for their Old Mission Peninsula Elementary School the last few years. There are many other organizations on the peninsula that receive significant donations from the Track Club in exchange for their volunteering during the Bayshore Marathon.

Again, I am supporting and encouraging you to approve the permit for the Bayshore Marathon.

Sincerely,

Christopher Stilwill

501 Bay East Dr.

Traverse City, MI 49686

February 28, 2024

Peninsula Township Board
13235 Center Road
Traverse City, MI 49686

Re: Support for the Bayshore Marathon

Dear Trustees of the Peninsula Township Board,

As a resident of Old Mission Peninsula, I am writing to express my strong support for the Traverse City Track Club's permit for the Bayshore Marathon events. I am eager to run this event in my community alongside neighbors and runners from all over the world, and I can't wait to share our beautiful peninsula and Great Lakes with them.

I am also proud of the contributions that this race makes in our community. Besides encouraging myself, my neighbors, and my family to be healthy and well, this race financially improves our community. The Traverse City Track Club has given over \$2 million dollars back to the larger Traverse City community thanks to the Bayshore Marathon. This includes thousands of dollars in scholarships to young people who love to run and are pursuing higher education. Last year alone, seven scholarships were awarded to students who live on Old Mission Peninsula. This charitable giving also includes community grants to 501(c)(3) nonprofit organizations, Native nations, local units of government, and local education institutions for projects that are running/walking-related. Last year, the Track Club donated \$10,000 to Peninsula Township for a Pellizzari Natural Area improvement project. The Track Club has also donated \$25,000 to the Bowers Harbor Trail initiative, and tens of thousands of dollars to support improvements to the OMP School track, the Peter Dougherty Society Trail, and the Mission Point Lighthouse Trails.

For the past four decades, the Bayshore Marathon has had a positive impact on our community, changing thousands of lives. I strongly encourage your continued support of this cornerstone event for our Old Mission Peninsula community.

Sincerely,

Cheryl Zinn
1036 bayside drive
Traverse City, MI 49686

February 28, 2024

Peninsula Township Board
13235 Center Road
Traverse City, MI 49686

Re: Support for the Bayshore Marathon

Dear Trustees of the Peninsula Township Board,

As a resident of Old Mission Peninsula, I am writing to express my strong support for the Traverse City Track Club's permit for the Bayshore Marathon events. I am eager to run this event in my community alongside neighbors and runners from all over the world, and I can't wait to share our beautiful peninsula and Great Lakes with them.

I am also proud of the contributions that this race makes in our community. Besides encouraging myself, my neighbors, and my family to be healthy and well, this race financially improves our community. The Traverse City Track Club has given over \$2 million dollars back to the larger Traverse City community thanks to the Bayshore Marathon. This includes thousands of dollars in scholarships to young people who love to run and are pursuing higher education. Last year alone, seven scholarships were awarded to students who live on Old Mission Peninsula. This charitable giving also includes community grants to 501(c)(3) nonprofit organizations, Native nations, local units of government, and local education institutions for projects that are running/walking-related. Last year, the Track Club donated \$10,000 to Peninsula Township for a Pellizzari Natural Area improvement project. The Track Club has also donated \$25,000 to the Bowers Harbor Trail initiative, and tens of thousands of dollars to support improvements to the OMP School track, the Peter Dougherty Society Trail, and the Mission Point Lighthouse Trails.

For the past four decades, the Bayshore Marathon has had a positive impact on our community, changing thousands of lives. I strongly encourage your continued support of this cornerstone event for our Old Mission Peninsula community.

Sincerely,

Cyndi Ludka
7444 Maple Terrace Avenue
Traverse City, MI 49686

February 28, 2024

Peninsula Township Board
13235 Center Road
Traverse City, MI 49686

Re: Support for the Bayshore Marathon

Dear Trustees of the Peninsula Township Board,

As a resident of Old Mission Peninsula, I am writing to express my strong support for the Traverse City Track Club's permit for the Bayshore Marathon events. I am a Traverse City Track Club member who believes it is important to share our beautiful peninsula and Great Lakes for this valuable community event.

I am proud of the contributions that the Bayshore Marathon makes in our community. The Traverse City Track Club has given over \$2 million dollars back to the larger Traverse City community thanks to the Bayshore Marathon. This includes thousands of dollars in scholarships to young people who love to run and are pursuing higher education. Last year alone, seven scholarships were awarded to students who live on Old Mission Peninsula. This charitable giving also includes community grants to 501(c)(3) nonprofit organizations, Native nations, local units of government, and local education institutions for projects that are running/walking-related. Last year, the Track Club donated \$10,000 to Peninsula Township for a Pellizzari Natural Area improvement project. The Track Club has also donated \$25,000 to the Bowers Harbor Trail initiative, and tens of thousands of dollars to support improvements to the OMP School track, the Peter Dougherty Society Trail, and the Mission Point Lighthouse Trails. Importantly, the race also includes volunteers from Old Mission Peninsula, including the Old Mission Women's Club, Friends of the Old Mission Library, and the Old Mission Peninsula School PTO. These important community organizations receive significant donations from the Traverse City Track Club in exchange for their volunteerism during the Bayshore Marathon.

For the past four decades, the Bayshore Marathon has had a positive impact on our community, changing thousands of lives. I strongly encourage your continued support of this cornerstone event for our Old Mission Peninsula community.

Sincerely,

Jeff Wentzloff
139 Wakulat Ln
Traverse City, MI

February 28, 2024

Peninsula Township Board
13235 Center Road
Traverse City, MI 49686

Re: Support for the Bayshore Marathon

Dear Trustees of the Peninsula Township Board,

As a resident of Old Mission Peninsula, I am writing to express my strong support for the Traverse City Track Club's permit for the Bayshore Marathon events. I am a Traverse City Track Club member who believes it is important to share our beautiful peninsula and Great Lakes for this valuable community event.

I am proud of the contributions that the Bayshore Marathon makes in our community. The Traverse City Track Club has given over \$2 million dollars back to the larger Traverse City community thanks to the Bayshore Marathon. This includes thousands of dollars in scholarships to young people who love to run and are pursuing higher education. Last year alone, seven scholarships were awarded to students who live on Old Mission Peninsula. This charitable giving also includes community grants to 501(c)(3) nonprofit organizations, Native nations, local units of government, and local education institutions for projects that are running/walking-related. Last year, the Track Club donated \$10,000 to Peninsula Township for a Pellizzari Natural Area improvement project. The Track Club has also donated \$25,000 to the Bowers Harbor Trail initiative, and tens of thousands of dollars to support improvements to the OMP School track, the Peter Dougherty Society Trail, and the Mission Point Lighthouse Trails. Importantly, the race also includes volunteers from Old Mission Peninsula, including the Old Mission Women's Club, Friends of the Old Mission Library, and the Old Mission Peninsula School PTO. These important community organizations receive significant donations from the Traverse City Track Club in exchange for their volunteerism during the Bayshore Marathon.

