



PENINSULA TOWNSHIP

13235 Center Road, Traverse City
MI 49686

www.peninsulatownship.com

Township Board Regular Meeting

March 14, 2023, 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, Wahl, Sanger, Rudolph, Chown

Excused Absence: Shanafelt

4. **Citizen Comments:**

Nancy Davy, 14713 Shipman Road: I am speaking tonight as the president of the Old Mission Women's Club [OMWC] in regard to the Bayshore Marathon. The OMWC has provided cookies for the Bayshore as one of our major fundraisers since 2008, receiving \$3,500 [annually] as compensation. All the money goes into our philanthropic fund, which has benefited a number of Peninsula Township residents through our gifts to Old Mission Peninsula School, Peninsula Community Library, Peninsula Township Fire Department, and Old Mission American Legion Post 399 as well as our annual projects to supply coats, hats, and gloves to local children who attend [OMPS], the middle school, and Eastern Elementary.

This year, the TC Track Club terminated our agreement to provide cookies, eliminating a substantial portion of our anticipated income for our philanthropic projects. The reason provided was a vague reference to some concerns and a survey. I have requested the details of the survey but to date have not been provided any further information. We have been offered other options, none of which come close to covering the \$3,500 loss. I have heard through the grapevine that they're purchasing cookies from GFS, though I can't say that with certainty. It's my understanding that, over the years, township trustees have provided the appropriate permits to the TC Track Club with the understanding that the club would provide opportunities for local nonprofits to raise funds. I know this because previously I have [attended board meetings] in support of the TC Track Club because of the impact they've made on several organizations to which I belong.

The [\$3,500] is considered a way of offsetting the inconveniences resulting from clogged roads, closures, etc. that impact the everyday lives of Peninsula Township residents on race days and that require the time and energy of township trustees and employees. The OMWC is disappointed at this reduction in our funds, which will impact our level of charitable giving and projects. We think the township trustees should be aware of this turnaround in policy by the track club. Thank you.

Carol Raphael, 14826 Mallard Drive: I have a couple of impressions I would like to share about the Traverse City Track Club. I am aware that approving the [Bayshore Marathon] tonight is a done deal. They have already published their schedule and routes and have taken reservations, but I'd like to share a couple of comments. In 2019, after a portion of Bluff Road collapsed, we immediately thought of the Bayshore Marathon. The problem areas are between Boursaw and Mallard drive, which is part of the original path of the full marathon. We thought the TCTC would be concerned and attempted to contact their leadership at least twice. We found names and addresses for their directors on their website. In spite of our efforts, we were greeted with silence. We had hoped they would be a force with the Grand Traverse County Road Commission. Instead, they stayed on the sidelines and let others attempt to do the work. Recently, my husband sent new Executive Director Carie Wille an email regarding Bluff Road. She responded by saying; "We're on it." We don't know exactly what that means. Maybe we'll see the TCTC participate at the upcoming Road Commission meeting. I sure hope they do. Carrie Willie's bio says she has nearly 20 years of professional experience in relationship building and community engagement across public, private, and non-profit sectors. That is impressive. But as far as the OMWC is concerned, it seems like she's doing just the opposite, tearing down and dropping relationships that have served the track club for 14 years. Our entire club reacted negatively when President Nancy Davy announced that the TCTC no longer requires our services. That significantly lessens our ability to award grants and carry on our philanthropy. As past president of the OMWC, I am very disappointed with what we have seen so far. Thank you.

Chown: I have a public comment from Monnie Peters regarding business item number eight, board approval to authorize Jenn Cram as interim zoning administrator. She would like the board to know that we have her full support.

5. **Approve Agenda**

Chown: we have a letter that Isaiah [Wunsch] wrote to the Grand Traverse County Road Commission. He would like us all to sign it at the end of the evening. Let's make this business item nine.

Wahl moved to approve the agenda as amended to include item nine with a second by Sanger. Approved by consensus

6. **Conflict of interests:** none

7. **Consent Agenda:**

1. Invoices (recommend approval)
2. Reports
 - A. Cash Summary by Fund
 - B. Peninsula Township Fire Department
 - C. Ordinance Enforcement Officer
3. Minutes from February 14, 2023, Township Board Regular Meeting
4. Peninsula Township Fire Department request to donate surplus gear
5. Peninsula Township request to sell plotter and related supplies as surplus gear
6. Correspondence
 - A. David Shambaugh
 - B. Kent E. Gerberding

- C. Betsy Coffia
- D. Ronessa Butler
- E. Dave Murphy
- F. George and Carroll Kobernus

Rudolph moved to approve the consent agenda as presented with a second by Wahl.

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

8. Business

1. Public hearing on Ordinance 53, Amendment 1, Addressing Floodplain Management Provisions of the State Construction Code.

Wunsch closed the regularly scheduled meeting and opened the public hearing at 7:11 p.m.

Cram: a copy of the draft amendment is included in your packet. This is something we need to do in order to adopt the new FEMA floodplain maps that will be effective April 19. We also need to recognize that Grand Traverse County Construction Code will continue to process and regulate the floodplains on our behalf, since they issue the building permits for Peninsula Township. We need to adopt and publish this ordinance amendment prior to April 19 or our citizens will not be able to apply for flood insurance. We posted a link to the website where the draft maps can be reviewed. I also have hard copies in the office. The website is easy to navigate. You can plug in your address and it'll show you the adjustments, if any, that are proposed for your property.

Chown: Monnie Peters supports the board adopting this amendment.

No public comment

Wunsch closed the public hearing on Ordinance 53, Amendment 1 at 7:13 p.m.

Chown moved to approve the Floodplain Management Provisions with a second by Achorn.

Roll call Vote: yes – Wahl, Sanger, Rudolph, Chown, Wunsch, Achorn **Approved unan**

2. Public hearings on Bayshore Marathon, Festival of Races, and Traverse City Triathlon

Wunsch closed the regularly scheduled meeting and opened the public hearing on the Bayshore Marathon at 7:14 p.m

Meg Ackerman: I am the volunteer coordinator for the Bayshore Marathon.

Lisa Taylor: I'm the recently outgoing executive director of the TCTC. I now have a consultant's role in the organization. Carie Wille has replaced me; she is on vacation.

