



PENINSULA TOWNSHIP

13235 Center Road, Traverse City
MI 49686

www.peninsulatownship.com

Township Board Regular Meeting

August 09, 2022, 7:00 p.m.

Township Hall

Minutes

**(Corrections made
retroactively by the clerk)**

1. **Call to Order** by Wunsch at 7:00 p.m.

2. **Pledge**

3. **Roll Call**

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

4. **Citizen Comments**

Louis Santucci, 12602 Center Road: I'm glad to see you've taken the winery ordinance off the agenda. It obviously has severe problems. I've taken the zoning ordinance and crossed out all the sections the judge found unlawful. My recommendation is that when you go forward with a hearing on the winery ordinance or discussions on it, you take the current ordinance, take the x'd sections out, and you're finished. People lived with this ordinance for 30 years, and this would be an easy way to solve the problem. Thank you.

Monnie Peters, 1425 Neahtawanta Road: back to my favorite topic. I just want to remind you, especially you new people, that this town board started on the re-write in the fall of 2015. Jenn and I just talked and I really support where she's going, but I do want to make sure it gets done this year. I'm going to come to every meeting and say, "Let's get it done before this year ends." I was promised by Rob that it would happen last year, but it didn't. Let's not go into 2023 with it undone. Thank you.

Nancy Heller, 3091 Blue Water Road: under business item number eight, discussion on proposed resolution 2022-08-09, township police officer millage proposal on the November 8 2022 ballot. I understand the need to fund police officers, but I propose a more time-efficient work schedule to cover needs. How much revenue did the prior millage generate? It accumulated enough excess to pay for an additional officer at that time. How much total money will this new millage bring in? Assessed values go up each year, so revenue increases. If you want to help preserve agricultural land, it's important not to raise taxes. Please consider alternatives to enforcement such as a full-time enforcement officer. I don't think this would be as expensive as an additional officer. I do realize there is a need to fund our community police officers via millage. I would also like to ask the board to state why items were taken off the agenda. Regarding number four, the waiver discussion, I would ask the board to go back to previous requests and review

and keep those in mind.

David Taft, 952 Neahtawanta Road: how are you feeling? I feel great tonight. I'm here to cheer you on. So many people get up here and criticize you, but I want to come up here and commend you for the way you are standing up to WOMP. You were poorly served by a former attorney. I told you that when you renewed his contract, and I wish you hadn't done it. He's the guy that probably encouraged this lawsuit. We all know that in hindsight, but I'm here to say thank you for following our master plan to maintain the rural, agricultural ambience of this community. I hope you pass the zoning ordinance. I'm a little bit like Monnie [Peters]. I think it's a good update and it's going to make it a lot easier for Jenn to do her job and you to do your job. And I thank you, Jenn, for all your contributions in the last year to get it going. And kudos to our citizen committee to bring equality to the farmers. Sadly, wineries were offered seats at that committee, and they chose to refuse to participate. Instead, they sued to try to get their demands met, which in my opinion epitomizes one word: greed. Pure greed. I know you've heard this a thousand times, but I have to say it again: they want to over-commercialize this peninsula with noise and traffic. We as citizens in this community do not like it. So far, they've cost us over a half million dollars in legal expenses and probably a certain fraction of that in staff time as well. And that adds up to \$1,000 for every resident. Retirees like me, farmers, children who go to school here, they're all part of that equation. \$1,000 for every resident. That would have paid for Nancy's extra sheriff; it would have paid for many other activities. That's a lot of money in this small community. The wineries have sued the community for an undocumented \$200 million. That's \$40,000 for every member of this community. That's ridiculous. It's just pure greed. Their lawyer has verbally and in writing threatened each of you. Last year, as Grant [Parsons] talked about, he threatened you individually. And Grant told you, after this is all over, you may be able to take legal action against them. I hope you think about it. Many of us support Preserve Old Mission and Protect the Peninsula, and now we can be very active because, all of a sudden, the Court of Appeals has allowed TJ [Andrews] and Protect the Peninsula to intervene and, as of yesterday, the trial has been delayed so we have time to get ready for it. Overall, I just want to thank you for standing up and saying no to the wineries and doing a good job.

Joe Quant: I'm here with Walt from Family Orchards. We have an agenda item; we don't have to talk now if we're going to be heard on the agenda item.

Achorn: this is your time to comment.

