

Peninsula Township
Township Board Special Joint Meeting
With Planning Commission and Regular Meeting
July 12, 2022, 7:00 p.m.
Laura Martin, Recording Secretary



PENINSULA TOWNSHIP
13235 Center Road, Traverse City MI
49686 www.peninsulatownship.com
**Township Board Special Joint Meeting with
Planning Commission and Regular Meeting
July 12, 2022, 7:00 p.m.
Township Hall
Minutes**

1. Call to Order by Wunsch at 7:01

2. Pledge

3. Roll Call Township Board

Present: Wunsch, Achorn, Wahl, Sanger, Rudolph, Chown

Excused Absence – Shanafelt

Also present: Township Planner Jenn Cram and Attorney Bill Fahey via phone

Roll Call Planning Commission

Present: Shipman, Alexander, Dloski, Hornberger

Absent: Hall, Couture

4. Citizen Comments (for agenda items only)

Wunsch: if no one objects, we can take citizen comments for the township board and planning commission simultaneously.

John Wunsch, 17881 Center Road: my comment is primarily to the board and staff, although to the degree that any planning commission members are involved, I want to say how much I appreciate the energy, the time that's got to be going into this lawsuit situation, and how sorry I am to see there are now personal threats involved. I commend you for standing strong. I do believe you will win this on appeal, and I'm so glad you are doing so. Thank you.

Jim Raphael, 14826 Mallard Drive: first would like to thank the committees that have put together the various documents that have come before the board and planning committee in terms of updating the PDR language, the reports, the polls, etc. They've been very well done, very professional. I don't agree with everything, but I think you've done a good job with one exception: nobody at the township or any of the committees seems to have been interested in reaching out to the public and educating them. Very few people really understand the ins and outs of the PDR program. My hunch is a lot of people who have worked on this over the years assume that because this was passed in [2002], the same voters are going to pass it again. In my subdivision, only one of 20 households was here in 1994. I think we deserve better information. There's one thing in this proposal, the amendment to the ordinance, that I really want to focus on: the provision in section 14 B that's going to establish a multimillion-dollar endowment for the administration of this program. This strikes me as absurd. We have so many needs in this township – parks, local roads – so why are we setting up a four-million-dollar endowment to manage the PDR program in perpetuity? I'm also a little concerned that we have already sent out a ballot initiative asking people to vote without the revised ordinance being approved. I wonder about the legality of people who have already voted on provisions in an ordinance that hasn't been passed. I'm not happy about the two percent this group has proposed, up from the 1.74 percent, given how high

our assessed properties are right now and what's coming downstream from the multimillion-dollar houses being built. It's not like we're resetting the clock at two percent and then starting to work down with the heavy rollback. The rollback is being eliminated. We are going to be paying two mils for 20 years and passing on this tax burden to new people, and they're not going to have any say for 20 years on amending this. I do appreciate the efforts to try and preserve our agricultural properties and help our farm families as much as we possibly can.

Monnie Peters, 1425 Neahtawanta Road: Welcome, Rudy. I want to let you know that Becky is going to make a minutes correction to what I said at your last meeting about changing one word that was picked up incorrectly. The letter that came out in the packet addition that came out today from Grant was very good. I want to support that. And, finally, my normal, the zoning rewrite. Jenn, is it going to happen next month? Are you going to pass it? Is this board going to actually get this done? You know what my opinion is because I've come before you at every meeting except one. I'm telling you, you should have done it last month. So, next month. Because I want to bring the bottle of champagne. Thank you.

Curt Peterson, 1356 Buchan Dr: welcome to the township board, Rudy. I'm here tonight to offer a suggestion for a motion that the township board should make. An advisement back to the planning commission, so like Monnie says we can actually get this zoning rewrite passed. Concerning the zoning rewrite, the stated goal from both the planning commission and the township board for years has been to not make any substantive changes to the rewrite. The intention was to add illustrations, sketches, get the amendments back into the documents so people wouldn't have to look for the 20 amendments at the back. Make it easier for citizens, staff, and developers to understand. That was the stated goal, but that has not happened in all situations, and I'm going to talk about the one that's my favorite topic. From the minutes of the May 16, 2022, planning commission meetings under business: "Cram summarized the proposed modifications to the zoning ordinance noted in the May 11, 2022 memo, found in the packet. For the most part, the language that is in the current rewrite will be removed from certain sections as noted and will be replaced with the original language in the 1972 zoning ordinance." That was to apply for eight subject areas, and those were conflicting regulations, definitions, hotels and motels, rental of dwellings, roadside stands, winery chateaus, Great Lakes shoreline regulations, and lastly soil erosion and sedimentation control and protection of steep slopes. Let's look at one of those in particular, rental of dwellings. At the planning commission meeting on May 16, 2022, questions were asked by planning commission members and myself as a citizen under public comment. At that particular meeting with clarifications on existing language of rental of dwellings 6.2.2.2.8, the chairperson asked the planning commission members if they wanted to discuss any items. One of the planning commissioners said, "I just want clarification that we're not changing anything. You're just going back to the original language." Cram said, "That is the plan." Then under public comment, I said, "Donna asked this question and I would like to ask it again. Jenn, you're saying we are going back to 6.2.2.2 E and that is going to stay as is?" Jenn acknowledged yes. So at the conclusion of the public hearing, Al Couture made a motion: "I move that we adopt the eight changes to the current recommended zoning ordinance revision and bring them back to the current language, and then we forward that to the town board. My motion is that we approve the changes one through eight." That was supported by Julie and the motion passed unanimously. So with respect to that, if we look at the draft dated 6.14.2022, it did not revert back to the current language. It is something else entirely. So here is 6.2.2.2 E, it is the R1A zoning district, which is rural hillside slopes. Here is 6.24 as in the 6.14.22 draft that you can see online today. These two

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are not the same. So what should be done tonight is that the township board should redirect the planning commission to go back and make that vote again but vote specifically to put 6.2.2 E back in the R1A district and then bring it back for your approval at your next meeting. Then we can go to work on making those changes in all of those areas that we talked about. I volunteer to be on a citizens' committee so that we don't end up like Sedona, Arizona, with 50 percent short-term rentals. They've taken over the town. We need to prevent that here on Old Mission Peninsula. And I'm willing to work on a committee so that we can come up with rules and regulations that make sure there are no nuisances, that we don't damage the environment or our water quality. I think you should make a motion to get this clarified because right now it's a mess. I have no idea what would happen if this zoning ordinance gets passed illegally, if it doesn't conform to the Michigan Zoning and Enabling act of 2006. Can somebody challenge the whole zoning ordinance or can they just challenge maybe the section on rental of dwellings? I don't know, but let's get it right. And it can be right within the next two or three weeks. The planning commission has their meeting next week so you can direct them to make this change so that we don't get in this legal bind. Thank you.

