

PENINSULA TOWNSHIP

13235 Center Road, Traverse City
MI 49686

www.peninsulatownship.com

Township Board Regular Meeting
June 11, 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, Rudolph, Chown
Absent: Shanafelt

4. **Citizen Comments:**

John Wunsch, 17881 Center Road: I congratulate and compliment you as a board for your wise decision to hire a firm that specializes in analysis of governments and is an accounting firm. I believe this firm will give you the kind of information you need to make a wise decision regarding the future of the finances of the township. Are we at a point where we need more efficiencies? Are we at a point where we need to reduce some services or where it makes sense to let the citizens consider the possibility of a change in taxation? Right now, I think we're at a point of waiting to hear from that firm. Whatever they tell us, it's not going to be a snap judgment. I think it will take months to analyze it, to let the public know what's in it, to take their input. At that point, we would know more and be able to consider the kind of question that is before you this evening regarding Headlee. In the context of that good decision of that great information on the way, in the context of a current balanced budget, in the context of a highly unusual level of financial expenditure due to the lawsuit, which is now settling down in terms of the cost coming to an end, I recommend you not put a Headlee question on the ballot for this coming fall. Thank you.

Fred Woodruff, 4824 Forest Road: I echo those comments with the following suggestions. My understanding is that for a November ballot proposal, you have until sometime in August to make that decision. It's conceivable you will have some preliminary information, maybe a substantial amount from the MC [Maner Costerian] consulting firm by then, that might better help to inform as to the timing of putting this on the ballot. My other editorial comment is, if and when you decide to move forward, it would be very helpful to understand how the township intends to use the additional funding. I believe it's likely to raise about \$400,000. That's a substantial amount of money but after you get the MC report, it may fall short of what would be needed. Thank you.

Dave Murphy, 6943 East Shore: through several years of routine meetings about the master plan, government structure and funding were frequent subjects. Through my five-plus years on the parks committee, we've struggled with project needs and budget. We had a thorough study completed by LIAA, the Land Information Access Association, with the largest park projects recommended by the public. When Fahey Shultz presented last July about township structure and the subcommittee was formed by Armen [Shanafelt] to address the future needs, I eagerly volunteered and served on that committee. It became clear that we needed more expertise to advise us. I appeared at a recent town board meeting to advocate for the hiring of MC. It's an

impressive consulting firm specializing in municipal government. As I said during my comments a few meetings ago, what excited me about their skill set and our interview with them was that I believed them when they said they'd objectively evaluate Peninsula Township for efficiencies, structure, and funding needs as well as resources. They had no preordained outcomes. I recommend that we see that consulting work through to completion and then do a thorough job educating the public on what the outcomes are and get their feedback. Thank you.

Andrus Valdmanis, 1484 Chimney Ridge: thank you for taking on these tough projects. I want to go back to what you've heard me talk about before and that's the master plan. We're operating under a master plan that was approved in 2011. The master plan rewrite process started in 2019 with a community survey. The citizens' advisory group was selected in 2019 and worked 2019–2020 and sent an approved master plan model to the planning commission. That was three years ago. Two years went by. Nothing happened. Last summer in the summer newsletter, it was stated that just a few tweaks were needed to complete the master plan. On November 14, I came before you and the planning commission and said, "Where is the master plan?" Thankfully, over the winter, a few folks were motivated to move this along. Now we have a new document. I sat on the advisory committee. When I compare what I saw there to what I see now, it is dissimilar to what many of us worked on and I don't know where that came from. There are maps that were released on May 30 in the agenda packet for the June 4 planning commission meeting. On June 4, seven hours before the meeting, there were new maps released that did not match the maps that were released on May 30. They were vastly different in many ways. I have reached out with questions and concerns. I will continue to voice them. I observed at the June 4 meeting the planning commission, against the objections of some citizens, passed the master plan incomplete. No accurate maps. Contradictory paragraphs. I'm sorry the planning commission felt it was well enough informed to do that. I think it was a mistake. There were new maps promised that will be released today. As of five o'clock, I did not see them posted on the township website. As much as I want to see this master plan passed, I do not want to see an incomplete or inaccurate plan passed because something happened. We no longer have the master plan we approved. This is something new. Where did it come from? How did it happen? What went wrong? How are we going to get it right? Thank you.

Fred Swather, 1045 Grey Road: I echo Mr. Wunsch's comments. We've spent the money on a study to determine exactly where our budgetary needs are. We don't have that information back now. I think it would be a disservice to put the Headlee rollback on the ballot. In the event that it doesn't cover our needs, we will be going back to ask for another millage in order to meet those needs. I think that's ill advised at best. I think patience is our best course right now. We need to figure out where our budget problems are, see what we can do to fix them, and then go to the citizenry and ask for the money if that's what's needed. Thank you.

