

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

www.peninsulatownship.com

Township Board Regular Meeting Minutes

July 13, 2021, 7:00 p.m.

Township Hall

1. **Call to Order** by Supervisor Manigold at 7:00 p.m.
2. **Pledge**
3. **Roll Call:** Sanger, Wahl, Manigold, Chown, Achorn, Wunsch present
Absent: Bickle
4. **Brief Citizen Comments (for agenda items only)**

Dave Edmondson, 12414 Center Rd.: the purpose of the PDR ordinance is to preserve the township's scenic views, agriculture, open spaces, woodlands, wetlands, and dark night sky, all of which are considered valuable, natural, and aesthetic resources to our township. When agricultural land is converted to residential use, an important community resource is permanently lost to the citizens of Peninsula Township.

[Read part of the PDR ordinance aloud and said the standards have not been met. Gave the board another letter and a map of the fruit site ratings and prime scenic views; these items are attached at the end of the minutes.]

Louie Santucci, 12602 Center Rd.: limiting people to three minutes to speak at a meeting is not conducive to open dialogue. Knows this board has common sense. When raised the satirical issue of Dave Sanger wearing a sheriff's t-shirt with a badge on it, was not aware Sanger actually was wearing his uniform when going out on city business. Sanger said as much in the last special meeting at 1 hour 11 minutes of the into the StreamSpot recording. Asked the sheriff's department if a reserve officer is allowed to wear his uniform while off duty and the response was no. (Note: at the township attorney's request, the clerk reviewed the portion of the StreamSpot recording in question. Code Enforcement Officer Sanger did not say he wore his sheriff's uniform when going on township business; he said he does not feel comfortable showing up in his civilian uniform to situations that might be dangerous without back-up.)

Manigold: we are in the process of hiring another sheriff. Going forward, our CPOs will handle those cases. They are trained and will handle future situations. We have ordered vests and picture id badges for our assessing, zoning, and enforcement personnel.

5. **Approve Agenda**

Wunsch moved to approve the agenda as presented, seconded by Chown.

Passed Unan

6. **Conflict of Interest:** none

7. **Consent Agenda:** any member of the board, staff, or the public may ask that any item on the consent agenda be removed and placed elsewhere on the agenda for full discussion

1. Invoices (recommend approval)
2. Reports
 - A. Peninsula Community Library for June and July 2021
 - B. Grand Traverse County Sheriff Daily Officer Summary for May and June 2021
 - C. Peninsula Township Fire Department for June 2021
 - D. Grand Traverse Sheriff's Office Citation, Accident & Arrest Statistics for June 2021 and second quarter totals for April-June 2021
 - E. Peninsula Township Ordinance Enforcement for June 2021
3. Minutes from May 12, 2021, township board special meeting; June 8, 2021, township board regular meeting; June 14, 2021, township board special meeting; and June 21, 2021, township board special meeting
4. Sign request from Old Mission Peninsula Historical Society on behalf of the upcoming Harvesting History event
5. Road name change from Eimen Rd. to Old Woods Rd.
6. Ratification of MTA's Principles of Governance as an official policy of the township board
7. Correspondence
 - A. Joanne Bandoni
 - B. Nancy Schulte
 - C. Sheryl (Hayward) Williams
 - D. John Jacobs
 - E. Dave Murphy
 - F. David K. Sanger and Joanne Bandoni
 - G. Belinda Wilson
 - H. Stuart Williams and David K. Sanger
 - I. Harold David Edmondson
 - J. Fred Gilstorff
 - K. Beth Friend and Judy Allen
 - L. Mike Skurski
 - M. Joe Gorka
 - N. Mike Skurski
 - O. George and Carroll Kobernus
 - P. Ken and Karen Schmidt
 - Q. Bud Stych and Jim Raphael

Wahl moved to approve the consent agenda as presented, seconded by Wunsch.