Mark Santucci, 11789 Center Road: I'm going to bring a little reality to the feel good that you get from the sycophants here. Change has come to the federal courts. You guys are involved in the federal court. You're talking about appealing the decision that came down; you've asked for a stay. You need to look at what's been happening at the Supreme Court. You have Roe versus Wade, which changed 50 years of what a number of people on both sides of the issue call settled law. You have West Virginia versus the EPA, where the Supreme Court has come down hard on the administrative state, basically saying that no more can you take a small phrase in a law and turn it into administrative law, which goes far beyond what the intent of Congress was. The township lawyers are asking for a stay in preparation to their appeal. I'm just going to bring up two examples of what's in their stay. I'm going to explain to you why as a non lawyer, but someone with a brain and common sense, they don't have a chance. They talk about the interstate commerce clause and say, "Well, we're just a local unit, a township making these rules, we're not a state." And the interstate clause talks about the state and what a state can and cannot do with respect to interstate commerce. Well, where do you get your authority from? You get it from the state. The state of Michigan gives cities and townships the authority to make law, to make regulations. Saying you're a township and not a state is irrelevant. You get your power from the state, so it is the state, through you, making this law. You're going to lose in court on this one. Weddings, I couldn't believe. They talk about the poor bride, who has set up a wedding for next year, and if the wineries lose in court, that poor bride isn't going to have a place to have a wedding. Well, first of all, your own officials in the deposition said that wineries can have weddings. You think the judge after hearing that is going to grant a stay to doing something like that? Again, it's just crazy. Now I understand Grant Parsons wrote you a very nice letter. He says the nation is watching, and this finding will have significant repercussions. I couldn't agree with him more. You may be at the center of a change that is going to sweep the nation. Right now, and if you notice what the judge said to you, no longer will just saying health, safety, and welfare of the community is why you do something. There has to be something to back it up. Again, a perfect example is the noise, electronic noise. You can have a symphony orchestra out there, or you can have the Mormon Tabernacle out there belting out 95 decibals and that's okay. You have someone on a guitar that happens to be modified electronically, it's not okay. What the judge said to you is, you can make regulations but they have to make sense. In other words, at the boundaries of the wineries, if the noise level is above whatever level you put that makes sense; whether it's electronic noise or just

people noise, you can make a law that says it can't be over 50 decimals, or 70, whatever a common sense number is, but you can't say no electronic but anything else. Since I'm a landowner and a taxpayer, I'm trying to help you guys. The papers that each side has written, I've read them all. Don't stick your heads in the sand. The world has changed in the United States with this Supreme Court. And if you ignore it, it's going to cost all of us. Thank you.

Louis Santucci, 602 Center Road: a petition was submitted for getting the moratorium on the November ballot. I want to bring to your attention, since you neglected to bring it to attention in the packet you sent out, that once that notice of petition is filed, the moratorium is basically in abeyance for 30 days. If the requisite number of signatures are gathered in the time frame, then it would be in abeyance until it's put on the ballot in November. So I think people should know that that exercise has been undertaken. The notice was put in the packet so people know what the notice is but they don't know really what it means. So I just thought I would bring that not only to the board's attention in case you don't know but to the public's attention as well. Thank you.

5. Approve Agenda

Town Board Agenda:

Wahl moved to approve the agenda with a second from Sanger. Motion approved by consensus

Planning Commission Agenda:

Hornberger moved to approve the agenda with a second by Alexander. Motion approved by consensus

6. Conflicts of Interest

Township board: none

Planning commission: none

7. Consent Agenda

Town board:

1. Invoices (recommend approval)

2. Reports

A. Cash Summary by Fund for June 2022

B. Peninsula Township Fire Department for June 2022

C. Ordinance Enforcement Officer for June 2022

3. Minutes from June 6, 2022, Township Board Special Meeting; June 9, 2022, Township Board Special Meeting; June 14, 2022, Township Board Regular Meeting; June 23, 2022, Township Board Special Meeting; and June 28, 2022, Township Board Special Meeting

4. Appoint Election Inspectors for August 2, 2022, Primary Election

5. Communication from the city of Traverse City regarding its master plan

6. Grant from Oleson Foundation to help fund the construction of a boardwalk on the John Spencer Memorial Trail at Pelizzari Natural Area

7. Letter of commendation for Jim Olson and plaque to be placed at Mission Point Lighthouse

8. East Bay Township Pauses Short-Term Rental Licenses (article)

9. Request from Peninsula Township Fire Chief Fred Gilstorff to donate surplus rescue tools

10. Incident report and emails from WOMP attorney Joseph Infante and Peninsula Township legal counsel Bill Fahey regarding planned food truck at Bowers Harbor Vineyard over July 4 holiday weekend

11. Correspondence

A. Kara Koeplin

- B. Connie Sargent
- C. Eric Dreier
- D. David Shambaugh
- E. Todd M. Sanders and Maura A. Sanders
- F. Laura Johnson
- G. Dianne Richter
- H. Grant Parsons

Chown: I have a couple of corrections. In the minutes from June 14, page one, eight lines from the bottom, the word “passive” needs to be replaced with the word “master.” I also have a change to the election inspectors we are appointing tonight under the consent calendar. The first absentee voter counting board has a new precinct inspector, Cameron Farley. And to the second absentee voter counting board, we will appoint Kris Prescott. There might be some musical chairs, we might switch some people around, but the names that you see here, plus the two I just mentioned, will be our election inspectors for the August 2 Primary Election. Thank you.

Wahl moved to approve the consent agenda as amended with a second by Sanger

Roll call vote: Yes-Achorn, Wahl, Sanger, Rudolph, Chown, Wunsch Passed unan

8. Business

Township board:

1. PDR Ordinance #23, Amendment #3 Adoption and Public Hearing (Cram and Virginia Coulter):

Cram: I want to thank the PDR study group for all the hard work they’ve done. It was wonderful to work with you all. And I would like to introduce the PDR study group: Susan Tarczon, John Wunsch, and Virginia Coulter. Virginia will be doing a summary for you. I also want everybody to note two packet additions. The first packet addition has the correct, most current, maps, which are in appendix A of the PDR ordinance. It’s the agricultural preservation area map and the viewshed map. Packet addition number two proposes a change to the definitions as proposed by Armen Shanafelt. As with any ordinance, it’s a work in progress. With that, I’ll turn it over to Ginny.

