

# PENINSULA TOWNSHIP

13235 Center Road, Traverse City

MI 49686

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## Township Board Regular Meeting

July 11, 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, Sanger, Rudolph, Shanafelt, Chown

Absent: Wahl

4. **Citizen Comments:**

**Erin Hafeli, 13387 Blue Shore Drive:** I recently purchased the farm at 2150 Carroll Road. I'm here to voice support for leniency and relief on enforcement for u-pick directional signs. Working to gather a following of people, I've had a lot of support from neighbors sending customers down. Days where I don't have a sign down there, when I'm in the shop alone, it's a dead-end street. There are trees obscuring the roadside. I'm continuing to work on social media efforts and other type of directional efforts, but the u-pick sign makes a significant impact to my business. I would like to be able to have that up temporarily during harvest season. Thank you.

**Louis Santucci, 12602 Center Road:** I also want to support the Isaiah Wunsch change in the ordinance. I think it's time to get the sign ordinances changed. Instead of trying to figure out a way to accommodate Isaiah's situation, you oughta scrap the sign ordinance for the entire time that we are all farming. It doesn't make sense to try to pick out one little exception, that being a vintage truck. I've got a vintage tractor. Can I put a vintage tractor out there? Why not? What's the big deal with the vintage truck? I think you're just going to dig yourself a hole, so why not get rid of the sign ordinance for harvest time, say from May to November? We're getting back to the old issue. Any ordinance ought to be based on whether it's protecting the health and welfare of the community. I don't see anything in the sign ordinance that justifies any of those zoning provisions. You might argue it's safety because people might be driving down the road and would have to slow down to read the sign and it might cause an accident. In that case, take all the signs off Center Road. My suggestion is, get rid of the sign ordinance for that period of time that those of us have pick-your-own signs and farm markets. Otherwise, you are going to get a bunch of us who have antique tractors or other modes of what we use on the farm, maybe a big reaper or something.

**Mark Santucci, 11789 Center Road:** I'd like to give a thank you to David Sanger. He sent a note to me back in the springtime telling me what had happened to my hoop house. That is the way you work with your neighbors and your citizens. He gave me the opportunity to

correct it without threatening anything, and I did. My back still hurts, but I did it. I appreciate that. What I'm talking about tonight is the planner's note to you on the things she wants you to look at. The township is heading in the wrong direction when it comes to ordinances and enforcement. The other day I read an op-ed in the Wall Street Journal that said it better than I could. In discussing rules and regulations, I quote, "At some point the system will become unmanageable. It arguably already has. There is no way anyone can know enough to avoid inadvertently violating all the laws, rules, and regulations. According to lawyer and author Harvey Silvergate, the average American unintentionally commits three felonies a day. Laws should be easy to comply with and simple to enforce. Many new laws require rules and regulations to implement, and then they have to be enforced. If a law is challenged and must be resolved in court, all this requires enormous manpower, paid for by taxes." I submit this is exactly what you are doing in Peninsula Township. Your planner has submitted for your action more rules or stricter interpretations that will require more manpower to enforce, and to what end? A lot of local residents pick cherries at my farm. One by one I am educating them as to the unintended consequences of your actions, such as the enormous legal costs you are burdening the citizens with. At some point in time, enough citizens will have had enough. It will be interesting to see how you react when that day comes. Thank you.

**David Curtiss, 9747 Londolyn Bluff:** I'm here for the sign issue. I think you can have signs; I think they should be regulated perhaps in size. Just keep them out of the road right of way. Mr. Sanger, thank you. I got green ticketed yesterday for having my little fishing boat on the side of the road with a "for sale" sign on it. I deserved it. I took it off yesterday. Some things don't belong in the right of way. They can be a safety hazard. You should proceed in a fashion that protects the township and its residents and drivers. We've got to fix this up a bit and do our best to make this a nice place to be again.

**Harold David Edmondson, 12414 Center Road:** I'm in favor of a change in the sign ordinance also. It really doesn't seem to affect health, safety, and welfare. The rules are not enforced anyway. Or, at best, they're selectively enforced. Maybe Louis' suggestion is best of all. During harvest time, let's cut out the sign ordinance. I'd really like to have no sign ordinance, but that's probably not practical. Get off our back for signs. We need to sell the product. We pay our taxes. It's we the farmers who set this aura up originally. We need to function. We need to allow our new entrepreneurs to do the things they need to do without coming and asking you whether it's right or wrong. You don't know what we need. You're not farmers. There's only one farmer on the board here. I don't see where you're in a position to run my farm. I've only been here for four generations. We've never had so much aggravation from the township on running our farms. We know the general public love the farms. They want us to survive. Let us.

I'd like to say something about Mr. Sanger. He's obviously changed his approach of how he handles things. I haven't had the good relationship Mark and this guy here had. I got ticketed for three days in a row for selling cherries in the cherry capital of the world! It cost me \$5,000 to defend myself. When I got to the end of the line, Mr. Sanger and the lawyer caved because they realized I had Right to Farm on my side. I get the right to have commerce with other farmers. Mr. Sanger, I'd like my \$5,000 back if you want to be fair to everybody. And that should come from you, not the township. Right to Farm was on my

side. You bet I'm hot and I'll never forgive him for it.

PDR. When are we going to start enforcing the rules? That's all I'm going to say.

Newsletter. How much did that newsletter cost this township? It was really nice but holy mackerel. You're spending money like it's going out of style. Could have put it on the website. Real simple. And then you degrade all our farmers, that you don't like them suing the township, and now you're going to put it in everybody's face that it's their fault. It's not their fault. I attended all those meetings prior to the wineries filing a lawsuit. Mr. Mielnik went around in circles. Never could get anything done. Nor the rest of the board at that time. That's why we're in the situation with the costs that we're hemorrhaging today. First of all, you need to show up for work every day. And you ought to be here from the time you're open to the time it's closed so you're available to the general public. You're not there consistently. Jenn Cram is. She's here on the weekends, working her tail off. She needs some help. I think this township should go back to a five-day work week so you're available to the citizens of this community.

Isaiah, you should have our planner focused on what's relevant to the constituents in this community, not the Freedom Run. The last meeting you had, you spent an hour and a half on it. Why? We have three events, and there's three events already there. Yeah, one might fall off, but until then [don't] entertain it. How much time has she wasted on it?

I'm concerned who is running this township. Is it the board or the lawyers? With the fees we have in this last month, do you guys acknowledge how much money has been spent on the lawyers? It's outrageous.

**Wunsch:** you are past your three minutes.

**Grant Parsons, 6936 Mission Ridge:** I walk my dog every morning at Pelizzari Natural Area and usually in the afternoon, and I'll tell you how many people comment on the way this board is running this township. And how beautiful this township is. You guys are doing a great job. We live in the best place and it isn't by mistake. Thank you very much.

**5. Approve Agenda:**

**Wunsch moved to add business item eight, motion to address the addition of Protect the Peninsula's notice of taking a rule 30 (b) (6) deposition and appointing a designee with a second by Shanafelt.**

**Motion passed by consensus**

**Rudolf moved to approve the agenda as amended with a second by Chown.**

**Motion passed by consensus**

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

**6. Conflict of Interest:**

**Wunsch:** I have a conflict of interest with business item five. My family operates a u-pick operation and we have signage for that operation.