Roll call vote: Wahl, Manigold, Chown, Achorn, Wunsch, Sanger

Passed Unan

8. Business:

1. Public hearing for Peninsula Township Noise Ordinance No. 40, 1st Amendment (Manigold)

Manigold: closed the township board meeting and opened the meeting up for public comments on Noise Ordinance No. 40, 1st Amendment.

Monnie Peters, 1425 Nehtawanta Rd.: the boat noise off the water affects the residents, but the music can be equally egregious. The music on the 4th of July went into the late hours. Is there a way to put more teeth

into the ordinance for the sheriff to patrol our area? Would like to see more patrolling of the noise, both from the boats and the music coming off the water.

Louis Santucci, 12602 Center Rd.: one could apply the reasonable man standard to the noise issue. A decibel meter might be used to ascertain the actual noise level. The idea of what music pleases a 25 year old might be different than a 75 year old. The rumble strip on Center Rd. creates a significant amount of noise as well.

Dave Edmondson, 12414 Center Rd.: lives on the highest point of the peninsula and can hear noise off the water. The rumble strip produces significant noise. The scenic turnout on Center Rd. is also a location for noise.

Manigold: concluded the public portion of the meeting and opened it back up to the board. Is removing the language that zoning department will enforce the noise ordinance. This is now going to be done strictly by the county sheriff. The deputies are trained expert witnesses and have body cameras.

Wahl moved to approve the amended noise ordinance, seconded by Wunsch.

Roll call vote: Wahl, Manigold, Chown, Achorn, Wunsch, Sanger Passed Unan

2. Public hearing for Peninsula Township Zoning Ordinance re-write (Manigold) (no action will be taken)

Manigold: closed this portion of the town board meeting portion and opened it up for public comment.

Monnie Peters, 1425 Neahtawanta Rd.: our zoning ordinance is a living document. Glad we are holding three public meetings. Would like to see a standing committee or sub-committee on the planning commission to deal with these issues sooner. Some of these issues are decades old. If the issues with the wineries had been placed in front of the public sooner, perhaps we would not find ourselves with the legal troubles we now face. Pass this amendment and work to have a better method to establish amendments faster, quicker, and better.

Nancy Heller, 3091 Bluewater Rd.: would like to have the changes in the new draft of the zoning ordinance put into a simple format. Having the original and the changes side by side for review would make it easier. Asked for this repeatedly and has received nothing. Is confused by the page numbering. Tried to reach the zoning administrator and understand that she is out ill. Would like to ask about the diagram on page 2-4. Does this mean you are permitted to fill an area down slope to bring it up to grade level? On page 2-8 under junk yard, it states the items need to be removed in 15 days. Often a person cannot remove an item within this timeframe. There need to be exceptions made. Page 2-14 under the definition of structures makes sidewalks and driveways structures. Can these be placed in a setback? Often MDOT determines where one can enter a road from a driveway.

Manigold: could you put all of this in writing for us?

Heller: no. Sometimes it is better to hear things orally. I will discuss this more at the next public meeting.

Manigold: invited everyone to make an appointment to come in and talk or put their questions and comments in writing. Closed the public portion of the meeting and resumed the regular board meeting.

Achorn: sat in on the first public meeting when the township started talking about rewriting the zoning ordinances. Have sidewalks and driveways always been considered structures?

Wahl: was on the planning commission and the zoning board of appeals in 2014. Pavement is an impervious structure. Setback limitations are set for roof overhangs or walls.

Sanger: participated in the zoning board meeting where side, front, and rear setbacks were the issue. This has been addressed before.

Manigold: the new ordinance will allow residential use of tents for camping and tents in yards for graduation or weddings.

3. Review of February 9, 2021, board-approved Mannor PDR amendment (Manigold)

Gordon Hayward: presented a review of the February 9, 2021, decision on the Mannor PDR amendment [see pages 129-176 of the meeting packet].

Manigold: asked John Wunsch, who has been involved in the PDR, to give his opinion.