As someone who doesn't even run road races, I value this event because I absolutely love cheering on friends that do participate and how the club supports our greater community. The residents of Old Mission know this event happens every year and know to make accommodations for the race, it's something people look forward to and not a hindrance. Neighborhoods come together for the event!

For the past four decades, the Bayshore Marathon has had a positive impact on our community, changing thousands of lives. I strongly encourage your continued support of this cornerstone event for our Old Mission Peninsula community.

Sincerely,

Brittany Feldhake

1719 Alpine Drive
Traverse City, MI

February 29, 2024

Peninsula Township Board
13235 Center Road
Traverse City, MI 49686

Re: Support for the Bayshore Marathon

Dear Trustees of the Peninsula Township Board,

As a resident of Old Mission Peninsula, I am writing to express my strong support for the Traverse City Track Club's permit for the Bayshore Marathon events. I am eager to run this event in my community alongside neighbors and runners from all over the world, and I can't wait to share our beautiful peninsula and Great Lakes with them.

I am also proud of the contributions that this race makes in our community. Besides encouraging myself, my neighbors, and my family to be healthy and well, this race financially improves our community. The Traverse City Track Club has given over \$2 million dollars back to the larger Traverse City community thanks to the Bayshore Marathon. This includes thousands of dollars in scholarships to young people who love to run and are pursuing higher education. Last year alone, seven scholarships were awarded to students who live on Old Mission Peninsula. This charitable giving also includes community grants to 501(c)(3) nonprofit organizations, Native nations, local units of government, and local education institutions for projects that are running/walking-related. Last year, the Track Club donated \$10,000 to Peninsula Township for a Pellizzari Natural Area improvement project. The Track Club has also donated \$25,000 to the Bowers Harbor Trail initiative, and tens of thousands of dollars to support improvements to the OMP School track, the Peter Dougherty Society Trail, and the Mission Point Lighthouse Trails.

The Bayshore is by far my favorite race. Not only is it held in one of the most beautiful venues in the country, but it is also so well organized, and the camaraderie is just amazing.

For the past four decades, the Bayshore Marathon has had a positive impact on our community, changing thousands of lives. I strongly encourage your continued support of this cornerstone event for our Old Mission Peninsula community.

Sincerely,

Dani K. Liblang

Dani K. Liblang
10348 Stoneybeach Pt.
Traverse City, MI 49686

February 29, 2024

Peninsula Township Board
13235 Center Road
Traverse City, MI 49686

Re: Support for the Bayshore Marathon

Dear Trustees of the Peninsula Township Board,

As a resident of Old Mission Peninsula, I am writing to express my strong support for the Traverse City Track Club's permit for the Bayshore Marathon events. I am a Traverse City Track Club member who believes it is important to share our beautiful peninsula and Great Lakes for this valuable community event.

I am proud of the contributions that the Bayshore Marathon makes in our community. The Traverse City Track Club has given over \$2 million dollars back to the larger Traverse City community thanks to the Bayshore Marathon. This includes thousands of dollars in scholarships to young people who love to run and are pursuing higher education. Last year alone, seven scholarships were awarded to students who live on Old Mission Peninsula. This charitable giving also includes community grants to 501(c)(3) nonprofit organizations, Native nations, local units of government, and local education institutions for projects that are running/walking-related. Last year, the Track Club donated \$10,000 to Peninsula Township for a Pellizzari Natural Area improvement project. The Track Club has also donated \$25,000 to the Bowers Harbor Trail initiative, and tens of thousands of dollars to support improvements to the OMP School track, the Peter Dougherty Society Trail, and the Mission Point Lighthouse Trails. Importantly, the race also includes volunteers from Old Mission Peninsula, including the Old Mission Women's Club, Friends of the Old Mission Library, and the Old Mission Peninsula School PTO. These important community organizations receive significant donations from the Traverse City Track Club in exchange for their volunteerism during the Bayshore Marathon.

I have also personally participated in the Bayshore Marathon for the past 10 years, 3 of those times were with my daughter, it is a wonderful family event!.

For the past four decades, the Bayshore Marathon has had a positive impact on our community, changing thousands of lives. I strongly encourage your continued support of this cornerstone event for our Old Mission Peninsula community.

Sincerely,

Stephen Hutchinson
8488 Center Road
Traverse City, MI

1064 Lochmoor Lane
Traverse City, Michigan 49686
March 1, 2023

Mr. Isaiah Wunsch and Peninsula Township Board Members
Peninsula Township
13235 Center Road
Traverse City, Michigan

Dear Mr. Wunsch and Peninsula Township Board Members,

We read with interest the article in the February 23rd Ticker about the increase in the participant fee for the Bayshore Marathon.

We are opposed to this increase.

The Bayshore Marathon already pays fees for additional police, trash, and other costs incurred by the Township.

The Bayshore Marathon brings thousands of dollars into our community with runners attending from all over the mid-west. These runners, while running the race, notice our beautiful Peninsula and return to visit the wineries, the restaurants, and the grocery store.

The reasons given for the increase in fees do not seem based on a detailed budget.

In addition, the Traverse City Track Club, the sponsor of the Bayshore Marathon, gives back to the community by donations to many charitable organizations. Perhaps the township could request some funds for the Parks. (one need we see is updated restroom facilities at the parks)

We hope you will reconsider this fee increase and PLEASE do not spend more of our tax dollars on attorney fees! PLEASE settle this amicably with the Bayshore Marathon organizers.

Thank you.

Richard and Cheryl Naperala

Cc: Lindsay McLaughlin
Exec. Dir/TCTC

12527 Center Road
Traverse City, MI 49686

Mar. 1, 2024

Peninsula Township Board
13235 Center Road
Traverse City, MI 49686

Dear Staff,

Just a short note in support of the Traverse City Track Club's permit for hosting the Bayshore Marathon events. As a resident of Old Mission Peninsula and a runner myself, I feel the race is a showcase for all we have to be proud of up here. With my residence being close to the course itself, I don't feel inconvenienced or imposed upon on race weekend with increased traffic, road closures and detours, or additional visitors.

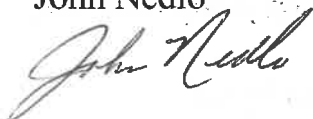
My adult daughter, Meagan, and her husband, Ben, who reside in Okemos, make a point of coming up to participate. In fact, they take over our house on race weekend every year with their out-of-town friends to run the race and, even moreso, to show off our beautiful peninsula. While here, they wind down post-race by dining out, patronizing the local businesses, and enjoying the sights.