Ackerman: I want to speak to what Nancy [Davy] said. The decision to get rid of the cookies was made last year based on the fact that, at the end of a race, runners don't want cookies. We are getting food from Gordon Foods but it is not cookies. We are continuing to work with the [OMWC] to try to figure out another volunteer activity for them. We have several groups from the peninsula that participate as paid volunteers. We give them a donation after the race based on number of volunteers, number of hours worked, and the task. Old Mission Peninsula School has one of the aid stations, and they get \$1,400. The library has a station; they get \$1,200. The difference is that some of the stations higher up on the peninsula are not open as long and require fewer hours. We also have several TC Central High School student athlete groups that help and are paid: the cross country team, the track and field team, the football team, plus a variety of different organizations. My goal as the volunteer coordinator is to reach out to as many groups as possible from the

peninsula since your citizens are the most heavily impacted. I just spoke to one of the churches up here; they are very interested in [staffing] one of the aid stations. As soon as one of the stations opens up, they are first in line. Your people will always be first in line. Carie and Michelle, who is the current race director, have been trying to get in touch with the road commission to encourage them to address Bluff Road. As far as the survey goes, I don't have access to what it specifically was, but the runners kept indicating that they want more fruit and water at the end of the race and not so much the cookies. We really are trying to work hard to make sure we have as low an impact as possible out here. I worked with one of the farmers last year to make sure the property around the farm was protected from spectators. Any questions?

Cram: we did receive the liability insurance. It was included in the packet addition. The application is complete.

Achorn: the certificate of liability. Where does it say that Peninsula Township –

Taylor: bottom left.

Achorn: department of natural resources? That's what is in my packet.

Chown: it's in the packet addition.

Achorn: the insured are two different people. The first one is Race Day Events, LLC. The second one is Road Runners Club –

Wunsch: [Road Runners Club] is for the triathlon.

Achorn: I don't have an insurance certificate for Bayshore Marathon.

Wunsch: it was sent out as a packet addition.

Achorn: the packet addition says Road Runners Club.

Taylor: that is the Traverse City Track Club; that's our club affiliation.

Achorn: but it's Bayshore Marathon.

Rudolph: it's the way it's printed.

Chown: is there an option for the Old Mission Women's Club to make something like protein bars that runners might want? My three sons are athletes, and when they finish an athletic competition, they want protein. I have multiple recipes for baked goods that fit the bill. I would love to find an option that works for the runners but also works for the women's club and pays homage to the longtime relationship and benefits this relationship brings to everyone.

Ackerman: that is a good idea. I can't make that decision, but we will look into it.

Achorn: if this is the solution, and you'll be making up the \$3,500 you have historically given to the women's club, should we postpone this meeting until we know there is an agreement?

Taylor: maybe this is a good time to talk about other options that would be available to organizations like the OMWC. We have a grant application cycle every year. The amount of charitable giving we're able to afford because of the Bayshore Marathon is at about \$2.5 million over the past 41 years. Peninsula Township has applied for this grant in the past and has received funds for the walking path at the Bowers Harbor Park Expansion property. We've also given to the Peter Dougherty Society. When I first started coming to these meetings about five years ago, I ran a report on the funds that had been given back to organizations that represent the peninsula, and it was more than \$41,000.

One of the concerns we had about the cookies internally, not anything that was a concern

from the survey—usually the response was that the cookies were all gone by the time people came through; people liked them so much they took more than their share—but the more recent concern was about the pre-packaging needs given COVID. There was a time when we had to provide items that were packaged and sealed. A lot of thought went into this.

We would love to work with the group to come up with alternatives that are appropriate. We do pay more than \$40,000 to nonprofit organizations that help us; this includes more than 1,200 volunteers. We would like to talk about ways we can support the OMWC. There are many opportunities that would be meaningful and that would align with our mission to help people be active in the outdoors.

After the event, the agencies involved do an after-action report improvement plan. This is probably something you've had a chance to see. The improvements we need to make are very doable, and I hope after 41 years of doing this event, doing everything we can to make it a mutually beneficial experience for all, we will be able to find a solution that's equitable to the amount that was being paid before. We do have a lot of opportunities.

Achorn: it appears that you knew about this a year ago after the event.

Taylor: I'm not familiar with the conversations that went on between the race director and the OMWC president. It was my understanding that there was a conversation about it a long time ago.

Achorn: I would like to ask the president of the OMWC when you heard about it?

Davy: January of this year.

Achorn: what took you so long to make this decision, and for us to find out about it now, at the date we're supposed to make a decision?

Taylor: I'm not really sure. I received no correspondence personally about this.

Ackerman: it was in the back of our minds that we needed to rethink food. We start meeting in December. That's why it wasn't until January that Michelle, the race director, reached out.

Achorn: what options were given to the OMWC?

Ackerman: we have a slot with packet pickup, traffic control... I think there were five or six different options. We are still talking.

Davy: we received information about some options. We have been communicating by email, but I haven't received a response to my most recent email. Some of the options are not really appropriate for the age demographic of our members. The most likely option is distributing packets. We might be able to make \$800 doing this, at most \$1,200.

Achorn: considering that you are going to be running on the Old Mission Peninsula, how are you going to make up this shortfall to our residents?

Ackerman: we do try to spread things out. The \$3,500 that we gave the OMWC was significantly higher than we pay anyone else; the most we pay any other group is \$1,400. Last year we added Old Mission Peninsula School after reaching out to them. We actively seek out groups to pull in from the peninsula. We are trying to figure something out.

Achorn: why wasn't it done before this meeting?

Ackerman: we have been talking.

Achorn: it's not in my packet.

Ackerman: what's not in your packet?

Achorn: this cancelation of the contract with the OMWC.

Taylor: we do not have a document called a contract for our paid work groups. There is no agreement or contract that exists to be able to be put into the packet.

Achorn: this is a change of historic precedence [to something] we have counted on in exchange for the inconvenience of having your runners on the peninsula. I'm not happy with this change.

Ackerman: as Lisa said, there is not a contract with these groups. If they do a good job, we invite them back. We have had to shift groups before. The women's club is not the only group affected by changes. We will continue to work with them in good faith and any other nonprofit on the peninsula we can reach out to.