John Wunsch, 17881 Center Rd.: has been deeply involved with PDR in our township. Thoroughly studied the Mannor amendment and after careful review found everything in order. Made two site visits to confirm the new site is an improvement from the old site, both due to the removal of a visible building site on the high ground viewshed and the removal of the site from superior agricultural land. These circumstances, in addition to the fact that the new site meets the requirements of section 8B "Amendment of Conservation Easement," means the amendment is a net plus for the community and the purposes of the program. [See attached email in support of the Mannor amendment sent to the township board on July 13.]

Dave Edmondson, 12414 Center Rd.: owns five contracts and knows the ordinance very well. John Wunsch has no contracts. We as citizens bought all this land and the conservation easement is supposed to be for perpetuity. Has no problem moving one acre, but the amount almost doubled. Presentation by Hayward is filled with flaws. The new site is still in the viewshed. Both sites are in the viewshed. When you look at the tart cherry inventory map [provided to the township board before the meeting began and attached at the end of the minutes], this shows their value. The location has a high value for agricultural crops. This program spent millions of dollars for property in perpetuity and you are undermining it. Maybe this needs to be sorted out by a judge.

Gary Mannor, 3469 Old Mission Rd.: believes in the PDR program. When bought this property, wife wanted a big house on top of a hill. Now she is living in Minnesota and [Mannor] is back to Michigan. Has not been able to grow a crop on this property. For over 100 years, there hasn't been a successful crop consistently grown on this property. You cannot see the new location of the house from Center Road or Peninsula Drive. Have moved the build site out of the best viewshed. It cost \$10,000 to do this. This property was paid for not only by peninsula residents but also state and federal money.

Chown: thanked Dave Edmondson for providing the township board the opportunity to look at the process it went through to approve the amendment back in February. Stands by her vote.

Wahl: going forward, we can make granting amendments a well-documented planning process.

Meihn: I recommend making a motion to have the board reaffirm the vote to amend this PDR.

Wunsch moved the board reaffirm its vote to amend the Mannor PDR, seconded by Wahl.

Roll call vote: Wunsch, Achorn, Chown, Manigold, Wahl, Sanger Passed Unan

4. Update from Peninsula Township Parks Committee (Murphy)

Dave Murphy, 6943 East Shore Rd.: Thanked Becky Chown for giving the parks such excellent coverage in the summer newsletter. The parks committee continues working with the Land Information Access Associates (LIAA). This is going to be a lengthy process. Glen Chown just made us aware that \$150 million dollars are being allotted to the state of Michigan for parks and \$250 million for local parks. We are dealing with pets off leash and pet waste issues. Covid spurred more use of the parks. Pelizzari tops the complaint list because of usage. The parking lot is often filled with cars. The pet issue has become more about education than enforcement. There are three parcels currently being looked at to expand Pelazzari. Parks committee member Pete Dahl has scheduled Fire Chief Fred Gilstorff to come to the next parks committee meeting. A fire plan

needs to be in place for all our parks. Eric Dreier and volunteers are keeping the new trees at Bowers Harbor Park watered. Discussions on water testing for e-coli are proceeding. Brian Peace of Elmers removed the old playground equipment at Haserot Beach before the new one was installed and thus saved the township \$10,000 in additional costs. The pickleball/tennis court surfaces have cracked and need approximately \$4,000 for a short-term repair and this would need to be done annually. To replace both courts will cost \$35,000. Bob Wilkinson's time has been taken up with the cemeteries and only general maintenance is occurring in the parks. The task of removing damaged and dangerous playground equipment in Bowers Harbor Park has gone to Wilkinson.

5. Legal update on township matters (Meihn)

Meihn: received an offer from Bay One Tree Service to pay the township \$3,500 plus a \$500 attorney fee for the destruction of the hillside above Archie Park. The damages amounted to \$5,200 from the landscape report. Recommends we counter with \$4,500 plus the attorney fee of \$500. My fee is part of the retainer paid by the township so in essence the township would recover \$5,000. Would like a motion permitting me to move forward.

