

PENINSULA TOWNSHIP

13235 Center Road, Traverse City
MI 49686

www.peninsulatownship.com

Township Board Regular Meeting
August 13, 2024, 7:00 p.m.
Township Hall
Minutes

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

2. **Pledge**

3. **Roll Call**

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

4. **Citizen Comments:**

Tom Hayes, 4736 Forest Ave: I'm here for Craig Haddox of 4150 Trevor Road. He could not be here due to recent surgery, so I'm reading this statement for him. "The original findings for the Peninsula Shore project stated the housing sites were designed to complement the existing residential use patterns. The lot locations were located sufficiently within the project site interior, the open space was a substantial improvement which benefited the neighboring properties, and the preservation of views from surrounding properties was a reason to approve the project. The planner says that 65 percent open space and house density are what matter for amendments, and it does not matter where the houses and open space are located or their impact on neighbors. That is the advice previously received from Attorney Meihn. That was not the approach taken in the initial PUD approval. Lot location, open space, location, and preservation of use for neighbors mattered in the original approval. The proposed condition about the lot lines of units 11 and 29 is of no comfort and little value, given the developer's history of seeking amendments over and over until he succeeds and his refusal to grant a conservation easement over the land between those two units. One trustee said that since Amendment #5 was a substantial improvement to the development, that standard had been met. That's a change from the past, where the improvement had to be for the neighboring properties, not just for the development. Amendment #5 would set a precedent that house and open space location don't matter, but instead only density and open space percentage matter under the substantial improvement requirement. It would set a precedent that the substantial improvement requirement does not need to apply to neighboring properties but can be met by improvements only for the development. If that is now township policy, that's very unfortunate for existing and future residents. I submitted proposed findings to each of you with my written comments, which would deny Amendment #5. They follow the ordinance language, the precedent of Amendment #4, and the intent and balance of the original approval much better than the findings recommended by the planner and PC [Planning Commission]. Equally important, they do not set new precedents to the detriment of existing and future township residents." Thank you.

Louis Santucci, 12602 Center Road: I want to start out saying I am a supporter of men and women of fire departments everywhere and especially on the peninsula. My nephew is a fireman in Anne Arundel County, Maryland. With that being said, I want to offer some thoughts on how you might

approach the request by the chief for the sum of a quarter of a million dollars for architectural plans for yet another new firehouse. I toured the firehouse last week with the chief, and he explained why he thought a new firehouse is necessary. He put forth a number of reasons he feels would justify the eventual expenditure of \$6 million or more. I have a modest suggestion. Instead of spending the \$258,000 on architectural and other plans, which to me signals the eventual approval of the new fire station, why not take some of that money and do a study to see what alternatives there might be in the realm of retrofitting the current building or a build out of it? The chief has made a case for a new station, but there are no data on alternatives. For example, he would like private rooms for his men and women. What about an upscale trailer with bedrooms? He also claims a build out could be damaged if the cell tower falls over. The structural analysis should give a picture of the feasibility of that occurring, not to mention that it has stood there for quite some time. Perhaps we should set up a citizens' committee to study if there are alternatives. In conclusion, why not undertake a study of these alternatives before approving a \$258,000 spending package for architectural plans? Thank you.

Curt Peterson, 1356 Buchan Drive: congratulations to our new supervisor, and also congratulations to those of you who ran in the primary election. It takes a lot of courage and a lot of time and dedication. Good luck in November. A lot of you ran on transparency in government and having operations of our government open to the public. So with respect to business item 13, you're talking about going into closed session on something that is important to a lot of us residents: farm stands. I'm sure the farmers in Peninsula Township would like to know what our attorney has to say about farm stands. This should be an open session with our township attorney and not closed. I don't think we need to have it filtered from our board members back to us citizens. I think we should hear it directly from our attorney tonight in an open forum. We're going to see if you walk the talk. You guys have talked about open, transparent government. We're going to find out later tonight. Thank you.

5. Approve Agenda

Sanger: Undersheriff Randy Fewless is here to talk about business item nine, Flock Safety Cameras. He has a meeting after this. I recommend we move it to item number three.

Sanger moved to move item 9 to business item 3 with a second by Sanders.

Motion passed by consensus

Sanders moved to approve the agenda as amended with a second by Rudolph.

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

6. Conflict of Interest

Sanders has a conflict with number 7.

Chown has a conflict number 6.