Rudolph: it sounds like this is a long-standing relationship with the women's club. I'm disappointed that these decisions were under consideration for a long time but you made no attempt to talk to the women's club to let them know.

Ackerman: it was not until December that we started to map out this year.

Rudolph: it made a significant difference to them, so it would have been very good to have better communication. I will personally be watching what you guys do this year and that will reflect on how I vote next year. I really hope you find a way to work with the OMWC.

Sanger: I would echo Rudy's comments. What is the entrance fee for a runner?

Taylor: \$105 for the marathon at the beginning of registration. \$35 at the beginning of the 10k registration. \$85 at the beginning of the half marathon registration. There are increments of increases as months go by that are standard to the event industry.

Sanger: the paperwork says you're expecting 10,000 runners this year?

Taylor: we've been given approval by Peninsula Township to have up to 10,000 runners, but we are only going to go with 8,500. We pay \$1 per registered runner to Peninsula Township. We usually have about a 20% rate of no shows, so we end up having about 6,000 runners on the peninsula.

Sanger: as a 20-year resident, the Bayshore is always something I've been proud of. This year, I have a bad taste in my mouth due to how the OMWC has been treated. Looking at the revenue you have, \$3,500 is minuscule. The township can't say no because we will be the bad guys in the press, but this club has been very good to this community. To offer them a grant is wrong because I know your grants are matching grants so you are telling them, "I'll give you money if you match half."

Taylor: we don't do matching grants.

Sanger: I thought you did; I apologize. The point is, I don't think it's appropriate to negotiate with them. We have to take action tonight but it troubles me that this problem came up so late. If the action tonight is to approve this, then I hope we have your assurances that you will fix this mess with the OMWC.

Taylor: what would be a solution? Is it a dollar amount and a check as a solution this year?

Sanger: ask the OMWC. That's not appropriate for us –

Rudolph: you should have been talking to the OMWC a long time ago.

Taylor: we have made gifts to the township in the past. This would be in accordance with our bylaws. For example, last year we bought the motorized patrol bike for more than \$5,000. That is a good example of how we operate. Going forward, if this organization wants to be communicated with earlier, then we will make a point to do that. By August 1,

we would be able to give feedback to our groups. Our groups do answer a survey. I appreciate the feedback on how we communicate and can make sure we improve that going forward. I am willing to authorize a check to OMWC for \$3,500. Going forward, we will all know what to expect.

Cram: maybe ask in the survey what baked goods they might like? I know that the women's club wants to be fair and provide something to the race as well.

Chown: that would be terrific. OMWC's reach is far and wide, and this is a significant bite out of the funds they have anticipated. They probably would be happiest if they could still provide a service. Just let me know if you want my recipes. I think a big part of this is that feelings are hurt.

Wahl: if it's an issue of individual packaging, they could probably assist and individually bag the cookies. If that's the issue, we can work that out.

Chown: there is a solution.

Wunsch: I'm hearing there's an issue we've surfaced and that the event organizers are going to address the issue.

Taylor: I do apologize. If I had known this was a problem, we would not have been discussing it for 25 minutes. I am pretty surprised by this conversation and I hope we have better communication going forward. It is really disturbing to have this conversation for 25 minutes about cookies.

Chown: I don't think it's about cookies as much as it's about relationships and communication.

Taylor: I am disappointed about that too because I know how I communicate. I'm really disappointed that friends I have in that organization didn't reach out to me.

Chown: communication is something we can all work on. I appreciate your time here. I know I speak for everybody when I say that we value you guys deeply and are glad to host this race. We also deeply value the women's club, and I think we can get past this bump. Thank you for working with us.

Ackerman: I think we can get past the bump too. I don't think we realized how much of an impact it was, so our apologies.

Wunsch closed the public hearing on the Bayshore Marathon at 7:43 p.m.

Chown moved to approve the Bayshore Marathon with a second by Wahl.

Roll call vote: yes – Sanger, Rudolph, Chown, Wunsch, Achorn, Wahl Passed unan

Wunsch opened the public hearing on the Cherry Festival Festival of Races at 7:44 p.m.

Garret Boursaw: I'm the logistics director; I work with a lot of the core stuff for the half marathon.

Alexis Bremmer: I'm the operations director for the National Cherry Festival.

Boursaw: we are happy to be back out here. We have partnered with Old Mission [Peninsula School] to kick off the half marathon race. We are going to use the same course as last year and the year before. In the southern part of the township, we will have the McKinley challenge again on the 15k as people come up the shore and battle that hill back down Peninsula Drive. The Festival of Races is celebrating its 50th year.

Chown: Monnie Peters supports this race; she also supported the Bayshore Marathon.

No additional public comment.

Wunsch closed the public hearing on the Festival of Races at 7:47 p.m.

Rudolph moved to approve the Festival of Races with a second by Sanger.

Roll call vote: yes – Rudolph, Chown, Wunsch, Achorn, Wahl, Sanger.

Passed unan

Wunsch closed the regularly scheduled meeting and opened the public hearing for the Traverse City Triathlon at 7:48 p.m.

Cram: the applicant, Abby VanValkenburg, has requested that this item be tabled to the April 11 meeting. We need a motion from the board to table, since public notice did go out for this public hearing. If the board tables until April 11, we won't have to re-notice it. I will review the liability notice that was included in the packet.

Chown: Monnie Peters supports this race.

No additional public comments.

Wunsch recessed the public hearing until the next regularly scheduled meeting on April 11, 2023.

3. Public hearing on fire fund millage rate for next fiscal year.

Wunsch opened the public hearing for the fire fund millage rate at 7:50 p.m.

Wunsch: Chief Gilstorff is unable to attend due to illness.