Sanger moved to authorize Meihn to place a counter offer of \$4,500 plus the \$500 attorney fee for the destruction of the hillside above Archie Park with a second by Wunsch.

Roll call vote: Wahl, Manigold, Chown, Achorn, Wunsch, Sanger

Passed Unan

Meihn: there has been no change in the status of the winery lawsuit.

9. Citizen Comments

Eric Dreier, 12434 Peninsula Drive: read letter attached at end of these minutes.

Dave Edmondson, 12414 Center Rd.: the ordinance was not followed in granting the amendment to the Mannor property. This house may not be seen from Center Rd., but it will certainly be seen on Peninsula Drive. Jack Holmes used to grow tart cherries on the parcel and told me the west side was always the best side. The site does not have to produce cherries, grapes, or any other crop. The land could be open space or a wetland. Will likely take this to another level and hopes it doesn't hurt the program. Has passion and respect for this program and doesn't see that here.

10. Board Comments

Manigold: has been against hiring another deputy; however, we cannot put people in danger. The township has the money. Several concerns are speeding enforcement and zoning enforcement. Sheriff personal are trained professionals, have body cameras, and can more effectively address the issues we are seeing.

Sanger: one deputy cannot be on duty all the time due to vacation, time off, and training. Effectively, we have coverage 15-17 days a month. An additional deputy means we have more days covered. Two cease and desist orders were torn down from a building site without land use or building permits.

Chown: the newsletter contains the wrong dates for the Mission Point Lighthouse 150th Anniversary Festival. The correct dates are August 6-7. Has extra newsletters if anyone needs one.

11. Adjournment: **Sanger moved to adjourn with a second by Wunsch.**

Passed Unan

Meeting adjourned at 8:45 p.m.

July 13, 2021

Peninsula Township Board of Trustees
13235 Center Road
Traverse City, MI 49686

RE: Amendment of Mannor Properties LLC Conservation Easement
Parcel Nos.: 28-11-103-009-02 and 28-11-103-009-55

Dear Township Board:

I am writing to express my objection to action taken by the Peninsula Township Board of Trustees (the "Board") on February 9, 2021 in amending the above referenced Conservation Easement (the "Easement"). In my opinion the amendment violates the Purchase of Development Rights Ordinance, as amended (the "Ordinance") because it reduces the amount of agricultural land restricted under the Easement without complying with the requirements of the Ordinance.

Amendments of conservation easements granted under the Ordinance are governed by Section 8B of the Ordinance which states, in pertinent part, that "**amendments of conservation easements are to be discouraged and can only be amended in compliance with strict standards.**" Further Section 8B(5) of the Ordinance provides that an amendment to a conservation easement shall not be granted if the amendment causes any of the conditions set forth in Section 8B(5)a (i-vii) to occur unless a finding is made that the standards in Section 8B(5) paragraphs (b) and (c) have been satisfied.

One of the conditions in Section 8B(5)(a) is condition (v) - "the amendment reduces the net amount or quality of productive agricultural land." The Board found that this condition would not occur because "there will be a net increase in unique agricultural land of at least one acre." The Board's finding is incorrect because (i) the determination under condition (v) must be based on the effect on the net amount of "productive agricultural land" not "unique agricultural land"ⁱ and (ii) the net amount of productive agricultural land is clearly reduced because the new reserved building site, which is part of the restricted agricultural land under the Easement, is approximately eighty-five percent (85%) larger than the original reserved building site (1.85 acres versus 1.0 acre).

Since condition (v) should have been found to occur if the amendment is granted, the Ordinance requires a finding that the standards in Section 8B(5) paragraphs (b) and (c) have been satisfied in order to grant the amendment. The paragraph (b) standard requires a determination that the possible adverse effects (of the amendment) on adjacent property will be less than the positive benefits of the proposed amendment. On this point the Board's finding was limited to a

statement that the original reserved building site was in a scenic view in the largest contiguous block of PDR restricted farmland in the Township but the Board's finding does not explain how the paragraph (b) balancing standard (possible adverse effects versus positive benefits) is satisfied. In fact the Board's finding on this point appears to be irrelevant because I believe that the new reserved building site is also in the scenic viewshed.