**Chown:** I have a conflict of interest with item six.

**7. Consent Agenda:**

1. Invoices (recommend approval)
2. Reports
  - A. Peninsula Township Fire Department
  - B. Peninsula Township Treasurer's Cash Summary by Fund
  - C. Ordinance Enforcement Officer
  - D. Peninsula Community Library

3. Minutes from June 20, 2023, Township Board Special Meeting
4. Correspondence
  - A. Marie Dalese
  - B. Eric Dreier
  - C. Peter Cohl
  - D. David Taft

**Louis Santucci:** I'd like invoices moved to discussion. I wonder if I'm allowed to comment on that; I think I had a minute left of my time.

**Wunsch:** sure.

**Audience member:** I thought business item six was going to be tabled?

**Cram:** that's item number six, the resolution to re-plat lots eight and nine, Block 2 of Neahtawanta Point. Based on some last-minute information, both the applicant and our legal counsel recommended that we table this item. When we get to that, I recommend that the board make a motion to table it to the August 8 meeting.

**Chown moved to adopt the consent agenda as amended with a second by Sanger.**

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

## 8. Business:

1. Request to seek bids to replace Engine 2 (Gilstorff)

**Gilstorff:** I'm here to ask permission to go out to bid to replace fire engine two. It's currently stationed at station two in the south in the township, our busiest area. It's a 1998 Sutphen, which makes it 25 years old this year. It holds about a thousand gallons of water. It has a 1,750-gallon pump, four-person cab, top-mounted pump controls, compartment space for equipment, and mounted deck gun. It has 36,220 miles. Some of the reasons we need to replace this truck: it's going to be roughly 27 years old after going through the vetting process and being manufactured. It takes anywhere from 14 to 16 months to be made. That's a lot longer than just a couple of years ago. Our operations are different now. When the current truck was purchased, there were 35 volunteers or paid on-call people. You have to step up onto it and control the pump levers on top of the truck. When they had the people, they were able to do that. Somebody could stay there stationary, run the controls, and not have to go up and down. We don't have enough people to be able to afford to have somebody sit on the top of the truck and run the terminal. It becomes a safety hazard. The newer truck would be similar to what we have now; the people stand to the side and don't leave the ground and can run the truck.

The National Fire Protection Association recommends that we replace frontline fire trucks every 15 years or 150,000 miles. I produced an apparatus replacement document within six months of taking over the fire department. We've replaced quite a few vehicles. This is the next step in the progression of that plan to keep us current and safe.

One of the upgrades for the newer vehicle would be a larger pump, 2,000 gallons per minute versus 1,750. Depending on the size of the fire, that 250 gallons could determine whether or not that fire goes out.

Because of its age, the current truck doesn't have a lot of safety factors. It doesn't have airbags. There's newer technology for safety and efficiency, such as the steering and braking. The current truck doesn't have a foam system, which would allow us to automatically inject a foam concentrate mixed in with the water that enhances the

absorption of heat. For the record, our foam doesn't have any PFAS.

The two back cab seats are currently filled with EMS equipment because we have nowhere to put it. The new truck would be set up exactly as we have the current one we [acquired] four years ago. All our engines are basic life support licensed. If our ambulances are out and another call comes in, we can respond with a fire engine and start providing care while we get another ambulance coming. It's for our own safety as well. When we go to fires, we don't bring an ambulance. We have an ambulance come from town to stand by in case we have a medical issue. Having that equipment on there helps us if one of our firefighters gets hurt. It's important for us to have the proper cabinetry and storage ability on these fire trucks for the EMS equipment.

Regarding our apparatus plan, I set that up for a reason. We don't want to get to the point where all our equipment is aged. When I came here, the average age of the equipment was 16 years old. I think we're down to around 10 years. By the time I'm done, we should be around eight. I'm trying to space everything out as we go while being financially responsible. I just found out the prices on these trucks have skyrocketed. I don't see it changing. The engines and transmissions and environmental controls are driving costs up considerably. There's another big environmental one coming in the year 2027 that is going to put another \$50,000, \$60,000 on the engine component alone.

When I initially sat down with the dealer, we were looking at \$700,000 to \$750,000. I had them run some numbers so I could get as current as possible. This new truck, there's no fluff in it. It's all stuff we need, that we've learned from the previous purchases. The truck will be financed as the others have for 10 years. Current rates, and I got this straight from the bank, are at 5.62 percent. I've spoken with the treasurer. We have some money that can be utilized to put a decent downpayment on this truck, around \$300,000 if not more, depending on when it comes in. That is a significant number we can absorb in order to keep payments down. If we finance \$661,000 the payment would be around \$80,000 a year. If we finance the \$561,000, which would be the \$300,000 down, we're looking at about \$74,000, \$75,000. Both finance options are close to what I forecasted.

I'm not asking you to approve this purchase tonight. I want to get this bid finalized, get it out there, and see what comes back. Then I'll come back and ask for approval. The engine needs to be replaced. I don't plan to get rid of it. I plan to keep it as a reserve. We've run into problems when we have to send a truck in to get fixed and it's gone for a couple of days. We have to move around all our trucks and things aren't necessarily set up as we planned. We would also gain some ISO points, as having a reserve engine gives you some credit. I want to keep us doing a great job. Replacing apparatus and bringing people on board are key components. I just hired the 15th full-time person so we have all our budgeted positions filled.

**Chown:** go out to bid! This sounds wonderful and I appreciate this presentation.

**Rudolph:** as something ages into 25 years, it gets harder to get replacement parts. I know it has to happen. I appreciate everything you're doing to manage this department.

**Gilstorff:** had some issues with pump, electrical issues. Repairs are tedious and time consuming. I want to keep my guys safe and give them the tools to do the best job they can.

**Shanafelt:** I'm impressed with the proactive nature of how you're addressing the issues.

Obviously it's expensive. I couldn't agree with your rationale more; it's necessary for both your guys as well as the community. Let's get those bids and we'll go from there.

**Achorn:** it has been a long-term process where the individual fire employees have been involved in going through the specs and options and safety features. The entire fire department has been involved in coming up with the specs for this bid.

**Gilstorff:** correct. I've met with the guys numerous times. They're the ones utilizing the equipment. Getting input from them is a big deal to me. I want them to have a comfortable piece of apparatus. They may see things that I don't see on a regular basis. We've been working on this for probably six or seven months. You probably won't see me come back for approval until maybe November or December. I still have a lot of work to do to get the specifications finalized and then get the bids back. My plan is to hopefully push the payment off to the 2025 budget year. I did budget in 2024 for this replacement, so if it gets pushed off, I can lessen the 2024 budget.

**Achorn:** since Fred has been here, we've conscientiously kept the the income from the EMS services in a separate bank account. It has not been touched. If it's going to be delayed a year, that means perhaps another \$100,000 would be in that savings account.

**Sanger moved to authorize the fire chief to go out for bids for a new engine with a second by Rudolph.** **Motion passed by consensus**

2. Authorization of ARPA funds to pay for basketball court and tennis court work at Bower's Harbor Park (Achorn)

**Achorn:** if anyone has been near Bowers Harbor Park, you've seen the the work that has been done in preparation for the new basketball court and refurbishing the tennis courts. We talked about estimated costs during budget time. We thought that refurbishing the tennis courts would be perhaps \$30,000, and perhaps the basketball court would be \$12,000. We don't have hard numbers yet. I'm looking for authorization to move ARPA funds into the parks budget so that when the bills do come in, I will have the money to pay them. I would suggest not more than \$50,000 from the ARPA fund to go toward the payment of the refurbishing of the tennis courts and building the basketball court.