Walter Kinish Knysz, 15259 Smokey Hollow Road: good evening, township board. My property is located in the A1 agricultural district. I requested a waiver on filing my SUP application for a winery chateau this past April under the first moratorium resolution. The township refused to process it and sent it back to me. They did the same thing again last month when I submitted it again. I was then told by the planning director to send a letter to the township board requesting a hearing regarding a waiver from the moratorium, which I did. The planning director assured me my hearing would be put on the August 9 agenda. When I checked the agenda and packet online yesterday, I was shocked to discover that not only was my letter not included in the packet but the planning director recommended to postpone the public hearing for my waiver request. Her note to the board stated that my hearing could be postponed because I would not suffer immediate

and irreparable harm. That is not true. I certainly will and intend to present to the board that I definitely will suffer immediate and irreparable harm. This isn't for the planning director to decide. It's for the township board to decide. Every day of this delay causes me more and more damages and costs. If this delay continues, my entire project may be permanently delayed. If the board passes an amended winery ordinance, which it intends to do, I would not have a chance to apply for a SUP. How is that not irreparable and immediate harm? Then I got an email from the planning director saying that my hearing needs to be postponed because it is supposed to be a "public hearing that needs to have a 15-day notice." But that's just wrong. The moratorium ordinance does not call for a "public hearing" or for any 15-day notice or publication requirement. Rather, it states that I as the petitioner have a right to a hearing in front of the public and the township board. The township's ordinances, which require public hearings, clearly state that they are to be for "public hearings and provide for notice requirements." The moratorium ordinance does not refer to any of that. The refusal and delay by the township to accept and process my application violates my rights under state law in the state and U.S. constitutions. Thank you.

Bernie Kroupa, 3183 Shore Wood Drive: somehow I got by 20-some years without ever having to come to this podium, and now I've spent a lot of time here. I don't particularly enjoy it. I like peace. We had a long period of peace but in the last four months, under the surface, there's been the most distrust and anger I have ever experienced in the agricultural community. We don't come up, we don't wander around protesting this and that and the other thing and make fools of ourselves on social media, but it's there and it's real and it cost us a major account. Four million pounds to be exact, because the advisor to the major private equity investors said, "Don't sink physical assets into Peninsula Township; the political climate isn't good there." We're still fighting, but the source of that product is now sourced in Utah and a little bit in Shelby, Michigan. Old Mission, zero. I'd support the request to lift the moratorium. In fact, I'd like to see the moratorium lifted on everything. There's nothing wrong with [Amendment] 139. A lot of PR is going to be needed when these lawsuits are finally settled. I don't know who's going to win and who's going to lose, but I'm telling you, all is not well.

Jed Hemming, 2455 Neahtawanta Road: I've thought about this a lot. I'm going to tell you a little history lesson. Before 1970, the vast majority of the cherries out here were picked by hand. There was one guy out here, maybe another one or two, who treated his employees poorly. Housed them in the barn; you're heard all the stories. So the government got involved and passed a bunch of rules about housing. The farmers decided it was too expensive, so we all went to shaking cherries. Probably the majority of shakers out here were purchased about 1970, maybe 1971. That was the end of a lifestyle because of one or two dirtbags who treated their employees poorly. I tell this story because I just heard how bad the wineries are. I believe the majority of the wineries out here are assets in this community. I'd wager the majority of the wineries, when they see that multicolored bus pull in their parking lot, go, "I hope it's not a lot of drunks showing up again." We have a few people here who want to have a restaurant. They want to have a bar. We have a couple of farm stands who don't feel the need to grow anything. There's one in particular, I'd be surprised if he grows 10 percent of his product. Let's not penalize or possibly destroy

a whole industry based on a few people who want to make trouble. I think that's a mistake, and I think you need to think about that. When you look at the proposed ordinance and its restrictions, they cover not just wineries but all of agriculture. Think about what the long-term effects may be. Thank you.

5. Approve Agenda

Wahl moved to approve the agenda as amended, Rudolph seconds. Motion approved by consensus

6. Conflict of Interests: none

7. Consent Agenda

Wahl moved to approve the consent agenda, second by Achorn

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

8. Business

1. Update from parks committee (Skurski)

Mike Skurski: I'm chairman of the parks committee. We've got three major elements to talk about. We've been in existence for three years. We're losing some members, Armen [Shanafelt] being one. I just wanted to take some time to see what we've done in the past couple of years that was good and what went poorly. In the operational area, we've been behind on our maintenance schedule. Michele [Zebell] discussed this with Bob Wilkinson just this week to try to catch up on some things at Bowers Harbor. It's a little bit much for Bob to keep up, but we're getting closer. We've got some signs going in. We continue to have problems with free-running dogs, barking, and use of some of the facilities. People are using the Little League diamond for a dog run. We had a water sampling at Haserot Beach this year, done by the county. We have the purest water in the county. We've had one count of bacteria in the water, and that's about the eighth week we've done this, so we may stop it next year. It's showing what we expected, that we're great and we don't have to worry about anything in the water. In the capital planning area, we looked at our five-year recreation plan; we're coming up for a new one in 2023. We also had the LIAA-assisted public meetings that helped reinforce what the community wants at the parks. We're putting together some capital plans now that concentrate on the playgrounds. For Bowers Harbor, there are three potential plans. One of the areas for funding obviously is the ARPA funds. What we found the community is really looking at are pathways for hiking and biking and boating and playgrounds and a much-needed bathroom at Bowers Harbor. I think we want to basically get more involved in the planning process with the township board. How to utilize these funds, how to magnify the funds through grants etc., but also make sure in this next exercise when we go through our five-year plan, where's the best place to put those dollars? I come from a planning background in industry. When you have a list of things to do, you need to prioritize the list and you have to find out how much everything costs. Then you start looking at how you're going to pay for it and you may rearrange priorities because of financing. If we can deliver that five-year plan to you in January, that would give us enough time to get into the next budget period. I want to give you this self-evaluation, which was done in our last meeting. We've been around for three years. We switched from an elected board to this appointed one. We're losing a couple of members. One of the things that worked really well was Dave Murphy working with PNA