7. Consent Agenda:

1. Invoices (recommend approval)
2. Reports
 - A. Cash Summary by Fund
 - B. Fire Department
 - C. Peninsula Community Library
 - D. First quarter fiscal year 2024 unaudited draft cash receipts and disbursements
3. Minutes from July 9, 2024, Peninsula Township Board regular meeting and July 15, 2024, Peninsula Township Election Commission meeting
4. Microbial Source Tracking Program PSA

5. Correspondence

A. Jim Raphael

B. Tom and Kim Phillabaum

Sanders moved to approve the consent agenda with a second by Chown.

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

8. Business:

1. Litigation update (Attorney Chris Patterson from Fahey Schultz)

Patterson: in my last update on the Wineries of Old Mission Peninsula [WOMP] versus Peninsula Township, the actual trial record had been completed before Judge Maloney and the federal court. We were waiting for those days to be transcribed. That has been completed as of about a week ago. The parties stipulated that when that was complete, they would have 30 days to file post-trial briefs. We did get an email from the primary counsel in that case. They let us know the 30-day timeline will be August 29 for those trial briefs to be submitted. Our understanding is that the filing deadline counts for both plaintiffs and the township. Once submitted, those briefs will be reviewed by the court. There's no particular deadline as to when they will be decided.

The other case that has had some movement since the last meeting, filed in 2022, is Family Orchards LLC versus Peninsula Township. That case originally was filed and briefed by insurance defense, who filed a motion to dismiss based on the claims stated in the complaint. That case sat fully briefed, the motions were left unaddressed, and the case was not proceeding. On July 23, the court did issue an order basically denying the motion to dismiss, allowing the plaintiff Family Orchards to amend its complaint and file a second amended complaint. Primary insurance council has now filed a new motion to dismiss based on the claims that are pled in the new complaint. There will now be a response. That motion was filed on August 6. They will have a couple of weeks to file a response. That case will also be back pending before the court for that second motion to dismiss. I'm happy to address any questions about that case. It relates to a period of time in 2021 and 2022 for purposes of the moratorium that was in place. There was a successive amendment. Amendment 201 went into effect, allegedly impacting this plaintiff's claims to start a winery-chateau. That case is also assigned to Judge Maloney, the same judge as in the WOMP case.

2. Peninsula Township Parks Committee update (Dave Murphy)

Dave Murphy, 6943 East Shore: our long-time chair of the parks committee, Mike Skurski, has resigned. Mike was the only carryover from when it was an elected board through 2018. He gave many years of service to the parks. Among Mike's contributions, he did most of the work on budgets. It's a significant loss for the committee. I want to express a lot of thanks to Mike for more than a decade of work on the parks. The community owes him a thank you.

The elected parks commission transitioned to an appointed committee in 2019 after a fall 2018 ballot question. The main reason for that transformation was efficiency of operations and reporting relationships. One other matter was the high turnover of elected officials. The turnover was so great that the town board usually ended up appointing most of the commission anyway, but we continue to have high turnover as an appointed body, not in small part because of the work load, budget limits, and, to date, limited staff support.

We realize that Tori [Westmoreland, township zoning administrator] intends to supply more staff support. We're especially interested in the Manor Costerisan report and whether it digs into parks matters. We have 823 acres of parkland. It's time to have a broader discussion with the town board

about how we continue managing that amount of parkland. In terms of the appointed committee member turnover, there are seven positions. We've had six resignations since roughly the middle of 2019. These are not term limited turnovers but resignations. Armen [Shanafelt] did move from parks to the town board; he's the one exception in terms of someone maintaining continuity with township matters. In her resignation letter, one member clearly stated the workload was too much for a volunteer. That vacancy, with partial responsibility at Bowers Harbor Park, remains open. We're down to five members and one of our key people is waffling as of late yesterday but re-upping, and that's Michele Zebell.

Frankly, we've worn Michele out. Her work at Bowers Harbor Park was literally full time last year. 40-plus hours of unpaid work per week to oversee the playground equipment procurement and installation, coordination with the volunteer group for pickleball, reworking basketball and tennis courts, tree plantings and watering, routine maintenance, scheduling of events...The list goes on. We owe her a tremendous debt of gratitude. As of yesterday afternoon, she was in between regarding whether she could continue. The one thing she hangs on to, besides the loyalty she has, is she'd really like to get after the Bowers Harbors Park addition. That was part of what she was looking forward to when another person stepped in to work on BHP. That person resigned, as noted, because of the workload. The Beckett & Raeder report is what Michele would like to get busy on. That was a study commissioned by the township. It's close to a decade old, with very little progress.