I can only imagine the logistics involved in staging the Bayshore races. It involves a ton of support and cooperation between the track club and township, I'm sure. I would like to think the generous benefits -- student-athlete scholarships, park projects, school needs, etc. -- returned to the township by the TCTC make the race undertaking worth supporting.

All in all, I hope the township board feels as strongly as I do about continuing the partnership with the TCTC and showcasing the Bayshore events on Old Mission Peninsula.

Sincerely,

John Nedlo

A handwritten signature in cursive script, appearing to read "John Nedlo", written in dark ink.

I would like to thank and strongly support the Old Mission Peninsula Township Board regarding their recent action to increase the modest fee received from the annual Bayshore Run. We have partnered with The Traverse City Track Club on this event since its inception and the track club has also benefited from the use of some OMP parks for other events.

They have publicly disagreed with this increase and have gone to the media to gather support. In my judgement this makes them an unreliable partner. Friends don't react by trying to intimidate.

It is disingenuous of the track club to react in such an insidious posture when by their own testimony they want the income to pay for their administrative costs when they don't compensate our township fully for the costs we incur (think pension and fringe benefits). Why should their administrative issues supersede the costs of our services.

You as board members have done admirable work trying to represent our community in times of dynamic change. You will probably hear many voices at your meeting on Tuesday. Some of these will be loud. My request is that you hold strong on your position as you have on many past occasions.

It seems the track club is behaving as if it no longer believes in the long partnership we have enjoyed. Maybe they would prefer a different township in which to conduct their event.

Thank you for your consideration,
Eric Dreier
12434 Peninsula Dr.

12527 Center Road
Traverse City, MI 49686

Mar. 1, 2024

Peninsula Township Board
13235 Center Road
Traverse City, MI 49686

Dear Staff,

Just a short note in support of the Traverse City Track Club's permit for hosting the Bayshore Marathon events. As a resident of Old Mission Peninsula and a runner myself, I feel the race is a showcase for all we have to be proud of up here. With my residence being close to the course itself, I don't feel inconvenienced or imposed upon on race weekend with increased traffic, road closures and detours, or additional visitors.

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All in all, I hope the township board feels as strongly as I do about continuing the partnership with the TCTC and showcasing the Bayshore events on Old Mission Peninsula.

Sincerely,

John Nedlo

1064 Lochmoor Lane
Traverse City, Michigan 49686
March 1, 2023

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Peninsula Township
13235 Center Road
Traverse City, Michigan

Dear Mr. Wunsch and Peninsula Township Board Members,

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We are opposed to this increase.

The Bayshore Marathon already pays fees for additional police, trash, and other costs incurred by the Township.

The Bayshore Marathon brings thousands of dollars into our community with runners attending from all over the mid-west. These runners, while running the race, notice our beautiful Peninsula and return to visit the wineries, the restaurants, and the grocery store.

The reasons given for the increase in fees do not seem based on a detailed budget.

In addition, the Traverse City Track Club, the sponsor of the Bayshore Marathon, gives back to the community by donations to many charitable organizations. Perhaps the township could request some funds for the Parks. (one need we see is updated restroom facilities at the parks)

We hope you will reconsider this fee increase and PLEASE do not spend more of our tax dollars on attorney fees! PLEASE settle this amicably with the Bayshore Marathon organizers.

Thank you.

Richard and Cheryl Naperala

Cc: Lindsay McLaughlin
Exec. Dir/TCTC

March 2, 2024

Peninsula Township Board
13235 Center Road
Traverse City, MI 49686

Re: Support for the Bayshore Marathon

Dear Trustees of the Peninsula Township Board,

As residents of Old Mission Peninsula, we are writing to express our strong support for the Traverse City Track Club's permit for the Bayshore Marathon events. We are Traverse City Track Club supporters who believe it is important to share our beautiful peninsula and Great Lakes for this valuable community event.

We are proud of the contributions that the Bayshore Marathon makes in our community. The Traverse City Track Club has given over \$2 million dollars back to the larger Traverse City community thanks to the Bayshore Marathon. This includes thousands of dollars in scholarships to young people who love to run and are pursuing higher education. Last year alone, seven scholarships were awarded to students who live on Old Mission Peninsula. This charitable giving also includes community grants to 501(c)(3) nonprofit organizations, Native nations, local units of government, and local education institutions for projects that are running/walking-related. Last year, the Track Club donated \$10,000 to Peninsula Township for a Pellizzari Natural Area improvement project. The Track Club has also donated \$25,000 to the Bowers Harbor Trail initiative, and tens of thousands of dollars to support improvements to the OMP School track, the Peter Dougherty Society Trail, and the Mission Point Lighthouse Trails. Importantly, the race also includes volunteers from Old Mission Peninsula, including the Old Mission Women's Club, Friends of the Peninsula Community Library, and the Old Mission Peninsula School PTO. These important community organizations receive significant donations from the Traverse City Track Club in exchange for their volunteerism during the Bayshore Marathon. See our example below.

As members of the Friends of The Peninsula Community Library we organize and run an Aid Station during the Bayshore Marathon. Every year we have thirty plus members of the PCL Friends group volunteer for this event and they all enjoy participating. The Traverse City Track Club donates \$1,200 to the Friends of the Peninsula Community Library for their help. These funds are used exclusively to fund the programs and activities that the Peninsula Community Library uses to support their patrons on Old Mission Peninsula.

For the past four decades, the Bayshore Marathon has had a positive impact on our community, changing thousands of lives. We strongly encourage your continued support of this cornerstone event for our Old Mission Peninsula community.

Sincerely,

Bill Ryan & Bill Stott

Eagles Landing & The Bluffs Subdivisions

Old Mission Peninsula

Traverse City, Michigan

Mark Williams
10623 Peninsula Drive
Traverse City, MI 49686

Peninsula Township Board of Trustees
13235 Center Road
Traverse City, MI 49686

Re: Bayshore Marathon

Dear Trustees:

As a resident of Peninsula Township and a member of the Traverse City Track Club, I write to express my support for their permit for the Bayshore Marathon.

I came to be involved in the sport relatively late in life, and participated in my first Bayshore race in 2016. I have also attended several township board meetings where the Bayshore race was discussed since then. Sadly, there seems to be a very small, but vocal, contingent of residents who show up each year to complain about the event, and the very minor inconvenience it causes. But my experience competing in the Bayshore proves that this vocal minority does not represent our community. Put another way, they are not the tip of a larger iceberg.

You may be asking how I could possibly know, but everyone who has participated in the event knows that your constituents who live on the Bayshore course are overwhelmingly enthusiastic about the race. Most residents, and often their guests, come out of their homes to cheer and support the racers, large numbers of whom are their Peninsula Township neighbors, and family and friends from the greater Traverse City Area Community. Before I ever ran a race of any length, I spend three Bayshore's living on the course on Center Road before we moved to our current home, and I can tell you that we looked forward to Bayshore Saturday every year enjoying our coffee and breakfast in chairs on the edge of the property marveling at how many people we knew and how many strangers could inspire us. And to illustrate how minor the inconvenience, we hosted a graduation open house for one of our daughters while living on the closed portion of Center Road on Bayshore Saturday in 2012 at 2:00 pm without any difficulty whatsoever.