to get the Pelizzari expansion underway. The Haserot playground was the first new addition to the playground in this community for 20 years. We've got some really good volunteer activities for Archie Park, and some PNA work on invasive species was done last weekend. Where we need some attention, something that we've talked about for as long as I've been on the committee, since 2015, is finances. We're basically on life support. We have enough to cut the lawn, repair most things that go bad, but there's not much in the budget for improvements. You can't stand still when you have a thousand acres of parkland. You have to spend some money. We've had some issues with ordinance problems. People parking, people doing things that are basically against the ordinance. We need to improve out signage. We need to streamline our process too so it doesn't take two or three different phone calls to try to get someone scheduled. We have kicked around a couple of ideas about what we think we could do differently. A lot of it is taking the operational responsibility away from the committee and getting it more into the tactical strategic area where I think it belongs. There's always been a lot of talk about a park manager. We need to have that kind of capability somewhere, and I think it should be the staff. The committee can address the direction and budgets, but this manager position needs to be responsible for the operations. We have a seven-person committee right now. Is that too large or is it the right size? Right now it's a recommending board, not an action board. I think you can solve some of that by ascertaining a budget. Let the committee do that because it's been pre-approved. Anything above that has to go through an additional, reasonable process. So you'd have an operational and tactical optimization plan. When we do a five-year recreational plan, no reason we can't put together five-year recreational spending plan. You can't really make big decisions without having that spending plan in front of you. The other thing, talking to a couple of our ex members, is that we need more support from staff. Right now we have a position of secretary. It's pretty rough to ask a volunteer to spend about four hours a month to pull everything together. When materials don't get to you in time, that's part of the failure of the secretary position. Maybe we can assign someone that task. Every other committee/board in this township has a staff secretary. We deserve one also. The other thing we're trying to do is accelerate the volunteer program. That's the kind of activity we need to be spending our time on, to be able to magnify our capabilities. In the last couple of weeks, we've been looking at playground plans. What I have in front of you is three playground plans that we would use in Bowers Harbor. First one costs about \$285,000. It's a big play structure with a big corkscrew slide and some climbing walls, etc. Of that \$285,000, \$65,000 is in installation process cost. About \$35,000 is basically the floor, a processed chip. We're going to talk about going out for grants because there's a possibility of 100 percent match grant out there from the company that you're seeing the material from. Michele and I are looking at putting together a grant for that. Plan two is about \$190,000. It's a little bit more sparse, but it's a more of athletic. It's got my granddaughter and grandson's favorite thing, a zip line. It's got some other climbing things, but, again, for \$195,000. \$46,000 of it is for a poured floor. \$35,000 for installation and then another \$40,000 for the rest of the chip floor. If we started getting some other facilities to do shipping and installation separate, we could put together some pretty good plans. The last plan is similar to what we put together at Haserot. It's \$60,000. Again, it's \$35,000 for the structure you see in front of

you. The rest of it is installation and flooring. But there's a company right now that is offering a matching \$100,000 project. We're going to put together a couple of plans and hopefully get those off next week. But to be able to do that, we need to match. It's going to have to come from our budget. It's something to keep in mind when we review this with the executive committee before we send them out so you're aware of what kind of financial requirements can be there. And we can also look at whether we can use volunteers and different substrates for the flooring. Any questions or comments?