It's not lost on us that the budget is not there for the huge list of capital projects residents stated they wanted in 2022, in the LIAA [Land Information Access Association] study. We considered a millage request in 2022, but we opted to stand down because of the PDR renewal. I happen to agree with that. I wish we could have run concurrent millage requests, but PDR was a higher priority for the community. The LIAA study was commissioned by the township. It's had no way of implementation due to the budget. We know that grants are tough to come by because of the perception of affluence on Old Mission. Most grants demand a 50-50 match, even if we can win them, and that money is not available right now. So if the budget isn't there and grants are tough to land, capital improvements languish. It's questionable where we might come up with needed staff support beyond Tori, and I'm not sure that's going to be adequate long term with what the parks have morphed into.

Let me summarize the changes. Going into the 2010s, Pelizzari was a brand new park, voted into place in 2008 and opened late 2009. This year, we added more acreage, and we're talking with neighbors about how to tie the expansion pieces together. [The expansion] has been done at no cost to township citizens.

It was 2008 when the lighthouse opened as a profit center, and it's been a growing enterprise ever since. It's hugely popular, especially in recent years with the lighthouse increasing use and, adjacent to the lighthouse, the state park land getting more use. But we haven't even scratched the surface of the plan for that massive acreage. I don't know how much waterfront it is, but it's extraordinarily valuable property. We have some signage there that's been complained about. Great efforts by volunteers to put signs up, but we need to get the signage addressed at a minimum. There's a lot of concern about the use patterns there. We don't want renegade trails. We just have no plan in place for it.

The Dougherty House isn't part of the parks, but there are increasing efforts to talk about collaboration. That's also a relatively new accomplishment for the township. The Dougherty House

is a huge volunteer effort. Tremendous job by the historical group responsible for that. The structure's restoration was in large part their work, plus they have 15 more acres of trails a lot of the public doesn't know about.

The Bowers Harbor Park addition and Kelley Park are newcomers as well, with neither completed as intended. There's been a ton of work on Kelley, thanks to this group and Becky [Chown] in particular, but it's still in need of completion. The Bowers Harbor Park addition really has a tremendous plan, not worked on. The beach and boat launch activities at Haserot and Kelley have changed and are still being worked out.

We're down a couple members, including our long-time chair and budget person. We know from your meetings that budget deficits for parks will continue. The report from Manor Costerisan couldn't possibly be more timely. We hope the parks' capital projects and staffing will be highlighted. The discussion of a new township survey seems more pertinent than ever. We can take citizen input about requests and preferences, but if citizens aren't willing to pay for it, we need to know that.

With Pelizzari Natural Area, I'm pleased that it has been very low cost to the township. That's a distinction I want to make. The parks that get heavier use, besides walking and hiking, cost more. Pelizzari costs a minimal amount, and it gets incredible use by south end residents especially. I don't feel it's going to be a budget request, other than how we assemble the final pieces for the expansion. But the other parks and the state property in particular, because we don't really have a plan, will require more budget.

I think we're at an inflection point with the budget you're dealing with and what we want to do with our parks. Even with volunteers, it's a workload. We know there are more volunteers who'd like to join in, but they need management, and it is a workload. I've paid out of pocket for gas money for people who have hauled in trailers. I'm making the point that I feel guilty we're bringing people in who are bringing diesel trucks, trailers, materials, running to distant places to pick up the materials. I can't let them do that and not do something for them.

Shanafelt: thank you for being willing to deliver somewhat somber news regarding the parks. When I was on that committee, that was the apparent thing. The budget was killing the ability to do what needed to be done. The volunteer model is not sustainable. It's not free to make things happen. Simple maintenance, someone's got to do it, or parks fall apart. How we address this in a survey, how important are parks and are people willing to pay, helps to prioritize different things. With the Manor Costerisan report, you should get some ideas about what they recommend that they see as best practices for funding things that townships and other municipalities want to do. Also, I thought Mike was great as the chair. I'm sad he resigned. I also want to give a shout-out to Michele. It didn't go unnoticed to me the amount of work she was doing. Working full time as a volunteer, for an extended period, I just don't see [lasting].

Murphy: one change I didn't mention was covid. It completely changed the landscape in terms of people getting out to use the parks. It hasn't slowed. This is not the same park system it was 10 years ago.

Chown: I'm a member of the parks committee. We've had two openings for a month. We've had one opening since the spring. We've had zero interest in serving on the parks committee. The opening was on the front page of the summer newsletter. These are volunteer positions. There is no question in my mind that the volunteer model is not sustainable. We've got people wearing themselves out to take care of our parks. We need resources to do it.