Unlike many races whose net revenues are kept and distributed to their organizers, the Bayshore Marathon uses its revenue to improve the community immeasurably each year. Dozens of non-profit organizations receive donations for helping organize and staff the event. And our township is a direct beneficiary of the Traverse City Track Club's donations made possible by its Bayshore Marathon. Last year, the Track Club donated \$10,000 to Peninsula Township for a Pellizzari Natural Area improvement project. The

Track Club has also donated \$25,000 to the Bowers Harbor Trail initiative, and tens of thousands of dollars to support improvements to the OMP School track, the Peter Dougherty Society Trail, and the Mission Point Lighthouse Trails. Importantly, the race also includes volunteers from Old Mission Peninsula, including the Old Mission Women's Club, Friends of the Old Mission Library, and the Old Mission Peninsula School PTO. These important community organizations receive significant donations from the Traverse City Track Club in exchange for their volunteerism during the Bayshore Marathon. So not only does this race directly benefit the many Old Mission Peninsula residents who compete in one of the Bayshore races, but it also benefits everyone who uses our parks or attends our schools. The Bayshore's support of athletic programs at high schools and middle schools, public and private, in the area benefits dozens more Old Mission Peninsula families every year.

Traverse City Track Club and the Bayshore Marathon have proved annually over the last 40 years that they are deserving of their continuing place in our Old Mission community. They have also earned the continuing support of the township's elected leaders.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Williams", with a stylized, cursive script.

Mark Williams

March 4, 2024

Peninsula Township Board
13235 Center Road
Traverse City, MI 49686

Re: Support for the Bayshore Marathon

Dear Trustees of the Peninsula Township Board,

As a resident of Old Mission Peninsula, I am writing to express my strong support for the Traverse City Track Club's permit for the Bayshore Marathon events. I am a Traverse City Track Club member who believes it is important to share our beautiful peninsula and Great Lakes for this valuable community event.

I am proud of the contributions that the Bayshore Marathon makes in our community. The Traverse City Track Club has given over \$2 million dollars back to the larger Traverse City community thanks to the Bayshore Marathon. This includes thousands of dollars in scholarships to young people who love to run and are pursuing higher education. Last year alone, seven scholarships were awarded to students who live on Old Mission Peninsula. This charitable giving also includes community grants to 501(c)(3) nonprofit organizations, Native nations, local units of government, and local education institutions for projects that are running/walking-related. Last year, the Track Club donated \$10,000 to Peninsula Township for a Pellizzari Natural Area improvement project. The Track Club has also donated \$25,000 to the Bowers Harbor Trail initiative, and tens of thousands of dollars to support improvements to the OMP School track, the Peter Dougherty Society Trail, and the Mission Point Lighthouse Trails. Importantly, the race also includes volunteers from Old Mission Peninsula, including the Old Mission Women's Club, Friends of the Old Mission Library, and the Old Mission Peninsula School PTO. These important community organizations receive significant donations from the Traverse City Track Club in exchange for their volunteerism during the Bayshore Marathon.

For the past four decades, the Bayshore Marathon has had a positive impact on our community, changing thousands of lives. I strongly encourage your continued support of this cornerstone event for our Old Mission Peninsula community.

Sincerely,

Ramona Pleva, DC

Ramona Pleva, DC
3878 Janice Lane
Traverse City, MI 49686

March 4, 2024

Peninsula Township Board
13235 Center Road
Traverse City, MI 49686

Re: Support for the Bayshore Marathon

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As a new Peninsula Township resident, an avid endurance athlete, and a strong believer in the importance of sharing the beauty of this area of the state we are so privileged to live in, I cannot wait to participate in my first Bayshore Marathon. Not only for myself – but for the thousands of others who have been training and looking forward to this experience.

For the past four decades, the Bayshore Marathon has had a positive impact on our community, changing thousands of lives. I strongly encourage your continued support of this cornerstone event for our Old Mission Peninsula community.

Sincerely,

Mark McLaughlin
2399 Kroupa Rd.
Traverse City MI, 49686

March 5, 2024

Peninsula Township Board
13235 Center Road
Traverse City, MI 49686

Re: Support for the Bayshore Marathon

Dear Trustees of the Peninsula Township Board,

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I have participated in the Bayshore Marathon events since it's inception, as have many of my friends and family. It is a well-run event which brings together many friends and families.

For the past four decades, the Bayshore Marathon has had a positive impact on our community, changing thousands of lives. I strongly encourage your continued support of this cornerstone event for our Old Mission Peninsula community.

Sincerely,

Mary Ann Behm
6996 Logan Lane
Traverse City, MI

March 5, 2024

Peninsula Township Board
13235 Center Road
Traverse City, MI 49686

Re: Support for the Bayshore Marathon

Dear Trustees of the Peninsula Township Board,

As a resident of Old Mission Peninsula, I am writing to express my strong support for the Traverse City Track Club's permit for the Bayshore Marathon events. I am eager to run this event in my community alongside neighbors and runners from all over the world, and I can't wait to share our beautiful peninsula and Great Lakes with them.

I am also proud of the contributions that this race makes in our community. Besides encouraging myself, my neighbors, and my family to be healthy and well, this race financially improves our community. The Traverse City Track Club has given over \$2 million dollars back to the larger Traverse City community thanks to the Bayshore Marathon. This includes thousands of dollars in scholarships to young people who love to run and are pursuing higher education. Last year alone, seven scholarships were awarded to students who live on Old Mission Peninsula. This charitable giving also includes community grants to 501(c)(3) nonprofit organizations, Native nations, local units of government, and local education institutions for projects that are running/walking-related. Last year, the Track Club donated \$10,000 to Peninsula Township for a Pellizzari Natural Area improvement project. The Track Club has also donated \$25,000 to the Bowers Harbor Trail initiative, and tens of thousands of dollars to support improvements to the OMP School track, the Peter Dougherty Society Trail, and the Mission Point Lighthouse Trails.

For the past four decades, the Bayshore Marathon has had a positive impact on our community, changing thousands of lives. I strongly encourage your continued support of this cornerstone event for our Old Mission Peninsula community.