Shanafelt: a comment. Being on the parks committee, I got to see it from the inside and now from the outside. I think the points you brought up about the committee itself not actually being supported are very true. The committee's there; all the infrastructure that helps the committee work isn't. Having someone on staff helping with agendas and packets and stuff makes a huge amount of sense. As we talked about, having a designated individual within the township who's responsible for coordinating the maintenance activities would be hugely efficient and help get things done. Who does Bob report to? I have no idea. And because of that, how are his activities coordinated if we need other stuff done? That's still a mystery to me. I think those are minimal things that need to be done just from an operational basis. Notwithstanding the fact that I agree with you on a budget. You're given a budget and then you are able to act within it. That's the only way to get anything done. The last point I'll make is the survey. As I recall, Bowers Harbor's bathrooms were the number one thing, but immediately behind that was a new playground. And the conclusion was, we can make do with the bathrooms if we do some repair work, but we have to do something about the playground. That's really immediate. If you can know how much money will be available to you in the context of this match, I think that makes the job much easier. Part of the process is not just saying we want this playground thing; it's getting public comment on what the right playground thing is. But regardless, knowing how much money is available for that match becomes critical.

Skurski: you don't go out and buy a new car without having a budget. It's one of the first things you need to do.

Shanafelt: part of this is process and understanding how it all works, but part of it is very factual: how much money is available to be spent on a play structure?

Skurski: one of the other issues that exists is Kelley Park and the discussions that started with the DNR back in 2018 with boat launches and such. I got a nice letter with the Coast Guard commander saying, "Are you going to get a launch at Haserot Beach or not?" We're not the only ones looking for a resolution.

Chown: I just want to thank you, Mike, and the rest of the parks committee because you guys work miracles with next to nothing, and you do it consistently. If it weren't for you, we wouldn't have the Pelizzari Natural Area expansion. We wouldn't have the playground at Haserot. We wouldn't have the invasive species removal. As the township board liaison on the parks committee, I know firsthand what your challenges are. This board will keep working to help you and the rest of the committee tackle these challenges. They're real, and they're not going away. Some are getting worse because the infrastructure that we do have is deteriorating. We've got to address these problems. And I just want to say thank you very much for not jumping ship and for continuing the good work you're doing.

2. Request for waiver from Ordinance 2022-06-14 establishing a temporary moratorium

in the A-1 agricultural district from Family Orchards LLC (Wunsch and Cram)

Cram: my first day with Peninsula Township was January 3, 2022. The township board enacted a moratorium to suspend the submittal of special use permits and amendments to special use permits within the A1 agricultural zoning district as a result of the WOMP lawsuit. They wanted to have the opportunity to take time to look at the zoning ordinance to see what the impacts of the lawsuit were before approving new applications that may in essence become non-conforming uses in the future. As the lawsuit continued, Judge Maloney made some decisions that clearly affect our zoning ordinance that we are currently navigating. On June 14th, the township extended that moratorium for another 180 days. So Mr. ~~Kinish~~ Knysz is correct. He did try to submit an application for a special use permit for a winery chateau in February or March, shortly after the first moratorium was put in place. I declined accepting his application because of the moratorium. The township board was aware of that. And then again, in the early part of July, he tried to resubmit. At that time, I informed him that the moratorium had been extended. On July 14, we exchanged emails back and forth. He of course was not happy that he was not able to submit his application. On July 14, I emailed him to let him know that the moratorium under section six did contain a waiver. I'm going to read this for the record: "In the event that a landowner in the A1 agricultural district will suffer immediate and irreparable harm for the short duration of this ordinance, or this ordinance otherwise violates applicable provisions of the state or federal constitution or other applicable law, a landowner may apply in writing for a waiver to the moratorium from the township board. At a public hearing held on such an application, the landowner must bear the burden of demonstrating immediate and irreparable harm as a result of the moratorium. The township board upon a sufficient showing may grant a waiver of the moratorium to the degree necessary to avoid the demonstrated immediate and irreparable harm." On July 14, I also advised Mr. ~~Kinish~~ Knysz that he should include supporting materials to demonstrate what that irreparable harm is. The letter he submitted requesting the waiver that I received on July 28, was a letter, a threatening letter, noting that our moratorium was not legal. It did not include the requested documentation of supporting material for all of you to review and make a decision. On July 28 I responded to Mr. ~~Kinish~~ Knysz and said that I had received his request, that I had informed the clerk of the waiver, and that we would put this on the agenda for August 9. I did not say it would be a public hearing. I said I would put it on the agenda, as I have done and with my memorandum. I have requested additional information so that all of you can review it and make a decision based on that information. I've also drafted a motion for you to consider. I've included an expert from the Michigan Zoning Enabling Act, which talks about the required notification for a public hearing, which requires 15 days public notice. Upon receiving Mr. ~~Kinish~~ Knysz's request on July 28, there was not adequate time to do public notice before this hearing. But I wanted you all to know that he had submitted this and is interested in it. We will be able to do proper notification for the September meeting. With your approval, I've drafted the motion for you so that you can officially schedule this for a public hearing in September to meet the requirements of the moratorium ordinance as well as public meetings. If you have any additional questions, I'd be happy to answer them.