Cram: I'd like to consider some gesture to thank Mike. I know budgets are tight, but we could be creative to do something special for those who do serve this community.

3. Flock Safety Camera renewal quote (Wunsch)

Undersheriff Randy Fewless: last time I was here, I was able to share some of our success stories. We had one yesterday using your cameras. A gentleman in your township had some puppies for sale. Somebody stole all his puppies and stole his dog as well. Any of you who have dogs know that's kind of a best friend situation. Fortunately, a neighbor had a doorbell camera that captured a picture of the vehicle. We got a make and model and also a decent picture that it was a young female driving the vehicle. The deputies who took the complaint worked with one of our detectives and found the car on one of your flock safety cameras. Now we had a license plate. We went to Mancelona and were able to recover the best friend and all the puppies. It doesn't have to be the crime of the century, but it's a good example of being able to positively impact somebody's life. It's another example of someone out of the area. The likelihood of solving that crime with somebody who is now counties away would have been nearly impossible. Instead, it was basically solved that same day. We're using those cameras proactively, reactively, and having a lot of success. We appreciate and anticipate your continued support.

Wunsch: the renewal quote for the safety cameras is \$18,000 per year. It did take Flock a while to get the cameras installed last year, so our billing cycle has been moved out six months. We were trying to figure out how to manage compensation of the township for slow rollout. You'll notice the renewal is six months later. I believe we started the first contract in March of 2023 and the proposed renewal is September of 2024. I proposed we receive a few months for free. If the board is interested in continuing with the Flock cameras, we should approve the budget.

Sanger: was this expenditure included in the approved budget for this year?

Wunsch: yes. I included it under police protection.

Rudolph: how many cameras are we talking about?

Achorn: six.

Chown: I'm in complete support of this. It's done so much good already.

Wunsch: Randy and the CPOs [community police officers] have done a good job of keeping us updated on the value add. Seems like we would be facing pressure to add additional staffing if our CPOs didn't have this as a tool to help kind of be that third person. The pattern I've observed is that they're not using the cameras to proactively look for issues but for when they become aware of a vehicle. We recently caught kids on scooters who were coming out and committing vehicle theft. I think we're getting good value.

Sanger: there's also a synergistic effect among other townships in the county. We are a part of this system; we benefit from information sharing [with other townships].

Sanders: we do have a flat \$18,000 for camera lease in the budget. Because of the delay in installation and getting it up and running, when will this renew?

Wunsch: instead of being at the end of last fiscal year, beginning of this fiscal year, we're able to shift it out six months into our fiscal year. We're getting until September for renewal. We should have renewed back in March.

Shanafelt: so it will be September to September. The board will have this discussion again this time next year. We originally were just trying it out. I think the benefits are pretty clear.

Chown: we can actually lock it in at \$18,000 a year for up to five years if we want or we can just go one year at a time.

Wunsch: I think it would be best practice for us to do one year at a time.

Sanger moved to renew the Flock Safety contract for 12 months with a second by Shanafelt.

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

4. PDR update (Cram)

Cram: Laura Rigan is taking on new responsibilities at the land conservancy, so her role in helping us administer the PDR program will be assumed by Will Manty. They will both come before the board in September for introductions and updates. We are in round five of the PDR program. We received 10 applications and have completed four surveys: Kelley Orchards, Nicholas Farm and Vineyards, and the Van Meter [VM3] family's Center Road farm and Far Out farm. Generally speaking, it's normal for the negotiation of a conservation easement to take about a year from start to finish. Now that we have completed these four appraisals, the other six are going to move a bit more quickly. The PDR selection committee will meet again in the coming weeks to review these appraisals, make sure they're consistent with the PDR ordinance, and then recommend they move on to the board for consideration. At that time, they will be available for public review as well.

Shanafelt: are the negotiations around the conservation easements done or yet to start?

Cram: the four appraisals have been done. Each conservation easement was negotiated so that the appraisal could be completed.

5. Resolution 2024-08-13 #1, Approving Interlocal Agreement with Grand Traverse County for Park Improvement Funding (Wunsch)

Wunsch: a year or so ago, Becky [Chown] talked me into going in with her to a Grand Traverse County Board of Commissioners meeting and asking for \$25,000 per year for our parks system given our parks' needs and use of our parks by residents of Grand Traverse County. The county commission approved a \$25,000 per year contribution to our parks for five years. The resolution before us accepts the contribution from Grand Traverse County and the conditions and limitations that come along with that contribution, which are included in the resolution.