5. Approve Agenda

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

Motion passed by consensus

6. Conflict of Interest: none

7. Consent Agenda:

1. Invoices (recommend approval)
2. Reports
 - A. Peninsula Community Library
 - B. Cash Summary by Fund
 - C. Fire Department

D. Parks Committee

3. Minutes from May 14, 2024, Township Board Regular Meeting and May 23, 2024, Township Board Special Meeting
4. Public Service Announcement, "EGLE and Michigan Saves Launch Septic Replacement Loan Program"
5. DLMAC Fund award of \$15,000 to Peninsula Township to develop a non-motorized plan
6. Correspondence
 - A. Sally Erickson
 - B. Susan and Phil Tarczon

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

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

Passed unan

8. Business:

1. Litigation Update (Attorney Beau Rajsic from McGraw Morris PC)

Rajsic: I appreciate you having me here tonight. A lot has happened since my last litigation update on the winery case. I appreciate everyone's patience. This case has been more than three years in the making. A lot has happened over the last couple of months as everyone is probably aware. Trial commenced as expected on April 29 before Judge Maloney down in the U.S. District Court in Kalamazoo. The proofs in that trial ramped up on May 13. Representatives from all 11 of the wineries testified at trial, and plaintiffs through their financial expert Eric Larson demanded \$120 million in damages from the township.

Mid trial, PTP [Protect the Peninsula] put on a land use planning expert to testify regarding the township's governmental interests and zoning ordinance in the efforts to tailor that zoning ordinance to effectuate those governmental interests. In response, plaintiffs rebutted with a preemption witness, a former director of the Michigan Liquor Control Commission, and then the former MDARD director Gary McDowell.

The township's defense introduced nearly 250 exhibits, primarily consisting of planning commission and township board meeting minutes that demonstrate the importance of protecting and promoting agriculture and how the zoning ordinance was crafted to encourage and protect those interests. This legislative history shows how, for more than 40 years, the township through its legislative process successfully planned and zoned to promote and protect the place you call home.

The proofs are complete at this point, but we still have to make closing arguments.

Judge Maloney has invited the parties to submit post-trial briefings 30 days after the last trial transcript has been filed by the court. So far, only two of the 10 transcripts have been filed. We're optimistic those transcripts will all be filed by the end of the month. After the last transcript is filed, the parties will have 30 days to submit their post-trial briefings, at which point Judge Maloney has indicated he's going to invite us back down to make closing arguments. When those closing arguments will take place, I don't know. It depends on when post-trial briefs are complete and when Judge Maloney invites us down. There are still some final steps to complete but the trial proofs are all done.

Patterson: the other case that's pending is *Family Orchard vs Peninsula Township*. That case is fully briefed. There's been no further activity. It raises some legal issues related to the moratoriums as well as Peninsula Township Amendment 201. It does have dispositive motions, meaning motions that could totally resolve those issues, currently pending before the federal court.

2. Corrections to FY 2024-2025 Budget (Wunsch and Sanders)

Sanders: while the treasurer's office was entering the budget into the BS&A software, they noticed

that some of our column summations when we took it from Google Excel to putting it in the file did not add up correctly. Thankfully, Katie Clark [deputy treasurer] caught everything and made the numerical corrections. The budget is still balanced. Isaiah [Wunsch] and I take responsibility for that. It was our first go at cracking the township budget.

Achorn: it's not into the BS&A system yet because it has not been passed by the board. I want to give an overall picture of what I look at when I review the budget. Look at your summarization of the 80 pages of detail, which are the totals. Second, look at the cash summary report for this month. It's not apples to apples, but the cash is close. Third, look at the budget appropriations that are included with the budget. This is money that is coming from our reserve fund in order to balance the budget. The state looks at fund or department totals, and whenever there is a negative in the activity for any of the funds, we have to look at the fund balance that has been carried over from prior years. The first big one is Pelizzari, which has a negative \$220,000. But in the fund balance, there is \$401,000 that has been waiting for the project that this tax levy could only be spent on, capital projects for the Pelizzari park. We look at cable, which has a negative of \$38,000. All the income coming in from the cable fund this year is being utilized in this current year budget, which means it is not growing our reserve fund. Similarly, the tower fund is \$49,250 negative. Tower and cable are the two funds where we [have the opportunity] to increase our reserve balance.