Sincerely,

Jonathan Brodsky
10080 Council Oak Dr.
Traverse City, MI

March 5, 2024

Peninsula Township Board
13235 Center Road
Traverse City, MI 49686

Re: Support for the Bayshore Marathon

Dear Trustees of the Peninsula Township Board,

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Sincerely,

Brian Heeringa MD
246 Peninsula Hills Dr
Traverse City, MI 49686

March 5, 2024

Peninsula Township Board
13235 Center Road
Traverse City, MI 49686

Re: Support for the Bayshore Marathon

Dear Trustees of the Peninsula Township Board,

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I have participated in and volunteered for the Bayshore for years and had family and friends visit. The amount of money that goes back into the community for the race and after visiting restaurants and wineries has a great impact on tourism and our local economy.

For the past four decades, the Bayshore Marathon has had a positive impact on our community, changing thousands of lives. I strongly encourage your continued support of this cornerstone event for our Old Mission Peninsula community.

Sincerely,
Jen Casey
10729 Wood View Terrace
Traverse City, MI, 49686

March 5, 2024

Peninsula Township Board
13235 Center Road
Traverse City, MI 49686

Re: Support for the Bayshore Marathon

Dear Trustees of the Peninsula Township Board,

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Since relocating to the Traverse City area, running the Bayshore 10K has become an annual tradition of mine. And since I now live on the peninsula on the route, I'm more excited to be able to cheer on fellow runners.

For the past four decades, the Bayshore Marathon has had a positive impact on our community, changing thousands of lives. I strongly encourage your continued support of this cornerstone event for our Old Mission Peninsula community.

Sincerely,

Katie Allen
10650 Center Rd, Traverse City, MI

March 5, 2024

Peninsula Township Board
13235 Center Road
Traverse City, MI 49686

Re: Support for the Bayshore Marathon

Dear Trustees of the Peninsula Township Board,

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The Bayshore is something our family looks forward to every year. Whether we are participating or just cheering on others.

For the past four decades, the Bayshore Marathon has had a positive impact on our community, changing thousands of lives. I strongly encourage your continued support of this cornerstone event for our Old Mission Peninsula community.

Sincerely,

Shannon Neil,
8901 Horizon Dr.
Traverse City, MI

March 5, 2024

Peninsula Township Board
13235 Center Road
Traverse City, MI 49686

Re: Support for the Bayshore Marathon

Dear Trustees of the Peninsula Township Board,

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I have run over 30 marathons in many states across the US and I consider the Bayshore Marathon in Traverse City my absolute favorite. The scenic and fast course along with the excellent organization and runner support keep me coming back for this wonderful experience.

For the past four decades, the Bayshore Marathon has had a positive impact on our community, changing thousands of lives. I strongly encourage your continued support of this cornerstone event for our Old Mission Peninsula community.

Sincerely,

Tom Zielinski
6254 Red Fox Run
Traverse City, MI

March 5, 2024

Peninsula Township Board
13235 Center Road
Traverse City, MI 49686

Re: Support for the Bayshore Marathon

Dear Trustees of the Peninsula Township Board,

As a resident of Old Mission Peninsula, I am writing to express my strong support for the Traverse City Track Club's permit for the Bayshore Marathon events. I am a Traverse City Track Club member who believes it is important to share our beautiful peninsula and Great Lakes for this valuable community event.

I am proud of the contributions that the Bayshore Marathon makes in our community. The Traverse City Track Club has given over \$2 million dollars back to the larger Traverse City community thanks to the Bayshore Marathon. This includes thousands of dollars in scholarships to young people who love to run and are pursuing higher education. Last year alone, seven scholarships were awarded to students who live on Old Mission Peninsula. This charitable giving also includes community grants to 501(c)(3) nonprofit organizations, Native nations, local units of government, and local education institutions for projects that are running/walking-related. Last year, the Track Club donated \$10,000 to Peninsula Township for a Pellizzari Natural Area improvement project. The Track Club has also donated \$25,000 to the Bowers Harbor Trail initiative, and tens of thousands of dollars to support improvements to the OMP School track, the Peter Dougherty Society Trail, and the Mission Point Lighthouse Trails. Importantly, the race also includes volunteers from Old Mission Peninsula, including the Old Mission Women's Club, Friends of the Old Mission Library, and the Old Mission Peninsula School PTO. These important community organizations receive significant donations from the Traverse City Track Club in exchange for their volunteerism during the Bayshore Marathon.

For the past four decades, the Bayshore Marathon has had a positive impact on our community, changing thousands of lives. I strongly encourage your continued support of this cornerstone event for our Old Mission Peninsula community.

Sincerely,

Joseph P. Ward, MD
624 Hidden Ridge Drive
Traverse City, MI 49686

Becky Chown

From: Laura Wigfield <laura@allguitar.com>
Sent: Thursday, March 7, 2024 8:20 AM
To: Becky Chown
Subject: Bayshore Marathon fee

Dear Town Board,

I am writing to express that I think your request to increase the fee for each runner in the Bayshore Marathon is quite reasonable. The event does bring a great deal of traffic and disruption to the community and I would hope they are willing to accept the increase.

Thank You,

Laura Wigfield

Sent from my iPhone

Update on Budget Public Hearings

Becky Chown

From: mobrien@record-eagle.com
Sent: Wednesday, February 21, 2024 10:19 AM
To: Becky Chown
Subject: RE: 3 public notices attached - urgent!

Hi Becky,

This has been received. I have two that will run February 24 and one that will run March 10. I will have proofs over to you ASAP.

Thank you,

Megan O'Brien
(231)933-1432
Obituary and Legal Specialist
Traverse City Record-Eagle

*"Kindness is beneficial for all and is mandatory for those who are seeking true success,
no matter the goal." - Adrienne Bankert*

From: Becky Chown <clerk@peninsulatownship.com>
Sent: Wednesday, February 21, 2024 9:23 AM
To: T. C. RECORD-EAGLE INC. <mobrien@record-eagle.com>
Subject: 3 public notices attached - urgent!

Hi,

Please let me know that you have received these three notices and can publish them on the needed dates!

Becky

Recommendation from OSFSG Study Group

Recommendation from the Peninsula Township Organization, Staffing and Funding Study Group (OSFSG)

Following the Public Meeting in August 2023 at which Fahey-Schultz gave a presentation on Michigan township government structure, a citizen's study group (Peninsula Township Organization, Staffing, and Funding Study Group (OSFSG¹)) was formed to explore the actual current and future needs of Peninsula Township (PT) in the context of its local government structure. This followed a recommendation in the draft master plan and longstanding citizen questions about our structure of local government with respect to its ability to meet the needs of our increasingly diversified township.

Following interviews with township officials and staff, several meetings of the OSFSG, and a preliminary gaps analysis, the OSFSG recommended seeking bids for consulting services that would conduct an independent and professional review of our current township structure and needs, with specific requests to provide potential mechanisms to meet any gaps as well as identification and strategies to increase efficiencies.

