

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

www.peninsulatownship.com

Township Board Special Meeting Minutes

August 3, 2021, 10:00 a.m.

Township Hall

1. **Call to Order** by Manigold at 10:00 a.m.

2. **Pledge**

3. **Roll Call:**

Present: Sanger, Bickle, Manigold, Chown, Achorn

Absent: Wahl, Wunsch

Also present: Jennifer Hodges from Gourdie-Fraser & Associates

4. **Brief Citizen Comments (for agenda items only):** none

5. **Approve Agenda:** Bickle moved to approve the agenda, seconded by Sanger

Passed Unan

6. **Conflict of Interest:** none

7. **Consent Agenda:** none

8. **Business:**

1. Work session to discuss optimal structure of planning and zoning departments in the township (no action will be taken)

Manigold: this is a work session without motions or decisions. The board eliminated one candidate for the planning position.

Chown: I would like to know the history of planning and zoning in the township and better understand how we arrived at having zoning and planning as separate positions.

Manigold and Sanger gave a history of the planner and zoning positions from 1988 to present.

Bickle: this board approved the 2018 study by Networks Northwest seeking clarity on the zoning and planning interface.

Manigold: we could consider hiring Networks Northwest or a company like them. Does Gourdie-Fraser offer planning services?

Hodges: no, we are not planners. We are working to complete the master plan with Mielnik [former planner, now retired]. We have been working on the day-to-day functions such as checking planning documents and going over applications. Storm water, municipal infrastructure, roads, and networks are the primary focus; we are engineers, not planners. We cannot set your vision, which needs to come from you and public engagement. What I am seeing now is the applications come in, zoning works on a piece, we work on a piece, but there is not integration of the whole.

Bickle: planning appears to be operating within a silo.

Sanger: I worked on the planning commission, and there used to be functioning sub-committees. We had three committees: development with legal review, zoning, and master plan. Three planning commissioners and staff would sit on the development committee.

Manigold: there was a structure where a developer would come in and talk to Manigold, Hayward [the

planner before Mielnik], and the head of the planning commission. This structure would have prevented the Seven Hills project from presenting a plan with a hotel involved.

Bickle: Hayward and Gourdie-Fraser would go through an application and a project would know what would be allowed and what would not right up front. That approach seems to have fallen by the wayside.

Sanger: often it comes down to who is going to be the bad guy? The planner is in front wearing many hats. In the past, three sub-committees put many eyes upon a problem. A developer would come in with their engineering staff and their land planner, and one of the three sub-committees would lay out all the issues on the table and examine what parts fit in the existing ordinances and what parts did not. The question would be what might take two years to do or a couple of months. Today I see applications coming in with a perceived notion that "I can do it." The landowner feels entitled to a project and therefore expects the township to solve any problems. The process has become complicated and it seems there are only a couple of people working on the problem.

Manigold: another issue we are going to be dealing with is what happened on the 81 project and the development going in next to Pelizzari. Developers get frustrated by the hurdles in a special use permit or unique residential plans, so they default to use-by-right projects, resulting in more cookie-cutter projects. Basically, their engineering company told us directly that they would never do a planned unit development on the peninsula because everything needs approval according to our planning and zoning process. The township needs more eyes on initial project applications so potential problems are flagged early. This happened with the Seven Hills project where developers worked with township staff for several months on plans that included a small hotel even though the parcel was not big enough under the zoning ordinance to allow a hotel. This was wasted time for all parties.

Chown: I spoke with Susie Shipman, the chair of the planning committee, and she agreed we should take Monnie Peters' suggestion to develop standing committees that can vet projects quickly. Shipman recommends sub-committees for zoning, master plan, and special use permits/PDR.

Deeren: this would aid in not taking unacceptable applications at the beginning of the process.

Bickle: at the beginning of the process, all parties meet for an initial review of a project

Hodges: [until he retired,] Mielnik would give Gourdie-Fraser the initial plan application and we would review our piece of it. No one wanted to be the heavy in requesting modifications or telling a person no. We helped revise a new planning application, but it was never implemented.

Chown: Could you give us a copy of the revised application to review?

Hodges: yes.

Manigold: we concentrated on the checklist we created but not the application itself.

Sanger: the township lacks support staff. We have the zoning administrator going to the post office, typing letters, answering the phone, and interrupting what she may be doing to provide customer service for a resident who comes in to get a building permit for a deck or garage. Delaying a simple permit for a resident is not correct and needs to be handled in a timely manner. We are taking the big thinkers and having them do work that could be delegated. An assistant to the planner never happened although that was the suggestion of the Networks Northwest's study.

Bickle: the person who does our FOIA work and has assisted other departments is someone I have had casual conversations with about this day-to-day work of assisting the planner and zoning.