Wahl: It's my understanding that since he didn't submit any supporting documents, we

would have to deny it today because there's nothing to support it technically.

Rudolph: that was my question. Have supporting documents been submitted?

Cram: I believe that Mr. Quant forwarded you his original letter that talked about the moratorium. There was another letter included demanding a public hearing today. To my knowledge, no, nothing has been submitted regarding what the irreparable harm would be by waiting for this moratorium to expire. As everyone knows, we are working very diligently to update our zoning ordinance to provide equity for all agricultural operators and address the decisions that Judge Maloney has made. It would be our hope that we could adopt zoning ordinance amendments that are agreeable to Judge Maloney, to this community, that are consistent with the master plan and all of the hard work that's been done. But in the meantime, we have a moratorium in place and a process to follow.

Chown moved that the Family Orchards LLC waiver request be scheduled for a public hearing at the next regularly scheduled township board meeting, on September 13, 2022, with a second from Rudolph.

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

3. Verbal update on statues of zoning ordinance rewrite adoption (Cram)

Cram: we are currently taking a pause on adopting the zoning ordinance. It's a pause; we're not throwing it out. But since I've been here over the last seven months, I fully recognize that there has been a lot of work on this rewrite. It started in 2015, with McKenna, with the planning commission subcommittee, with staff, with attorneys. As a result, there have been many hands and fingers in the pie, so to speak. My first meeting here, the township board had scheduled adopting the zoning ordinance rewrite and opted to pause at that point because of the comments received from the community. They were concerned that certain sections of the zoning ordinance hadn't been vetted through a public process and wanted us to take a look at those, which we did. Our legal counsel at the time compared the existing zoning ordinance adopted in 1972 with 200 amendments and the proposed rewrite and highlighted the changes. I have discovered that the comparison did not highlight some of the things that didn't carry forward. After a zoning board of appeals meeting recently, the chair of that board reached out to me. He looked into the standards for a non-conforming use and found that some of the standards did not carry forward in the zoning ordinance rewrite. In doing the work on updating the zoning ordinance for winery chateau and farm processing, I realized there were some new definitions that I don't think would result in an outcome that everybody would be happy with. I expressed my concerns to Isaiah, who, as the township supervisor, I have regular conversations with to go over my work plan and my priorities. I also spoke to Monnie Peters and asked if she would be willing to meet with me on a subcommittee to do a more thorough comparison of the existing zoning ordinance and the zoning ordinance rewrite. We've also invited Dave Sanger as a board member and as our code enforcement officer, Christina Deeren, our zoning director, and Julie Alexander from the planning commission. We are committing to sit down every week to do a comparison. Then with confidence I can bring back to you a memorandum that highlights not only the change but anything that has been left out. This will help give an understanding from all of these people who have more experience and history why certain things may have evolved the way they did and

bring forward a recommendation on areas that we may need to vet again, bring it back through a public hearing, and give a timeline that is realistic to accomplish this. I would love to say we can accomplish this by the end of the year. That will ultimately be the goal, but once we have done this work, we'll have a better idea. I want to express my gratitude to Monnie and Julie and Dave and everybody who's willing to commit the time to do this work so that we can move the zoning ordinance rewrite forward. There is a lot of good work, such as the graphics and the organization...It is by far a better document than the existing zoning ordinance. But with all the things we're facing right now, I want to make sure we do a very thorough review.

4. Discussion on using donations from the capital campaign for the matching funds required by the Coastal Community Resilience Matching Grant Program (Achorn)

Achorn: at the meeting on July 12, we agreed to fund the \$7,500 for the grant. We did not decide where the money was going to come from. Offhandedly, I suggested that we look at the money that is in the restricted fund, which came from a capital donation campaign a couple of years ago. It was placed there because the people said to use it "Where needed most." All the money designated as "General" or "Undesignated" or "Where needed most" is now sitting in the restricted fund. That amount is \$10,990. The grant match is \$7,500. This is one option to fund the match.

Shanafelt: legally, the use and application of these funds in consideration of a grant would be considered appropriate?

Achorn: there were no restrictions. The board would decide what the funds would be used for. Using these restricted funds to match the grant to protect our water, which impacts almost everyone on the peninsula, makes sense to me.

Board discussion.

Sanger moved to authorize the treasurer to move \$7,500 from the restricted fund to the general fund to provide for the township's portion of the Coastal Community Resilience Matching Grant with a second by Chown.

Roll call vote: yes – Sanger, Shanafelt, Rudolph, Chown, Wunsch, Achorn, Wahl.