**Chown:** to give an update, the basketball court and pickleball courts are poured. They're curing for 30 days and then they will be striped and the nets will go up. The two goalposts are going in tomorrow morning on the basketball court. I want to thank two residents of this community who have knocked themselves out to help us construct this new basketball court, Brian Piece of Elmers and Mike Query. Those two men worked with us and one another to give us the best possible price they could, enabling us to afford this. It's a tremendous benefit for Bowers Harbor Park and our whole community.

**Achorn moved to authorize up to \$50,000 be moved from the ARPA fund into the parks budget with a second by Chown.**

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

3. Introduction of Nicholas Wikar, the township's new planning and zoning administrator (Cram)

**Cram:** in late February and early March, the personnel committee made the decision to restructure the planning and zoning departments. The goal was to provide better coordination between the two departments, to increase professionalism and to find a candidate who would be able to support us in both planning and zoning efforts. I am

delighted that Nicholas Wikar has joined our team as our new planning and zoning administrator. Since the restructure, I have been covering both departments. I have learned a ton and I'm excited to evolve these departments to better serve this community.

**Wika:** I graduated from the School of Architecture, College of Engineering, from the Ohio State University in 2017. Prior to being offered this opportunity, which I'm very grateful for, I served as the director of planning and community development for Douglas, Michigan, a coastal and rural community. I'm very well versed in preserving character for a community similar to your own. I also served as a planning and zoning administrator there and wore a number of hats. Prior to that, I worked as a consultant with OHM advisors for a number of municipalities in Michigan and Ohio. Prior to that I was employed in a neighborhood on the west side of Cleveland in Ohio for Detroit Shoreway Community Development Organization. I served as the director of development and was also the neighborhood planner. If you don't know the community, it is the neighborhood with the largest lakefront as well as largest parks and the harbor of the city. When this opportunity came up, I was very pleased to apply and am very happy to be here. Thank you.

**Cram:** as part of the evolution of the planning and zoning department, we're having issues with incomplete land use permits being dropped off. It takes a lot of time to connect with contractors to make sure applications are complete so they can move forward. We would like the board's permission to start a new process to require that [people who wish to drop off] a land use permit schedule an appointment so we can confirm that it's complete. That way we can move it through the process more quickly. Nicholas and I will be working to develop a regular schedule. It will be very easy for Susan [office manager] or us to plug people in for 15- to 30-minute slots. We're already following the same process for special use permit applications in requiring those pre-application meetings. We will also be working to update our forms to help people understand what they need to bring in in order to have a complete application and get through the process in a timely manner. We would like to put some signage on the front window, something on the website, and send an email blast to all the contractors we have contact information for to let them know this is coming. It's going to be better for our applicants as well as us.

**Shanafelt:** makes a lot of sense.

**Chown:** sounds good, Jenn.

**Sanger:** it's long overdue.

4. Continued discussion of large events ordinance and proposed Freedom Run (Cram)

**Cram:** at our last meeting, we discussed whether the board wanted to consider hosting an additional event on the peninsula. I want to clarify that the large event ordinance does not limit the number of large events the township can host, but it does suggest that when the township accepts applications, we look at the time of year and other things that are going on so we're considerate of what's happening on the peninsula and the needs of the community. It was a policy discussion that happened before I was your planner here. Unfortunately, we did receive notice that the TC Triathlon will not occur this year. That brings us to two large events that have been approved thus far: the Bayshore Marathon and the Festival of Races. Both of those have already taken place. We had a good discussion about the Freedom Run, and concerns with safety about the proposed route were noted. They're trying to address the concerns of the community about the

inconvenience of road closures and things like that. Having a group of runners on Center Road creates safety concerns for everyone. It was discussed whether or not you would like to entertain this in a different location, such as the north end of the peninsula, so they could honor not closing the roads. At this point, in order to meet the public noticing requirements for this event to happen as proposed on September 30, I would like to ask the board if you are willing to entertain the Freedom Run as a new event. That would allow us to do the proper notice and a public hearing at the August 8 meeting. Need to know if it is a yes or no? And if it is yes, do you want to consider an alternative route as discussed at the last meeting?

**Rudolph:** I understand that the ordinance itself does not limit us to three events. However, the previous board did state that policy [CORRECTION: the previous board agreed verbally to limit the number of races to three annually], and it has received tremendous support from the citizens. I think it's incumbent upon us as a board to honor that. I wasn't sure until just now that the TC Triathlon had withdrawn its application. I think it's important to note that events like this do cause disruptions to our citizens without directly enhancing the quality of life. We've discussed as a board increasing the fees for events like this in order to compensate our citizens for the disruptions. I understand that this particular event has no means of compensating the township for being out here. Is that right?

**Cram:** no, they are willing to pay the new application permit fee as well as the fee per participant. They understand that. They're open to understanding the needs of the community. They're hoping this will be an ongoing relationship. I think the registration fee is \$25 or \$50 per person. I had a conversation with Mary [Panek] to say, "We understand that you want to do this as a fundraiser. If you're responsible for giving that \$5 per participant back to the township, is it still worthwhile?" And she said "Absolutely." They want to partner with us and provide public benefit.

**Rudolph:** from their presentation, one of the selling points was that this would enhance our national image. Peninsula Township is already well recognized as a beautiful place, and I don't think we need these kinds of events to enhance our image. I've had experience with events like this in Illinois during harvest season. Oftentimes, especially on long distance events, the participants become fixated on what they're doing and lose situational awareness. I've seen instances where runners or bikers are wandering around the road when there's 65 mile-an-hour traffic. We do have a lot of traffic out here. We already have a letter from one of our agricultural constituents who is concerned about traffic and an event like this disrupting their agricultural needs. We need to be very sensitive to that. I personally am not in favor of this. I don't see the benefit.

**Sanger:** this is now July 11. To plan an event of this type, for the first time, is going to consume resources the township doesn't have. There's a tremendous amount of work to be done. To take on this task, it's going to have to be priority number one. I think this group doesn't really comprehend the impact on public safety and the need for police, fire, and EMS to be prepared. I realize it's not a race, but we're still putting human beings on public roadways, be it a state highway or county roadway. The township has taken on a lot in the summer of 2023, and to add this event is going to consume a tremendous amount of staff time to carry off safely. I don't think there's enough time. This last Saturday, we had the Cherry Festival race and closed Peninsula Drive for a block of time. Most people



weren't aware there were six deputies working that event. I feel bad if we turn a public group down, particularly with a name like a patriot run, but I believe it's the wrong time for the township. Pulling it off is a far greater task than we have time and resources available for.

**Chown:** I agree with both of you. It's very hard to say "No" when there's such enthusiasm and an interesting character like Stan [Cottrell]. The motivations are above reproach, but the only way I would consider this race is if we change the route. I'm not inclined to support it as the course exists. I'm sorry to say no but very inclined to say no at this time.

**Ahorn:** last month, we discussed looking at alternative roads that were not heavily trafficked, that would not impede tractors and other vehicles. Right now, we don't know what that possibility would be. It's premature for us to take up valuable time when the basics have not been determined. Maybe another year. After all this has been ironed out and vetted, then I think we could look at it.