Virginia Coulter, 16550 Center Road: it is my pleasure to be here. First thing I want to do is elaborate on Jenn’s introduction. Most of you know John Wunsch. He was on the committee that wrote the original PDR ordinance, organized the millage campaigns, and ran those. He’s been a constant watchdog for the PDR program over the years, and it’s been a lot of years. A lot of things have changed in 28 years. Susan Tarczon is a recently retired banker; she has served as a financial advisor for PDR from the very beginning. She worked on the millage campaigns, she worked on the finance committee, and she served on the final selection committee. I was on the planning commission as the chairperson when the PDR program was developed for both millage votes. And for both millage votes, I served on the final selection committee, which I think was 2017. The last project was the Weatherholt farm, which as I recall closed in December of 2018. I also have personal experience donating and selling development rights to the Grand Traverse Regional Land Conservancy. We didn’t do this by ourselves. It has been a real work in progress. We started with a few members in July 2019. Gordon [Hayward] was there; I’m not sure which planner was there at the time. Anyway, the target was to have another millage in the fall of 2020. Well, a lot has happened since then. I just want to give kudos to a lot of groups and people without spending the whole night going through names. We’ve had town board members that have assisted, township planning commissioners, the director of zoning, the assessor, the treasurer, planners, four of them, lots of attorneys, the Grand Traverse Regional Land Conservancy staff and their attorney. I can’t

say enough good stuff about Laura Spencer [Rigan], who was our primary staffperson. In this time she's had two babies. We've had assistance from bond council and the PDR financial committee, which was made up of local financial professionals. We've also had citizen input. We had one open house that people came to, but we had some regulars that came to a lot of our regular study group meetings. I don't want to go through this whole ordinance with you tonight. I just want to go through a few significant revisions that are being proposed. I'm sure you've all read the ordinance. We tried to do a good job writing this summary because there have been tremendous changes to this ordinance. The significant revisions are being proposed to more closely align the township program with the state and federal programs so that matching funds will be available. We also wanted to more closely align the ordinance language with industry standards that have changed. That's part of why the endowment fund is necessary: so that we can ensure that we can take this to the voters and say, "Your tax dollars will preserve these properties in perpetuity. We're buying these residential development rights and they're gone." We updated the ordinance to comply with the Michigan Zoning Enabling Act of 2006. Streamlined the selection process to make the program more time sensitive. Modified the scoring so that it's less complicated, less subjective, and prioritizes large parcels so that we can use those matching funds. Provided a set-aside to be used to purchase unused development rights that were previously retained on properties under conservation easement. There are some situations where the township bought development rights but a farmer held several development rights and has no intention of ever using them. We'd like to open it up so that those can be bought back, especially if they are in a viewshed. The new ordinance provides more guidance for appraisals, professional assistance, closings, monitoring, and enforcement plus a detailed process for amendments. It revises the financial section of the ordinance to ensure the long-term integrity of the program. These revisions were made upon recommendations and reviews of the bond council. Marge, the township treasurer, was very helpful, as was the financial committee. Do you have questions? We're here to answer them.

Cram: Thank you, Ginny. Because this is a joint public meeting, we're going to allow the planning commission to do their thing, then the township board. So likely the study group and I will get questions from both.

Shipman: I understand process wise that this is our opportunity to discuss and ask questions of the study group. Then we can open a planning commission public hearing. Then we can close that, have further discussion, and decide what to do next. I'll kick off the questions. My reading of all the work that was done in the amendment is that this very much reflects the original intent. It seemed like great care was taken to maintain that intent and then focus on updating so that we're in line with regulations and how things work now that there's so much time that's been spent on the program. I want to highlight that matching funds and grants are absolutely critical. They benefit all of the taxpayers as well, to help relieve some of the financial burden of the program. Speaking of financial burden, regarding the comment from Jim Raphael about the endowment: I'm absolutely in favor of what's planned here because this is a perpetual obligation to the township. We need to make sure that down the road we're not going to be spending general funds, or need to seek funds, to support all this land protection. There are annual obligations, and it's important that the township is secure in meeting them. That's my opinion. I have a couple of questions. First question is on the points system, page eight. Under the existing reserved development rights, I noted some specific examples: "You get ten points if this, zero points if not." I just want clarification for this second points chart because there wasn't a, "If this, this many points. If that, that many points."

John Wunsch, 17881 Center Road: the point here is that you can retain up to one development

right for each 20 acres. If you had for example an 80-acre parcel that had reserved four development rights, and they said, "Well, I want to give up two," then they're going to get down to where there's one home site for each 40 acres. Whereas if the next person said, "I want to retain three," then they're going to be above that threshold. Our desire would be the lowest possible number of reserved sites. So that is our place where we can give points to say, "Okay, you're really going to cut it down to half of what's allowed, you get those points." The person who doesn't cut it down that far does not. Now having said that, does that clarify or is there a further question?

Shipman: yes, that's my understanding of it. It's just the, "If this, then that," wasn't included like it is in the other parts of the table. Just want that to be on the record and clear for everyone.

Question number two, page 13, under amendment applications costs, item 2A, says, "Neither township general fund nor PDR fund will be used to pay for an amendment request." But then in item B it kind of reiterates that, it says, "All costs are going to be paid by the applicant, unless the township is the applicant." I was curious how that would work out if the township did have an interest in an amendment. In such an instance, where would the funds come from?

John Wunsch: I would assume at the time that we were contemplating this that if that township were the applicant, there would be a desire by the board to do this. That would be their decision on how to handle that. It would technically be an administrative cost, which can be covered out of the millage. They would have that option. But it didn't limit them to that. Because the millage pays for the administrative, the monitoring. So you're right, it does not specify. Because of feeling the circumstances will change over the decades.

Shipman: it does say, "Neither the general fund nor the PDR should be responsible for any expense."

John Wunsch: that's if the applicant is the landowner.

Shipman: if it needs to be specified, "If the applicant is requesting, then this."

Coulter: maybe it needs to be tweaked to, "Unless the township is the applicant."

Susan Tarczon, 15763 Smokey Hollow Rd: and we contemplated that happening very very rarely.

Cram: I've noted that change and am tracking that.

John Wunsch: we'd have to have the language in A, of the same language, "Unless the township is the applicant." That's a very good point; thank you.

Shipman: next question is page 14. In section ten, number seven, the statement in our summary of the amendment was for "Appraisal of changes in value." What showed up in the amendment wasn't consistent with what was stated in the summary. I think there's already been some work done on this.

Wunsch: yes, that's a very good point. Section seven, appraisal change of value, was never changed to match the prior page six. So really the last sentence does not belong there. Jenn, I've worked on language that I think will clarify that.

Cram: that language is in front of everybody. The new language would read, for section ten, number seven: "Appraisal of changes in value: prior to a final decision on a proposed amendment to a recorded conservation easement, the township board shall obtain at the applicant's expense an appraisal of the property to determine if the value of the retained development rights has increased as a result of the proposed amendment. The appraisal shall meet the same criteria as described in section seven above. If the appraisal indicates that the value of the retained development rights has increased as a result of the proposed amendment, the amendment shall not be approved."

