

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

www.peninsulatownship.com

Township Board Regular Meeting Agenda

March 23, 2021, 7:00 p.m.

Township Hall

**Corrections made by Becky Chown, clerk,
on April 26, 2021**

1. **Call to Order** by Supervisor Manigold at 7:00 p.m.
2. **Pledge**
3. **Roll Call:** Achorn, Wunsch, Sanger, Wahl, Bickle, Manigold, and Chown
4. **Brief Citizen Comments (for agenda items only):** none
5. **Approve Agenda**
Chown: requested two additional items be added to correspondence under the consent agenda, items I and J.

Moved by Wahl to approve the agenda as amended, seconded by Wunsch.
Passed Unan
6. **Conflict of Interest:** none
7. **Consent Agenda:** any member of the board, staff, or the public may ask that any item on the consent agenda be removed and placed elsewhere on the agenda for full discussion
 1. Invoices (recommend approval)
 2. Reports
 - A. Grand Traverse County Sheriff Daily Officer Summary for February 2021
 3. Minutes from February 23, 2021, Township Board Regular Meeting; March 9, 2021, Township Board Regular Meeting; and March 10, 2021, Township Board Special Meeting
 4. TBAISD Summer Tax Collection Agreement
 5. TCAPS Summer Tax Collection Agreement
 6. Correspondence
 - A. Steve Trippe
 - B. Eric Dreier
 - C. Dave Murphy
 - D. Louis Santucci
 - E. Ray Weigel
 - F. Brian Nelson
 - G. Bud Stych
 - H. Dennis Seeley
 - I. Protect the Peninsula
 - J. Mark and Gretchen Campbell
 7. Peninsula Township Fiscal Year 2021–2022 Regular Meeting Dates for consideration and correction prior to adoption later this month
 8. Proposed Kelley Park Lease with DNR prior to setting a public hearing for April 13, 2021 - **Removed**
 9. Renewal three of three renewals of general maintenance contract with Bob Wilkinson (recommend approval)

Nancy Heller, 3091 Blue Water Rd.: requested that consent agenda item 8, proposed Kelley Park Lease with DNR prior to setting a public hearing for April 13, 2021, be removed and placed on the agenda as business item 6.

Moved by Wunsch to approve the consent agenda as amended, seconded by Wahl.

Roll call: Passed Unan

8. Business:

1. First Public Hearing for Proposed General Funds and Special Funds Budget for Fiscal Year 2021–2022
Manigold closed the regularly scheduled board meeting and opened the public hearing. Hearing no public comment, Manigold closed the public hearing and returned to the regularly scheduled board meeting.

Bickle: listed a couple of line item changes within the budget.

Manigold: the budget will be adopted at the end of March.

2. Second Public Hearing for Fire Special Assessment District for Fiscal Year 2021–2022
Manigold closed the regularly scheduled board meeting and opened the public hearing. Hearing no public comment, Manigold closed the public hearing and returned to the regularly scheduled board meeting.

Moved by Wunsch to approve the Fire Special Assessment District for Fiscal Year 2021-2022, seconded by Bickle.

Roll call: Passed Unan

3. Public hearing for SUP #139, Seven Hills Redevelopment (amendment to SUP #35) (Meihn)
Manigold closed the regularly scheduled board meeting and opened the public hearing for SUP #139, Seven Hills Redevelopment.

Meihn: found some issues with the completeness of certain items that from a legal perspective need additional information from the applicant. Asked the board to deny this SUP request and return it to the planning commission for additional review. Need engineering reports, and the soil and water reports that were provided were labeled as preliminary. Need reference to the zoning that is in effect to evaluate what is being requested for approval and to see that it is compliant with the ordinance. The reference to SUP No. 35 means we need to see how this request modifies the original SUP. The original SUP should have been supplied within the packet, and the site plan provided is unreadable. Meihn also suggested that additional costs to have this issue come back before the board be waived.

Troy Daily, 15324 Smokey Hollow Rd.: we have been corresponding with the planner and addressed all the issues that were raised. Plans were dropped off at the township. All the issues could have been addressed prior to this meeting. Looking to create a community area. Grew up in the area and would like to create a location for locals to enjoy. Want to update the property given that it was developed in the 1970s. Is happy to answer any of the board's questions.

Brian Peace, 1224 Milliken Court: we were told by the planner that everything looked good and now we feel unprepared.