Passed unan

5. Request to authorize an appropriation to pay for engineering fees related to the Bluff Road collapse (Achorn)

Achorn: this relates to a road fund. We have a separate fund for roads. Generally, the state contributes about \$13,000 a year to help our roads. Initially, it started out that we used the money for brining. In the early years, it was about \$6,500. It steadily increased; this year it's \$18,000. In between, we've had to pay additional costs. In 2017, we had to pay about \$11,000 of litigation fees when the county road commission decided to cut down the trees on Bluff Road. More recently, we incurred about \$13,000 of engineering fees relating to the Bluff Road collapse and deterioration. This results in us not having enough money to pay the latest engineering costs. I ask the board's approval to authorize an appropriation from our cable fund in the amount of \$10,000 to the road fund so that we can pay our bills. Then I will transfer the money and amend the budget accordingly.

Shanafelt: should the road commission have been doing more so we didn't have to pay this?

Achorn: I'm not involved in the details of the negotiations with the road commission

relating to Bluff Road. But in order to present our arguments to the road commission, we have to have engineering documents to back up our arguments.

Shanafelt: I was just curious if this was something that should have been done under the purview of the road commission as approved to us. I understand that we had to do it.

Wunsch: my understanding from talking to some of the residents who are immediately impacted by the issue is that there's a big discrepancy between the cost of private work that's been funded along the shoreline and the road commission's estimates for costs. We are working on a revised estimate based on some real data of what it should cost.

Board discussion.

Achorn moved that the town board authorize the appropriation from the cable fund, #298, in the amount of \$10,000 to the road fund, #245, amend the budget, and authorize the treasurer's office to transfer the money to pay the current invoice with a second by Rudolph.

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

6. Discussion on proposed Resolution 2022-08-09 #1 to fund the township's community police officers via a millage proposal on the November 8, 2022, ballot (Achorn)

Achorn: the police millage of 2018 expired in 2021. The township has contracted with Grand Traverse County to increase law enforcement coverage from one to two deputies beginning last April 1, 2022. We did have some money in the fund, and we thought we could last through most of this fiscal year without running out of money. We do need to fund the police. In order to fund beyond this fiscal year, we need a new police millage placed on the November 8 ballot. On the next page, I have a series of costs and millage rates. For this proposal, I want to thank my deputy treasurer, who went through numerous opportunities and options. We simplified it to the ones we want to discuss tonight. It shows the cost of one officer from 2022 to 2025. That's based on county information. It's multiplied for two officers and possibly three officers should we need them in the future. Sally [Murray, the township assessor] provided us her best estimates of the total taxable value of our property for 2022 through 2025. The second column in the second row is the millage rate for year 2021 that we just paid our taxes on. The next column is the millage rate of .23, which would satisfy the cost of two officers. The ballot proposal has a ceiling of .5, and that's the third column. In our analysis, we not only have to consider the cost of the officers, but we also do have the cost of equipment, the batteries, the repairs. Who knows what other costs we will incur? That's why the .5 ceiling has been included. On the first page, I describe the facts. I give the potential cost of a \$100,000 tax value at .23 mils: \$23 a year. And that compares to last year's tax bill with \$19.33. The maximum millage of .5 mills could result in the following potential tax levy in a future year, should we need it. A \$100,000 taxable value at .5 mills is \$50 per year. \$250,000 is \$125. The taxable value of \$500,000 is \$250. A taxable value of one million is \$500 per year. These are the facts.

Rudolph: the cost that we have from the county, that's for the officer and the vehicle. Do we have any estimates on additional cost that might be accrued?

Achorn: the signs cost several thousand dollars each. Batteries are expensive, and we pay for their telephones. In this year's budget, we requested speed signs to be painted on the pavement. I believe the county road commission said it was going to be maybe three or six

hundred per painting. We don't know what else we might need in the future. That's why we're including additional costs.

Sanger: if I understand, each year as the township sets the budget, they would have the ability to adjust to conditions. Same as the fire department, they have a rather high limit on the millage. The good news is, if there's an emergency, we wouldn't have to go back to the voters. The other good news is, I know the town board goes through elaborate hearings to make sure we set the millage for the year appropriately. So you're requesting tonight that this goes on the ballot with a maximum of .5 mills for four years. What's not in the language is that the X amount per year is set as part of the budgeting process, correct?

Wunsch: by administrative power, we would be able to set it annually. The other thing that's valuable is that it provides us a better negotiating position with the county. Because we don't have a dedicated funding stream that needs to fund three police officers, we can actually have a meaningful conversation with the sheriff's office about what we're planning for the next year instead of increasing the millage to a hard number.

Sanger: the do-nothing approach, to stay the expiration of the current millage, puts us into a situation. It's about as far from Traverse City to the end of the peninsula as it is from Traverse City to Kingsley. We're looking at response times of 15, 20 minutes, maybe as long as half an hour to an emergency call. I worked a situation in our zoning ordinance for the last few weeks where a resident told me at the dark hours when neither of our two deputies were working, they waited over an hour for an officer to come to take a report. That's not being critical of the sheriff's department; that's reality. A low priority call even this far, seven or eight miles from town, much less Old Mission, being 18 miles, is going to be a wait. In my experience, this is a good public service use of money.