Shipman: I'll just again express a thank you to the committee for all the hard work. I attended a

few of the meetings; it was very informative and every detail was pored over. I also want to say that this program, this ordinance, are to me are a pretty clear indication that this community supports agriculture. I'm a big fan of it. Thank you, everyone, for your work.

Alexander: I really appreciate all the detail and care that you put into this. I also liked looking through section 12; it was helpful to see how the costs were going to be paid for. Just some questions that came to mind, because if we're not taking township resources to do this, is there anticipation that there will be staff who might be added? And equipment?

Cram: one of the roles of the planner is to administer the PDR program, so there is staff dedicated to manage the program. With regard to enforcement, there is a contract for enforcement or monitoring. Currently, we have two people who monitor on an annual bases. Again, that's why those different accounts were set up so that monitoring and enforcement are paid for from the PDR fund, from the appropriate account. We don't need additional resources. We believe that with existing staff and the contractual agreements, we will be covered.

Dloski: the definition of conservation easement in part says that it distinguishes development rights but a subject may be expressly reserved in the easement. What development rights could be expressly reserved in the easement other than the right to build one house for every 20 acres?

John Wunsch: that's the basic rights retained in the program. Individual negotiations could raise something else, which then when the appraiser appraises would be taken into consideration to establish the amount that they're getting. The boilerplate of the easement has to do with not having commercial development. The program references not supporting commercial development.

Dloski: are you saying then that there's really no negotiation because you can only have one residence for 20 acres? What are you going to negotiate?

Tarczon: maybe that each particular parcel might be impacted differently, such as if you're identifying the driveway easement to get to a particular residential site. Like any conservation easement that the regional planning conservancies have been involved with as well and throughout the community and beyond, because each property is unique. Each conservation easement is going to have that particular language that pertains to that particular property.

Wunsch: if you don't mind me jumping in, I am speaking not as the township supervisor but as someone who has negotiated on the seller side a few of these. A one dwelling per 20 acres might not always be a floating one dwelling per 20 anywhere on that site. When you dive into the weeds of negotiating a conservation easement, the buyer, whether it's the township or the Grand Traverse Regional Land Conservancy, might say that they would prefer to protect a scenic viewshed. So in addition to selling down a bunch of development rights, you would restrict future building envelopes, both for future residential or agriculture construction. Basically you end up with a pre- and post-easement plan. Then the appraiser appraises off of an unrestricted appraisal the value of the restricted. So there's some granularity that we don't necessarily see in the ordinance.

Dloski: can you build a winery chateau on PDR land?

John Wunsch: with the original language, the intent was, you could not without development rights. Clearly that's been backed now by the lawyer, the planner, the supervisor, the planning commission members, the most involved citizen activists, and the affidavits submitted to the planner. But clearly, no, the intent is you have to have development rights to have a winery chateau.

Hornberger: so if I sell my development rights and I sell the land, somebody will not be able to

build a winery chateau?

John Wunsch: if they don't have any development rights. We're updating that language so it's more obvious.

Hornberger: and that language would be in the PDR?

John Wunsch: two places this occurs. You've got your zoning. So in the PDR, we did put specifically that appraisers have to open and look at the special use permits for what is allowed and what is not allowed.

Cram: we will be looking at that in future updates to the zoning ordinance to make sure it is very transparent and clear.

Hornberger: with the zoning ordinance, it's always a work in progress; we're constantly looking at it. Once this has been approved, is it modifiable? Or will we do the same thing 20 years from now?

Cram: the original ordinance was adopted in 1994 and there was a revision in I think 2003 and then another revision in 2017. They are always living documents. We reserve the right to get smarter based on current conditions. It could go through a public process for amendment.

John Wunsch: whereas the easements and individual deals could not.

Hornberger: those I realize. I'm a grammarian. If looking through this I see something that needs to be fixed, I can come to Jenn and say, "We're going to change this sentence."

Cram: always.

Hornberger: that was my concern. Regarding the endowment, how long will it take to build that up?

John Wunsch: this is where the four retired bankers worked really hard. It's a little of a slow build. Initially, there's always excess millage. The initial excess millage revenue will bolster the legal defense fund up to the level that's more modern, \$250,000. When that's done, excess revenue will start to go into the endowment. When that reaches 2.5 million, at about eight or ten years in, it's capped and builds on its own interest until it reaches four million, at a minimum, which it needs to be kept at. If it reaches 4.5 million, it flows over to replenish the legal fund.

Wunsch: I have a request from an online viewer, John, for you to speak towards the mic.

John Wunsch: my apologies.

Shipman: very quick. Section seven, number 13, page 11, D at the top, third line down: "The selection committee shall request the planning commission to provide recommended building under vegetation restrictions." First of all, that's interesting. We need to think about that at the PC [planning commission] level, but do we want to strike that "to" just in terms of how it reads?

Committee discussion occurred.

Cram: change "provide" to "recommend." I have tracked everything we've discussed so far.

Hornberger moved to close regular meeting with a second by Alexander. Motion approved by consensus

Hornberger moved to open the meeting to public hearing with a second by Alexander.

Jim Raphael, 14826 Mallard Drive: I'm wondering if anybody has given any thought to what the implications of our beloved WOMP lawsuit might have on the PDR program and what people can and cannot do with their property above and beyond the residential building aspect. I remember when we were talking about this earlier, a number of farmers are interested in getting the same rights as the winery owners. Just to cite one example, right now on Swaney Road, there is a 20-acre parcel that is in the PDR program that happens to have a 4,400-square-foot barn on it. They're very careful to say what you can do about the residential stuff. But when it comes to this big barn they have in the program, it says numerous personal and agriculture uses, events, tasting room,

storage. So my question is, in the ordinance, will there be restrictions beyond building residences on these properties that are somehow going to circumscribe or prevent people from using their barns and other outbuildings for events, weddings etc. as we're now having to deal with the wineries or is this something yet to be considered?

Louis Santucci, 12602 Center Road: I just have two questions. One is, I don't understand the millage; it hasn't been explained adequately in any of the information I see. Is it the actual appraised value of your property or is it the other value? Could you just use an example of a house appraised at \$100,000 and what that person would have to pay each year? Two, John, are you saying that the current PDR ordinance says that anyone who sells their development rights has to have a development right, at least one development right, on the property? If I'm wrong, correct me. And that that person that sells a development right, if the winery comes along, they have to give up the development right in order to have a winery chateau? I'm just trying to figure out, is that the current rule or the proposed rule? Because I didn't see it in the zoning ordinance.

John Wunsch: that would not be in the PDR ordinance. That is referencing the original winery chateau ordinance. That is referencing the original intent. And while the planning commission has worked several times as you know to try to clarify that language and seemed to understand the intent, we did not get to go back and finish that. We have bolstered that instead with the affidavits of the four key parties at the time of its creation, establishing that for the original winery chateau ordinance, yes, you have to have a development right to give up for the winery. A second development required a first residence, a development right for each three guest rooms. If you look at the winery Chateau Chantal, that's a perfect example. Another example is Chateau Grand Traverse. When they originally wanted to apply for [chateau status], they did not have the development rights. They were able to purchase an adjacent parcel and wrap it in; that's where they got their development rights to have their winery chateau permission and their guest rooms.