Cram: I have Chief Gilstorff's PowerPoint with projected budget total expenses through 2027 and 2028. The biggest expenditure is salaries and wages. The PowerPoint shows the current millage rates for nearby fire departments. Peninsula Township is at 2.6. Others are a bit higher. We are not the lowest but we want to keep our fire department competitive. A breakdown of the new budget shows that nearly 75% of the budget is employee costs. Union employees receive a 2% raise; part-time employees receive a raise of 25 cents. Medical insurance has increased 5.8%. There are vehicle repairs and utilities. The fire station is experiencing inflation similar to the rest of us. The PowerPoint shows the capital outlay purchases: turnout gear, rescue rope replacement, chief's computer, Wildland fire suits, garage door opener for station 1, garage doors and openers for station 2, new windows for station 2, a new heart monitor, and concept drawings for a new station 1. Projects that need to be accomplished in 2023 include a new union contract to replace the contract that will expire on March 31 of 2024. The board needs to determine who will be on the negotiation team and also to create specifications and go out to bid for a replacement engine for engine 2. That truck is currently 25 years old; payments will start in the 2024-2025 budget. The chief would like to strongly consider developing a replacement plan for station 1 and find land for the new station. There is a detailed report in your packet.

Chown: if there are questions, we can take them now and address them at the second public hearing for the fire fund.

Wunsch: the fire fighter millage rate as proposed by Chief Gilstorff will be unchanged from the previous fiscal year. He projects that the 2023–2024 budget will be manageable within the existing millage rate.

Rudolph: the chief reached out to a number of us on the board to give this same presentation one on one. Having been a trustee on a fire department for 18 years down in Illinois, I was impressed with how thorough he is in planning ahead and thinking about all the things that are going to come up. I am really pleased with what he is doing and fully support his budget.

Wunsch: we have a statutory requirement to hold two public hearing on this item. We can

take public comments now as well as at our March 28 meeting.

Nancy R. Heller, 3091 Blue Water Road: I'm not questioning the chief's worth. I look at all the township's business as a business. I'm wondering how the fire chief's salary compares to other area fire chiefs. Also, in the beginning, the chief was reimbursed \$100 every time he showed up to a call. I wonder if that's still in effect.

Wahl: we should have this information handy. When we brought him on, we went through a pretty detailed comparison chart of what other chiefs were making.

Sanger: I know he is not the highest paid in the county.

Cram: I will forward these questions to Fred [Gilstorff].

Wunsch closed the public hearing on the fire fund millage rate and resumed the regular meeting at 7:59 p.m.

4. First public hearing on police fund millage rate for next fiscal year

Wunsch: Wahl would like to be recused.

Chown moved to recuse Wahl with a second by Rudolph. Motion passed by consensus

Wunsch opened the public hearing on the police fund millage rate at 7:59 p.m.

Achorn: the tax collection is based on the same millage rate we approved last November of .23 mils. This would support two deputies. That's reflected in the second line, called tax collection pay over. The first line is a reflection of the uncollected tax year 2022 taxes that we have not yet collected. We expect to be refunded by the county in April. The third line is interest income: we have increased our estimate, and it's low because money market rates have increased in the last three months to almost 10 times what they were a year ago. We anticipate \$233,000 of income. Emergency services—several descriptions of departments don't make sense [and are due to the] new state chart of accounts, and this is one of them. They have assigned a department for the expenditures of 301, which has nothing to do with police or sheriff. There's not much I can do about that. The first line item relates to the liability insurance we pay to to cover the assets that are on the books for the police fund. The second, for electric speed sign management, is an annual contract. We are charged every other year for two years. That's why we have not had an expenditure for tax year 2022–2023. \$4,250 is what the invoice reads; we have that money in house right now. Audit fees are allocated based on the time the auditors spend on each of the funds. Contractor services are for two deputies per the projections of last November when we requested the millage. Camera lease costs are for the six cameras that we approved at the last board meeting to be leased for one year. \$1,200 is for the cell phones for the two deputies. The total expenditure is \$223,250. There is a slight excess left from the millage receipts of \$9,750 projected for next year's budget. The fund balance has almost \$400,000 on hand at the present time.

No public comment.

Wunsch: Deputy France told me the management cost for the signs are unnecessary. We are able to continue to use those signs but our officers are not using the data from them. This data will essentially be replaced by the traffic cameras.

Achorn: the speed signs?

Wunsch: correct. We will continue using the signs but we don't need to pay for the remote data access. We own the signs, but we have an ongoing cost for the data access.

Achorn: why are the signs not operational? There was only one on Peninsula Drive that

was operational near the south end. The north one only operates six months of the year. Can you explain that to us?

Deputy France: we can reduce costs if we drop down to using two of them. Right now, we only use them for half the year; in winter they are usually taken down. We have one with a solar panel at Peninsula Hills and Peninsula Drive. The one with solar, I had to put up, something I haven't done before. The one [Achor] is talking about that only works sometimes is because I had the solar panel facing north [Audience laughter]. The signs last a long time. The only thing that would cause damage is if somebody runs into one with their car or beats on it. If we break it down to two signs that collect data, we can still do speed traffic analysis. It will still show speeds on all the other signs. We just wouldn't collect data from all the signs, but no one will know which signs collect the data. It is tedious to put up new signs. When we got the conversion kits [to solar], it took a whole day to get one up. They're great at reminding people of their speed who don't know they're speeding. For anybody who's speeding intentionally, that sign is not going to stop them. They do take pictures but they're not the greatest. The money is better spent towards the flock camera systems data.

Wunsch: it's not an elimination of the \$4,250? It's just a reduction?

France: it's just a reduction. Right now, we have four on the bill at a 50% discount because we only use them half the year, which is the \$4,000 something. That doesn't include the two additional signs we added at the end of last year. If we use them all year round then you're talking about more than \$10,000. If you reduce it to two, I think it would be around \$1,500 a year.

Achor: do we keep the signs and are they still lit when we go past?

France: yes, as long as they are functional, they are still lit. We can intentionally turn the reader off so you can't see the speed but we can still see what is going on and it will still take the speed of the car going by to get a true survey. The sign that wasn't working was working today. It just needs to get enough sun.

Achor: how many speed notification signs do we own?

France: six.

Achor: and are they all working?

France: two of them are up. The rest we don't put up until spring. I had one up to test the new solar panels in the winter.

Achor: how do they work during the winter?

France: they work well as long as you have the solar panel facing the right way.

Achor: it would be okay for you to have them all lit so people can see [how fast they're going]?

France: yes, once I have posts in place. There is an extra cost for that. I have to get ahold of the county road commission to put new posts up. I can't use the old posts for any of the solar-powered ones because they can't have any sign at the top. County roads contacts the township supervisor and charges \$150 a post after their engineers come out and survey the site. Then they install the post a few weeks after I put in the request.