Next, look at the last two funds, sewer and water. They have a slight income this year. Then you look at the fund balance and it shows the balance is over \$2 million for each of them. Anybody on city water and sewer will say, "Why did you raise my rates when you've got \$2.7 million?" The lighthouse, the tower, the lighthouse gift shop, water, sewer, and the compactor station have been designated as funds to be treated in our financial reporting as businesses. We capitalize the building, the roof, the repairs, and the pipes that went in to build the water and sewer on the peninsula. You can't dig up the sewer and say, "Here's payment for my bill." The fund balance doesn't tell you the full picture. The better picture is the report I give each month, the cash balance. If you look at water and sewer cash, actually in the bank accounts as of May 31, the sewer fund has \$348,000 and the water fund has \$326,000. According to the state, that is not enough. These two funds, by state requirements, have to have a reserve of their own based on the state's calculation of how these funds are treated. Flint ran afoul of this and the state took over running those departments. The township has no control over the expenses. The county and city of Traverse City spend the money and assign us our portion of whatever they spend.

Yesterday, a *Ticker* article said the sewer plant is going to have between \$25 and \$35 million worth of capital work done. How much of that is going to be on our doorstep to pay for, we don't know. Just because there are fund balances in water and sewer, it's not enough. Perhaps a misnomer is the very last one on the list, the compactor station. When it was first started it was a business operation where the township collected the money and built our building and our equipment that is in the building. We no longer collect anything from the compactor station. It is a drain on the general fund to keep our compactor station operating.

Last, I want to alert you to the page that talks about budget appropriations. In order to fund this current budget, we had to take \$338,000 out of our reserve fund. This is draining our reserves. How long can this go on? We look for the [Maner Costerian] study to help us perhaps reorganize, perhaps bring in efficiencies, perhaps help us to figure out how to get more money into the township. These are the facts of life for us right now. I am concerned about our financial ability to continue if we are not funding this township with revenue that is not in our reserve fund. Maura [Sanders] and Isaiah [Wunsch] did the best they could to determine what the possible expenses were going to be this year. In just two months, we've got new requests that were not in the

budget. Then we start looking to see what we can cut in that budget in order to stay within the parameters. The plan is to send out quarterly full detailed budget reports so that the people who are responsible for those areas can make decisions and perhaps changes mid year. For now, I'm in favor of passing this budget. Thank you again to Katie. With two new people coming on board, this was a necessity, and I think it's commendable that it was only in clerical errors that we found some problems. Good job, everybody.

Sanders: with the quarterly review, Fourth of July kind of bumps us out so we'll probably be looking at the second week of July. I'll get invites out to all the offices.

Wunsch: and report back to the board as well?

Sanders: yes.

Sanger moved to approve the amended budget with a second by Chown.

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

3. Discussion on Placing Resolution 2024-06-11 #1, to Adopt Millage Ballot Language for General Millage Headlee Override, on the November 5 ballot (Achorn)

Achorn: I'm aware of the comments from everybody. It was my task to bring this to the board. The personal opinion of any of us on the township board whether for or against the Headlee override is irrelevant. The resolution is a procedural requirement mandated by the county in order to have the question placed on the November 2024 ballot to allow all the township voters to decide. How you would vote if it was on the November ballot is not the issue tonight. I am bringing it forward tonight because the filing deadline at the county is 4:00 p.m. on August 13. We're not able to wait until our August meeting to discuss this issue. We must address this resolution either at tonight's meeting or at next month's meeting, July 9, to decide whether or not to place it on the ballot. The decision can be to not place it on the ballot. The next opportunity for it to go before the public is perhaps next year, but there is no scheduled election next year. This would cause the township to wait until the 2026 gubernatorial election to put it on that ballot or the 2028 presidential election to put it on that ballot. In the meantime, we would be following recommendations by MC [Manor Costerian] to try to limp along until the voters decide how they would like to fund this township or if they want to cut services. It's up to the voters, not us.

For close to a year, the subject of a Headlee override has been talked about as a possible alternative to help the township fund operations. I have provided information to the board and the township as I learned about it. I drafted the ballot language in resolution after reviewing more than two dozen similar examples from other municipalities in addition to the state of Michigan and MTA guidelines. The language of the resolution and the ballot proposal have been vetted by our attorneys. They recommend 20 years for the term of the Headlee override millage. Year one would be the only year the full millage would be levied. After that, like the original operating millage, it would be subject to any rollbacks caused by the Headlee amendment.

Everybody wants more information. But the resolution before us, if approved by the township board, will allow the voters of Peninsula Township to voice their opinions. In the ballot language, it says in number five, "Should the question approved to be placed on the ballot not pass, the township will continue to levy the voter-approved general purpose millage without the proposed increase." We would continue to keep on as we have been. This year we had another decrease in our millage because of the calculations.

"Should the question be placed on the ballot be approved, the increase to the voter-approved general purpose millage shall be authorized to be levied until the date of the expiration or until renewed or otherwise modified." We're not stuck with it. If we find out later that we would like to do something different, we can.

Sanders: I commend you for the amount of time and research you put into this. We are stuck

between a rock and a hard place right now because of timing. Because we're going to vote.