Santucci: just so I understand it, if a farmer wants to sell his development rights, and a winery comes along and says I'm willing to buy your property, then he has to keep, shall we say, a number of development rights, and not sell them to the township or the conservancy; he has to keep them in order to give them.

John Wunsch: yes.

Santucci: okay, if someone could just take that hundred-thousand-dollar example.

John Wunsch: I can do that for you right now. The most precise and accurate way to understand is off the SEV, the state equalized value. Generally speaking, your market value runs about twice that. But because SEVs are not done every year, they can vary some. So if you want to look at the SEV of a \$100,000 house, it would be \$28.77 per year, or \$2.39 per month.

Mark Santucci, 11789 Center Road: I have two contiguous farms. On one farm, the previous farmers sold the PDR rights. The other farm, I still have full development rights. Every year, there's an audit that takes place. As far as I'm concerned, it's maybe a half hour, an hour at most for the person doing the audit. I don't know how many pieces of property are PDR and how many more you expect to be PDR, but the numbers I saw tossed around, for what it cost to audit it, I think you should audit the audit. Thank you.

Bernie Kroupa, 3183 Shore Wood Drive: we're going to vote in August. Is what I've been reading the final ordinance?

John Wunsch: depending on what's discussed tonight.

Kroupa: all right; that's good. So, unlike Congress, we don't have to vote and make it up later.

John Wunsch: the board has to pass the ordinance and vote on this as always.

Kroupa: so still a work in progress but by August [second], that's what we vote on. Good. Questions come more to the basic stuff. So I'm referring now to the deed of conservation easement that governed past PDR properties. My question is, has that or will that change?

Hornberger: no. You went into a contract.

Kroupa: I'm not talking about the old one; I'm talking about someone entering into a new agreement.

Hornberger: the new one will be under this. What do you think might be different?

Kroupa: I don't know.

John Wunsch: we've had no plan or discussion about any substantial changes to the easement.

Coulter: is your question will there be a deed restriction?

John Wunsch: will the boilerplate of the deed easement change? That is your question, correct? They are individually negotiated; there's a basic platform. We've had no conversation about changing the basic platform.

Kroupa: that's good news.

Coulter: they do evolve though. Industry standards for conservation easements have changed, and that's part of why we've made changes; we've got to keep up.

Kroupa: I probably understand that but I'm just talking about basics, what you can do in this agricultural area.

Hornberger: what you're saying is, if you didn't already have an easement and you came to us, would the deed look different now?

Kroupa: yes, that's what I'm trying to get to.

Hornberger: probably not.

John Wunsch: substantially not.

Kroupa: okay, that's a good thing. Things you cannot do then. I'm not too interested in vehicle raceways and stuff like that. One big deal is access. Every once in a while, that is debated. "This is public dollars; why don't we have access to that land." That I assume will remain.

John Wunsch: Yes, and that we bolstered in the actual ordinance. We wanted to make that clear by adding language that there shall be no public access unless allowed by the owner. We knew that should be kept not just in the easement but in the ordinance.

Kroupa: that's pretty easy then. I could have stayed home and loaded a couple more trucks.

Mary Beth Milliken, 7580 East Shore Road: this is a really basic question. I have been passing out brochures about PDR and how important it is. I've been asked by a couple of people, "Who really decides which properties are purchased, whose development rights are purchased?" I couldn't answer that. I know that it said somewhere in the packet that the number of people on the committee is reduced, but who are these people and what are their qualifications?

John Wunsch: historically, it's been a process of application by residents, and the board has a little bit of their qualifications to make that choice. As far as choosing what's going to come in next, it is believed that the scoring system we have will differentiate for us who's in order. We were just looking at the language. Someone said, "Maybe you should say, 'They may follow the criteria.'" No, we say, "They shall follow criteria." We don't want it to be an individual group saying, "We like this one better." So we review by points. It will be a group of five volunteer residents chosen by the board based on qualifications.

Milliken: who serves and for how many years?

Shipman: three-year terms. It's section six; it really does outline who and for how long.

Milliken: and do they approach landowners?

John Wunsch: a notice goes out that a round has opened. Landowners are notified how long they have to apply. Might there be someone who goes out and says, "Boy this is a great farm" to help put it in PDR? It's not the role of the selection committee to recruit. It's laid out clearly that it's a volunteer program. Landowners have to want to come in. They have to make that application to the selection committee.

Hornberger: it looks like a rolling term too for members so they're not all being replaced at the same time. Theoretically [you have] experienced people and new people in the same group.

Dloski moved to close the public hearing, seconded by Hornberger. Motion approved by consensus

Hornberger moved to open the regular meeting, seconded by Dloski. Motion approved by consensus

Shipman: the easement is a contract between the township or the conservancy and the private landowner for a private land arrangement. What is kind of the boilerplate is certainly going to be a starting point, but it is a contract that is negotiated by the two parties. A landowner could wish to have additional restrictions as a request for the easement. They could wish to have no residential home sites maintained, and it all comes out in the wash in the appraisal. The township is going to be looking at these, and following the ordinance, and not agreeing to anything that violates the ordinance.

Shipman moved that the planning commission recommend to the township board that it adopt the purchase of Development Rights Ordinance #23, Amendment #3, as presented in the packet with the changes to section 2, #19; section 7, #13(d); and section 10, #2(a) and #7 as discussed, seconded by Dloski.

Roll call vote: Yes: Alexander, Dloski, Hornberger, Shipman Passed unan

Wunsch: as we move on to our own business item of discussing the PDR program, does anyone want to request more information or dialogue?

Wahl: on page 12, Enforcement of Penalties under section three, there is a schedule proposed with 90 days for the town board to have. Is this something we've already thought about or is it something we're going to create after this is approved? Is it common for us to have a fee schedule?

Cram: yes. That is something the PDR study group has been contemplating, and staff will be working with our new legal counsel to make sure that will get drafted within 90 days. It will come back before the township board for approval.

Sanger: I want to clarify my understanding that a winery on land subject to this conservation easement would require a residential development right. I heard John talk about that, but I don't find it anywhere in the document. Where, John, can we find that a winery chateau, namely the winery building itself, will require one residential dwelling right to be allowed?

Cram: that will be addressed in the zoning ordinance updates that will be coming forward soon. The citizens' agricultural advisory committee has worked on that, made recommendations, and it's gone to the planning commission. Staff is working with our new legal counsel to get them up to speed with the current zoning ordinance rewrite as well as proposed changes to our agricultural sections related to winery chateaus, farm processing, etc. So that is the appropriate place where that will be defined further.