Achor: we own six signs but we only used one this winter?

France: well, two are up. As soon as spring comes, those that we can put up without the solar panels, I can put up easily. Usually we have four operational during full spring.

Achorn: didn't we have batteries for some of them?

France: yes, but some of them don't last long.

Achorn: okay, so I subtract the \$4,250?

Chown: no, just change it to \$1,500.

No citizen comments.

Wunsch closed the public hearing on the police fund millage rate for the next fiscal year at 8:13 p.m.

Chown moved to bring Wahl back to the board, seconded by Sanger. Motion passed by consensus

5. Public hearing on Peninsula Township Parks Ordinance 57 (to be tabled until March 28)

Cram: this was publicly noticed for a public hearing this evening, but I made an error with the public notice. Our parks ordinance was adopted as ordinance five in 2007, replacing ordinance seven. It took me a day of looking and reading the dates trying to figure it out. What I missed is that ordinance 57 actually repeals and replaces both ordinance five and seven. I did republish this for a public hearing on March 28. To be consistent with our noticing requirements, I wanted to keep it on the agenda, but we can hold the public hearing at our next meeting on March 28.

No public comment.

Rudolph moved to table the public hearing on Peninsula Township Parks Ordinance 57 until March 28 with a second by Wahl. Motion passed by consensus

6. Policy discussion on roadside stands and processing kitchens.

Cram: we've been discussing additional amendments to the zoning ordinance to support agriculture. These proposed amendments make our roadside stand regulations consistent with the Right to Farm Act and GAAMPS. I've attached proposed amendments to section 3.2, definitions, and section 6.72(8), the roadside stand regulations. I presented this as a policy discussion with the planning commission on March 6 and received great feedback. This material has been reviewed with Ryan Coffey Hoag, the current chair of the GAAMPS Selection Committee. I received positive feedback from him. He commended the township for proactively updating our zoning ordinance to support agriculture. Today I received comments from our attorney. I had already made some of their changes in the version you see. They had recommendations for E: "A minimum of 50% of all items offered for sale must be produced and/or processed by the farm operation that controls the roadside stand, measured by retail floor space during peak production season or 50% of the average gross sales for up to the previous five years or as outlined in a business plan." That's consistent with GAAMPS. "Processed products will be considered as produced by the farm operation if at least 50% of the product's primary or namesake ingredient was produced on and by the farm operation, such as apples used in apple pie, maple syrup, strawberries and strawberry jam, etc." Those extra examples are helpful because when you make apple pie, you need flour and sugar, but you want to make sure the namesake ingredient is being produced by the farm operation. Many of the changes are consistent with our recent Amendment 201 for farm processing, defining a farm operation and what active production is. This further clarifies that a roadside stand is an accessory use to the active production of farm products on a farm operation.

I feel like we're headed in the right direction, especially given the feedback I received from

legal counsel. There are some minor changes to make. I did include comments received to date. I am hopeful we can adopt this at our April meeting. Because we were so efficient before when we held a special joint meeting with the planning commission [pc] and township board, if the pc is available, we could do a joint meeting in April. This would go a long way towards supporting our ag community. With spring around the corner, being able to make plans for roadside stands would be helpful.

Chown: so we will notice this for a public hearing for the April 11 meeting. A combined meeting is a great idea.

Wahl: thank you, Jenn. It's a shame that a lot of the people who state that we are not pro-agriculture are not here to see what you've done. Thank you for following through on your promise and doing it in a timely matter.

Chown: will the next draft show the redlines?

Cram: I will include both a clean version and a redlined version. I want you to be able to see what the existing ordinance looked like and where changes have been made.

Sanger: GAAMPS uses "farm market" and we use "roadside stand." What is the reason?

Rudolph: I had the same question.

Cram: in some of the documents for the Right to Farm Act and the GAAMPS specific to farm markets, a roadside stand is a type of a farm market. One of the planning commission members asked if it made sense to call it a farm stand rather than a roadside stand. We could change the name. As a community, we've always referred to it as a roadside stand. I included an email from Ryan Coffey Hoag—I have been appointed to the committee for GAAMPS, and I think they will be looking to me to make some suggestions. Some of the definitions included in the GAAMPS make it confusing as to what's protected by the Right to Farm Act and what the guidelines are.

I would be open to changing "roadside stands" to "farm stands" or something else.

Rudolph: "roadside stand" brings to mind something that is sitting right there next to the road, like we see the little stands along M-37. But what you define here allows a much bigger operation set back from the road. Because we are kind of expanding what was in the original ordinance, it makes sense to change the name.

Sanger: I went through this enforcement-wise three or four years ago, trying to understand the definitions. Could you take "farm market" and point out to the board where it would need to be, say, minimized for what we want to accomplish with our "roadside stand" but still call it a "farm market"? I find it confusing. The definition of "farm market" was very comprehensive, but when we start to whittle that down, we run the risk of missing something. If you can use "farm market" but have to minimize or diminish, maybe use square footage or setback or whatever it is, then we can discuss –

Rudolph: she does that in item J. It more or less says, "If your stand is greater than 120" –

Cram: yes, and that is consistent with the GAAMPS.

Sanger: it seems like it's easier to understand and enforce if we can follow the GAAMPS.

Cram: I am open to that.

Chown: Dave, for clarification, what do you want to call it?

Cram: "farm market" rather than "roadside stand." Ryan Coffey Hoag asked if our community was open to allowing people to sell tchotchkes and things like that and I said, "No, we want this to be related to agriculture."

Wahl: I understand the need to change the name, but isn't there a bigger definition for farm market? Wouldn't it be confusing if we then have a bigger definition of farm market and end up with two [types of] farm markets?

Cram: I will look at it and discuss it with Ryan as well.

Chown: and make a recommendation based on those concerns?

Cram: yes. The definition in the GAAMPS says, "A farm is a year-round or seasonal location where transaction and marketing activities between farm market operators and customers take place." I tried to capture that in our definition.

Wahl: I think you did but that's why the farm stand is a better global term for it. I think we have farm market and then later if we add a bigger version of farm market –

Cram: which I would like to do.