**Shanafelt:** I have the same reaction. It's too soon and too much to handle as we move into September. Maybe next year would be more appropriate. We need to consider whether we do large events on the peninsula. Your point [Rudy] about national attention is well taken. With the triathlon stepping out, I don't know if we want to have a third race come back in. We need to understand what the appetite is. I think the September timeframe for agriculture makes that a non-starter. The potential hazards are a real problem.

**Wunsch:** sounds like the consensus of the board is not to move forward with the Freedom Run this year but perhaps continue the discussion and look at an application for next year.

**Cram:** it is on our radar to look at the large event ordinance. That would involve community input and possibly amending the ordinance. Next year we could entertain an application. There is a representative from the Freedom Run here. [They] have heard what you've said. I'll follow up with Mary Panek and let her know your thoughtful response. I appreciate your time and energy for considering this. We'll continue to move forward to make positive improvements for this community.

5. Policy discussion on non-conforming uses and structures, signage for u-picks and farm stands, and shoreline regulations and requirements (Cram)

**Cram:** I'm starting with non-conforming uses and structure. Since I have been fulfilling the role as your zoning administrator, it has come to my attention that land use permits have been issued that have allowed the expansion of non-conforming uses and structures. Some of them are more egregious than others. We continue to work through the issues that issuance of those land use permits has caused. This matter is something the zoning board of appeals [ZBA] struggles with. It's the ZBA's responsibility to interpret our zoning ordinance. I would like to know from the board as the legislative body the outcome you would like to see as we deal with these non-conforming uses and structures. Then I can help guide the ZBA. I will be asking them for their interpretation of these items at their meeting next week. What I hear on the outcomes you want to see and their interpretation will help me determine whether or not amendments to our zoning ordinance are required. I cited the intent and purpose of non-conforming uses and structures, and I highlighted some things for you in the packet.

As a professional planner, and looking at planning in general, in every municipality I've worked with, it's always been the goal to minimize the expansion of non-conforming uses

and structures. Most zoning ordinance land use codes talk about limits and when it's appropriate to expand a non-conforming use or structure, and it's usually for safety and sanitation. Our existing zoning ordinance under intent and purpose makes that very clear. If someone has a structure that is non-conforming with regard to setbacks, they have the ability to do an addition to that non-conforming structure. That addition only requires a land use permit currently as long as the addition meets required setbacks, building height, and all the other dimensional requirements.

Where it gets tricky is when you have a non-conforming structure and in order to address safety or sanitation or the desire of the property owners to improve their residence, they propose additions that don't meet setbacks and other dimensional requirements. That can be on the horizontal plane, adding additions that go out within the setbacks, and it can mean going up within the vertical plane.

With some of the land use permits that have been issued, I have seen non-conforming cottages with the roofs removed, adding additional floor area that makes it a more attractive structure, more functional or contemporary, but not based on safety or sanitation.

There's a cottage where the existing stairway is a spiral staircase that doesn't meet the current building code. In order to put in the proper stairway to connect the main level with the lower level, they need additional room in order to get that stairway. If somebody has special needs, they may need to expand their bathroom to make a wheelchair work.

We want to allow the community to expand these non-conforming structures reasonably, but we need some guidelines. Is the outcome you want the expansion of non-conforming structures, going up and going out beyond safety and sanitation needs?

**Sanger:** on several of our waterfront roads, non-conforming structure have been modified. The ones that come to mind are one floor, maybe a marginal walkout basement. The question Jenn is asking is, shall the ZBA approve taking that one-floor cottage, taking the roof off, and adding at least one story and perhaps even a third by the calculation of where base level is? It's a tough decision because the property values are quite high on the water and these structures typically are on the water. The result is a demand for a larger structure to accommodate more people. What we find, on East Shore, Peninsula Drive, and Bluff Road primarily, is that the impact of the higher intensity of use, of more bedrooms and more living space for people, typically results in more space required for vehicles, for occupants and visitors and delivery vehicles. Today it is quite common to have cars parked on these lateral roads in the right of way. Delivery vehicles have no place to come up into a driveway, so we have delivery vehicles blocking the roads. Based upon my past experience with both the planning commission and zoning board, I believe it's appropriate for the township board to evaluate this. We had a ZBA case and a court case on a property on Center Road a couple of years ago where it was the issue of intensity of use. An increase in the intensity of use factors into parking, safety, pedestrians, all that comes with placing more people in a compromised structure to begin with.

**Shanafelt:** my view on legal non-conforming uses is that they are non-conforming but happen to be legal because they were there before. Safety, absolutely. I struggle with why you need to increase the horizontal footprint to put in a straight stairway. You need some room size, but that's the way it goes. In my view, the horizontal footprint stays the same,

the vertical footprint stays the same. You can redo the inside. As soon as you meet current zoning standards for setbacks, you can start following our existing zoning requirements.

**Rudolph:** I thought the ordinance was pretty clear. The first issue, 7.5.1: I agree that adding living space increases the intensity of the use. That is clearly not the intent of the ordinance. 7.5.5: I agree conditions must conform to setbacks unless there's a very good reason not to. That would have to go before the ZBA. 7.5.6: I also agree that any replacement must be less non-conforming. That's considering the increased intensity of non-conforming uses, and it's clearly stated in the ordinance the way it is now. If we want to change, I think we have to change the ordinance.

**Cram:** it's very clear. Changing the format of staff reports where we talk about the intent and purpose of our regulations and why we have them and what it means to vary from them will help guide the ZBA. I wanted to hear from you to make sure the zoning ordinance gives us the tools to achieve the outcomes you want to see as our elected officials.

**Achorn:** it's based on precedence. For the last eight years, I've sat in on or read everything from the ZBA. The owner's design choices are not a valid reason. There are many ways to change the design of a house and still stay within the parameters of the ordinance. Even in the non-conforming ones, they are still able to work with the architect and obtain close to what they want and obey the ordinance rules.

**Cram:** we're also learning that we need to pay closer attention to our floodplain. We recently updated the new FIRM maps. A lot of these shoreline properties are within the floodplain. We have to work with our building officials to make sure that when improvements are made to non-conforming structures in the floodplain, they meet certain requirements within the construction code so the owners can still apply for flood insurance. There is a whole other level of regulation that we need to be coordinating. Ultimately, if we as the township issue land use permits for improvements in the floodplain, we're responsible.

**Chown:** did we get that new floodplain map up on the website?

**Cram:** yes, there are several maps and several layers. I'll be working with Susan [office manager] to update the website so there are links to the FEMA website. It's really user friendly. You plug in your address and it will tell you if you're in or out. Nicholas and I are working with EGLE to understand what the different codes are so we can help people navigate the website.

**Sanger:** the other impact of increasing the footprint is increasing impervious surfaces. With more people, you get more concrete, more blacktop, and difficulty in complying with our stormwater control ordinance to keep the water that falls on the property on the property and let it filter out as opposed to rushing into the bay.

**Cram:** switching to shoreline regulations, it has come to my attention that land use permits have not been issued consistently for work along the shoreline. A land use permit is required for any filling, grading, or earth movement within 200 feet of the ordinary high-water mark. The zoning administrator does have the ability to reduce the required setback for a seawall from the 60 feet from ordinary high water, but a land use permit is still required. If you look at our floodplain regulations, for a property along the shoreline within the floodplain, structures are limited. No fill should happen in the floodplain because

there's a detrimental effect and impacts to neighboring properties if there's a flood. Within the floodplain, the types of improvements are limited to gardens, preserves, boardwalks, and paths no wider than three feet. We're seeing people making improvements on the shoreline without a land use permit, so we're not able to look at soil erosion, sedimentation control, or stormwater. Some of these properties are so close to the roadway that they're making improvements within the road right-of-way, which requires either MDOT or road commission approval. I want to affirm with all of you that our offices will be requiring land use permits for any work that's within 200 feet of the shoreline so that we can look at road right-of-way and floodplain.