John Wunsch: that is the original intent; the language in there already says that. The planning

commission has worked on that but has not updated it. Since the entire update is coming along, we expect it will be addressed there. Between the affidavit submitted by four key individuals and the history established by the Grand Traverse Chateau deed, we feel we have the precedent established and clear, but we want to improve the language.

Cram: the current zoning board also speaks to a dwelling unit per five acres. This affidavit further clarifies that, and future updates will make it very clear.

Wunsch: as a landowner, I would say the township ordinance probably prohibits those uses right now, but there are probably some dormant rights that remain around agricultural tourism or retail uses. The market-based PDR program is the best way to achieve permanent endowment rights. Whereas the ordinance can kind of dictate land use in the short term, the township easements that we have on our farms are a little more ambiguous about what's allowed and not allowed. The more modern easements we have worked on with the Grand Traverse Regional Land Conservancy are quite a bit more explicit regarding what level of retail use is allowed. A conservation easement is permanent, and a zoning ordinance is reasonably permanent but is also subject to change.

Sanger: the definition of development rights that we've heard read tonight talks about residential, commercial, and industrial purposes. And I agree with you; that's fluid. As the conditions change, definitions change. Five years from now, a meaning we put in tonight could be different in terms of what that structure or use called. You can address those differences in the zoning ordinance as you drill down on residential, commercial, and industrial.

Wunsch: if you look at the agriculture real estate market today, it's almost inevitable that you would have to sell down some of those retail, agricultural tourism rights in order to generate a positive value for a conservation easement.

Cram: this is a voluntary program, and those conservation easements are negotiated between the property owner and the township or the land conservancy. So that value would be incorporated if they wanted to relinquish additional development rights for specific types of things.

Wahl moved to close the regular township board meeting with a second by Chown.

Wahl moved to open the public meeting with a second by Chown. Motions approved by consensus

Wunsch: is there any public comment that is not repetitious of previous comments?

John Wunsch, 17881 Center Road: I want to address a couple of things that were brought up. About the size of the endowment, the bankers who worked on this were very careful to try to set something up that would go into perpetuity. We're talking hundreds of years. And if you look at the cost that could be coming, we based that on two things. One, what the conservancy spends for each easement it monitors, and two, what we spend on each easement that we monitor. What we've been spending is actually less. We based it upon that assumption, with an increase for inflation. We felt confident that this was a necessary amount. If you look at it as a way of ensuring what's already been spent and what will be spent the past 30 years and the next 20, it is proportionately a wise investment. I'm not at all aware of Headlee ever being rolled back; I don't think that's in the works. If it did happen, town boards have the ability to not collect all of a millage. If this funding was no longer necessary because Headlee did get eliminated, they would be able to adjust for that. Thank you, everyone, for your support. We will certainly do our best as the group that backs and supports PDR to be ethical and considerate to the community.

Jim Raphael, 14826 Mallard Drive: let me clarify that last comment. I went to the Michigan Municipal Fact Sheet, and there's an item there called Headlee Rollback and Headlee Override.

Basically what you're doing is overriding the rollback. The reason that the millage went from two to 1.74 over time was the adjustment; that's the rollback. It says very specifically, "A heavy rollback is a vote by the electors to return the millage to the amount originally authorized via charter state statute or vote of the people and is necessary to counteract the effects of the heavy rollback." My understanding is that this is going to be two mils for 20 years.

John Wunsch: no, it will go down quite heavily, just like the last millage. This is a reset to a start point. We can't override Headlee; it will keep bringing us back down. That's built into our projections.

Raphael: it would be interesting to find out from the lawyer because that's not what the language of the millage says. It says it's going two points for 20 years.

John Wunsch: every millage states that in the initial ballot language.

Raphael: you need to get this clarified because it makes a substantial difference in terms of how much money is going to be collected over 20 years.

Wahl moved to close the open session with a second by Sanger.

Motion approved by

consensus

Chown: in the summer newsletter, there is a terrific article about PDR that educates, not advocates, readers about what the program does and how it operates. I encourage everyone to read that article and then ask any questions that they have. There are many individuals on this board and in this community who would love to talk about the PDR program.

Achorn moved that the township board adopt the Purchase of Development Rights Ordinance #23, Amendment #3, as presented in the packet with the changes as discussed to section 2, #19; section 7, #13(d); and section 10, #2(a) and #7 as discussed in this meeting tonight and noted by Cram in the packet, seconded by Rudolph.

Roll call vote: Yes- Wahl, Rudolph, Chown, Wunsch, Achorn

Passed unan

2. Statement from Peninsula Township concerning the moratorium ordinance and Notice of Intent to File Petition under MCL 125.3402

Wunsch: the township has prepared a statement. Also included in the packet is a notice of intent to file a petition under MCL 125.3402 by Jennifer Bramer, which reads "The undersigned, a registered elector residing in Peninsula Township, hereby gives notice of intent to file a referendum petition pursuant to MCL 125.3402, regarding Peninsula Township Zoning Ordinance 2022-06-14 adopted by the township board on June 14, 2022, and published in the Traverse City Record-Eagle on June 16, 2022." Joseph Infante was copied on that petition.

Township Board Discussion

Chown: I continue to very strongly support this moratorium. I think it is necessary and prudent, and I do not believe that it constitutes a significant hardship. A significant inconvenience, yes, but hardship, no. There is a chasm between the two. Thank you, township board members, for supporting this moratorium.

Sanger: we acted on this at a previous meeting. This is an update tonight.

Alexander: I was wondering about a public comment that was made earlier: since this has been filed, then this effectively ends the moratorium. Could we have some comment? Is that accurate?

Cram: Bill, did you hear that public comment by Louis Santucci regarding the petition for the referendum for the moratorium?

Fahey: the petitioners have 30 days from the publication of the ordinance, which was on June 16, to get the petition signatures. If that happens, the ordinance will be suspended until such time as

the electors can vote the ordinance either up or down.

Dloski moved to adjourn the planning commission meeting with a second by Hornberger.

Motion approved by consensus

Planning commission meeting adjourned at 8:50 p.m.

3. Zoning Ordinance Rewrite Adoption

Cram: we are working to bring legal counsel up to speed on the zoning ordinance rewrite. We recommend that the board make a formal motion to table this to the next regular scheduled township board meeting, on August 9, so we can continue this work. We are hopeful that we'll have something then.

Wunsch: you have talked to our legal counsel about Curt Peterson's concerns, right?

Cram: yes, we've reviewed the minutes, we have reviewed the motion, and there will be an update at the planning commission to advise them how to proceed.

Wahl moved to table the resolution until August 9, seconded by Sanger.

