

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

www.peninsulatownship.com

Township Board Special Meeting Minutes

June 14, 2021, 2:00 p.m.

Township Hall

1. **Call to Order** by Supervisor Manigold at 2:00 p.m.
2. **Pledge**
3. **Roll Call:** Manigold, Achorn, Bickle, Sanger, Chown, and Wunsch
Absent: Wahl
Also present: Township Attorney Greg Meihn
4. **Brief Citizen Comments (for agenda items only):**
Terri McDermott, 12372 Center Rd.: [read statement out loud; did not provide it to recording secretary.] Is not here to defend herself but feels she is the center of today's meeting without an invitation or acknowledgment that it was taking place. Township board members are trying to defend their actions. Why was it necessary to send a sheriff's deputy to tell her she was violating a simple ordinance? A quick review of the notice shows nothing dangerous or criminal was going on; a single flag needed to be removed. She did so immediately although she had seven days to do so. Two purported infractions didn't even exist. Believes this action was an attempt to intimidate her. Idea that the motorcycle guys required a police presence is laughable. No commercial activity took place. Has had Tupperware parties with more people in attendance. Will those gatherings warrant this kind of action in the future? Sending the police on a minor zoning infraction is a waste of sheriff's resources. Mr. Sanger repeatedly stated this was standard operating procedure. Believes the board is holding this meeting to find a legal excuse to intimidate citizens who have legitimate criticisms. Is writing a summary of her interpretation of what truly happened. Mr. Sanger's report is erroneous but three minutes is not enough time to explain the errors.
Manigold: will you present the information to us now?
McDermott: no; just realized this was happening.
Manigold: this is why we have a deputy assist – because he is an independent third party. He will be able to read between your report and Sanger's.
McDermott: requested that report two days ago from the sheriff's department through a FOIA request; will attach it.
Manigold: asked them for a more complete report. The first one wasn't descriptive; it just stated the deputy showed up at a certain time and was late because of an accident. Is that the one you are referring to?
McDermott: Yes, sir.
Manigold: asked for a report with more detail.
Harold David Edmondson, 12414 Center Rd.: is here to support the McDermotts. They've had a motorcycle gathering all the time they've been here. There's been no problem. Did not find it offensive but does find it offensive to send a police officer to deliver a notice of violation. Is 67 years old; has grown cherries his entire life and is a fourth-generation farmer and significant land owner/taxpayer who participates in government activities. A couple of years ago, Mr. Sanger came to his fruit stand and gave him a ticket three days in a row

for selling cherries on the 4th of July. Under the Right to Farm Act, [Edmondson] has the right to sell cherries.

Marc Santucci, 11784 Center Rd.: watched the [StreamSpot video] from last week; was flabbergasted and disappointed. Felt no one on the board understood what people were trying to say. The message was not that the ordinance was wrong or bad but that the enforcement was carried out in a heavy-handed way. [Discussed three examples used in the supervisor's slideshow.] Is upset on behalf of John Kroupa, who asked for forgiveness for some tents he left up too long. Instead, the board admonished him. Need to treat people as humans and use common sense. Believes the board called for today's meeting for the sole purpose of intimidating and silencing constituents. The board has all the power through laws such as the Michigan Zoning Enabling Act and police powers and can use taxpayers' money to go after citizens who violate the law, but with power comes responsibility. The state is now considering taking away the power of local communities, including Peninsula Township, to regulate short-term rentals. Downstate there are many people who love up-state Michigan and want to spend a short period of time here, but all the townships passed rules not allowing that to take place. So, what happened? They went to their state legislature. The power the board has to control short-term rentals may be taken away because it's too stringent. Last week Isaiah [Wunsch] and the clerk admonished those who objected to the attitudes of some of our public servants and asked us to be more respectful. Treat us with respect, and most people will give it back.

Louis Santucci, 12602 Center Rd.: noted that some on the board are younger than most in the room. Early in his career, he was drafted. When he got out of the service, instead of people thanking him as they do now, he was criticized and called a baby killer and was shunned. Noted that if you use a little satire, people's feelings get hurt. Made strong statements and does not think there was anything defamatory. Stands by what he said. Thinks this meeting will have a chilling effect on free speech. Just found out that Terri [McDermott] posted the agenda for today's meeting last night on Nextdoor, and it was removed. Will Kleehammer just recently found out he is a moderator on Nextdoor. The people who run Nextdoor are now basically scared to put anything on, whether it's harmless or not. Is not a big fan of Jeff Bezos, who is cutting off people's ability to use different websites. If the township board continues this kind of chilling effect, then we are going to have democracy die in the dark, as many people will be afraid to speak out.

