

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

www.peninsulatownship.com

Township Board Regular Meeting

August 10, 2021, 7:00 p.m.

Township Hall

MINUTES

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

2. **Pledge**

3. **Roll Call:**

Present: Wunsch, Wahl, Sanger, Achorn, Chown, Manigold, Bickle

Also present: Greg Meihn, township attorney

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

5. **Approve Agenda**

Chown: there is one addition to the agenda. The Friends of the Peninsula Community Library are requesting the use of the Charlie Doe Sign located on Center Rd. for the annual book sale September 11-18, 2021. They are asking to advertise the book sale from September 4-18. If the sign is in use, they would like September 10-18.

Wahl moved to approve the amended agenda, second by Wunsch.

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 Township Fire Department for July 2021

B. Cash summary by fund for Peninsula Township for July 2021

C. **Peninsula Community Library for August 2021**

D. **Peninsula Township Ordinance Enforcement Officer for July 2021**

3. Minutes from July 13, 2021, township board regular meeting,

4. Sign request for historic Peter Dougherty Homestead

5. **Event and sign request for St. Joseph's Catholic Church Fall Festival**

6. Announcement of open house at Peninsula Township Fire Department Station No. 3 on Sunday, August 15, 12:00-3:00 p.m.

7. Request from fire department to use restricted funds to buy a battery-operated ventilation fan

8. Correspondence

A. Jennifer Hodges

B. Sara and Eric Bergsma

C. Mike Skurski/Bill Catinella

D. Cathy Adams

- E. Kent and Margaret Rabish
- F. Howie and Trish Van Houten
- G. Pam Miller
- H. Linda Marsh Raetz
- I. Mike Skurski/Jeff Henkel
- J. Brian Kaplan
- K. Bud Stych
- L. Dave Murphy
- M. Dave Murphy
- N. Fred Gilstorff
- O. Ethan Passalacqua
- P. Barb and Jamie Marsh
- Q. Joe Gorka
- R. Barbara Bolden
- S. Stuart Jeffares
- T. Joel Gaff
- U. Jason Clark
- V. Colleen Rucker
- W. Douglas Endicott
- X. Christine Tibbits
- Y. Kathleen Spillane
- Z. Mark Ware and Philip Hustedde
- Aa. Jonna Brown
- Bb. Douglas Yingst
- Cc. Donna Olendorf
- Dd. Kurt Strasser
- Ee. Rachel H. Plum

Wunsch moved to approve the consent agenda, second by Wahl.

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

8. Business:

1. Second of three public hearings on Peninsula Township Zoning Ordinance rewrite (Manigold) (no action will be taken; visit www.peninsulatownship.com to see draft)

Meihn: there are several more public hearings. The legal review of the zoning ordinance rewrite continues. The version of the original and the new rewrite are to be available side by side for easy understanding of the changes.

Manigold: we are not rushing this process and we want to do it right the first time. As suggested by Mr. Valdmanis, we are going to wait until the master plan is completed. I am closing the regular town board meeting and requesting any public comments on the zoning ordinance rewrite.

Manigold closed the regular town board meeting and opened the public portion for comment.

Nancy R. Heller, 3091 Bluewater Rd.

The section saying trees cannot be higher than 40 feet is not practical. I have fruit trees higher than 40

feet. One does not know when they plant a tree how high it will grow. It is important that items that are not practical are pointed out. I will write up my questions as requested by Mr. Manigold. As an example, on 5-2, item 9, who is going to do the analysis and take responsibility? On page 6-12, who determines junk versus a farm operation? Items regarding pre-existing, non-conforming properties are mentioned on 2-6 Item 49 and 3-13. Enforcement going forward needs to be legally and properly executed.

Manigold: closed the public comment portion and returned to the regular town board meeting.

2. Update from Peninsula Township Parks Committee (Murphy)

Murphy: the entire committee and especially Mike Skurski, committee chair, has been working to resolve the pickleball court surface issue. The committee voted to approve a temporary \$4,000 repair. The committee continues to work with LIAA in creating the parks budget.

Achorn: I have looked extensively in years 2017, 2018, and 2019 and cannot find any payment made through the township for the tennis/pickleball court repair.

Wunsch: I remember the board approving private funding to make the repair.