Motion approved by consensus

4. Resolution 2022-7-12 #1 Authorizing Salary Adjustment for Peninsula Township Trustees

Achorn: last October, Peninsula Township engaged Rahmberg Stover and Associates to conduct a compensation study for all positions in the township. The township did not act on anything relating to the four trustees on the township board. The results of that survey of Grand Traverse County showed that based on 12 meetings per year for Acme, the trustees are paid \$7,200 per year. Blair Township, \$7,560. East Bay Township, \$6,919. Green Lake Township, \$7,846. Long Lake Township, \$6,259 plus a per-meeting stipend of \$75. Garfield Township had 24 meetings a year and they were compensated \$13,000 dollars. Peninsula Township trustees have compensation of \$5,391. Dave, you calculated the number of meetings?

Sanger: yes, seeing this agenda item, I did look it up. During the last calendar year, 2021, there were 31 meetings of the township board. That included regular scheduled meetings and special meetings. So far in 2022, there have been 24 meetings through tonight.

Achorn: plus travel to Grand Rapids or Kalamazoo. Although it is not a great increase in compensation, it shows some appreciation to the trustees for the additional work they have had to do over the last two years. I propose resolution 2022-07-12 #1 authorizing the salary of Peninsula Township trustees to be adjusted to a flat rate of \$7,500 annually with the new rate effective in the next paycheck and authorizing the treasurer to note the change in the amended budget report. I also want to note that I looked in MTA's little red book and it said the township board may set the salaries of township officials by resolution and the township board should adopt a separate resolution for each official. In this case, it would be the four trustees in total.

Achorn moved that the board accept the resolution, with a second by Wunsch.

Roll call vote: Yes: Sanger, Rudolph, Chown, Wunsch, Achorn, Wahl

Approved unan

5. Resolution 2022-07-12 #2, Enhanced Access to Public Records Policy

Chown: Beth Chan is our FOIA coordinator. She has spoken with an attorney who specializes in FOIA requests at Bill Fahey's firm. That individual worked with Beth to come up with this resolution and bring us up to date with how we ought to be taking FOIA requests and billing for them when appropriate. I do have one change to exhibit A, which is on page four. Number four says, "The township clerk shall estimate the reasonable fee." That needs to be changed to, "The FOIA coordinator shall estimate the reasonable fee." I will make that change before I sign off on this. I

was the FOIA coordinator my first year as clerk. It's becoming a full-time job; we keep Beth very busy in this community. She has tallied up the number of FOIA requests since the start of 2022 and how much staff time it has taken. In a community that submits FOIA requests on a regular basis, it became apparent that we needed an updated policy.

Achorn: I would like to make one change on that same number four paragraph. It said, "The requester shall post a cash deposit with the township clerk." It should be with the treasurer.

Sanger: one typo: it reads at the top "Special Meeting." It should say, "Regular Meeting" on the top of the resolution.

Chown moved to accept and approve resolution 2022-07-12 #2, Enhanced Access to Public Records Policy, with the amendments, with a second from Wahl.

Roll call vote: Yes-Rudolph, Chown, Wunsch, Achorn, Wahl, Sanger

Passed unan

6. Update from Parks Committee, Mary Beth Milliken and Michele Zebell

Mary Beth Milliken, 7580 East Shore Road: the parks committee continues to look at what we can accomplish with the small amount of money we have. We're working on prioritizing our wants list. At our last meeting, we agreed to re-seal and re-line the tennis courts at Bowers Harbor Park. It will cost about \$6,000 and should buy us about five to seven years of safe play on the courts. We will hold off on re-lining for pickleball until we know what's going to happen with the construction of the pickleball courts. They may get lined at the same time. And also what happens with the basketball court. The pickleball courts are on hold pending relocation of the basketball court and who's going to pay for getting it redone. They can't do that given the way they're raising money, so some other activities are going on in the background to see if the basketball court can be moved and redone. We know that pickleball courts would be a great asset to Bowers Harbor Park. There are a few positive things happening at Archie Park. Parshalls has been contracted to remove five unsafe trees. That doesn't really come out of our parks budget per se because it's a safety issue; the trees are dead and need to be taken out. Parshalls was very generous in their price to remove them. They said they'd do the stump grinding and put the chips under the swing set so it's a soft landing. They're going to re-seed and put black dirt where there are holes in the park. They'll also remove the autumn olive that is growing there. We have applied for a DTE tree grant that we will be sharing with Bowers Harbor Park. Some of this planting will replace some of the trees that were lost when a hillside neighbor removed park trees to enhance his view. The grant will beautify the park. You have noticed Elmer's dropped off and spread gravel at the parking lot for Archie. They also took the grindings they procured when making the rumble strips in the highway. That will keep down the dust and mud. Thanks to Rob Manigold for working that out for us. We ordered a new life ring and that has been installed. The other life ring was attacked by woodpeckers. We've ordered a new split rail fence for the south and north borders of the park. I'm planning the work bee on the 19th of July, weather permitting, at 9:30 a.m. Anyone interested is invited. Please email me if you're interested in coming in case we need to postpone. If you come, dress accordingly; there is a lot of poison ivy there. Also at Archie Park, MDOT has agreed to place signage within 1,000 feet on the north and south of the park warning people that pedestrians could be crossing the highway. Down the road, we hope to install a bike service station and a Beta Bus shelter. At Haserot, the parks committee agreed to begin a life jacket library, which was suggested and sponsored by Mission Blues, which will happen mid to late summer. Then at Pelizzari, the Oleson Foundation has granted money to begin work on the boardwalk through the hemlock forest.

Chown: thank you for this. Have you reached out to Bob Wilkinson? Does he know to bring the

split rail fencing for Archie Park?

Miliken: I need to contact him. Archie really is the first park you see on your way out the peninsula that's really visible. It could look a lot better.

Achorn: just this week we ordered a porta-john for Kelley Park. If you could, please take back to your committee a request to start working on what you would like as playground equipment. There's another opportunity for a grant from the playground company that did Haserot. I think it's a September deadline.

Miliken: for Bowers Harbor?

Achorn: Bowers Harbor. Just to be prepared. We still have several requests for money from the county and from the state. If we could piggyback it with that equipment grant, I want you to be prepared.

Michele Zebell: just two things. One, we met with a playground equipment company and just today we got proposals. Second, I want to commend Marge and Mary Beth. The amount of time the DTE grant took was pretty enormous. Mary Beth didn't just look at what could be done. She brought in the foresters and looked at possibilities considering native plants. I just want to commend her for the time and care she's put in.