Rudolph: there was a USDA document that broke it down into three categories: a roadside stand, a farm market, which was a little bit bigger but still specific to that farming operation, and a farmers market, which is a lot of producers coming into the same place.

Cram: I think "farm stand" helps to describe what it is and allows us to be consistent with the GAAMPS. Looking at other opportunities for the agricultural community, there could be an opportunity for an actual farm market that is consistent with the GAAMPS.

Chown: farm market as opposed to farmers market. They're different animals; we have to keep them separate.

Rudolph: yes, a farmers market is a conglomerate.

Cram: I am excited to participate with the [GAAMPS] committee, my first meeting will be in Lansing on April 4.

Chown: a round of congratulations to you, Jenn. This is a very big deal.

Cram: thank you. I want to get some input from you on processing kitchens. I included information in your packet.

Rudolph: I have another question: "Access permits required for Grand Traverse County" is clear, but when we say, "Building electrical and plumbing permits," I would add, "and inspections may be required." Do we need to say that's from the county as well?

Cram: yes. A lot of questions were asked about this when the Citizens' Agriculture Advisory Committee met. People wanted to understand when they had to pull a permit. I don't know if this necessarily belongs in the ordinance or if it belongs in the packet of materials that someone would get when they apply for the land use permit. I want to talk through that with our legal counsel. For now, I wanted it to be a placeholder because it was raised. I want to clearly understand if there's electrical, then an electrical permit. I'm talking to Grand Traverse County Construction Code about whether it's listed here or as an attachment. Thank you for that.

Allowing farm operations to have processing kitchens lets them add value to what they grow beyond what they can do with the cottage food law. I provided lists that show a broader range of things they can do. I've looked at the regulations for other townships, and Bingham Township had a good example. I would like to propose the processing kitchen as a use by right as long as it meets certain standards for public health, safety, and welfare. It would be accessory to the active production of agriculture. I'd like you to consider when I bring this back whether we should have a minimum acreage requirement. Currently A1 has a minimum lot size of five acres. Is this something that we want to have a

little more space? I would like to provide flexibility. I think this could be successful on five acres, but Bingham Township requires a minimum of 10 acres.

Maximum building size: Bingham Township requires a maximum of 1,500 square feet, which is about the area we're meeting in here at the township hall. This does provide flexibility for the storage of materials, cooking appliances, etc. We hope that some existing barns and structures would be adaptively reused, but we might see some new structures. Building setbacks would apply. Do we want to consider any setbacks from non-farm residences similar to what we discussed for the farm processing facilities?

Minimum parking standards with regard to the number of employees: in talking to some of the local farm operators, they thought maybe they'd need three to five employees if they were successful. We would want to have at least one parking space per employee. Do we want to set a maximum number of employees to keep this at a smaller scale to minimize negative impacts to neighbors?

Hours of operation: I don't want to go too far with this because we know farmers need to do things at all times of day. A possible negative impact to a neighbor is if delivery trucks are coming to bring flour and sugar and things like that. Maybe we set hours of operation for deliveries but not necessarily for when the processing happens.

Rudolph: for deliveries and retail.

Cram: a processing kitchen would only allow you to process. What we would probably see is farmers get a land use permit for a processing kitchen as a use by right, then they would have their farm stand that no longer has square footage limitation. The retail sales would take place out of the farm stand. The processing kitchen would be indoors. We would want to ensure adequate water and sewage disposal. I am in conversations to understand the different permitting requirements for the types of processing kitchens. I'm working with the Grand Traverse County Health Department and MDARD. The processing kitchen as proposed would likely be licensed by MDARD. If a farmer is proposing something that doesn't meet those standards, they might have to get the Grand Traverse County Health Department involved. That is usually for a commercial kitchen where the food handling and other requirements are different. We'll have a good handle on that before bringing it back to you. I would like to move forward with a processing kitchen as a use by right with the approval of a land use permit.

Achorn: if the processing kitchen did not have a farm stand connected to it, could they sell their products in other ways?

Cram: we would want to talk about that. Potentially this could fit under a home occupation, but I think we want this to be specific to agriculture. If they're interested in having retail sales, they will probably have a farm stand. Otherwise they would be doing things wholesale, which is less obtrusive to neighbors.

Achorn: what if they sold to someone else's farm stand?

Cram: they could do that and it would be wholesale.

Achorn: how would that impact the farm stand where they sell what they produced on their property but also took in this processing kitchen product?

Cram: exactly. Right now, the farm stand allows the farmer to sell what they grow and what they process as long as 50% of what they process includes their namesake ingredient.

Sanger: local content provision?

Cram: yes, consistent with the Right to Farm Act. They would need to be processing a percentage of what they grow.

Sanger: I don't see that, but maybe you didn't give us the entire document.

Cram: Bingham doesn't mention it but we could.

Wunsch: we can go further because it's not a farm market use; it's processing. It doesn't fall under the farm market GAAMPS. The township could be as restrictive as requiring that 100% of the primary or secondary ingredient has to be grown on the farm operation.

Cram: I want to be careful because pies take flour and sugar, etc., but, yes, I think the goal is that it's accessory to active production and we could have some parameters there.

Wunsch: we have had this use in Peninsula Township historically; we just haven't characterized it as anything. Some of the negative feedback from the changes to the winery and farm processing ordinance related to maple syrup or those kind of uses was that the township had either approved them without the appropriate policy framework or the county or state had permitted them and they were treated as agriculture storage, which isn't accurate. It is proactive to build a legal framework to evaluate these things.

Sanger: we don't want someone deciding they want to make cheese and then they're shipping in milk, adding traffic.

Cram: understood. The standards are the guardrails. We want to make sure they have adequate access and parking to make sure the use is compatible with surrounding uses. I'm really excited about formalizing this opportunity that has existed and has not been taken advantage of. I'd like to bring back roadside stands for adoption on April 11. I'll have a draft of processing kitchens to discuss with the planning commission in a study session and then public hearings.

7. Update on Kelley Park Boat Launch project.

Wunsch: thank you, Becky Chown, for taking the lead on this one. We are making a run at a DNR Waterways grant. Becky was able to find us someone at Beckett & Raeder who has a lot of experience successfully applying to Waterway grants. She is preparing that for an April deadline. If we are awarded the grant, we would probably have Gourdie-Fraser do the engineering work. Beckett & Raeder are doing all the preliminary design work and the grant application. The budget for that project was under \$10,000; it fit within my discretionary [spending authority]. We were on a tight timeline so I took the liberty of okaying that. We are cautiously optimistic.