Murphy: the basketball court is rarely used due to its bad condition. Committee member Pete Dahl invited Fire Chief Fred Gilstorff to our meeting. Gilstorff gave a fire prevention presentation and discussed resources the township has to fight park fires. The fire at Pelizzari was a wake-up call. The only access to that portion of Pelizzari is over private land. The land conservancy has volunteered to help us make the Pelizzari fence repair, and this is saving us several thousand dollars. There is a massive oak tree off Center Rd. near Pelizzari that has been damaged. To take down the tree is \$3,000 and to repair and seal the remaining tree limbs is \$1,500. The committee thanks the board for approving the money for LIAA; this work is proving to be extremely helpful.

Meihn: a check for \$4,500 plus the \$500 attorney fee has been obtained from the utility regarding the damage at Archie Park.

Manigold: State Farm Insurance is using Bluff Rd. and a drone for five minutes. They have approval from appropriate sources. They are giving us \$1,500 and this will be given to the parks.

Meihn: I am recommending giving my updates, to have citizens' comments, and then go into closed session.

Board agrees.

9. Presentation by Attorney Meihn regarding enforcement issues: there are no new updates on the winery lawsuit. The court is waiting to see if we can resolve the issues between us. I have a memo to present to the board in closed session regarding the winery lawsuit. Discovery should begin in late August or early September. Depositions of current and past township members will occur. This process is expensive. First, the witness has to be prepped and thousands of pages of documents reviewed. This means familiarizing the witness to actions taken in the past 5, 10, 15 years. This includes what they know, what they think they know, and what they heard. To save this expense on both sides, perhaps we can begin talking again with the wineries looking for agreement on some or all the issues. We will be taking the winery depositions first and the township depositions will follow.

John Jacobs: Protect the Peninsula requests being part of the closed session.

Meihn: Protect the Peninsula is not a party in the lawsuit and is not allowed into the private session.

10. Presentation by Attorney Meihn and zoning director on issuance of permits

Enforcement issues are discussed between Sanger, Deeren, and me. If there is no resolution on a written

ticket, the matter is filed with the county court. Unfortunately, the zoning director could not be here to update you regarding zoning activity due to a family matter.

11. Update by Attorney Meihn on COVID-19 practices

Currently, the recommendation is for unvaccinated people to wear a mask indoors and those who are vaccinated do not need a mask. I am recommending that citizens entering the township wear a mask, practice social distancing, and have hand washing made available. Employees of the township should wear a mask if they are outside of their office. As Covid protocols can change rapidly, we will continue to update the township.

12. Citizen Comments

Andrus Valdmanis, 1484 Chimney Ridge

I want to look at the zoning ordinance rewrite from an industry perspective as it applies to construction, landscape, and contractors. These new zoning regulations, if implemented over the past year, would have required 100 more land use permits to be written.

Meihn: the comparison between the proposed zoning ordinance update and the current ordinance will occur. The state of Michigan has statutory laws applicable to right to farm and the construction code. Zoning ordinances exist to protect the public and concern sanitation, health, DEQ, and more.

Brian Hammer, 10429 Warren Dr.

Discussed a property at 12018 Peninsula with the board; has been unable to resolve property drainage issues. Requests accountability and help in resolving this three-year-old problem.

Meihn to assist Mr. Hammer (see letter at end of minutes).

13. Board Comments: none

Manigold: legal update on township litigation matters; possible closed session per MCL 15.268(e) to discuss the winery lawsuit and return to open session per MCL 15.261.

7:55 p.m.

Sanger moved to go into closed session, seconded by Wahl.

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

9:15 p.m.

Manigold: legal update on township litigation matters; possible closed session per MCL 15.268(e) to discuss the winery lawsuit and return to open session per MCL 15.261.

9:15 p.m. (Achorn excused)

Bickle moved to come out of closed session, seconded by Wahl

Roll call vote: Yes-Sanger, Bickle, Wahl, Manigold, Chown, Wunsch Passed Unan

Wahl moved return to open session, seconded by Wunsch.

Roll call vote: Yes-Sanger, Bickle, Wahl, Manigold, Chown, Wunsch Passed Unan

Wahl moved to approve Meihn to open discussion with attorney Joseph Infante, who represents the wineries, seconded by Wunsch.

Roll call vote: Yes-Sanger, Bickle, Wahl, Manigold, Chown, Wunsch Passed Unan

9. Adjournment Sanger moved to adjourn the meeting, seconded by Wahl.

Passed Unan

Meeting adjourned at 9:20 p.m.