Manigold: is glad Santucci brought this topic up because residents like Mary Swift felt bullied by comments on Nextdoor and now don't want to get involved. The lady who made the complaint about the motorcycles had concerns about something going on along a heavily traveled road but now doesn't want to come forward. We all have the right to free speech.

Bickle: let's have a dialogue. Please get involved. Let us know ahead of time what your concerns are.

Louis Santucci: part of the problem is that you are only given three minutes and no back and forth communication takes place. Let's have a roundtable discussion on what citizens want to see and how the ordinance is enforced.

Bickle: no one comes here to do a bad job. There's not enough involvement, so let's close the gaps and keep the community involved.

Manigold: there will be a public hearing on the new zoning ordinance in July. It will be tabled until August, and so on until it is passed. Once passed, it is the township's law and needs to be enforced.

Bickle: we are now all coming through the pandemic, so the doors will be open and please come see us.

Manigold: it's not like we are driving up and down the road to find these issues. Ninety-five percent of the time it is a complaint being sent or called in. We had complaints on races, the lighthouse, and the road ends.

Edmondson: has always had to make complaints in writing.

5. Approve Agenda

Moved by Bickle to approve the agenda as presented, seconded by Wunch.

Passed Unan

6. Conflict of Interest: none

7. Consent Agenda: none

8. Business:

1. Applications for Peninsula Township Planner position

Manigold: we have received eight applications for the position of planner. We will have another special meeting on Monday, June 21, to determine which candidates to interview.

2. Discussion with township counsel about Nextdoor website, false light claims, defamation claims, and failure to comply with policies regarding content and fairness

Meihn: a number of people who spoke today have misunderstood the purpose of today's meeting. The purpose is not to chill speech; the purpose is to promote it and how to promote it and what can be done to promote it. Today, what often happens is, you are on one side or the other. Instead of dealing with the content, we destroy people's personalities with comments. Respects Mr. Santucci's right to free speech. Thanked him for his military service. When we try to make a point and instead make a comment that is negative or pejorative that has nothing to do with the activity, that chills speech more than anything else because people who are being abused and called names don't want to be in the public eye. There are a lot of people who make complaints who don't want to speak up. Regarding Christina, if the issue was not whether she lived in Elk Rapids above a garage but whether or not her activity on the property was appropriate and what were the public transportation issues that caused her to go down there, that would be dialogue, but pointing someone out and saying "because you live in Elk Rapids I can't take you seriously" is not communication. The purpose is not to chill speech but to discuss what people can do to engage in a better manner.

Discussed defamation and libel and discussed how public figures, when talking in a public setting, have a certain level of immunity. To sue for slander, a public official has to show the statement was made with malice. People have a view, but there is always another side. Marc Santucci found the slideshow offensive but [Meihn] disagrees. Had the nine year old with the lemonade stand been injured, people would have been upset that the township wasn't doing its job. The court holds that people have a certain level of responsibility to know they're speaking truthfully. When they aren't, the door opens for defamation. Comments with Nazi overtones were made. A few Jewish residents found this offensive. Can't compare zoning issues to what happened in Germany. Will never have full agreement on what we do and how we do it. Are people here who had issues with how the township engaged, but you don't see all the people who were imposed upon. We have tough issues with short-term rentals.

Bickle: no one can control social media or the content. Try to be respectful. We know the situation with people who are unhappy. Hopes people see that when they go negative, nothing gets accomplished. Aggressive behavior seems to be the norm, and it needs to stop.

Chown: the issue with these particular Nextdoor postings is that they misused the site. They weren't constructive; they were destructive personal attacks. Those comments and political comments don't belong on that site. [After the meeting, Chown was informed that discussions related to local politics/

elections are allowed anywhere on Nextdoor.] People with issues should come to the township offices and engage with board members and staff, not turn to personal attacks on a public website. Four or more people are supposed to be in charge of the content that is posted on the site. Posts like these contribute to the incivility our nation is struggling with. Does the board wish to do something about the misuse of the site?

Sanger: holds two positions with the township [trustee and ordinance enforcement officer]; it was deemed there is no incompatibility between them. These postings effect the reputations of the employees. The township must back its employees. Feels his reputation and the reputation of the zoning administrator have been harmed. She and others are employees of the township.

Bickle: it is a thankless job. Had a thirty-year career in business and is fortunate. What we are learning is that finding people to fill these roles is difficult.

Wunsch: as an elected official, feels he signed up for verbal abuse, but we have to watch out for township employees.