Lastly, the paragraph (c) standard, that the amendment enhances the Conservation Easement program is enhanced, was not satisfied. The Board's findings relating to the examples of program enhancements are either irrelevant or incorrect (for example, effect on viewshed and net amount of productive agricultural property). I believe that the amendment, rather than enhancing, detracts from the PDR Program because the amendment reduces the net amount of productive agricultural land.

For the reasons stated above, I request that the Board reconsider and abrogate the amendment to the Easement. The Township's PDR program is vitally important to maintaining the Township's unique look and feel and is almost universally supported by the Township's residents. Conservation easements should only be amended in strict conformity with the Ordinance.

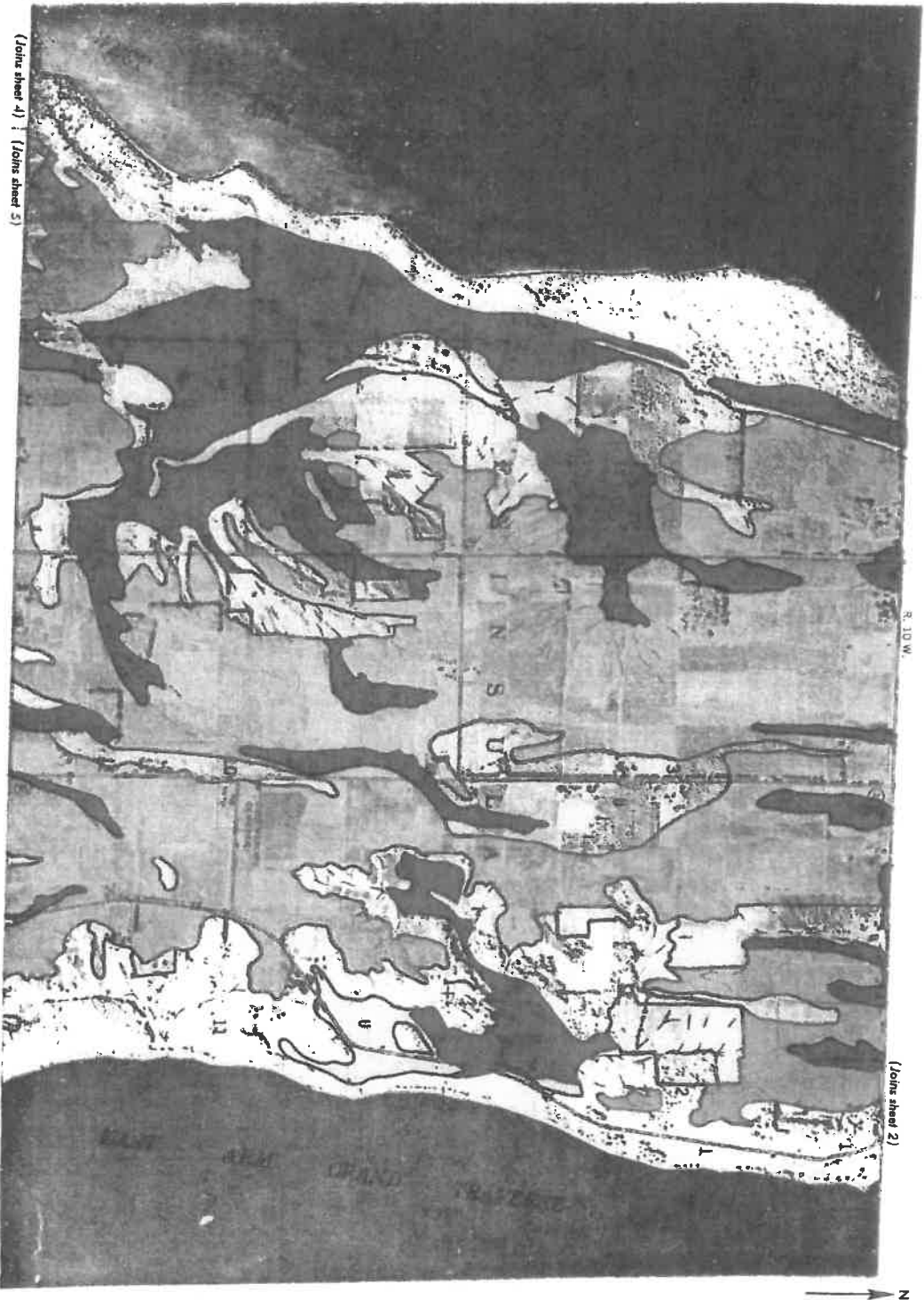
Respectfully Submitted



Dave Edmondson

ⁱ The term "unique agricultural land" appears in condition 8B(5)(a)(iv) relating to driveway changes resulting from an amendment to a conservation easement. This term does not appear in condition 8B(5)(a)(v) relating to a reduction in the net amount or quality of *productive agricultural land* resulting from an amendment to a conservation easement.

GRAND TRAVERSE COUNTY, MICHIGAN -- SHEET NUMBER 3