**Rudolph:** regarding the floodplain, a lot of this is driven by state requirements, correct?

**Cram:** it's federal and state and our responsibility as a local municipality. The ordinance that we adopted a couple months ago authorized Grand Traverse County Construction Code to issue building permits on our behalf that meet floodplain regulations. If we hadn't updated that ordinance and adopted the FIRM maps, then our citizens would not have been able to get flood insurance. In order for our community to be eligible for flood insurance, we have to follow floodplain regulations. We updated our zoning ordinance in 2018 to provide for wetland and floodplain regulation consistent with state and federal requirements. This is one part of looking at shorelines. We're also looking at docks and hoists. It's going to take public input to come up with a compromise, but this is something Nicholas and I will be educating contractors and the community about. We would like to send out a postcard and work with our assessor to see what a mailing would look like to shoreline property owners to let them know that if they're doing work, they need to come in and talk to us. We can help guide people through these things, but we need to be careful with how our shoreline is changing.

**Sanger:** the ordinance itself has the potential for creating conflict. It's a question of which section is prioritized over the other. One section requires a land use permit for structures 25 square feet or more. It goes on to say that a structure excludes or does not include access steps required to navigate changes in elevation. Sounds like steps going down the beach, doesn't it? Or sidewalks, driveways, and paved areas that do not protrude above the finished grade. If you look strictly at the land use permit requiring a structure and this exemption, what's missing is the application of this particular section to properties that are within 200 feet of the shoreline. What Jenn has done is mesh together the structure requirements and the section on filling and grading within 200 feet and the normal high water mark. She is suggesting that we prioritize what is closest to the water as opposed to an exemption for a stairway that may be quite a bit inland. It's troubled me in my enforcement job when I see major stairway projects, sometimes deck projects, that are taking place within 35 or 40 feet of the high water mark in the floodplain. The zoning and planning office has no ability to review those projects. The county reviews for soil erosion, and typically they require a silt fence. That means that once the project is completed, the silt fence comes down and we're stuck with the fact that we had no review.

**Shanafelt:** that priority makes a lot of sense. Shoreline clearly is a higher [priority] than inland staircases or sets of steps. I think that's very logical.

**Cram:** some communities in the region only allow wooden stairs to the shoreline. Our zoning ordinance is not that restrictive. I will be working with EGLE to understand what

they would like to see within a floodplain. I believe that, as written, the zoning ordinance gives Nicholas and me the authority to require a land use permit for earth movement and structures within 200 feet of the shoreline. We need to educate property owners about tree removal on the shoreline. I can come back with a budget number, but we'd like to prepare some type of mailer to educate shoreline property owners of the importance of maintaining vegetation, stormwater, all of those things.

**Chown moved to recuse Wunsch from the discussion on u-pick signage with a second by Achorn.** Motion approved by consensus

**Cram:** I'd like permission to not enforce our current sign ordinance. We want to support our farmers. Last summer, we did not enforce our roadside stand regulations. We wanted to give our farmers an opportunity to do what they do best, and we updated our zoning ordinance to make roadside stands, which we now called farm stands, consistent with the Right to Farm Act.

Looking at amendments to our sign ordinance to continue to support our farmers, the u-pick operations are seasonal and temporary. Farmers need the ability to be fluid with their signage. I would like to look at allowing additional signage for these temporary u-pick farming operations. I want to make sure we are addressing safety. We cannot allow signs in the right-of-way. MDOT and the road commission do not allow it. But we could allow for additional signs that would be temporary.

We also want to think about the character of this very special place. I hear what Mr. Santucci and Mr. Edmondson said as far as not wanting to have any sign regulations. Relaxing our enforcement this season would allow Nicholas and me to monitor what's happening out there. I've provided some examples of what we're seeing. There are a lot of creative ideas for how the farmers are educating people on what they are doing and how people can participate. I would like u-pick operations to be a use by right. What we care about is making sure customers can get off of the roadway safely. We could monitor what's happening this season and work with the farmers to come up with a standard size of these temporary signs, banners, that could be used. I was envisioning they could be two sided, maybe one on each end of the property. If we did something uniform, outside the right-of-way, we're addressing safety, we're addressing character, and it allows our farmers to have more flexibility to advertise what they're doing. I would like to have a definite timeframe this season, maybe May to November as Mr. Santucci suggested. Then we would have something back before the community and all of you prior to next season so that everybody knows what's going on. I also want to talk about off-premise signs.

**Shanafelt:** the proposal would be to relax, or not enforce, the ordinance for on-premise signage. We're not saying, "Do whatever you want." It's, "Do what you want on premise and during the evaluation period." If things get out of hand, if there's an abuse of the situation, we probably have to flip on enforcement immediately.

**Cram:** our new model for enforcement is we make a phone call and have a conversation. It's a partnership. We want to work with people to understand their options for coming into compliance.

**Chown:** I'm channeling my inner Margaret Wilson here. Many of you in the audience will know who she is. She is the reason we have a pretty strict sign ordinance on this peninsula. There's a plaque honoring her at the base of the peninsula and the Old Mission Gazette

not long ago had a phenomenal article talking about her contributions to this community and the rural character that we love. I would support this proposal for a season, but I want to clarify that no billboards will be allowed. Somebody might get very excited and spend a lot of money, so let's take care of that from the get go.

**Rudolph:** we're talking about temporary signage. Is that correct?

**Chown:** correct. But you just never know what someone might think is a good idea.

**Sanger:** M-37 is a state designated scenic highway. We need to do some data gathering. We're going to have to be cognizant and probably also in discussion with them. Some limitations would come along with that state highway designation.

**Cram:** first, support our farmers. Second, consider safety. Three, try to minimize visual clutter. We could do that by coming up with some type of uniformity. I will work with Chris [Patterson] to bring something forward to formalize it if you're supportive of that.

**Shanafelt:** scenic byways might have some special requirements that limit things. Just to emphasize, nothing in the right of way. Some of these pictures suggest things in the right of way.

**Cram:** we will be working with people to let them know. We also need to look at this for other types of signs, such as open houses and yard sales. Those deal more with off-premise signs. We want to amend our zoning ordinance so that it affects the entire community, not one segment. The priority is our farmers right now, but we could also look at how these future amendments would affect other types of signs.

**Rudolph:** when we had the agricultural committee, we talked a lot about signs toward the end. We need to move forward with some kind of concept of what we can allow and what we can't. I like the idea of doing a temporary stoppage now for agricultural signage just to see what happens. Then we can make some judgment calls after this season.

**Chown:** I think vintage tractors are as wonderful as vintage trucks, if they're out of the road right-of-way. I don't know why they couldn't be utilized.

**Rudolph:** my question would be, what is vintage?

**Cram:** I have been visiting Antrim County and Leelanau County and it seems that a lot of farms use these vintage trucks. It's part of their branding and advertising and it allows for a creative sign. It would be temporary; the vehicle could be moved.

**Shanafelt:** that would be key. We don't want to create a junk reservoir. Vintage but it's not running and it stays there forever.