Daily: everything that is being requested is under a "use by right," coffee shop, quick service restaurant. (NOTE: COMMERCIAL PROPERTIES DO NOT HAVE A USE-BY-RIGHT DESIGNATION)

Nancy R. Heller, 3091 Blue Water Rd.: this references SUP No. 139. The special use permit should have been brought forward as an amendment to SUP No. 35 and a new number should not have been created. There are too many uses for a site that is only 2.9 acres and only 1.97 acres with the road right-of-way acreage removed. The

site has approximately 110 feet of road frontage. Does not feel the parking area is adequate for the number of uses outlined in the SUP application. Newer activities will not have a positive effect on the adjacent property owner. Applicant has the ability to develop the site, just not to the extent that is being requested.

Janie Schulz, 6373 Franklin Woods Dr.: Chown read correspondence into the record.

Al and Susan Cogswell, 6235 Red Fox Run: Chown read correspondence into the record.

Kathy Doelker, 11432 Peninsula Drive: Chown read correspondence into the record.

Helen Mumford, 13619 Seven Hills Rd.: Chown read correspondence into the record.

Rick and Mary Kay Burbee, 1299 Chimney Ridge: are owners and operators of Tinker Studios, which is located at the site requesting to be developed. Are in favor of the SUP request and the changes to the site.

Manigold closed the public hearing, returned to the regularly scheduled board meeting, and opened the discussion for the board.

Wunsch: apologized to the applicants that this has to be sent back to the planning commission for additional review. This doesn't happen very often. Asked the board if there is anything further that needs to be addressed.

Moved by Sanger to accept the position of the township's legal counsel to send this back to the planning commission and that the applicant not incur additional costs; the additional costs only pertain to the filing fee and not the other applicable fees such as the publication and engineering expenses, seconded by Chown.

Roll call: Passed Unan

4. Updated Scenic Viewsheds Map and List of Parcels in Viewshed (Deeren and Wunsch)

Deeren: this is the new scenic viewshed map that was approved by the planning commission. The largest changes include the property numbers and encompass the entire parcel instead of just a portion of the parcel. This will be useful when issuing permits for solar panels so they do not get permitted within a viewshed.

Moved by Wunsch to adopt the scenic viewshed map as presented, seconded by Bickle.

Roll call: Passed Unan

5. Legal update on various township matters (Meihn)

Meihn: major events will be occurring over the next 30 days in regard to the lawsuit with the wineries. The mandated mediation took place with Joe Quandt and was unsuccessful. Next week, we'll begin the depositions with the wineries, which could be held up by the judge pending the intervention with Protect the Peninsula. The judge has yet to rule on PTP intervening in this case. Will hold off on other matters until the next meeting; a closed session might be required. Can provide training for the planning commission and the ZBA. Can hold meetings live as long as the governor's orders don't change. Increase in COVID cases from 2,000 to a reported 4,000 in Michigan as of yesterday. More information to come from the governor with the rising number of cases. Any new information will be posted to the website.

6. Proposed Kelley Park Lease with DNR prior to setting a public hearing for April 13, 2021

Manigold: invited Nancy Heller to address the board.

Nancy R. Heller, 3091 Blue Water Rd.: after reviewing the lease, has several concerns. The DNR should pay for the

cleanup of the site and not the township. Regardless of a lease, this is a benefit to the DNR at a cost to the township. There is no consideration given to the township for that responsibility. If the DNR chooses to end the lease, the site will be improved at the cost of the township.

Manigold: the DNR did pay two million dollars for this parcel and they want to work together to look for grants.

The intent is to lease the property and install a boat launch. It is their property and their lease. This will be scheduled for a public hearing next month.

- 9. Citizen Comments: Nancy R. Heller, 3091 Blue Water Rd.:** referenced the structure of Zoom meetings. The ZBA had a meeting and the issue of structure and what it is was brought up and the township attorney stated it was anything that stands up. Also feels the penalty for failure to obtain a land use permit should have a one-time forgiveness. Listens and attends meetings and feels that the penalty does not encourage community spirit.

10. Board Comments

Manigold: looking at adding a second deputy as this has been requested via social media. The new prosecutor will be looking at the road ends. Speed studies show different violations.

Sanger: current deputy has time off factoring in normal hours of duties. This sometimes leaves the Peninsula without any coverage. We receive noise complaints that come in through central dispatch late at night. Normal course is to engage our deputy. The zoning department has taken action on those complaints that occur during the officer's off hours.

11. Adjournment:

Moved by Wunsch to adjourn, seconded by Wahl.

Roll call:

Passed Unan

Final adjournment: 7:53 p.m.