Sanger: if approved, would that be possible to be in place for summer 2024?

Wunsch: conceivably.

Sanger: I compliment you for this work. I'm happy to tell people we are moving forward.

Wunsch: [the DNR] seems pleased that we're going for a somewhat scaled down motorized launch so we won't have the extreme dredging requirements we would have had for the large-scale launch. The design we've talked about preliminarily includes both motorized and the soft launch—carry-down kayaks and canoes. If we receive the Waterways grant, we probably need to do some private fundraising because the grant requires a local match and I don't think the full match would be within the township's budget.

8. Board approval to authorize Jenn Cram as interim zoning administrator.

Wunsch: for a number of our internal process controls within the township, we need someone authorized as the zoning administrator to sign off on certain documents. Because

of the restructure in planning and zoning, we need to temporarily authorize Jenn [Cram] as the interim zoning administrator until we hire someone to fill that role.

Wahl: it's needed, but my concern is making sure we get someone in there full time. Seems like an inherent conflict having her in both roles.

Wunsch: the big need for it was based on the land division down on Neahtawanta Road shortly before we assumed office back in 2016.

Cram: [when a township officer or board member is involved] is really the only time two separate signatures are required.

Wunsch: I propose we make this authorization but also commit as a board not to engage in any land divisions until we have a new permanent zoning administrator.

Wahl: yes, that is my biggest concern.

Sanger: I would point out that the zoning ordinance requires a zoning administrator and delineates duties to that person so it's appropriate that we identify someone.

Wunsch: the separation of powers is to prevent a conflict of interest or to provide a second set of eyes when trustees or board members are going through land divisions.

Chown: if something comes up, we can have our interim helper sign it or postpone it. We are publishing to fill this position this week.

Achorn: on any land division, four signatures are required: the assessor, the attorney, planning, and zoning. It's not just planning and zoning.

Achorn moved that Jenn Cram be designated as the interim zoning administrator with a second by Rudolph.

Roll call vote: yes – Chown, Wunsch, Achorn, Wahl, Sanger, Rudolph **Passed unan**
9. Letter to Grand Traverse County Road Commission

Wunsch: the board has been working to convince the Grand Traverse County Road Commission to take action on the repair of Bluff Road. The most pressing concern is the move toward decertification of the road. We've been advised to avoid that if possible and to enumerate the specific harms that decertification or abandonment of the road would pose to the township and taxpayers. The residents of Bluff Road are working simultaneously to enumerate the specific harms they will face should the road commission choose to close, decertify, or abandon Bluff Road. Our position is as follows:

“The Peninsula Township Board unequivocally opposes the closure, decertification, or abandonment of Bluff Road. We recognize the financial constraints faced by the Grand Traverse County Road Commission but are unconvinced that decertification and/or abandonment of all or part of this vitally important road will be consistent with our mutually stated objective of resolving this issue and reopening Bluff Road through the acquisition of state or federal grant monies. Moreover, our legal counsel is concerned about the legal issues raised by the road commission's approach to decertifying a portion of Bluff Road and closing it for public travel yet maintaining it for non-motorized traffic.

“This proposed action also raises questions about why the commission would take this measure and the rationales that have been set forth to the public as a basis for decertification. We therefore urge the Grand Traverse County Road Commission not to decertify Bluff Road or at a minimum to further delay such action until the commission fully addresses the township's concerns.

“For the record, the road commission's inaction regarding the collapsed section of Bluff

Road for more than three years has dramatically worsened the condition of the road and placed undue financial and managerial burden upon township officials and residents. The further step of decertification without a realistic, actionable solution will cause real financial harm to residents who live in the impacted area. It will also pose physical harm, undermining the ability of Peninsula Township to dispatch firefighters and EMTs to the affected area (see attached letter from Peninsula Township Fire Chief Fred Gilstorff). Specifically, the steep grades drivers experience on the detours they're required to take on Smokey Hollow Road limit ingress to and egress from the affected portion of Bluff Road during periods of adverse weather. These hazardous driving conditions are worsened by the road commission's continued failure to plow Smokey Hollow Road (see attached letters from township residents Kent Gerberding and David Murphy). This bleak situation poses a real risk of loss of property in the case of fire or the loss of life due to medical emergencies during the regular periods of severe winter weather the township experiences every year.

"To date, Peninsula Township has submitted grants for the repair of Bluff Road, met with state and federal officials to discuss the problem, and invested staff and consulting resources to try to find a workable solution. Meanwhile, our residents pay more than \$800,000 in millage funds to the Grand Traverse County Road Commission each year, raising serious questions about the ROI they receive for their dollars. A clear, executable plan for repairing the damage to Bluff Road will go a long way toward addressing concerns among Peninsula Township residents that the road commission millage they pay flows only in one direction. To that end, the consensus in our community is that it would be fine to allocate several years worth of millage levies to address the Bluff Road problem.

"In sum, Peninsula Township asks the Grand Traverse County Road Commission to work with the township to find a solution to fix and reopen Bluff Road and, in the interim, not to decertify or abandon the road while we work together to protect the health, safety, welfare, and property interests of our residents."

Letter is circulated and signed by board.

Rudolph: when is the next road commission meeting?

Chown: March 23.

Wunsch: yes, I get to go to a road commission meeting for my birthday.

Chown: we are submitting this letter and attachments to be part of the road commission's packet for this upcoming meeting; the deadline for submitting is tomorrow.

Wunsch: procedurally, we are trying to establish what the harms are to the township. Anyone who wants to can submit a letter enumerating specific damages caused by the closure of the road prior to that March meeting.

Chown: their deadline for packet material is close of day tomorrow. You would need to submit it to the road commission by 4:00 p.m., or you can attend the meeting and read it or make comments into the public record. Those meetings start at 6:00 p.m., with public comment at the beginning and end. [To date,] Bluff Road is always last on the agenda.