Shanafelt: did we anticipate this in the budget, or is this going to be an add on?

Sanders: it was included.

Shanafelt moved to approve Resolution 2024-08-13 #1 with a second by Rudolph.

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

Sanger moved to sign the Grand Traverse County Interlocal Agreement for Peninsula Township for park support and the signature to be authorized by the township supervisor and clerk with a second by Sanders. Motion passed by consensus

6. Introduction of replacement station for Fire Station #1 (Gilstorff)

Chief Fred Gilstorff: thank you for allowing me to present a possible proposal to replace current station one. This is not a new issue. I have talked about it numerous times in the seven years I've been here. It's been talked about by previous chiefs, Chief Ronk who was here before me, and Chief VanderMay, who was here before him. I'm bringing this forward because I feel now is the time to get it done in order to take care of our residents and firefighters appropriately.

Back in 2019, I did an evaluation of both station one and station two. I believe most of you sitting on this board have seen the evaluation done by Spicer Group. At the time, the issue of coverage in

the northern part of the township was more pressing. Our response times from station one were long. If you have a heart attack, if [getting to you] takes longer than six minutes, typically, there's no reviving that person. A fire doubles in size every minute. It's all about response time.

This slide show presentation will cover why we need a new fire station. It's been talked about for more than 20 years. Station one was built in 1946. It's the primary station where we house individuals and where my office is. It was added on to in 1981. The building is showing major deterioration throughout. The staff has done modifications on our own time. Bottom line, it was not built for how we currently operate. Today we house people 24/7, 365 days a year. This station was built back when the department was volunteer. People came from home and grabbed the trucks and went out the door. The station does not house our people properly. It doesn't house our equipment properly. Many of you have driven by and seen \$600,000 worth of equipment sitting outside. We need to respond quickly with that boat when there's a water rescue.

We don't have the space to train our firefighters appropriately and also train the public appropriately. We don't have a room dedicated for training, to help fire prevention in the public, to make our firefighters more skilled and trained to do the job. We need the resources to be able to do that.

The current station does not provide a safe working area when it comes to carcinogens, blood-borne pathogens, and so on. It's not handicapped accessible. We have handicapped bars in one of the bathrooms, but it's non-ADA compliant. It also lacks adequate space to conduct business and interact with the public. When I'm doing a plan review or talking to somebody about a project, I can't do it in my office. I have to go out to the kitchen table to go over their site plan. It lacks energy-efficient utilities. The age of the building is pretty self-explanatory. It's also in a collapse zone of the [cable] tower. The tower was built after the fact. I don't know if that was a concern or not. It would have been a concern if I had been here because you just can't take that risk. Also, the electrical lines run right across the front of the station. If they fall, they get in the way of us responding to an incident.

Here's a picture of our boat and rescue truck. The reason it's kept outside is so that we can smoothly and safely get that vehicle to the water. I'm extremely proud of my guys; they're usually in the water within 10 minutes of the call. If we had to leave that vehicle inside, we'd have to be very ginger bringing it out.

The building's not very welcoming. The door is on the side. We've had people come seeking help who walk around the building because they can't find the entrance. It used to be right in the middle, where you see the red square on the facade. That door went right into the office. It was changed, I believe, by Chief Ronk, and moved to the side.

Regarding carcinogens, etc., we've done a lot of things to make space for the activities we need to do such as physical fitness. This is out in an apparatus bay that has trucks that all have diesel motors. We have a ventilation system that hooks up to these trucks and it's supposed to cut down on [fumes], but there are times when diesel exhaust is thrown through the air. Carcinogens kill firefighters.

Another big issue is keeping clean equipment so our people can physically train. Firefighting is a very physical job. I'm a big proponent of physical training, but we want it to be safe and in a clean environment. In these pictures, the first one on the left is looking at what's considered the all-purpose room. The two wooden boxes on the left and the right are Murphy beds. This is the area where the firefighters sleep, eat dinner, cook. As you can see, there's no separation. It was a

problem during Covid. Luckily, the clerk had gotten plastic dividers to run the election. We borrowed a few of them in order to create some type of separation. The bathroom quarters are also extremely lacking. We have the locker room shoved in the utility closet off the apparatus bay just to give the guys space to have a locker.

