

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

www.peninsulatownship.com

Township Board Special Meeting Minutes

May 19, 2021, 10:00 a.m.

Township Hall

1. **Call to Order** by Supervisor Manigold at 10:04 a.m.
2. **Pledge**
3. **Roll Call:** Wunsch, Achorn, Sanger, Manigold, Chown
Absent: Bickle and Wahl
4. **Brief Citizen Comments (for agenda items only):** none
5. **Approve Agenda**

Moved by Wunsch to approve the agenda as presented, seconded by Sanger.

Passed Unan

6. **Conflict of Interest:** none
7. **Consent Agenda:**

1. Draw request on Fire Station #3 from the contractor; bill to be paid (request approval) (see additional materials at the end of the minutes related to this agenda item; these materials were added at the meeting)

Moved by Achorn to approve the consent agenda as presented, seconded by Wunsch.

Roll call:

Passed Unan

8. Business:

1. Resolution 2021-05-19-#1, Temporary Suspension of Enforcement of the Peninsula Township Zoning Ordinance with Regard to Temporary Structures and Their Use and Use of Temporary Structures Permit Application

Manigold: we have gone over this issue several times in the past few weeks and made changes to the temporary permit process. This is the final document being presented. Mission Table has been in and received a permit for the use of a tent. This resolution will allow businesses to expand into their outdoor service areas during COVID.

Harold David Edmondson, 12414 Center Rd.: asked what complaints were received last year. Asked about the letter written by David Taft and wondered why it was not part of the packet.

Manigold: the letter was in the previous packet and is available online.

Chown: Mr. Taft was concerned that the word "temporary" was missing from the proposed resolution.

Edmondson: what were the complaints? How many were there and what were they for?

Manigold: two complaints came in regarding noise issues and tents that were placed too close to property lines. Tents will not be allowed within the road right-of-way area.

Edmondson: there is already an amplified music and noise ordinance.

Manigold: this is a take-it-or-leave it situation. Either this will work or it won't.

Edmondson: we should have this ability to use tents with our property rights. It seems like a simple thing to do. The packet has regulations that you have to meet. This should be fair and consistent or not at all.

Marie Chantel Dalese, 527 Second St.: thanked the board for having the meeting and suggested that language be added defining temporary structures in the resolution. Noted that since Hawthorne has an indoor capacity of 33 people, this resolution still doesn't make sense for them. Feels the changed language does not reflect what the wineries are seeking.

Joanne Westphal, 12414 Center Rd.: has watched the controversy from afar. Police power and private property rights are encompassed within this topic. There is a misuse of police on private property rights. Tents should be allowed throughout the year as an accessory use. They cause no harm. Disagrees with the fine that was imposed on Mr. Kroupa for the igloos. The board needs to balance police power rights.

Manigold: the board is trying to extend a hand and help out the wineries. If you do not want this resolution, that's fine.

Chris Baldyga, 9707 Montague Rd.: would like to see a modification to this resolution that allows unlimited outdoor capacity and does not tie it to the indoor capacity and that lets guests stay later at night.

Chown: section 2E of the new resolution allows guests to remain until the winery closes at night.

Baldyga: missed that in the new resolution; reiterated that limiting occupancy will be challenging for the wineries.

Sanger: the indoor capacity is stated within the special use permit set forth by the building capacity.

Meihn: the fire code and safety code meet the needs of the business set in the special use permits; parking is sized to this capacity limit.

Chown: clarified that the interior capacity of the structure dictates the number of people allowed outside.

Meihn: the size of the structure and fire code regulations along with bathroom facilities are all aligned with the building capacity.

Chown: in turn, the existing parking capacity is based on the capacity of the building.

Manigold: the confusion comes from the number of people allowed because not everyone would be allowed inside to keep conformity with the provisions set by the health department.

Wunsch: the resolution isn't perfect but it accomplishes our goals.

Moved by Wunsch to approve the resolution as presented, seconded by Chown.

Roll call: Passed Unan

9. Citizen Comments: none

10. Board Comments: none

11. Adjournment:

Moved by Sanger to adjourn, seconded by Wunsch.

Passed Unan

Final adjournment: 10:32 a.m.