9. **Citizen Comments:**

Dave Merrell, 2046 Phelps Road: regarding the problem with the Old Mission Women's Club, a lot of the members and I are offended by what the [Bayshore] group presented as an alternative. This is not an 80 for Brady. These ladies have oxygen tanks, walkers, and all

kinds of things. They are not capable of doing four of the five things that were presented as options. Second, they baked 6,000 cookies. That's 500 dozen at 58 cents apiece. Third, I want to talk about the marathon combined with the road commission problem. Last year I worked the Bayshore Marathon as part of the library group. We had the water station at Blue Water and Bluff Road about 10 miles in. During that time period—I'm a retired physician, not a practicing physician—three people needed some evaluation of their health status. The chief knows this. We made calls to get a cart there so these people could be taken to the hospital. The fastest response was 45 minutes, mostly because there were problems at the other end and because there was no short way to get there. One of the members got a bed roll out of his car to lay the person on. At the time, I was not impressed with our ability to handle the situation. If we are going to have the marathon, we ought to step up in some way for this road. Fire and other disasters could also occur with that road not open. It doesn't affect me directly, but I would hate to drive down that Smokey Hollow hill. The health concerns with the marathon running through there really bothered me last year. I just wanted to get that off my chest. Thank you.

T.J Andrews, Grand Traverse County Commissioner District 7: I have three comments. Bluff Road: there is a working group meeting on Thursday at 5:00 p.m. The public is permitted to attend. There's no public comment but the meeting is at the road commission office followed by the meeting on the 23rd. In addition to the comment Becky made about showing up and reading your comments into the record, you can email them and ask them to be included in the packet. You don't have to show up if you can't. I remain concerned that once that road is decertified, if it's decertified, there is going to be even less motivation on the road commission's part to look for reasonable cost plans, to identify funding opportunities, and pursue them. I have reiterated my request multiple times for copies of the grants that were supposedly applied for back in November. They haven't materialized and I think that will remain the pattern. I'm also concerned because I think somebody posted my name on social media suggesting I can solve this problem. I've been getting a lot of emails and I try to respond to them. Mostly they are concerns about what this is going to do to people far beyond the peninsula who enjoy that section of road as a safe alternative for non-motorized, for biking loops. I am concerned that if it's decertified, maintenance problems are not going to magically get solved; they're going to get worse. It is going to become unsafe for people even on bicycles. The road commission is not in the trails business; they are in the road business. Their motivation to maintain a trail, I think, is even less than their motivation to maintain that road. Thank you for your advocacy on that issue.

My second issue has to do with board appointments. I am frustrated that our county commission is resolving political disagreements about how appointees vote while serving on our boards by bringing charges for removal against them. I don't think that's how we should solve problems. We appoint people to boards just like the townships do, just like the state does. We vet them, we advertise, we seek interested people, we train them, we give them orientations. We have oversight by receiving minutes of their meetings. We as county commissioners have liaisons, just like you do to the commissions, where we appoint people to serve. There are so many ways we can find out about problems before we vote. We have opportunities to bring people in and find out what's going on. We

unanimously agreed to do that to find out what's going on in the pavilions; there's been some serious concerns. We've all voted to bring our appointees in to talk about it. We're now in our second round of litigation over our removal of appointees to boards by bringing charges first and asking questions second. I don't think that's how we should be operating. We have openings on boards right now and it will be hard to recruit for these positions. This will have a chilling effect on people who want to sign up and then have to go hire lawyers to defend vague charges that they don't even understand. It is taking up an immense amount of resources in our county among the appointees, among boards, among us commissioners. We have spent so much time on this and amongst our staff who have been defending lawsuits and claims and we have so much work to do. It's a distraction that I don't want to see any more. I want to go on the record that this is how I feel about it. We are going into a meeting tomorrow morning with a moving target on our backs.

The final issue I want to raise is also one that's on our meeting agenda tomorrow. I don't know much about it yet, but I want it to be on your agenda, which is the fact that the Grand Traverse area is becoming a Metropolitan Planning Organization for transportation purposes. Because we have more than 50,000 people, in order to get federal funds, we need to become part of an MPO. This is in the works. It's coming out of the Traverse Transportation Connection Initiative. I did notice that all of the townships who are part of this MPO are presently represented in that organization except Peninsula Township.

Cram: we should be represented. I participated in that first meeting. I can follow up to make sure. I made it very clear that Peninsula Township wanted to be at the table.

Andrews: you were not on their voting members list. I was also looking at the presentation to Michigan Transportation, and Peninsula Township was not listed as a member.

Cram: I will follow up.

Andrews: I have a lot of questions about what this means for transportation planning in our community. These are long-range plans that are updated annually and every few years. Given how important transportation planning is in this community, Peninsula Township should be part of that conversation. I always learn how much I have to learn when I get my agenda for the meetings. I'm happy to engage on anything of interest or concern.

Nancy R. Heller, 3091 Blue Water Road: I brought this up at the planning commission meeting. Peninsula Township is working hard to update its ordinances and make them clear but I feel there's a void with enforcement. Laws are only as good as they can be enforced. I am not sure but I believe the enforcement officer is 20 hours a week. Looking at our ordinance, it would take 20 enforcement officers [to enforce it]. I know we have to be realistic, but I think you'd better start thinking how you can achieve and afford reasonable enforcement. We don't have it. I know if the word gets out, if they start ticketing, everybody is much more conscientious. If you start enforcing some of this stuff, the word gets out, and people are more aware and more reliable.

My last comment is designated parking. It's discussed in a lot of these areas. I did business for more than 20 years in what was called a roadside stand. I would say one percent of the customers parked in designated parking. I don't know how you can enforce people parking where they are supposed to park. I lived for probably 40 years by St. Joseph Catholic Church. They had a great big parking lot, but people still parked up and down Blue Water

Road. I think it's important to find middle ground and try our best, in a positive, objective way, to get people to park where they're supposed to park. We're going to have all these rules and regulations but it's human nature to park in the most convenient spot.

10. Board Comments:

Chown: I urge everyone to read in the packet the correspondence from Kent Gerberding and Dave Murphy on plowing on Old Mission Peninsula by the Grand Traverse County Road Commission.

11. Adjournment

Wahl moved to adjourn with a second by Sanger.

Motion approved by consensus

Adjourned at 9:10 p.m.