Rudolph: I echo Marge's [Achorn] concerns regarding the financial situation of the township given the increase in demands from an increase in population density and from expectation increases for services. We've got state mandates that require us to do certain things that cost the township quite a bit. No question there need to be some changes made, either in the township organization or dropping some of our services or somehow increasing the revenue stream to meet the needs of the citizens. It was the right initiative to hire MC consultants in order to evaluate our needs. I was pleased to be interviewed by one of the MC representatives. I was impressed with the interviewer and the questions she asked. That said, at this point, it would be premature to proceed with the Headlee override until we have the recommendations from the consultant. We're taking money from reserve funds in order to finance our operations and that's been going on for at least the last three years. Citizens of the township should understand that the concerns of the board are not frivolous.

Wunsch: my recommendation is that we table. It sounds like a number of you want to wait until the MC report comes back. We can do that.

Look at where the \$400,000 would go. It would cut \$150,000 out of our legal budget. We know [what doing less] got us – a discount legal service that incurred over a million dollars in legal costs during my first year in office. I came in to clean up a mess. I don't want to saddle either of my successors with a similar mess trying to find a discount legal firm again.

There's \$30,000 we could cut out of the road budget if we eliminate brining.

The last \$60,000 of the roughly \$400,000 that the Headlee rollback would bring in, with respect to the napkin math, could be for Bluff Road, paying into a storm equity loan through the federal government. But that's going to be off the table for the next two years if we shoot this proposal down.

We could cut \$150,000 out of the budget by not funding parks.

Dougherty and the compactor station are about \$18,000 total.

I'm happy to wait for the MC report but I think it would be prudent for us to see if they're able to get that report to us in July and August. I think the information will corroborate what our treasurer is telling us.

Sanger: I disagree with you, Isaiah. I spoke with MC. They don't have a timetable. Originally it was going to be a five-month project. My concern is if we kick the can for another month, we're going to have the public on edge trying to figure out what this board is going to do. Let's take a timeout. Work is going on from a very qualified firm. I'm not prepared tonight to come up with a solution. In automotive, the last thing we did when car sales were down was raise prices because we had to try to figure out a way to pay our bills.

Chown: I'm not comfortable tabling this tonight. Even if the MC report came back before the July board meeting and we could discuss it, it doesn't address the point that several of our residents made this evening: once the report is back, this board will need to spend significant time trying to unpack it, absorb it, and understand the recommendations before communicating them to the community. In addition, we don't know the outcome of the winery lawsuit. We don't know if we will be assessed punitive damages that we have to ask our residents to kick in to pay. There won't be another newsletter that comes out with educational information – not advocacy information, just educational information – before the election if we put this on the November ballot. As clerk, whenever there's been an educational effort in the past five years, I've been involved in it. I will not have time this summer and fall to be involved. I will be running elections. I would rather do a ballot initiative one time, after giving our residents all the information they need and the time to absorb it and ask questions. I don't like the idea of tabling it. I would rather vote tonight. We wouldn't be

limited to the gubernatorial ballot. We could also put it on the August 2026 primary ballot if that is what MC recommends and that's what the board decides it wants to do. We're not merely limited to November elections.

Armen [Shanafelt] emailed me this afternoon at 4:17. "Hi, Becky. As you know, I unfortunately have family commitments that kept me away from the meeting tonight. I would have liked to be present for this discussion. I have a few thoughts below regarding the ballot proposal for the Headlee rollback that I would like read at the meeting during the discussion. We engaged MC to provide an analysis of Peninsula Township with the express purpose of proposing changes that would lead to efficient and effective government. This includes looking at statutory requirements, e.g. voting and tax collection, as well as non-statutory activities, i.e., planning zoning and parks, and what is needed to do these well. In addition, given that the analysis identifies resource gaps, we have asked MC to propose potential solutions to meet these gaps. Although this report is expected prior to the November election, it will arrive after the filing deadline for ballot initiatives. This is the driver for the discussion this evening, the inopportune timing of the needed analysis to make such a funding decision. Although I did argue that we'd be in a position to use the analysis in making an informed decision whether or not to support the Headlee rollback if it was on the ballot, given the uncertainty and the amount of funding that may be needed to run Peninsula Township effectively, putting the rollback of the Headlee Amendment on the ballot now feels premature."

Sanders: I agree with how Armen articulated that. Ultimately, it's our responsibility to the public to be the fiduciary representative. I don't like showing up for a test without having done all my homework and plenty of time to study. I want that study from MC and I also want more input from the public.

Achorn: I also am one who has always had all my ducks in a row before I made a decision. I've done the homework. If the board decides not to address the issue tonight or next month in order to meet the filing deadline, I have a file that will make life easier in the future for any ballot proposal. It's the will of the board. These are the facts.