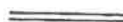





GRAND TRAVERSE COUNTY, MICHIGAN CONVENTIONAL SIGNS



WORKS AND STRUCTURES

DRAINAGE

HIGHWAYS AND ROADS

- DUAL _____ 
- GOOD MOTOR _____ 
- POOR MOTOR _____ 
- TRAIL _____ 


HIGHWAY MARKERS

- U.S. _____  or US-71
- STATE _____  or GA-6


RAILROADS

- SINGLE TRACK _____ 

BRIDGES AND CROSSINGS

- GRADE _____ 

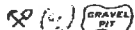
BUILDINGS

- SCHOOL _____ 
- CHURCH _____ 
- STATION _____ 

MINES AND QUARRIES



PITS, GRAVEL, OR OTHER






CEMETERIES





DAMS



STREAMS

- PERENNIAL _____ 
- INTERMITTENT, UNCLASS. _____ 
- DITCHES _____ 

LAKES AND PONDS

- PERENNIAL _____ 
- INTERMITTENT _____ 

WELLS



SPRINGS



MARSH



WET SPOT



ALLUVIAL FAN

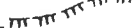


DRAINAGE END

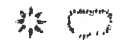


RELIEF







ESCARPMENTS

- OUTCROPS OTHER THAN BEDROCK _____ 

PROMINENT PEAKS













DEPRESSIONS

- | | | |
|---|---|---|
| | LARGE | SMALL |
| CROSSABLE WITH TILLAGE IMPLEMENTS _____ |  |  |
| NOT CROSSABLE WITH TILLAGE IMPLEMENTS _____ |  |  |
| CONTAINS WATER MOST OF THE TIME _____ |  |  |

BOUNDARIES

AD HOC SYMBOLS

- COUNTY _____ 
- TOWNSHIP, U.S. _____ 
- SECTION LINE, CORNER _____ 
- MINOR CIVIL DIVISION _____ 
- STATE FOREST BOUNDARY _____ 