**Cram:** yes. It would have to be licensed, operable. There would be a certain timeframe that we would see these types of temporary signs.

**Rudolph:** off of M-37 we have signs that say there's an open house two miles down the road and so on. With political signs, you sometimes have a problem getting them removed. I understand it would be a requirement that the landowner approves that sign so somebody doesn't come out and stick their sign on somebody else's property, but how do we make sure they get removed when they're no longer valid?

**Cram:** we'll put some guardrails around it with regard to a time frame. We'll engage the farming community to listen and learn and hopefully come back with something that everybody can support.

I also want to address the off-premise signs for those farms that aren't located on the main thoroughfares. We also want to support them. You're all aware of the TOD sign, the blue

signs, that a lot of our wineries and other farm operations have utilized. Those are wonderful when you have a year-round operation.

**Chown:** remind me what TOD stands for?

**Sanger:** touristed-oriented destination.

**Cram:** those signs do cost money and are issued by MDOT. They are located in MDOT's right of way. In the future we could maybe consider a grant program or something that could assist our farming community in putting those signs in. In the meantime, because some of these u-picks and operations are temporary, that's not the best fit for them. I would also like to relax the enforcement for the off-premise signs for the u-pick and farm operations for this season as long as they're not located in the right of way and have property owner permission to be placed there. We can look at open houses and yard sales in the future as we look at the zoning ordinance amendments. I'm not asking to relax our enforcement on those things currently.

**Achorn:** do we need a formal resolution for this?

**Cram:** Chris, do we need to do this via motion, resolution, moratorium?

**Patterson:** depending on how many guardrails you put on, it might be easier to bring back an actual resolution to the board in writing as opposed to articulating a long motion. A resolution at least brings the guardrails, gives the board a document they can look at. If you want to do something sooner, then you would articulate a motion tonight.

**Cram:** I would like the board to make a motion to authorize me to work with you on this resolution for the next meeting. Would that be okay?

**Patterson:** absolutely.

**Sanger:** my concern is, could we or should we limit the off-premise sign to one?

**Cram:** agreed. It could be one two-sided sign.

**Achorn moved to authorize the planner to work on a resolution to formalize relaxation of the sign ordinance enforcement for the next regularly scheduled meeting with a second by Shanafelt.**

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

**Sanger moved to bring Wunsch back with a second by Rudolph. Motion approved by consensus**

6. Resolution to re-plat Lots 8 and 9, Block 2, of Goebel Lane in Neahtawanta (Cram)

**Cram:** our legal counsel has been working with the Goebel Lane legal counsel on this resolution to re-plat. We learned some information after the packet was presented with regard to some deed and title information. We're working to amend the resolution and on options to move forward based on this new information. I request that the board make a motion to table this item to the August 8 meeting.

**Shanafelt moved to table item 6 for a future township board meeting with a second by Sanger. Motion passed by consensus**

7. Proposed PDR violation fees (Cram)

**Cram:** the purchase of development rights ordinance #23, amendment #3, section eight, enforcement and penalties, noted that the board needed to adopt the violation fees within 90 days of adoption. Our purchase of development rights program is special. It is voluntary. Our ultimate goal is to develop strong relationships with our farmers. With the update to the ordinance, with the contract we have initiated with the land conservancy to

assist us with administration and public education and outreach, with our new contract for monitoring, I believe we will see fewer violations than in the past because those relationships and the education will be improved. However, there will be isolated incidents where our partners are not cooperative. As such, we do need violation fees. To respond to what Mr. Edmondson said, we take the PDR program very seriously. We have been taking action to enforce all the violations. I would say that 90% of them have complied. For deeds, if cited, there would be a violation. They would have 30 days to cure it. The fee per day is \$50.

For the outdoor storage of junk and debris that does not comply with section 7.2.4 as specified in the conservation easement, dealing with junk is tricky. We know that farmers have to be creative and keep a lot of materials to keep things going. We're proposing that if we had to cite someone, that fee would be \$500 per day and they would have 30 days to cure that violation. If a violation is noted in our annual monitoring, it is my responsibility as the program coordinator to work with the land conservancy to reach out and let the property owner know. We try to address it immediately. We do document it. If verbal communication isn't successful, we will follow up with a friendly letter. If that isn't successful, there would be a letter coming from our legal counsel. If they're not cooperative, we would then need to issue the violation and give them the number of days by which they need to comply. If they don't comply, there would be a citation issued. And that's when the daily fees would start to accumulate.

**Shanafelt:** why wouldn't the clock start when they're first notified?

**Cram:** we have to give them an opportunity to come into compliance.

**Shanafelt:** as soon as you tell them, "You're in violation" why doesn't the cure period start then?

**Cram:** it will.

**Shanafelt:** so when you first verbally tell them, "You're in violation," that starts the cure period, and during that cure period, you increase the communication. Once the cure period is over, when you issue the citation, that's when monetary fines start accumulating.

**Cram:** correct. A more serious violation is when there is unpermitted occupancy of a permitted structure. An example of this is the unauthorized use of migrant housing. The proposed fee for that would be \$750 per day. They would have 30 days to remedy it before those fees kicked in.

**Shanafelt:** it strikes me that for some of these you don't need 30 days to cure it. For the migrant housing, it shouldn't be happening in the first place. It should take like five days.

**Cram:** if someone is living in migrant housing, they need a place to live. Finding another place to rent or to move to takes time.

**Shanafelt:** my point is, whoever's property is supporting those individuals, they are responsible for the situation, so they need to solve it.

**Cram:** the issue we see is that the property owners themselves are the ones violating this.

**Shanafelt:** some things could be remedied quickly. I understand the housing issue and that's a real issue; people violate the law because housing is hard. It's simple; don't violate the law in the first place. I have very little sympathy for people who willfully violate the law. I understand it's more complicated than that. If 30 days makes sense for all of these, that's fine. Just some of them shouldn't require 30 days to remedy.



**Cram:** agreed. In this particular instance, there are tenant's rights. The 30 days is standard. We also gave them 30 days to correct deeds because Sally and I looked at how long would it would take someone to come in and apply.

**Achorn:** how are these fees collected?

**Patterson:** there's a couple of options. Pursuing it through civil infraction, before we get to that process, we would be able to provide notice to the property owner to collect directly from them. If we had to enforce the ordinance as written, we would seek the fines from the district court judge through the civil infraction process. There are also statutory fee caps that might apply. If you end up pursuing through a civil infraction process, you might be left with a lower fee cap. Through circuit court action, I think under the ordinance you would be entitled to plead those fees. As far as collecting them through the ordinance itself, it's just like any process. It must be the property owner who commits the violations and voluntarily pays to come into compliance. You're ultimately going to have to seek some type of court action to enforce compliance but then also collect fees.

**Cram:** I'll be working with Chris on this. The next violation is the most egregious: when there's construction of structures outside the designated building envelopes, including dwellings and/or the conversion of permitted structures. A barn is a permitted structure within the conservation easement, but then they come in and illegally construct a dwelling inside that barn. This proposed fee is \$1,000 a day. The notice of violation would require that the violation be remedied, meaning structures and or improvements removed, within 60 days because it takes a little longer to get the demo permits, things like that.

Illegal land divisions are proposed at \$500 a day. The notice of violation will require that a complete application for land division be submitted within 30 days.

Placement of landscaping within an established viewshed is proposed to be \$150 a day, and the landscaping improvements would need to be removed within 30 days.