I want to explain the situation we've had a couple times where people come to the fire station seeking help. Imagine the beds being down, the guys sleeping, and people come for help. One incident in particular, a lady was bleeding profusely. She was brought by her husband. She went in and sat right on the bed. They took care of her, did what they needed to do, but now they come back to the station and first thing they have to do is decontaminate everything. Anytime somebody walks in there in the nighttime seeking help, they go right into the bedroom of the firefighters. It can't be like that, but I have no way to solve it.

The day room was created by us, but it's still a garage bay we spruced up to give us more room to be able to live in this building. We did that all ourselves, just like we did station two. We converted that into living quarters. A bunch of the fire department members pitched in, saving the township a lot of money. We've worked very hard to be able to function with this building.

What does a new station mean? It gives the department the ability to conduct business and interact with residents comfortably and for residents to be proud of the space they're walking into. It provides adequate housing for the equipment and staff. Everything's crammed in there, especially in the winter when that boat's inside. We have a ton of other equipment: fire hose, turnout gear, stuff we have to house. I currently have records for the fire department at the township hall, wherever I can fit them.

A new building would meet national fire protection standards for safe work environments for the employees, housing, and equipment. That means sufficient garage doors to be able to get the equipment in and out and drive-through bays so we don't have to go back in. A lot of our operations are done with a single person in the truck. We have cameras and so on, but a lot of times they have to back it up by themselves, which is a hazard.

In this this new station, the concepts include a good-sized training room and also a training area above a mezzanine in the apparatus bay where we'll be able to do actual physical activity using the stairs to that area. We plan on building a wall to put window cutouts and practice laddering and things of that nature. When I initially started thinking about this project, I thought to put a training tower out back. Obviously, that costs more money, so we're utilizing space that already exists in the building and making more purposeful use of it.

We need adequate space for department records and space that will allow staff to do their jobs at a high and comfortable level. We want to provide a station that's easily accessible and welcome to the public and energy efficient. We will look at in-floor heat and solar panels. We will try to be as efficient with the cost of utilities for this building as possible in the bid process.

A station on township property, next to the township, will make make things easier for residents. If I need to do business, it'll cut down on travel time. There are spaces within this building the township can potentially utilize. A lot of thought went into it, and not just mine. The architect [Ray Kendra], our whole fire department team, were on the committee. We had multiple looks at this. I've taken it to other chiefs in the area to make sure I'm covering everything. Some of them wonder if they can borrow it.

One of the big things is that it will increase staff morale. Right now, they're in a box. There are two glass block windows that don't let sunlight in. There are no windows anywhere else. The guys have

asked me why we didn't take care of station one before building station three. I wanted to make sure the residents up there were taken care of, and I couldn't do that in the current situation. I think that problem is solved. Most of you have probably seen a pretty significant insurance decrease.

Having the new station next door will increase security for the township hall. It provides space to house residents during an emergency; the basement training area will be big enough. In 2017, a significant storm took out power for quite a while. I tried to prepare for that last year, when they were saying this huge snowstorm was coming. If the power goes out, I need to find places to send residents who need it. There are some churches, but not all of them have emergency generators. A new station would alleviate a major problem. We could house people for a little while, get them out of the weather, get them on their oxygen machines, whatever they need.

I included space for an office for the sheriff deputies. We both provide an emergency service; it makes sense to have them in the firehouse. I know the township offices are struggling for space. The concept drawings are complete. We've looked for property for the last two years for this fire station. I put it in the newsletter. It's been brought up multiple times at township board meetings that we were looking for property. We did talk to one resident, but we weren't able to come to agreeable terms, so we went with the next best option, which was doing it here.

Going forward, I'd like the board to approve the contract with the architect and project manager and approve site plan work to be done by Gourdie-Frasier. This has to have a special use permit. I ran the information by Jenn [Cram, planning director]. She's aware of what the project is at this time. We will prepare all the drawings to go out to bid. We do the bids and present them to the township board for approval. Depending on how this goes, it won't be till potentially mid spring with construction starting in May or June of next year. The estimated cost for the building, according to the architect, is \$8 million. I'm looking at multiple financing options with different payment options with township officials over a minimum of 20 to 25 years. We're looking at all forms of financing to keep the cost down and spread it out as best we can.

I will be up front: this will have a potential millage increase. I can't say what it will be because there are too many unknowns. Number one, I don't know where the contract bids are going to come in. Number two, I don't know what the taxable value is going to be for the township next year. I don't expect [a millage increase] to be over .5. It could be less. I don't want to speculate because I don't know until I get the numbers.