Sanger: I trust your facts, but I don't have all the information tonight. I've heard so many times in my time here that the public is not kept informed. I think we owe it to ourselves and to our constituents to fully vet what we know and when we know it and involve them in solutions. What we're going to get from MC are solutions that will give us an opportunity to involve the public. If it so happens that we made a mistake in deciding not to go for a Headlee rollback, I'll be up front about it, but my mind tells me we need to give it time in terms of hiring this accounting firm and holding to our word that we're going to involve the public, if indeed this is that big a problem.

Wunsch: if it's the will of the board to not put this out, I'll support that. Assuming I am here next year, I will advocate strongly for us to cut \$150,000 out of the five lines I previously referenced.

Sanger: I ask you to consider that statement. We've hired this consulting firm to go in and assess costs. We have a balanced budget right now. I don't see that we need to act immediately. If the board decides to implement serious cutting actions, we're sending a message not only to our dedicated employees but also to the public that we are in deep trouble. I haven't heard it said anywhere tonight that we're in deep trouble. We know we have a problem. We are looking at solutions. But at this time, no one has convinced Dave Sanger that we're in big trouble.

Achorn: I see the reality of the finances. And I am torn because I don't have all the information to make a decision. But we do not have a balanced budget because we are stealing from our reserves. We must acknowledge that. I was told when we spoke to MC initially that we would have some preliminary information in May or June. It hasn't come. The timing is terrible. Deadlines are terrible and the decision has to be made based on the deadlines.

Sanders: yes, the timing is terrible. We need the outcome of the MC report but the public needs it

too and they need time to digest it before they check that box yes or no on a ballot. It's half cooked to get it on a ballot right now when the public doesn't have everything it needs to back that decision.

Sanders moved to not adopt the millage ballot language for the general millage Headlee override on the November 5 ballot with a second by Sanger.

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

Abstained – Achorn

Motion carries

4. Opening on Peninsula Township Parks Committee, Bowers Harbor Park Assignment (Chown)

Chown: the Peninsula Township Parks Committee is an appointed advisory committee made up of seven individuals who oversee our seven township parks. We have specific park assignments. Pelizzari Natural Area, Dave Murphy. Archie Park, Mary Beth Milliken. Haserot Beach and Kelley Park, Mike Skurksi. Old Mission State Park, Pete Dahl. Bowers Harbor Park, our township's flagship recreational park with many amenities, until recently was Ronessa Butler. Bowers Harbor Park expansion, Michele Zebell. I am the at-large member of the parks committee and I try to fill in gaps and troubleshoot wherever needed. Rusted out grill at Haserot Beach. Flag down at Bowers Harbor Park. Wasps at the old swing set at the state park. Double-striped lines for tennis and pickleball accidentally all painted white so nobody can tell what they're doing. All the while, with public interest and use of our parks at an all-time high and continuing to grow, I do my best to fundraise for parks needs we cannot fund within our existing township budget.

Our volunteer parks committee members, as Ronessa's resignation letter articulates, are asked to oversee day-to-day and long-term operational tasks and responsibilities on top of governance, advisory, and developmental tasks. It's a huge ask. In addition to monthly meetings held here at the township hall, members of the parks committee often spend several to many hours a week on "their" park in addition to helping their committee members oversee overall park needs. They use brainpower and sweat equity to get the job done. For example, last summer, after Michele Zebell wrote a successful grant to make the new playground equipment at Bowers Harbor Park possible, we collectively spent several hundred hours shoveling the new child-friendly woodchips into place. There was no budget to hire that out. Tree watering is ongoing at many of the parks, as is routine maintenance, calls from people with questions about what they can and can't do, and complaints about what they see other people do. You could say it's a thankless task, except that it's not. It's a privilege to serve our parks and those who use them. If you haven't yet done so, please take a look at the report in the consent agenda to see what was discussed at last month's meeting. These folks get a lot done.

We are seeking one individual from our community to assume Ronessa's responsibilities at Bowers Harbor Park for the duration of her term, which is up in August of 2025. Ideally, this individual would live near the park and have the time to answer emails, phone calls, and assist with whatever crops up. Bowers Harbor Park is busy. Many inquiries arise. This individual will work closely with Bob Wilkinson, our township maintenance man, Michele Zebell, who is now embracing needs at the adjacent expansion area, and me. We will not leave you floundering. We need your help. If you're interested, please reach out to me at clerk@peninsulatownship.com. I want to thank the community for its consideration. And I want to thank Ronessa Butler for the time she spent serving our community.

5. Planning and Zoning Department Verbal Update (Cram)

Cram: I will start with the master plan, which has been on every planning commission agenda since the beginning of the year. The first task the planning commission undertook was a complete review of the current draft that was released December 8, 2021. They provided comments to staff on typos, grammatical changes, things like that. After reviewing the comments, we organized them

into three types of changes: typos and grammatical changes, organizational and consistency changes, and changes proposed to make the 2021 document current to 2024. We had a discussion about the methodology for the existing land use map and future land use map. All of the typos and grammatical errors have been tracked with track changes and included in public comments.