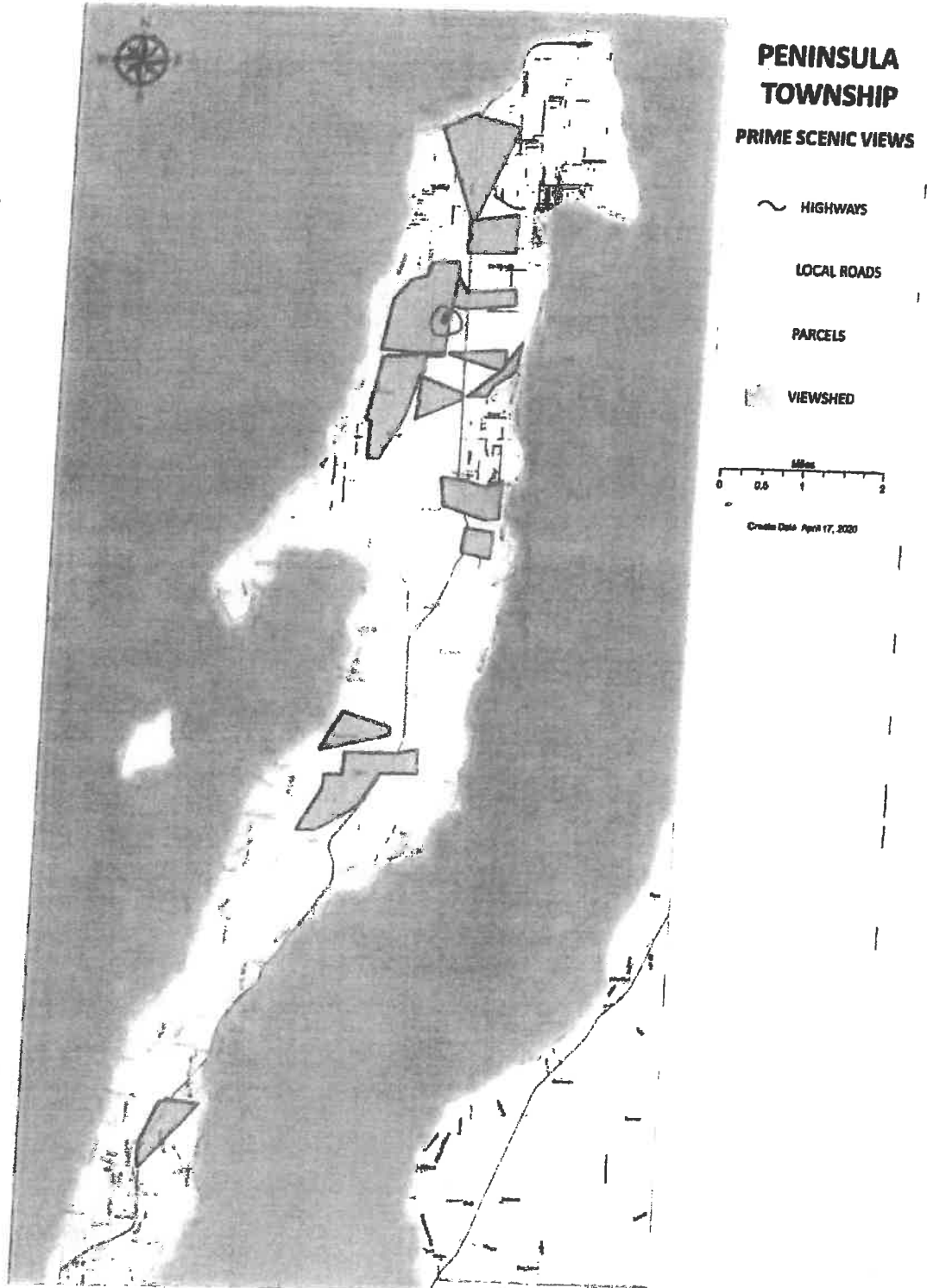
- PHYSIOGRAPHIC FEATURES CAUSE LOWER TEMPERATURES DURING CRITICAL BLOSSOM PERIOD _____  J
- CONCAVE SURFACE CAUSING SLOW AIR MOVEMENT _____  U
- MAJOR BLOCK TO DOWNWARD AIR MOVEMENT _____  A
- SOILS WITH SPECIAL LIMITATIONS _____  S
- TOPOGRAPHIC FEATURES WITH MANY DEPRESSIONS THAT COLLECT AND HOLD COLD AIR. ALSO KNOWN AS PITTED TOPOGRAPHY OR KETTLES _____  K