I'd like to get approval to hire Environmental Architects. Ray Kendra has done our concept drawings. He was the architect for station three. I wasn't happy with the finances for this new proposed station, but he showed me why he came up with the numbers. I'm also asking for approval for Gourdie-Frasier, our engineer, to get the site plan information going to the planning commission. We have enough information from the architect. The funds for these two requests will come out of my current fiscal year budget. I don't suspect I'll have to dip into my reserve funds. Is it okay if Ray does the 3D rendition of how the building will look on the property? This is Ray Kendra. He's also a resident.

Ray Kendra: my firm is Environment Architects, and I live on Center Road. We were happy to work on the last station. We are proposing the project go to the north of the existing township hall. The idea is to use the existing curb cut that goes off Center Road into the parking lot as the public entry. That would segregate public access from the fire access, which would be to the north. We're trying to be creative with this site because it does have a significant grade change. We're looking at a

lower level that would be below a portion of the floor plan. This would take away the need to do a lot of extra filling. There is going to be a fairly significant amount of fill required to have a drive-through apparatus bay, which is very important. We will use the parking lot behind the township hall as easy access to the public areas of the lower level.

The lower-level plan shows the footprint of the apparatus bay. We have the training room, which chief mentioned would also function potentially as a meeting space for the township. That space would accommodate roughly 80 to 95 people with tables and chairs or approximately 175 to 200 people in a format similar to what we have here [rows of chairs]. It's a significant amount of space that would be flexible for different activities, such as an exercise facility and accommodation for storage. We recently completed the emergency operations center for Benzie County. This space reminds me of that. That training room could function as a lot of different things for the township.

Main level plan: to the north we have four drive-through apparatus bays. One of those would accommodate the boat as discussed. When we do fire stations, we have a red zone being the hot, dirty zone, a yellow zone, and then a green zone. We've broken up the floor plan into that configuration. The right-hand side where the vehicles are would be the dirty area. There's space in there for cleaning EMS equipment, turnout gear, laundry, and other cleaning facilities.

The top part of the plan has several bunk rooms. There would be a living space and dining and kitchen space plus locker room space and bathroom facilities for both female and male firefighters.

As you move down to the lower portion, which would be the southeast corner of the building, there are multiple office spaces. There would be some meeting space available for smaller conferences and staff meetings. There's a radio room and additional storage space. There's a very pronounced front entry, so folks would know where to go. If we had a public event, for example, in the lower level, we would still be able to get folks down via a stairway. There would be accessible parking down there. The existing parking and curb cut would go down the hill to that lower level parking lot that has 12 to 14 spaces. Additional parking up here would access the front of the building, which ties in nicely with the existing parking at the township hall. This green swath would separate folks from driving into that emergency services area.

The four apparatus bays would have a drive-through function. That would make things much more efficient and safe for staff, as chief mentioned. The mezzanine is up between the two buildings. We've done that successfully in other fire stations [and it offers] the ability to train in the winter. Septic and other utilities will be worked out. The intention is to put them on the west side of the property. The overall look will be similar to station three with a red roof and white building.

Gilstorff: we've designed this building to move forward with the fire department as things increase. It's built for future use. It will be here servicing this community 50 to 60 years. If I've done my job properly, it will still be servicing when most of us won't be here. I won't be coming back and saying I need this, that, or the other thing. We put a lot of thought into this and tried to be as futuristic as possible so it covers everything.

Rudolph: I haven't talked to the chief about this, so we're not in collusion. My comments are based on 18 years of service as a trustee on a rural fire department in Illinois. Peninsula Township is unique geographically. Most townships are six miles by six miles, and you can centrally locate a fire station and be almost 95 percent of the time within about five minutes of the whole township on response time. We don't enjoy that geographically.

The other thing this peninsula enjoys is a demographically aging population. An aging population requires more medical resources. It puts us in a position where we need multiple manned stations

because of our geography, [three stations] spaced out across the peninsula. Spacing out our resources, we're able to reasonably ensure about a five-minute response time, which is what most fire departments try to target. Our citizens also expect paramedic and advanced life support because of our aging demographics. These are provided through strategically located ambulances. To ensure 24/7 emergency services, Peninsula Township Fire Department has morphed into mostly professional, paid service, with augmentation by volunteers. This is different than a fully volunteer organization, which basically the peninsula grew up with.

Because of the demands for service, we need to be able to provide professional staff. The cost of housing in the township precludes many of these professionals from being able to live out here. It's important to have adequate living space. They're coming into our township and spending multiple days on duty. As things progress, the equipment we need in order to respond to fires becomes larger and more complex. That requires additional areas for service and for storing the equipment that goes on the fire trucks.