They're available on the website. Because the original document was created using a software called InDesign, there are some slight changes in going from the InDesign document to the PDF. When you make certain changes, that shuffles things. We are paying Beckett and Raeder to assist us with these changes in the InDesign program. Rather than adjusting everything as we've been going through the revisions, we've saved all of that until the end. The most recent version with all the redlined changes should be uploaded to the website tomorrow so the public can continue to review this as they've been able to do on every planning commission agenda. The minutes also capture the changes discussed by the planning commission.

The only substantive change is related to the methodology of the existing land use map and the future land use map. The previous planner, Randy Mielnik, who worked with the master plan steering committee to create a beautiful document, utilized colors in the existing land use map and future land use map that were very close to our zoning district map. People were confused and thought their zoning was changing when they looked at the zoning district map in relation to the existing land use map. We also realized the existing land use map didn't include the agricultural preservation area or all the acres that are currently preserved.

An existing land use map is valuable to all of us so that we can see how land is currently being used. How land is being used is different from how it is zoned. Looking at the existing land use map, we can see where there are non-conformities or where uses are taking place that may be inconsistent with our zoning. Maybe we need to discuss updating our zoning ordinance to allow different uses.

All of the data we have used to generate the revised existing land use map and future land use map have been taken directly from our assessor, Sally Murray. At the last meeting with the planning commission, I received final recommendations on how to address value-added agriculture. The current versions of the existing land use map and future land use map will also be uploaded to the website tomorrow.

The planning commission did vote to recommend the master plan to the board for another public hearing. We've talked publicly about the process we're following. This is the correct process per the Michigan Zoning Enabling Act and the Michigan Planning Enabling Act. After the document was released in December of 2021, the planning commission had already brought the draft to the board and the board agreed to send it to all of the regional planning agencies. There was a 63-day review period, which was up in February of 2022. Following that portion of the process, the planning commission needed to conduct one additional public hearing, which it did at its June 4 meeting. They've recommended the master plan to the board. We do not have to schedule another public hearing, but we are planning to have one at the July 9 township board meeting. Everyone will have the opportunity to see both the redlined version and a clean version.

Also, nothing in the Michigan Planning Enabling Act and Michigan Zoning Enabling Act says we have to have the final document out to the public 15 days prior to that public hearing. We try to have information out as early as possible so people can review it. Sometimes it's not possible and that's why there have been changes as we've been moving forward. And there will be changes made from the versions that are posted to the website tomorrow before it goes to the board because we are doing our final review. The planning commission gave us very clear direction that it wanted the board to see a dinner that was cooked and wrapped up with a bow. We're going through and making final changes, catching formatting things, making sure photos are clear, so if

the board is comfortable on July 9, they could adopt it. Or we could decide to look at it further. My office door is open if someone wants to sit down and meet with me to ask questions or go over it. I welcome that.

Sanger: I served on the 2006 master plan rewrite and advised in 2011. My memory is that in neither one of those did we have a future land use map. It's different than the current zoning map, which is not even comparable to reality. I am happy the planning commission has taken time to solve that problem, which I knew of back at the time, but we didn't have the resources to prepare the future land use map.

Cram: the planning commission did have a robust conversation about this. Sara (Kopriva) and I brought examples from other communities to show that the zoning district map is very different than the existing land use map and the future land use map. The existing land use map and future land use map never change zoning, but they help guide us to see how we might want to update the zoning ordinance.

Based on the community survey, the existing land use map will be accurate to our current assessing records. It'll identify non-conforming uses and other things. The future land use map will be pretty similar because the community expressed in the survey its desire to try to minimize potential build out and maintain the rural agricultural character. Accordingly, we wouldn't see any large re-zonings that increase density or create a lot of new commercial spaces.

The difference between the existing land use map and the future land use map will show the additional land that will be conserved now that PDR has been renewed, with the potential for 700 additional acres to be preserved. It's a great baseline for when we review our master plan again, probably in a year, and consider improvements we want to make in the next five-year cycle.

Chown: all the changes that are being made to the maps, you're working with Sally [Murray] so they're not out of date when the new master plan is passed?

Cram: we are using assessing data but it's consistent with the timeframe in which the master plan was drafted in 2021. We're not bringing it current to 2024. It's going to be accurate for the timeframe in which the master plan was drafted. It's absolutely based on assessing records.

Chown: and anyone with specific questions should come and make an appointment with you to dial down and figure out where the concerns are. Good.