INTERPRETATIONS FOR FRUIT SITE RATING

TOTAL SCORE	MAP COLOR	DIFFICULTY OF OVERCOMING OF LIMITATIONS TO PRODUCTION
300 - 290		SLIGHT
285 - 255		MODERATE
220 - 170		SEVERE
165 OR LESS		VERY SEVERE

Views

The amazing views provided by Peninsula Townships unique geography and proximity to Lake Michigan have been specifically identified for planning purposes. Recently, the map illustrating major viewsheds was updated and is provided on this page.



Rebecca Chown

From: John | SBM <john@stringsbymail.com>
Sent: Tuesday, July 13, 2021 3:44 PM
To: 'Rob Manigold'; Becky Chown; Isaiah Wunsch; treasurer@peninsulatownship.com; marge.peninsulatrustee@gmail.com; dave.peninsulatrustee@gmail.com; warren.peninsulatrustee@gmail.com
Subject: Mannor PDR easement amendment

Dear Peninsula Town Board members,

I am writing to state that I have thoroughly studied the Manor amendment from last February, and based on my 30 years of experience being deeply involved in PDR in our township and my careful review of the PDR ordinance, I find everything is in order.

In addition, the claim by Mr. Edmondson at the June 14th meeting that amended reserved sites, or any reserved sites, must only be on 1 acres of land is false. The ordinance never references any limitation regarding size of reserved sites.

I have also made 2 site visits to the location to confirm my expectation that the new site is an improvement from the old site, both due to the removal from a visible building site on the high ground of a view shed, and to the removal of the site from superior agricultural land. Those circumstances, in addition to the fact that the new site meets the requirements of section 8B., "Amendment of Conservation Easement", means the amendment is a net plus for the community and the purposes of the program.

Thank You for passing the amendment and passing it correctly,

John A. Wunsch

17881 Center Rd,

TC, MI 49686

July 13, 2021

Address to Peninsula Township Board

I am Eric Dreier and I have lived at 12434 Peninsula Drive for the last 37 years.

Trustees, first let me thank you for the opportunity to share what to me are important thoughts. I will attempt to be brief.

It has come to my attention through widely used sources that at least two of our township employees are being severely criticized. Please let it be noted that I have no personal relationship with either Mr. Sanger nor Ms. Deeren but I have had contact with both on several occasions through their assigned capacities in our township. In every case I have found them professional, courteous and willing to provide detailed information. I will illuminate my direct experience with a little background.

When a complaint was lodged regarding a building issue at some new construction at my house Mr. Sanger called ahead, came at his appointed time and explained that there was a violation and it needed to be corrected. He was thoroughly professional and courteous on this visit and helped me understand exactly what was required to remedy the situation. Further competence was demonstrated when he returned to check on the correction.

Similarly when I had questions regarding a project Ms. Deeren patiently explained why something I was planning to do would run afoul of an ordinance. She then was extremely helpful in offering an alternative. She was the model of a good public employee offering a reasonable course of action.

It is apparent now that certain members of our community want to not only criticize these employees work performance but also to impugn their character. We all understand why malcontents behave this way. Unable to win on the issues they choose to discredit the messenger and undermine their credibility. I am asking you not to let this happen. Allowing disruptors to intimidate employees is equal to letting them intimidate you as our trustees and therefore a threat to effective

governance itself. If this were allowed to be widespread it would also be a threat to our community.

Moreover there is a further danger here. If Peninsula Township develops the reputation as a frail unsupportive employer who will want to come and work for us in the future? Peninsula township residents have high expectations of their local government. These jobs require special skills and knowledge. We can't afford to discourage the most qualified people from becoming potential applicants due to a poor supportive reputation.

Thank you for all your work and your consideration of my concerns. I am leaving a copy of this with our clerk and would like it to become a part of the public record.