A 'Request for Proposal' (RFP) was posted January 15th, 2024, and in addition, some 30+ firms were contacted directly informing them of the RFP. Responses were received from several entities, their bids reviewed, and follow-up questions provided. Costs for proposals received ranged from ~\$20,000 to ~\$70,000, with proposed work extending over time periods from 3~6 months. Meetings/interviews (virtually) that included representatives from prioritized firms, members of the OSFSG, and PT trustee David Sanger and Supervisor Isaiah Wunsch were held on February 29, 2024. Following these conferences, members of the OSFSG, along with David Sanger, met to discuss the merits of each firm, determining which firm (if any) to recommend.

The OSFSG members present for these meetings unanimously recommend the services of Maner Costerisan, a Lansing-based public accounting, technology, and business consulting firm (see proposal in meeting packet). Maner Costerisan made three of their staff available for the interview. They impressed with the thoroughness of their responses, their clear understanding of the challenges, the process they intend to follow, the anticipated timeliness of a report, emphasis on objective analysis and recommendations, the individual resumes of their team members, and their bid price (proposed cap of \$26,000). The OSFSG interprets this as value for services provided.

¹The OSFSG, (fka CTSF), is composed of PT residents Armen Shanafelt (chair; PT trustee), Wes Cowan, David Murphy, Ron Strachan, and Fred Woodruff

Fred M. Woodruff, Jr.
4824 Forest Avenue
Traverse City, MI 49686

Board of Trustees
Peninsula Township

Ladies and Gentlemen:

As some of you know I live on Forest Avenue in the Leffingwell Forest Preserve Association on Old Mission Bay. My wife and I have been residents of Peninsula Township for over 25 years now since we build our home there in 1998.

Following the presentation by the Fahey law firm, I approached Armen and volunteered to help him with the study of alternative ways for the township to organize and operate.

In preparing for working with the study group he assembled, I read 2019 Survey and draft Master Plan. These two documents lay out what most of the residents want the township to provide in terms of programs and services and plans for how to do so. A lot has happened since 2019 but I think these are foundational documents and still should guide the study group and Township Board going forward.

Since the Fahey firm's presentation, Armen has done some preliminary analysis and we all interviewed the Township Officers and provided input. There results of that work has been reported to you earlier. However, I think the study committee thus far has reached only two conclusions:

- We could not by ourselves (and with the help of the Township Officers and staff) adequately analyze what alternative steps the Township could take to address how to best provide the programs and services the Township residents have said they want.
- If nothing is done, not only will the Township not be able provide the programs and services described in the 2019 Survey and draft Master Plan, it will have to start cutting back on some of the programs and service it now provides.

So we solicited proposals to undertake a professional analysis and are recommending the proposal from the Lansing based firm Maner Costerian. I believe they would be a disinterested knowledgeable and independent third party which could study the Township's current structure and operations and lay out the alternatives available under Michigan law and provide the Board with the information it needs to make good decisions on what do going forward. I believe the cost of \$26,000 is fair and reasonable. I urge you to engage them now.

Respectfully, Fred M. Woodruff, Jr.



PROPOSAL TO PROVIDE
**ORGANIZATIONAL ANALYSIS AND
RECOMMENDATIONS FOR TOWNSHIP
GOVERNMENT STRUCTURE**

Peninsula Township

Submitted by:



Lansing Location:

2425 E. Grand River Avenue, Suite 1
Lansing, Michigan 48912

Grand Rapids Location:

2851 Charlevoix Drive, Suite 330
Grand Rapids, Michigan 49546

Date Submitted:

February 9, 2024
Effective for 90 Days After Opening

Table of Contents

Cover Letter	03
Approach and Methodology	04-05
Experience and Expertise	06-09
References and Past Performance	10
Investment	11
Additional Service Offerings	12

Cover Letter

TO

Armen Shanafelt
Trustee
Peninsula Township
armen.peninsulatrustee@gmail.com

FROM

Rod Taylor
Senior Manager
Maner Costerisan
rtaylor@manercpa.com
517-886-9619

February 9, 2024

Dear Armen,

Maner Costerisan is honored to present our proposal in response to Peninsula Township's request for a comprehensive review and analysis of its current organizational structure and funding mechanisms. Our commitment to aiding clients in achieving their goals aligns with your Township's dedication to quality service delivery and fostering a vibrant community. This project represents a pivotal step towards enhancing the Township's operational efficiency and community responsiveness.

Why We Believe We Are the Best Qualified

- **Extensive Experience:** With a portfolio of over 250 government entity engagements, our firm brings a wealth of municipal government expertise. Our experience spans beyond strategic planning, encompassing a holistic approach to maximizing client potential through careful listening, resource allocation, and data-driven strategies.
- **Expert Team:** The professionals designated for Peninsula Township's project boast significant experience in local government governance, incorporating best practices and advanced financial management techniques. Our team's proficiency in facilitation, training, and strategic planning, gained across diverse environments, equips us to offer innovative, well-rounded solutions.
- **Tailored Approach:** We are committed to delivering a comprehensive analysis that addresses the entirety of the project's scope without exception. Our approach is designed to critically evaluate the existing organizational and funding structures, identifying gaps in meeting statutory and community needs and providing actionable solutions.

Maner Costerisan is committed to project completion with unwavering quality and communication. Our proposal details our service plan and eagerness for this project. We value collaborative dialogues with the Township, believing such interactions are foundational to meaningful advancements.

We look forward to assisting Peninsula Township in this essential organizational review and recommending strategic improvements. Our team is keen to tailor our approach to the Township's unique requirements.

Thank you for considering Maner Costerisan for this vital project. We're enthusiastic about contributing to Peninsula Township's ongoing success and prosperity.

Rod Taylor
Senior Manager

Approach and Methodology

Our primary objective is to furnish the Township with the analysis necessary to evaluate the advantages and disadvantages of its current structure (general law township with the option of organizing as a charter township (Public Act 359 of 1947), thus allowing it to maximize its potential in work towards its desired future state.

Helping the Township determine its optimal strategic direction will assist the Township not only in enhancing operational governance but also in helping the Township make informed decisions on resource allocation. This solidifies the Township's commitment to efficiently delivering public services, elevating its residents' quality of life, and fortifying its governance's effectiveness. Open and ongoing communication is the cornerstone of our approach. We believe that meticulous planning minimizes unforeseen challenges, facilitating smoother engagements for all parties involved.



Maner Costerisan, a leading firm with extensive expertise in municipal government operations, is excited to present this proposal in response to the request from Peninsula Township for a comprehensive review and analysis of its organizational structure and funding. Our team is well-equipped to conduct a deep dive into the Township's current framework, evaluate its efficiency in meeting both statutory needs and community expectations and recommend actionable strategies for optimization and growth.