Cram: my next update concerns shoreline regulations, which the planning commission created a study group to look at. We've been meeting every other month since the beginning of the year. We've made great strides in terms of policy regarding single and shared waterfront ownership with regard to dock location and number of hoists. The study group will meet next Monday, finalize our discussion on the storage of equipment related to docks and hoists and parking, and then present our recommended policy direction to the planning commission. I'll work with legal counsel to draft zoning ordinance language. We will continue to work on the shoreline development standards and types of improvements people want to make on the shoreline for patios, retaining walls, and things like that.

We've experienced some conflicts based on the recent update to our floodplain elevation, which occurred in April of 2023. Some of the improvements homeowners want to make are no longer allowed in the location they would like them because of the floodplain elevation. The discussion related to shoreline regulations is based on our interests in public safety, natural resource protection, and conflict resolution. We'll continue to bring things forward to the planning commission. We might have some zoning ordinance language for the planning commission to review later this summer, but work will continue through this year. Our goal is to have a comprehensive revision to shoreline regulations prior to our next summer season.

It's been a wonderful group, it's been constructive. The public comes and participates. The policy

direction has evolved based on the feedback we've heard from the community. I want to thank Scott Duensing for his work. He has gone above and beyond to meet with shared waterfront owners to get feedback and help educate.

Rudolph: it's been helpful having Jordan [Valdmanis] there.

Cram: yes, as a resource on the contracting side of things. The study group is made up of diverse individuals. We have representation from the board, the planning commission, single waterfront ownership, shared waterfront ownership, and contractors.

Chown: people are coming to this issue with vastly different desires and priorities. We have to work together as a community, and that means everybody is going to have to compromise.

Cram: the jurisdictional issue comes up. We don't disagree that the state controls the bottom land and the Army Corps controls the navigable water. We have an interest because of the relationship of the use of the water to the use of the land. We need to improve our relationships with those outside agencies. I've had several conversations with EGLE to understand floodplain and best management practices for protecting shoreline. I recently finished the American Planning Association's coastal resiliency training and learning session. We will have guest speakers to educate the study group on things we should be considering. We've been in touch with the county, environmental health, and the drain commissioner. It's not easy but it's something we need to tackle because we have 42 miles of shoreline.

Update on PDR: we received 10 applications from property owners interested in participating. We have three appraisals complete. The selection committee met Monday to get an update from Laura Rigan. Final negotiations are occurring. The selection committee will reconvene the first part of July for a final review and then those appraisals will move forward to the board for consideration. We are working with Marge [Achor] to understand what we currently have in the PDR fund. Our goal is to make as many purchases as we can without having to bond to avoid high interest rates. We have about 4 million to spend. That will get us probably three properties and more.

Update on the agricultural advisory committee: it will function much like the parks committee. It will give the farmers/agricultural operators on the peninsula an opportunity to share with staff and the board the issues facing production agriculture. We have received 16 letters of interest for the nine spots, and they are diverse. We tentatively scheduled those interviews for Monday, June 24, at 3:00 p.m. I want to make sure we have a quorum of the board to conduct those interviews.

Chown: you anticipate the board making selections that day?

Cram: it would be great if we could do that. If not, we could do it shortly afterwards. I would love to get the committee up and running. The first item we will tackle is signage for our U-pick operations and farm stands and things like that.

Wunsch: if we can get a quorum without my presence, I will probably sit that one out. I have wide-ranging agricultural interests.

Board discussion to ensure quorum

Cram: we are excited that Tori [Victoria] Westmoreland has accepted the planning and zoning administrator position and will join our team July 1.

Also, Grand Traverse County Construction Code now requires us to do inspections before they will issue either a temporary or final certificate of occupancy. We have been putting together a weekly inspection list. If people request an inspection by Tuesday, we can complete the inspection by the end of the week. Dave Sanger as our ordinance enforcement officer has been helping the zoning office complete those inspections. One of the things we are looking at is exterior lighting. Every land use permit notes a condition of approval that all new exterior lighting must meet the requirements of section 7.14 for exterior lighting, which says lighting is fully shielded. We are

letting contractors know about this requirement when they submit their applications. It's also noted as a condition of approval on the land use permit as it always has been. We let them know when we issue the land use permit that we will be doing a final inspection and looking at the exterior lighting. The zoning ordinance when updated in 2003–2004 noted that existing lights were exempt. I wonder if in the future we should look at some type of amortization, where we give a timeframe that all lighting be compliant with the dark sky. We could have a discussion with the community to see if this is something we want to look at.

Chown: we should put it on the next survey.

Cram: regarding the floodplain, we continue to have issues with stone riprap. We are working with EGLE and received an opinion from legal counsel on how to address some of the complicated issues when someone proposes a new habitable dwelling in the floodplain or needs fill to protect their shoreline. There would be the ability to go before the ZBA for a variance. That gives us standards so that we can look at minimizing the amount of fill or impact to the floodplain.