7. Coastal Community Resilience Matching Grant Program (Jennifer Graham)

Graham: for a little bit of back story, we've had this conversation before, looking at a plan and incorporating language into the master plan and ordinances related to coastal needs. Our firm constantly gets called just by the standard property owner with their dock, wanting to know what they can install as far as rip rap or retaining walls to protect what shoreline they have. This has been a discussion for quite some time; the goal was always to look for a grant. There is a grant opportunity that the state of Michigan offered for management and to provide a tool for you guys. Matt [Cowell] is here and can speak to some of the technical aspects. LIAA did apply and received a grant for \$75,000. It's a fifty fifty match to help communities such as yours work with some planning components. The grant has to be utilized by the end of December. I'll bring Matt up to speed on some of the specifics. The contract is in your packet. It's intended to be utilized as an educational tool, provide an interactive map, and programming for the end user. It works with your planning departments to provide some guidance with the master plan documentations. We're available as a resource and have a lot of information that we're going to work with LIAA on as well, with the GIS and mapping and providing an interactive tool for property owners to see water levels and provide some details for best management practices. In the long run, perhaps we can create a formal document that you guys can incorporate into your master plan and provide a public engagement process too for residents to discuss and see things they can implement locally.

Cram: in one of the areas in the zoning ordinance rewrite that we looked at, we took out the newer section on shoreline management to go back to the original. There were a lot of helpful graphics in the zoning ordinance. I wonder how involved you were in drafting that rewrite. Would you be available to assist staff? We do plan to bring that back for a discussion and adopt it. We think there are a lot of valuable parts with the graphics and things.

Graham: I did help with your predecessor; a lot of it was identifying updates. Another piece we worked on was steep slopes. So, yes.

Matt Cowell, Land Information Access Association LIAA: we're involved with Michigan's Coastal Management Program. The state department does some grant making annually every December. I'd encourage you to look into it. One of the hard parts about all the grant making is it's always a

one to one match. So they're going to cover half the cost of any project. We've done a number of their grant cycles focused on coastal planning. This current iteration for 2022 is meant to be relatively light, fast touches in coastal communities. We're trying to see how many communities we can fit in a year; it's kind of a volume project. It's all over the state. The qualification is that if you have shoreline on the Great Lakes, you're qualified. The main deliverable is we create an assessment tool; it's a matrix of best practices. You can read a master plan or a zoning ordinance, compare it to those matrixes, and sort of check boxes. It's a way to take a look and examine your planning and zoning documentation and see what you are including about your shoreline in those plans. You can identify priorities, are there things that fit your local context that you would want to work on in terms of making changes or updates to a master plan or ordinance, to start to codify some of the shoreline management you'd like to see in your community. These engagements are meant to open the door to looking at where community priorities lie, start to set some goals and objectives around shoreline management, start to wrap your hands around what is a really complicated natural resource. We don't know for instance when water levels are going to go up or down. Our predictions are not great. We know that they cycle, so we'll start with some of the baseline Great Lakes shoreline dynamics and then dial it in with the local level, with master planning and zoning for communities to be able to consider what sort of goals and objectives they want. We can get these done in 60 to 90 days. We have to use these grant dollars before the end of 2022. We've got quite a few communities in the consideration stage right now, so it's good to get in line. Because the state gave us these dollars, there are some strings attached. The assessment is baked into the deliverable. The other thing we know we can get done is essentially a master plan chapter of information that could serve as a standalone document or be incorporated into a master plan. It's a nice place to start with what are a lot of complicated issues that everyone really struggled with in 2019 and 2020. Those conditions will return. What we're hoping to see around the Great Lakes over the coming decades are communities that are ready for the highs and lows and in between.

Chown: on the first page, point number three, it says, "The municipality must provide a direct contact." Who do you envision as being your direct contact?

Cowell: it's whoever the jurisdiction wants; it's usually the planner. I would say from start to finish it's usually about eight hours of staff time. Our staff pretty much handles the lion's share of this effort, but we have to have someone on the jurisdictional end who knows the local plan. Because we're going to take some stabs, and we want to work with staff and say this is our first draft; what did we miss? Someone who is intimate with the planning who can give feedback.

Chown: Jenn, you have time for this?

Cram: I will make time; it's a priority.

Chown: it is so important. If we're putting ourselves on the line to protect our agriculture, we have to do the same for our water.

Sanger: when I was on the planning commission 20 years ago, we talked about a shoreline overlay. With my enforcement job, I see so much in the way of flaws with our ordinance that stem from our master plan. People are well intentioned, they move here, they want it to look like a golf course where the water goes right down nice and green to the water, but that's not a Great Lake. It frustrates me that our ordinance really doesn't address the major issues. And it troubles me, seeing some major projects taking place. I would sure love to see this take off.

Graham: this is a great opportunity. I am able to help; I know Jenn is very busy. Given my

familiarity with working with the ordinance on these specific issues, I'm able to help immediately.

Cram: I'll take that help, and I can think of a planning commissioner who is passionate about this as well.

Cowell: we hope that both monetarily and from an effort standpoint, it's a pretty light lift for the local group. Our goal is that more communities start to think about these issues.

Wahl: my question is to Marge. If we're putting up \$75,000, where would we plan on this money coming from?

Chown: it's \$7,500.

Cram: I heard \$75,000 too.

Graham: That was the grant they got from the state. This contract is for \$7,500.

Wahl: that doesn't change my question. Where are we anticipating getting this money from?

Achorn: I'm not sure where, but I think there are alternate sources. Several years ago, we sent out capital donation requests. If people didn't know where they wanted it, they said put it where it needs to be. This project could perhaps meet that criteria of something that needs to be done for the entire peninsula. The money is sitting in the bank right now. There are alternate places that we could look also, but that was one that came to mind right now. We can amend the budget.

Achorn moved that the township board instruct the supervisor to sign the contract for the participation agreement with LIAA for the Coastal Community Resilience Program and the township commit \$7,500 dollars in matching funds to facilitate this project, with a second by Chown.

Roll call vote: yes-Chown, Wunsch, Achorn, Wahl, Sanger, Rudolph **Passed unan**

8. Enter closed session pursuant to MCL 15.268(1)(e) to discuss trial strategy with the township attorney, including the July 18, 2022, hearings and pre-trial conference and the August 16, 2022, trial for the winery lawsuit

Wunsch: when we go into a closed session at the end of the meeting, we allow public comments so you don't have to wait until we come back.

Susie Shipman, 14735 Shipman Road: I am thrilled with what you just did. This project is fantastic and much needed. Having this additional focus on our shoreline is so critical. Our residents care about this. We know that because of the survey. Now we have more resources and information to point to. I am thoroughly grateful. Thank you.

Sanger moved to enter closed session pursuant to MCL 15.261 (1)(z), seconded by Wahl.

Roll call vote: Yes-Wunsch, Achorn, Wahl, Sanger, Rudolph, Chown **Passed unan**

Wahl moved to exit closed session, seconded by Rudolph. Motion approved by consensus

9. **Citizen Comments:** none

10. **Board Comments:** none

11. **Adjournment**

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

Meeting adjourned at 10:20 p.m.