Wunsch: if we have to set our millage rate and consequently budget for enforcement every year, it will help to bring not only accountability in that contract relationship but it will ensure that we're all delivering good quality service for whatever tax rate we set for the year because we'll need to be able to justify the level we set the levy at.

Achorn: it was interesting to me when I did the calculation for the taxable value for .23 mills, compared to what we had been paying last year at .1933, that the increase isn't that much. Even if, heaven forbid we have to go up .5, we would have the additional manpower servicing us and it still is not too burdensome for the normal household.

Sanger moved to adopt Resolution 2022-08-09 #1, the police protection millage increase proposal in Peninsula Township, with a second by Shanafelt.

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

7. Discussion on new policy regarding packet additions (Wunsch)

Wunsch: yesterday there were several requests for additions to this evening's packet. Some of those requests were accompanied by threats. Historically, the clerk has sent out packet additions wherever her schedule allows and has withheld packet additions when she doesn't have the bandwidth to send them out. But due to the low common denominator of public discourse we're getting to these days, we are going to set a more formal policy that everyone in the community will be held to. There are four areas that we are going to probably differentiate with that policy. First, letters from residents: letters of no more than three eight-and-a-half by eleven pages will be added to the packet if

submitted by 8:00 a.m. the day prior to a board or planning commission meeting. Letters from residents may be forwarded to the relevant board commission members prior to the meeting. The clerk should observe a hard 8:00 a.m. day before the meeting cutoff for packet additions. Letters received after this cutoff will be published as part of the subsequent board packet. Another area where we're still working on technicalities would be legal memorandums. We've had a long history of attorneys submitting last-minute legal memos prior to PC or board meetings, basically to derail proceedings. So we're going to set a time limit for those to be sent in for them to be included in the packet. That will probably be longer than letters from residents, but we're going to work with the planner to hammer out the details there. SUP applications and materials relevant to decision items will be the third area, and then materials requiring a public hearing will be a fourth area. It's unfortunate. I think it's been great that Becky has been able to send out packet additions just before meetings when her schedule allows, but due to the hostile and threatening nature of correspondence yesterday, we're just going to set a hard policy and apply it equally across the board.

Rudolph: I would welcome that. It gives all of us a chance to review things and think about them before we come to the meeting. Some of these last-minute things that pop up are confusing for the board members, and that's not good for the citizens.

Shanafelt: as board members, we need appropriate time to review, evaluate, and consider these documents. I prefer at least four days to give myself a chance to really assimilate what was being said so I can apply it appropriately in the context of what we're talking about.

Wunsch: often we receive letters in response to agenda items or packet information that's sent out shortly before the meeting. If Becky is able to get the packet out on Thursday, this will give residents Friday, Saturday, and Sunday to get comments submitted.

Chown: correspondence from residents that is fewer than three pages, we can handle. It's appropriate and helpful to get a sense of how people feel about things that we're going to be discussing. But that's where I draw the line, at correspondence from residents.

Board discussion.

Wunsch: we're going to keep working on the details with all the areas. I'll work with Jenn on some proposals on timelines for those, and I'll walk you through those at the next meeting and go from there.

11. Citizen Comments

Louis Santucci: I have two comments; one is on what you've just discussed. As I understand it, you submit the agenda on Wednesday, and then you want comments by 8 o'clock in the morning on Thursday?

Chown: no, Monday.

Santucci: I think you might, as you study this, find that you could be creating yet another legal situation by differentiating between citizens and other people, particularly outside people. I think your lawyer is going to tell you that's not a good idea. It's interesting, Jenn; you kind of pointed to the 15-day notice and all that business, but what you forgot to note to the board was that there's a section 302 of the Zoning Enabling Act, which you've been made aware of, which basically says, if the town has been given notice of petition filing on the referendum, in this case moratorium, which you were given, that that moratorium or

ordinance is in abeyance for 30 days. I could be wrong here. As I understand it, you got several applications that you refused to accept. So, in my opinion, you're violating the zoning ordinance. I think the board needs to know this. She was supposed to accept those applications because the moratorium was in abeyance for 30 days. Had we been able to gather the requisite number of signatures, it would have been in abeyance until the election. We didn't get them, so the moratorium could not be in abeyance until the next election, but it is in abeyance for the 30 days. And when you say people are threatening you with lawsuits and so forth, they had a legitimate complaint based on this provision that you basically ignored. If I say to you, "I've looked this over, and I think there's a potential situation here for a lawsuit," that's not threatening. That's just telling you that you should be careful and tread lightly. I don't know if your legal counsel gave you advice on this notice of petition situation. But if he did, he gave you the wrong advice if he told you that you don't have to pay attention. To say you're not going to accept it is contrary to section 302 of the Zoning Enabling Act. And I'd like to ask each one of the board members to take a look at section 302 because I'm not making this up. Figure out how this township is going to comply with laws so you're not creating more lawsuits. I was amazed to hear the PTP guy say that \$500,000 has already been spent on the winery lawsuit. Aren't you guys concerned about that? And the bill you got for last month? You guys have a fiduciary duty to us, to the citizens who voted you into office.