6. Potential closed session to consult with township attorneys regarding a written confidential legal opinion on WOMP v. Peninsula Township pursuant to MCL 15.268 (h)

Wunsch: we will move up final citizen comments before we go into closed session. No action items are anticipated coming out of closed session.

9. Citizen Comments:

Fred Woodruff, 4824 Forest Ave: I support your decision to postpone action on the Headlee override. In a sense, it validates the work of the committee that served with Armen in coming up with the suggestion that, before you do anything, let's get a study to figure out what the alternatives are. I've heard "rock and a hard place," "timing," etc. I know this is not a preferred way to go, but I don't think you have to wait till 2026. If you have a study and you analyze it and you figure out what you want to do and how to explain it, you could have a special election. It's an important subject that maybe needs to be addressed by the public independent from all the other political issues that arise when you have an election. Especially national elections, all that kind of stuff. But again, thank you.

Monnie Petters, 1425 Nehtawanta Road: it sounds like we're finally going to get that master plan approved. It seems to me that we began this version of updating the master plan five years ago, six years ago, seven? Then the main problem, I think, was that it just sat for a couple of years and nothing happened so I'm glad it's finally back.

GTC District Seven County Commissioner TJ Andrews: I have updates related to infrastructure. Last time, I indicated that the county commission was scheduled to take a vote at our May meeting related to the road commission. Michigan is the only state in the country that has independent appointed road commissions. In 2012, the legislature changed the law to allow county commissions by vote to dissolve a road commission. Our county set up a committee about a year ago to study that potential. The committee unanimously recommended to move forward with a feasibility study. Every county that has looked at the issue has started with one. Our committee agreed that putting out bids would be a good next step. Unfortunately, one of the commissioners who was on the committee who voted in support of seeking that bid flipped when we got in front of the full board so getting that study failed on a five–four vote.

The road commission will be asking for a road millage again this year. It will probably be on the ballot in November. They are still trying to decide how much to ask for. I expect there will be more discussion about roads and how that's impacting this community.

Last item is septic. Ms. Sanders asked about the options for a point-of-sale ordinance. Long Lake already has a point-of-sale ordinance. Garfield, East Bay, and Blair have also expressed interest.

The county passed a motion unanimously at our last meeting to bring our health department some

proposals at our July meeting. We will soon have more information about what a county-led process, a model ordinance, or county administration of an ordinance would look like and the ranges of options. I have been assured the townships will be engaged in a listening session related to their concerns and interests. Hopefully that will transpire in the coming weeks. I'll follow up because it's obviously an issue of importance in a community with 42 miles of shoreline.

Rudolph moved to enter into closed session pursuant to MCL 15.268 (h) regarding the confidential legal opinion on WOMP vs Peninsula Township with a second by Sanger.

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

Sanger moved to come out of closed session with a second by Rudolph.

Roll call vote: Rudolph, Chown, Wunsch, Sanger, Sanders

Achorn not present

Passed unan

10. Board Comments

Sanders: we need to enforce ordinances within our parks and along any of the property we're responsible for as a township. I did make a complaint last week because there were a bunch of rowdy kids down on the beach having a huge bonfire. Then I got an email from Ginger, our lighthouse manager, asking if I had the point of contact for the DNR fire conservation officer. I gave it to her and she informed me she had to go to the beach near the lighthouse because there was a report of a large bonfire and nobody really attending it. When she was down there, the man who built the fire was there. And he was completely in his birthday suit. There are a lot of very interesting things going on within our parks and especially at our beaches now that the summer season is kicking off. The recommendation from our CEOs and the fire conservation officer is, don't approach people. Call the non-emergency number or call 911 if it is an emergency.

Sanger: until central dispatch accumulates a large number of complaints at the lighthouse, we're not going to be able to get much enforcement out there.

Chown: nudity is one thing. It might be unpleasant, but it isn't dangerous. Fires are another. We can't risk a fire at the lighthouse.

Sanger: I talked to Chief Gilstorff. He would respond, but he'd like law enforcement there.

Sanders: I did provide our CPOs with the update of where in the ordinance it talks about the responsibility of Peninsula Township to monitor the beaches and the parks.

Chown: I again want to thank Marge [Achorn] for all the work she did putting together the resolution and the ballot language.

Sanders: she set up the future board with language we can use as a draft for any resolution.

Rudolph: it's important for the public to know we are borrowing money in order to balance the budget from a contingency fund. It's not sustainable.

Chown: absolutely. The clock is ticking on that fund.

Sanders: the excessive borrowing from the contingency fund is also to help fund litigation, which is why it's such an issue right now.

Board discussion of definition of contingency fund.

11. Adjournment

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

Adjourned at 10:05 p.m.