**Shanafelt:** do we have any recourse to recover legal fees we might incur while addressing enforcement?

**Patterson:** you have two avenues but your results are not great. The first one, with respect to pursuing a civil infraction, if you win the merits of your case, after ordinance violations and for violations of ultimately the easement that underlies your PDR ordinance, judges will reward you up to \$500 in attorney fees. Rarely does that cover all the costs you incur. The second way is through circuit court action. My impression in taking either one of those routes is that your legal fees are not going to be fully recouped. In the circuit court case, judges are not inclined to grant attorney fees, even on an enforcement case.

**Cram:** one of the things we established with the amendment of the PDR ordinance is all the different funds. There is an enforcement fund within the PDR ordinance that continues to [grow] that helps us with enforcement.

**Chown:** do we make a motion to approve this tonight?

**Cram:** yes, that would be wonderful.

**Rudolph:** most of the violations that were on the sheet pertain to deed restrictions. Are we doing anything to help alleviate that in the future?

**Cram:** yes. Sally Murray, our assessor, was proactive in getting letters out. Most of the violations have been addressed; we're still working through one or two. Of the more egregious violations, one has been addressed. We're working on the other one and are

continuing to work with the property owner. I plan to bring back an update.

**Chown:** how did you come up with these particular fees?

**Cram:** by looking at our application fees and the cost of doing business and wanting to make the fees reasonable but also to encourage people to come into compliance.

**Sanger:** the other leverage we have for the more egregious cases would be to invoke the concept that each day is a separate violation. In the most recent case, the township did not even come close to recovering the cost, but we had a job to do. In hindsight, we could have issued citations on multiple days. If you have to tighten things up, we have the flexibility of more cost recovery. Keep in mind that the court is going to keep (I believe) 75 percent, and we get 25 to 30 percent on all citations through our district court.

**Achorn:** I don't think we've gotten more than \$500 in the last year from the court.

**Sanger:** a violations bureau would be a way of keeping any monies associated with fines here in the township. It gives the offender the opportunity to come and pay the fine and the matter is settled. The offender still has the option of not taking advantage of that and we issue a regular citation, go right before the district court.

**Cram:** we've talked about it before. Once we have time, I'd like to revisit it with the board.

**Achorn moved to approve the PDR violation fee schedule as presented with a second by Rudolph.**

**Roll call vote:** yes – Chown, Wunsch, Achorn, Sanger, Rudolph, Shanafelt **Motion approved by consensus**

8. Protect the Peninsula 30(b)(6)

**Patterson:** Old Mission Wineries vs Peninsula Township is proceeding in a little bit of a different phase at the moment. Last June the board ruled on some dispositive motions. Thereafter, Protect the Peninsula [PTP] was permitted to intervene by the state circuit. The judge decided PTP would be entitled to some discovery. During discovery, you're allowed deposition. The legal counsel that represents PTP would be entitled to have a specific witness and ask a series of questions that would be relevant to the litigation. In this instance, the court allowed PTP to proceed on certain depositions that are primarily focused on those who are involved with the plaintiff. That includes representatives of the wineries but also includes PTP's decision to name and ask to depose a representative of the township. They're relying on federal rule 30 (b) (6). The deposition notice that was served at counsel with your insurance defense indicates they are seeking to depose this representative under 30 (b) (6). The court rule basically says that we the township get to identify the person who will speak on behalf of the township for those issues identified in the notice. The legal counsel wants to identify a set of issues to depose you on and talk about. We got the notices last week. They're looking for someone who has the capacity and knowledge to speak about Peninsula Township's procedure and applications for land use and special use permits, who has specific authority under the zoning ordinance related to interpretation questions, administration and enforcement, and who has knowledge related to appeals and variances. You the board are the authority to denote this individual to speak on behalf of the township. We're asking that, by motion, you appoint a specific individual who you think is appropriate to answer those questions. We recommend Jenn Cram. Jenn has sufficient education and expertise. Importantly for a 30 (b) (6) deposition, you don't have to have personal knowledge. I think it's important to reflect that Jenn

started with the township around January 2022. But for this type of deposition, she just has to have the knowledge and expertise that includes looking at the township records for the winery approvals and being able to testify. Next Friday at 10:00 a.m., we present this individual whom you authorize to speak on behalf of the township.

**Shanafelt:** [Jenn] is this on your bucket list?

**Cram:** not exactly but I do take this responsibility seriously. If you choose to elect me, I will do my best to represent the township with all that I know and have learned.

**Patterson:** because she doesn't necessarily have personal knowledge of all items and deposition notice, we will have to invest in resources to prepare for that deposition.

**Rudolph:** when is that deposition?

**Patterson:** July 21 at 10:00 a.m. All of these depositions start Monday. They're doing approximately two depositions a day right now. PTP counsel, your insurance defense counsel, and the wineries' counsel are involved in depositions that started yesterday and are going to run through the 21st.

**Chown moved to appoint Jenn Cram, township planner, as the township's 30 (b) (6) corporate representative to testify on behalf of the township in response to Protect the Peninsula's notice of taking a rule 30 (b) (6) deposition in the Wineries of Old Mission Peninsula Vs Peninsula Township case with a second by Shanafelt. Motion approved by consensus**

9. Invoices as requested by Louis Santucci

**Santucci:** want to remind the board that you have a fiduciary responsibility to the township and to the citizens. In looking over the invoices that were published late yesterday, I noticed a couple of things. One is there is a heck of a lot of money going to your law firm and it's not just for the winery litigation. I think the figure is about \$36,000 for June for things I don't think you need a legal person involved in. I don't think he has to attend every single meeting, planning commission meeting, board meeting, unless you have something serious, like this particular thing, and does he really have to be there for the whole meeting and charging you for that whole meeting? If you have an issue, can't you call him up? My point is, if I go through all those invoices, there's so many things that jump out. I think it's either \$12,000 or \$17,000 for the Seven Hills Development. If that was only about whether they can sell wine in their place, I'm just surprised. There's things like cemeteries and so forth. I don't know how you do these things with the invoices. But there's no explanation other than a very short legal costs for Seven Hills. It would be nice for us to be able to assess this if we knew a little bit more about what that legal charge is for. What I'm asking is that you be a little more transparent with these. I think it's great that you're publishing them. I didn't see anything in the May or June meeting agenda packets about the invoices. I don't know if these legal invoices are for that whole period or they just weren't published. The winery lawsuit is costing us a lot of money. I think it's time to have a different attitude about this. We're out probably over a million dollars. I saw the letter in the packet from somebody that said maybe it's time to reassess this. I read it and I think I'd like to ask all of you to reassess this. You're going to end up spending a fortune. If you look at the invoices, the design cost for the publication was \$1,700. I've got to say it's a really nice thing. I enjoyed looking at it and reading it and feeling that glossy page. Kind of jazzy.