Based on the request for proposal, the following is our scope of work and methodology for this project:

Review and Analysis of Current Organizational and Financial Structure:

- ❖ Maner Costerisan will conduct an exhaustive review of Peninsula Township's existing organizational and financial structures, focusing on alignment with statutory requirements and community expectations.
- ❖ We will use data analysis, interviews with the Township board, and document reviews to assess the current state.
 - Data analysis sources will include the Township audit, the Mi Community Financial Dashboard, and statistics on key financial indicators for the Township in Michigan.
- ❖ A SWOT (Strengths, Weaknesses, Opportunities, Threats) analysis will identify critical areas for improvement or enhancement.
- ❖ Gaps in meeting statutory and community needs will be highlighted, with recommendations for bridging these efficiently.
- ❖ Our team will suggest optimizations for financial and organizational effectiveness, targeting sustainable growth and community satisfaction.



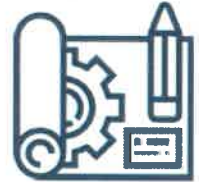
Approach and methodology (continued)

Identification of Implementation Alternatives:

- ❖ We will explore various pathways for the Township to fulfill its obligations while exceeding community expectations, including the potential transition to a charter township structure.
- ❖ A detailed comparative analysis will outline the pros and cons of maintaining the current general law township status versus adopting a charter township structure.
- ❖ Alternative solutions beyond charter township status will be identified to ensure the Township's successful compliance with statutory obligations and community goals.
- ❖ Potential challenges of different structural or organizational alternatives will be assessed, with strategic recommendations provided.

Organizational Structure Analysis and Recommendations:

- ❖ Maner Costerisan will propose structural changes based on a thorough analysis of statutory requirements, anticipated growth, and current organizational limitations.
- ❖ Recommendations will be forward-looking, catering to the evolving needs of Peninsula Township's population and activities.



Financial Projections and Funding Strategies:

- ❖ We will analyze current funding levels and project future financial needs over one, five, and ten-year horizons, adjusted for inflation.
- ❖ Financial gaps will be identified, with solutions proposed to address these through innovative funding strategies or organizational adjustments. This review will include taxation, bonding limits, and authority allowed under different structures.

Communication and Reporting:

- ❖ Our findings and analyses will be communicated through clear, interpretable graphs, charts, and reports, ensuring accessibility to all Peninsula Township residents and officials.
- ❖ Deliverables will include a comprehensive report and a PowerPoint presentation summarizing key findings and recommendations.

Approach and timeline:

We can initiate the project within a week following the Township Board's approval. An initial kick-off meeting is suggested to be held onsite for one day, facilitating interviews with key stakeholders identified by the Board. To optimize efficiency and minimize travel expenses, subsequent meetings will be conducted via Microsoft Teams. The final report will be presented in person at a Township Board meeting. A comprehensive analysis will take approximately two to three months to complete.

Experience and Expertise

Maner Costerisan has more than a century of experience in looking toward the future. We've learned a lot over the last 100-plus years, growing from a small, local firm serving mid-Michigan in the early 1900s to one of Accounting Today's Top Regional Firms (2021, 2022, and 2023), employing nearly 180 team members.

Our growth and success are directly connected to our strong relationships with our clients. We listen to their problems and help solve them.

We begin every business relationship by immersing ourselves in your goals, obstacles, and opportunities. We understand where you are today and learn where you want to go tomorrow. This insight empowers us to develop creative, flexible, cost-effective solutions to get you there. Not some vague, one-size-fits-all plan, but a comprehensive, step-by-step blueprint for success. Designed to keep you compliant and turn today's potential into tomorrow's achievements.

Our history has focused on working with numbers and figures, but people and relationships have driven us to dive deeper into what matters most to our clients. Our mission is to enable others to reach their potential.

Every day, this is how we prove that "client first" is both our promise and our passion:

- Proactively using our industry experience and knowledge to stay on top of your ever-changing requirements and the latest legislative changes impacting your industry.
- We're a trusted advisor and sounding Board, delivering strategic solutions and hands-on guidance to help put you ahead of obstacles and the competition.
- Ensuring every client works exclusively with senior-level professionals experienced in your industry - giving you direct access to our partners and managers every step of the way.

Listening to your needs and challenges. Developing actionable solutions to help you get where you want to be.



Experience and expertise (continued)

With great power comes great scrutiny. Today, more is expected from educational agencies, so no one is more dedicated to offering smarter, cost-effective solutions than the experts at Maner Costerisan. We're deeply connected with educational agencies throughout Michigan and have hands-on experience working at every level. This experience empowers us to offer proactive solutions and facilitate strategic discussions with your stakeholders.

You've Earned the Community's Trust. We're Ready to Earn Yours.

The team at Maner Costerisan partners with our clients to help grow vibrant communities that are fiscally sustainable and have robust visions for the future. The complexity of actually turning that vision into reality cannot be overstated. Having the right partners can help ensure short and long-term success.

The team we have proposed has extensive experience in municipal governance. Our multidisciplinary approach combines financial acumen, strategic planning, and community engagement expertise to offer Peninsula Township a tailored, effective solution. Rod Taylor will be the primary contact and lead on this project. He is considered a local government expert, specializing in helping organizations achieve operational and financial best practices. Because of this expertise, the Michigan Township Association regularly requests both Rod and Bethany Verble present at conferences.



Rod Taylor

SENIOR GOVERNMENTAL CONSULTANT

About Rod

Rod joined Maner Costerisan in 2023 as a Senior Governmental Consultant. He leads the firm's Municipality Consulting Services, supporting Maner's government clients in strengthening their fiscal and operational structure and exploring what tomorrow may hold.

Well-versed in assisting local governments with maintaining strong fiscal and operational health, Rod is committed to helping government-appointed and elected officials make the best decisions for their local governments.

With more than 27 years of experience working in governmental entities, Rod brings a unique perspective to his role - having personal experience in various aspects of government. Before joining the firm, he worked at as a division administrator at the State of Michigan and spent 11 years as the DeWitt Township Manager.

Tenjoy breaking down challenges into the smallest elements to help identify and find creative solutions to answer the problem."

Experience and expertise (concluded)



Bethany Verble, CPA, CFE
SENIOR MANAGER

About Bethany

Bethany is a senior manager in the Consulting division of Maner's Accounting and Outsourced Solutions department. She joined the firm as an auditor and swiftly developed a passion for helping clients strengthen their internal controls and operations.

Bethany provides consulting and advisory services to clients of all industries. In this role, she helps organizations plan and achieve their goals. She also offers investigation services to organizations that have been victimized by or have suspicions of fraud, helping determine any losses and implementing controls to prevent loss and mitigate risk in the future.

My mission in life is to end each day with a sense of accomplishment. If you've learned even one thing, or helped one person that day, you've accomplished a lot!