Nancy Heller, Blue Water Road: this is in reference to the zoning amendments.

Agricultural owners don't have a paid benefit package; they depend on private income. If the price is low, income is low. If you don't allow some agritourism uses in the ordinance, it will be economically impossible to make a living on street farm product income. Next subject. It's time to remove any damaged playground equipment from the parks. I go to these meetings, and citizens come and say they have their grandchildren, and they're so concerned they're going to get hurt. It's time. The township's liability is staggering on this.

The packet comes out the best you can do but it only gives the resident two days, Monday and Tuesday, for the resident to come in and ask question. I emphasize, you're very very busy. It's upsetting to both a resident and a member that you might want to talk to. They've got things to do; they've got schedules and appointments.

I'm disappointed that the actual revenue generated by the police millage wasn't represented. You represented the possible cost per resident, but I want to know the total anticipated breakdown of the revenue. Revenue, not cost to the resident. The policy on packet addition should be posted on the website. It's rather confusing. Thank you.

10. Board Comments

Chown: Nancy, I am sorry that that packet went out on Monday. I was in on Friday, and I had to use Robin's computer, because, as you may know, it is Robin's computer, my deputy clerk, that has the master list of individuals who have asked to be on the agenda, packet, and minutes list for every board we have in the township. In spite of our best efforts and IT's help, we've been unable to export those lists to my computer. So whenever I need to send out a packet or agenda or minutes, I have to do it at Robin's computer. I was in on Friday to get the agenda and packet out. The agenda went out

smoothly but the packet got stuck somewhere in cyberspace and stayed there all weekend. I discovered that when I arrived at work Monday morning. It was a very unhappy discovery for everyone. It's been a very long time since a packet went out on the Monday before a Tuesday meeting. I will do my darnedest to make sure it doesn't happen again.

Achorn: I would like to answer your question, Nancy, about how much the expected millage would be.

Nancy Heller: the expected revenue total, the dollar amount you expect to receive.

Achorn: it's on the schedule, on the section row. For 2022, the taxable value, if we have a millage decision of .23, would generate \$196,941.11.

Nancy Heller: thank you.

Achorn: similarly for the next three years, if you can read that. At the maximum, for 2022, it would be \$428,000. Can you see that? It's the final column. If you look at, under two officers, the .23 fairly equates to two officers.

Chown: Louis, I will certainly speak to our new legal counsel about our packet addition policy and makes sure that what we're doing is legally defensible. We really are not looking for more trouble

Nancy Heller: I asked in the beginning, is there an explanation of why these things were deleted?

Wunsch: we've tried to work through the decisions that have been handed down to us by Judge Maloney reasonably. We want to find a solution with WOMP, with the agricultural community. There's obviously some dissatisfaction out there. You might be aware that yesterday Judge Maloney made a decision to adjourn the trial to an unannounced date. The trial that was scheduled for next week has been adjourned to an unspecified time in the future. That gives us more time for our attorney to work with WOMP's attorney, to work with Judge Maloney, to try and ensure that we are coming up with a new policy that will meet the mandates of the court as well as satisfy the vision set forth in the township's master plan. When we were looking at the August 16th trial date, it was important to try and move through at least a proposal for a new ordinance quickly, but the adjournment of the trial has bought us some time and we'll continue to work through the language.

Sanger: there are a lot of good things going on in the township and a lot of problems that we've heard about tonight. Each of us needs to think about how we can meet over the next two, three months, recognizing this fiscal year is half gone. This board needs to have a planning session. Tonight we heard about another attack on our planner. That disturbs me. We don't have legal counsel here tonight; is that a problem? Let's figure out a way this board can take two or three hours to just try to brainstorm. If this was a corporation, we would have to have an annual plan put together. It's tragic we spend so much time around this table only once a month, handling fires. What I gained tonight is, we need to look at the organization of our township office. On a daily basis, who does our parks committee go to? We talk about our needs, communications...what was announced yesterday in court I don't think has really gotten out. We have a lot to do. We've all been part of corporations that have planning sessions. Please think about that.

Board discussion

11. Adjournment

Wahl moved to adjourn with a second by Sanger.

Motion approved by consensus

Meeting adjourned at 8:49 p.m.