## 9. Citizen Comments:

**Harold David Edmondson, 12414 Center Road:** regarding PDR violations, when an owner of a property is inhabiting a structure, I think that's blatant. This situation is occurring on one of the PDRs I'm involved with. I've tried to encourage my partner not to do that. I'm concerned about my liability because the partner is violating the covenant. We received \$800,000 not to do that. She actually informed the monitor that this was occurring and this was 10 months ago. It's just been addressed recently. That is blatant, isn't it? I think what Armen [Shanafelt] is saying is, "What are you waiting for?" I certainly don't want to impose any harm on someone that I know or care about, but it's wrong. This is a contract. This isn't zoning. This is money that we asked the community to pay us. In my situation with the PDR program, we've got five farms. I honestly believe Edmondson Orchards wouldn't be here today if we didn't have that money. I hold the program in very high regard. I've been here over and over and brought up situations that aren't right. It seems like [I] get blown off all the time. Another situation I feel was totally wrong, I even asked Scott Howard, the Regional Land Conservancy consult, about. He said, "Dave, you're right." It's when the board allowed the development right to be moved from a one-acre site; now it moves over here, and it's two acres. Technically, you gave up property that already had a conservation easement on it to allow a person to create a residential structure. That was the whole point of the program! Is the township liable in not following the covenant? We the people pay in that situation, for that acre that was given up, in full, to the original property owner. You as a board went ahead and gave it away to the guy who wanted to move his development right. You've got to think about what you're doing. You need to respect the people who have paid for this program. That needs to be priority number one. The violator should not be in the space at all. Especially when it's blatant.

**David Taft, 952 Neahtawanta Road:** I commend you for the great newsletter. We do have to educate the community on the severity of the lawsuits that have come against this community. You're getting ganged up on and it's sad. I'm the messenger for something that appeared in the packet yesterday. I'm part of a group that has been meeting for about six weeks to try to look at alternatives to resolve this lawsuit. Right now, it's very polarized. Your hands are tied. You've got legal requirements that you can't talk about the mediation session without violating confidentiality. The other side is waiting for the court decision. The judge is saying, "I have two settlement dates in the schedule. Why can't you come together and compromise?" It will take the lawyers to get together and figure out a way for you to compromise and talk about possible ways to avoid going to court and spending lots of taxpayer money in the process. Not just the next couple of years; this could go on for many years. I want you to think about compromise and what it potentially can do. The group is getting larger. It started out as a dozen people. They're all part of this community. Some are retired, some are workers, and some are very substantial people in terms of their backgrounds. This group wants you and the wineries to think about compromise. We think we have to put some fresh ideas on the table to bring you together to try to reach a settlement. We are asking the legal folks to please figure out a way for these two parties to get together and speak publicly about compromise and resolve this lawsuit. I don't want you to get lost in the leisure of summer or the work of harvest. We've asked you to respond by August 2 to tell us whether you're interested in doing this. We've committed to

help you as facilitators anywhere along the way. We've also said, as citizens, we will help amend 201 [the farm processing ordinance amendment] if we reach compromise and make some changes happen. We think you should come to the table because the consequences of years of legal expense is not a good solution. Thank you for your time.

**Louis Santucci, 12602 Center Road:** I'm in a state of shock. You [David Taft] spent a lot of time telling these people they should fight. Meanwhile, the dollars are going up. I'm not only surprised, but I'm glad in a way that you have finally seen the light. This money is unbelievable. It's like a bottomless pit. We're almost up to a million dollars. If in the off chance the judge awards the total fees that were being talked about, it's \$93,000 per household. I don't know how they're going to address it, by property loan or whatever. But what is this for? So the wineries can't have weddings and can't serve warm food? Instead of talking about the survey that was done, a new survey ought to be done, and the question ought to be asked, "Do you want your township to cause you to spend \$93,000 of your hard-earned money so that the wineries cannot have a wedding and can't serve warm food?" Is it worth it? For me, it's not. In your newsletter, you said it is worth it. Frankly, it's not. I don't have \$93,000 to pay for this. I don't think anybody in this township wants to have \$93,000. I wish you luck. But you're kind of a dollar short and a dollar late. You should have been here in the beginning saying, "Let's solve this thing."

**Grant Parsons, 6936 Mission Ridge:** you know who started this, and you know what they want. It's what they said from the beginning: WOMP wants \$200 million. They want to undo local zoning in the agricultural districts. That not only has local and state magnitude problems but also national magnitude problems. We are just the tip of a spear of people who are trying to exploit the premium value that everybody in this township has created for the past 100 years or more, including farmers, preservationists, and all of us. These greedy wineries want \$200 million. They want to turn every agricultural winery into a restaurant/bar. They want weddings with hundreds of people, they want service of alcohol til two in the morning, they want amplified music. You saw the Ascione letter that came in. Mari Vineyards had a family wedding, and the neighbors next door said, "We heard every word of every song until midnight." I am appreciative of what Mr. Taft has proposed. If there's a compromise possible, good. I hope they do it. But I know right now, if we did what one speaker suggested, we capitulate, what would that do? What would it do to just walk away and settle? Well, you'd have to throw out the agriculture zoning for PDR and for non-PDR. You'd have to pay whatever they want, \$93,000. I was concerned when I heard you were publishing how much it will cost. I thought some people would be scared and call in and say, "Settle it any cost." But then they sat back and said, "Wait a second. How much are the wineries willing to shave off of their 200 million? How much of the ordinance are they willing to put up with?" Well, the wineries don't say anything. So you stick to our guns. It's not *your* guns; you stick to *our* guns. You can't walk away because we can't afford you to walk away. We cannot afford that. Thank you.

**David Curtiss, 9747 Londolyn Bluff:** I agree one hundred percent with Mr. Parsons. I thought the wineries were allowed under special zoning variances to come out here and go from growing grapes to having a commercial operation. They should be on their knees thanking us for letting them come out in the first place. It's a shame what they're doing to this township and to the residents here. It's bullshit. Thank you.

**10. Board Comments:**

**Rudolph:** kudos on the newsletter. My constituents are happy about the boat launch at Kelley Park. I appreciated the section on the summer tax bills. It helps my constituents understand where their tax dollars are going. It's hard for people to understand that most of the monies they pay in taxes go out of the township. Very little, about two percent, actually stays in the township. I think we do an amazing job with that two percent. I know a lot of my constituents appreciated the update on the litigation. It helps put all the lawsuits the township faces into perspective.

**Sanger:** on the schedule, there is a public information meeting on the subject of charter townships. I don't remember the date.

**Chown:** September 7 at Saint Joseph Catholic Church at 7:00 p.m.

**Sanger:** it's an opportunity for all of us to hear what a charter township versus general law township is. I thank the officers of the township for moving that forward. That's been on my mind for several years. I'm looking forward to fully understanding what a charter township would do for our township. Thank you.

**Chown:** in the newsletter, I said that the informational session would be broadcast via Zoom, but it's YouTube. It will be on our website; you can watch it live if you can't attend. I expect it will be a full house. If you are able to come, come early in order to get a seat.

**Achorn:** the board has been reading what we can on the subject, but we will be learning at the same time. We will be sitting learning just as you will be learning at that meeting.

**Shanafelt:** thank you, Jenn, for stepping up. A deposition is not fun. You are the right person for this so thank you. Comment on the newsletter: if you're going to do it, do it right. You did it right. It's a very professional newsletter that has credibility.

**Chown:** on the road commission and roadkill issue, I'd like to close the loop. On July 10 we had a press release from the Grand Traverse County Road Commission celebrating the new exemption that allows the road commission to once again begin removing roadkill. That's indeed worth celebrating. If you see roadkill or have an altercation with a deer, you can call the road commission or go on their website and press that little button and they will come out and remove the deer.

**Achorn:** I would like to welcome Nicholas; thank you for joining us.

**11. Adjournment:**

**Sanger moved to adjourn with a second by Rudolph. Motion approved by consensus**

**Adjourned at at 9:35 p.m.**