Sanger: we need to have a job description and defined hours.

Bickle: [asks Achorn] how much money comes in from zoning?

Achorn: about \$50,000. This helps defray the costs of a clerical position working Monday–Thursday. A job

description by Sanger and Deeren might be a first step.

Sanger: in looking at a workflow analysis, there are seven people working on the planning commission. The SUP process takes time for all involved. Keeping the zoning up to date is something we struggle with. Shipman stated it looks like the master plan is almost done. I said we need to start working on the next plan tomorrow. We cannot wait five years. In the zoning area, we have written more than 274 land use permits. This requires two visits to the site, the initial one before the work and one during the work. The ZBA takes a tremendous amount of time as the variances are increasingly complicated. The reason for this is that the easy properties have been done and now the more problematic parcels are left. Planning is responsible to the zoning ordinances. This includes the fireworks, junk, and parks ordinances. Finally, we have the compliance area. This means taking every complaint seriously and working from a customer service perspective. This is not about writing citations or taking people to court. I did some research and found a town similar to ours, Northfield, with a population of 8,000, rural, and they use a consultant with two staff people. They currently have a planning/zoning position open with a salary of \$60,000-\$80,000 plus benefits.

Bickle: currently a meeting is calendared and the applicant comes in with additional information. We used to have a more robust method of handling information.

Sanger: there has been a rule that no information can be presented the day of the ZBA or planning commission meeting that has not been seen before.

Ahorn: we require time to digest the material over a weekend. An administrative assistant needs to be hired sooner rather than later; the planning commission has agreed to reinstating sub-committees, and we can update the application list.

Hodges: some townships' deadline is when the packets go out.

Board continued to discuss processes and then shifted to the candidates for the planner position.

Chown: one of the applicants sent us a full page of questions to answer after the first 30-minute phone interview. Those questions were sent to the board.

Sanger: all we have is a letter from the applicants. I recommend the personnel committee do more investigation of the candidates, provided this is cleared with the attorney.

Chown: this is usually done when an offer has been extended to an applicant.

Sanger: there seem to be two paths before us, to combine planning and zoning or to keep them separate. We have posted the job description and have two viable candidates. Planning and zoning have always gone together. Over the past four years, this has changed into two positions, so now do we put them back together or have two separate high-level positions with administrative support staff?

Bickle: yes, we should keep this moving along. There are people working with expertise in various areas now. LIAA is working with parks, Mielnek is on retainer finishing up the master plan, and Gourdie-Fraser is there to assist.

Chown: I do not want candidates applying for the job to be uninformed of their status in the hiring process. We still need to make a decision on whether or not to combine planning and zoning. The two candidates have applied for the planner position.

Manigold: this is a decision to be made at the next meeting, which I would recommend having Monday, August 9, 2021, at 12:30 p.m. as a special town board meeting to decide if we are going to combine the positions or keep them separate.

9. Citizen Comments

Julie Alexander, 4856 Forest Ave.

This meeting has been informative. The job description for the zoning administrator is not on the website. I would like to see planning and zoning combined. How often do planning and zoning sit down and confer with each other? The enforcement of ordinances needs consistency. How often are citations being written? There should not be a gray area or ambiguity. If the planner or zoning is out of the office, sometimes there are emergency things that cannot be stopped.

Manigold: We have a staff meeting every Tuesday at 9:00 a.m. Items are not totally black or white. In the example of red houses, there are many shades of red. In enforcement if the speed limit is 55, do we ticket at 56? The application of common sense works with zoning too. Reoccurring enforcement issues are handled with the supervisor, Sanger, and zoning.

Nancy Heller, 3091 Bluewater Road

This is a working meeting to discuss the optimal structure. Do not take this as criticism; I am just making statements. As an interested citizen of this township, these are observations. The filing system needs improvement. Material is strewn between departments and there needs to be an efficient system in place. Everybody is spread thin. When I ask questions, there is a tremendous amount of waiting for the attorney opinion. There needs to be a timely response as this can hold things up. Does the attorney need an assistant? Leadership from the elected officials, supervisor, treasurer, and clerk: these individuals need to make a commitment to spend time in the office. A go-to staff person needs to be available and have authority; structure is really missing here. Does staff have a clear vision of their roles and responsibilities? There are job descriptions, but we do not have a planner, so who takes on that responsibility? The 2018 report is a good one and has many suggestions. On page 6 under zoning, the report states "track and retain records for all ZBA hearings." Need to have in writing how to interpret, enforce, react, and know what the expectations are. Various town boards have different ways of doing things, and there are different enforcement and interpretations. Manigold is right in saying black and white is not always the case.

10. Board Comments

11. Adjournment Bickle moved to adjourn the meeting, second by Sanger. Passed Unan