Achorn: agrees. We hire employees to do exactly what they are doing, mainly, enforce the ordinance. The township pays for a sheriff's deputy to be here to protect employees in unsafe situations. That is why they were called in the McDermott case. We as a board have a mandate to protect our employees. Can't be harassed by individuals when trying to do their duty.

Manigold: has been in this business for thirty years. Wants to go to court to get everyone on the record. There are two sides to the story, and social media is a hit and run. Once you make comments, the damage has been done. People are upset by Nextdoor. It offers a good service but how do you keep people from misusing it and having other people jump on? The line has been crossed.

Meihn: Christina and others have the right to bring claims against the site. Legal counsel can be hired by Christina. This is not a board action.

Chown: thought this was a board issue based on the wording of the business item on the agenda. It isn't?

Meihn: is an issue on how to communicate. As a township, not much more to do on this topic.

Manigold: suggested a review and report by zoning administrator on all the findings.

Meihn: we do not mean to embarrass people with citations.

Sanger: there are six ordinances: noise, fireworks, dangerous structures, junk, and the adopted ordinance. These involve police calls that could be serious. The township has the authority to enforce each ordinance. Years ago, the sheriff's office wrote a letter to the township on how these entities would work together. The township is the primary enforcing agent of the complaint. Call goes out to central dispatch, and a patrol officer is dispatched and a report is written the same or next day. Law enforcement can offer co-enforcement of the ordinance. Procedure was followed [in the McDermott case]. The township felt an officer should accompany Christina and [Sanger]. It was not a priority call, which is why we waited more than two hours for a deputy to respond. The noise complaint in the spring was a two-car response.

Manigold: has the ability to call in and have an officer be present when needed. The road commission and MDOT have requested the township keep the road ends open. We have a strong sign ordinance.

9. Citizen Comments:

Harold David Edmondson, 12414 Center Rd.: after listening to [Chown] say the zoning ordinance is the law and the township is mandated to follow the ordinance, would like to comment on the action that took place several months ago. The Mannor property that the building site was relocated on was a one-acre site but then it became a two-acre site. [Edmondson] obtained a legal opinion that the township did not follow the

standards. Township residents bought and paid for the reserved building site, and the township board reduced the net amount of acreage for this property. Manigold is known for the PDR program along with [Chown's] husband. The board made the decision. The ordinance states the town board has to meet the standards. We the people spent millions of dollars. You will be in another lawsuit.

Marc Santucci, 11784 Center Rd.: did not personally post on the site. Actions of staff weren't acceptable. What happens when someone has a complaint? Would like to see staff receive direction on how to enforce the ordinances. Didn't hear anyone say that.

Terri McDermott, 12372 Center Rd.: on Thursday around 10:00 to 10:30 a.m., went to run errands. Mr. Sanger was sitting in the right of way obstructing traffic with his head stuck out the window looking around. No sight distance anywhere. Obstructing traffic, half on the road and half in the right of way. Phoned her husband to keep an eye on him because thought he wasn't well. Believes he was out of line when he came onto her property with the sheriff and zoning administrator.

Manigold: this is why we should just take this to court.

Randy Hall, 2610 Twin Eagles Dr.: people need to express concerns without getting into personal attacks. Serves as a planning commission member. Are the legal fees covered in an individual claim?

Meihn: attorney fees are mandatory.

Hall: do you have advice for those who are being attacked on social media, and should they respond?

Meihn: as a board member and public official, lead by example. Can make board comments.

Chown: Participate Old Mission was not adopted as a PR tool but could be used that way. What is our policy with a visit versus sending a letter? Hard to be effective given the name calling, insults, discrepancies, half-truths, and inconsistencies. We need to evolve and to communicate honestly and respectfully.

Meihn: people's ideas of respect are different.

Michael Dettmer, 7003 Leorie Dr.: asked if Sanger, as an enforcement officer, believes we need additional enforcement in this township. Feels we are under-enforcing our ordinances.

Sanger: is paid for ten hours a week. Sends in monthly reports to the board. In the last survey, residents responded that our level of enforcement was okay to maybe not enough.

Chris Reiser, 1087 Lochmoor Lane: is a monitor for Quaker Valley N. group and part of the city of TC group. Doesn't want this rude behavior on Nextdoor. The content invited people to be more inappropriate and post the kinds of things you wouldn't say to someone's face. Once things are put on there, there's a trail. Those posts needed to be taken down. They don't allow for opportunity for a rebuttal or conversation. Article content management is very important.

10. Board Comments:

Manigold: is concerned that the Nextdoor site violated its own procedures.

11. Adjournment:

Moved by Bickle to adjourn, seconded by Wunsch.

Roll call:

Passed Unan

Final adjournment: 3:40 p.m.