Certifications:

- Certified Public Accountant (CPA), Michigan
- Certified Fraud Examiner (CFE)
- Certified Business Process Associate

Memberships:

- American Institute of Certified Public Accountants (AICPA)
- Michigan Association of Certified Public Accountants (MICPA)
- Association of Certified Fraud Examiners (ACFE)
- Lansing ACFE, Vice President
- Michigan Women in Finance, Board Member

Experience and expertise (concluded)



Steve Kirinovic CPA
PRINCIPAL, DIRECTOR

About Steve

Steve brings more than 30 years of experience in public accounting to Maner's Government team. A principal and recent addition to the firm's Board of Directors, Steve specializes in providing audit and management advisory services to government clients across the state of Michigan. In his role, he brings financial solutions to government and nonprofit entities of all sizes – from small organizations with limited budgets to large, multi-million-dollar government entities with large-scale operations. Additionally, he provides agreed-upon services to a variety of departments across the Great Lakes state.

A self-described introvert (though you wouldn't know it when you met him), Steve brings a tremendous drive and passion for his work to Maner. His competitiveness, combined with his laser-focus on helping clients achieve their goals, make him one of the firm's go-to resources for government and nonprofit support. Steve's drive to far-exceed clients' expectations and show them first-hand that Maner is "not like other government service providers" is what pushes him to continue to grow. He prides himself in having his clients' backs, providing exceptional service and solving their problems with integrity.

"Helping clients through difficult situations and having them come out on the other side of it, better – that's what drives me and those are the client relationships I'm most proud of."

"We are here to assist people with their financial situations, but I want people to feel like their lives are better because they got to know me."

Certifications:

- Certified Public Accountant (CPA), Michigan

Memberships:

- American Institute of Certified Public Accountants (AICPA)
- Michigan Association of Certified Public Accountants (MICPA)
- Michigan School Business Officials (MSBO)
- Central Michigan School Business Officials
- Government Finance Officers Association

References

Governmental Entity:	Bath Charger Township
Scope:	Consulting services, process review, assistance financial operations
Engagement Staff:	Bethany Verble and Rod Taylor
Principal Contact:	Karen Hildebrant, Superintendent
Email Address:	khildebrant@bathtownship.us
Phone Number:	517-641-6728
Governmental Entity:	Scio Township
Scope:	Budget preparation, audit preparation, policy and procedure review
Engagement Staff:	Rod Taylor, Bethany Verbl, Steve Kirinovic
Principal Contact:	Joyce Paker, Township Manager
Email Address:	jparker@sciotownship.org
Phone Number:	734-369-9400
Governmental Entity:	Village of Dansville
Scope:	Strategic Plan, Financial Review, policy and procedure review.
Engagement Staff:	Rod Taylor and Bethany Verble
Principal Contact:	Miya Warvel, DDA Director
Email Address:	miyawarvel@gmail.com
Phone Number:	517-449-2091
Governmental Entity:	Grand Traverse County
Scope:	ARPA grant implementation
Engagement Staff:	Rod Taylor
Principal Contact:	Nate Alger, Administrator
Email Address:	nalger@gtcountymi.gov
Phone Number:	231-922-4780
Governmental Entity:	City of Lansing
Scope:	Planning, Building and Code Rate Study
Engagement Staff:	Rod Taylor
Principal Contact:	Nicholas Montry, Deputy Director
Email Address:	nicholas.montry@lansingmi.gov
Phone Number:	517-483-4060

Investment Summary

Actual costs will be billed, with the estimated project completion cost ranging from \$15,000 to \$23,000. Excluding any additional travel requests, the project cost will not exceed \$26,000, based on the current project scope. A detailed cost breakdown for each project phase is provided below.

Review and Analysis of Current Organizational and Financial Structure (includes up to 6 hours of onsite interviews): \$3,000 to \$5,000.

Identification of Implementation Alternatives: \$1,000 to \$2,000

Organizational Structure Analysis and Recommendations: \$3,000 to \$4,000

Financial Projections and Funding Strategies: \$4,000 to \$6,000

Communication and Reporting (includes a presentation at the board meeting): \$4,000 to \$6,000

Additional onsite meetings as requested (2 hours): \$1,500

Our charges for management advisory services are based on the level of team members necessary to perform the services.

ROLE	HOURLY RATE
PRINCIPAL	\$295-400
SENIOR MANAGER	\$250-270
MANAGER	\$180-235
ASSOCIATE	\$135-185

These billing rates would also apply to any management or consulting services you request. Billing rates for any additional services outside of the scope of this engagement would be billed at the standard hourly rate for the specific team members assigned. There is a standard increase in these rates on an annual basis.

We will provide progress notifications and update you if any challenges and/or issues arise during the engagement that would modify this fee. You may also be billed for travel and other out-of-pocket costs such as report production, word processing, postage, etc. The fee estimate is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the engagement. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs. Our invoices for these fees will be rendered monthly as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 60 days or more overdue and will not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, you will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket expenditures through the date of termination. If for any reason we are unable to complete our engagement, we will not issue a report as a result of this engagement.

Our policy is to perform services in the most efficient manner possible, thus reducing hours and creating as little disruption to your routine as possible. We will work efficiently and effectively to accomplish all the duties requested. Our overall goal will be to provide the requested services to the appropriate level of team members. If a team member can perform the duties requested at lower rates, we will utilize those individuals when available. We will ensure when utilizing other staff that we maintain a high level of quality in the services provided at the most reasonable rates.

Additional Service Capabilities

Maner Costerisan's dedicated Government team delivers an unprecedented level of support where you need it most. You'll get guidance from partner-level staff, along with hands-on help proven to lower costs and elevate performance. When every dollar matters, trust Maner to get the job done.

Accounting & Outsourced Solutions

From day-to-day accounting support to filling a CFO role, we can supplement your dedicated accounting staff with a team of experts. It's the proven way to lower costs and minimize disruptions to daily operations - all while staying compliant and implementing data-driven financial strategies that can secure a bright future for your municipality.

Technology

When every recourse is precious, the right technology makes all the difference. Our experts can help you customize, implement and maintain technology that streamlines your accounting, improves communication across departments and delivers actionable financial analytics for better decision-making - all while upholding the highest level of security.

Consulting

Whether you're looking to fund a special project or could use some strategic support to strengthen your municipality's fiscal and operational structure, any size government can now benefit from Maner's consulting expertise. Our team of experts helps navigate the complexities of local government and offers guidance to help make positive operational and financial decisions that will help your community be vibrant and more resilient.

Audit & Assurance

When you work for the public, financial transparency and accuracy are essential. We'll complete an independent review of financial statements and provide a detailed report that confirms the reliability of your data - protecting you and the trust of the people you serve.



"The Maner Costerisan team is extremely knowledgeable in the field and is always willing to answer questions. Their customer service is exemplary across the board."

*- Tyler Dotson,
City of Watervliet*