Our citizens have demonstrated a willingness so far to support a highly capable department, and I suspect that will continue. We need to look to the future. I'm fully supportive of what the chief is proposing. Our situation requires we look at this very carefully and go forward with this station.

Shanafelt: I'm relatively new to the peninsula, about five-ish years now. My experience with fire departments and fire stations has been very nice. For good reason, because of everything you brought up. I agree with what Rudy [Rudolph] brought up here, making sure that the populous served by the fire department is getting what they expect. With fairly affluent communities, there is a degree of expectation. We are that, regardless of the wide variety of income. We talk about a complex community, a broad demographic, but there are very high expectations even beyond what the practical realities are. I don't know the history, and just to honor Mr. Santucci's request, what was the rationale to propose moving forward with building a new station as opposed to some remediation strategy around the old station?

Gilstorff: from what I understand, the land is locked. Anything the size of this building would not fit on that parcel. That was a thought process of previous chiefs, where it was shot down because of the age of the building. It wouldn't be structurally supported, from what I understand. These avenues have all been looked at. Bottom line is, you'd be putting a band aid on something that needs to be fixed. That property is not going to support it, nor does it remove the hazards of the tower or the power lines or the simple fact that when my guys pull the truck out, they're four feet from the road. I'm thankful nothing has happened to them. They pull them out to check them on a regular basis. We have to pull into the roadway frequently.

I don't think the structure will support it. Looking at the plans, I have a lot of stuff going back 20 years. Even those drawings would not suffice. Now we're looking at a building that will last, that will service this community and this fire department for a long time. There isn't enough space on that property. It's just opening up a potential issue down the road.

Shanafelt: one of the last things we want to do is something that doesn't cost a lot of money and that does not meet the needs we are trying to achieve. It's really a practical consideration, this proposal. It's a multi-dimensional practical proposal. Although \$8 million looks very large, commercial buildings are not inexpensive. I don't think it's unreasonable. The saving grace here is that we get to basically amortize this over a number of years. The current fire millage is 2.6 mills. If it's .5 mills, that will be more than adequate over a 20-year period.

Gilstorff: I'm just guessing.

Shanafelt: I know; I'm not going to hold you to it. I think it's high, over a 20-year period. It's small compared to our operational expense. For a small cost to achieve an appropriate facility for our fire department at the central station, I think it makes a lot of sense.

Gilstorff: it is the central station, the hub of the department. The other two stations are considered satellite stations. The big issues that need to be accomplished are covered in this building. We have the training room there; we can meet in the middle and do our training. The topographic setting of this building is going to be advantageous for rope rescues because there's going to be a significant slope off the back of that driveway.

Sanders: I think you did an outstanding job. I'm glad we're getting the ball rolling. The way it's designed and how you fit everything in is ideal. I really like the space in the basement. You and I have talked about this, the ability to have ADA accessible space in the event that the township needs to have a large meeting. This is always going to come back to cost. It's going to be amortized over 20 to 25 years. You and I have gone over your five- and 10-year financial forecast. It's very impressive, if anyone ever wants to sit with chief and look at it, to see how he is able to track money and plan for these large things that go on within the fire department. The other thing we need to talk about is that the township owns a lot of real estate and a lot of assets. One of those is where station one currently sits, and it's a high value location. If we're going to be building something new next door, what are we going to do with the current location? If we sold it, it would come back to pay off the interest and other things. We need to be thinking creativity about how to make this affordable for everybody so that it's not a constant that taxes are going up.

Sanger: I go back to the fire board I was appointed to in 2010. This is a dream come true. I wish Chief Vandermay were here to see this. When we went to 24/7 staffing, the Murphy beds were all we could come up with. In the union contract, you're going to 48-hour shifts. I want to underscore your comments; this really is a place of living for our employees.

A change has occurred in the township in my service from a point in time when we felt we had to have the money in the bank before we could spend a dime. I'm not criticizing that approach, but we realize today it's okay to spread major costs over years. I remember struggling when our apparatus was more than 25 years of age. I remember giving a presentation as the fire board chair to the township board, and I couldn't convince them to make the extension because we didn't have the money in the bank. I want to make it clear: we need this. It's not a matter of patching and fixing. Number two, it's okay to amortize, to spread the cost over at least 20 if not 25 years. I realize you're paying interest, but we can't afford to go 20 years until we have this pot of gold and then build a new station. I can attest to working with Ray [Kendra] on the St. Joseph church building. In terms of asking Mr. Kendra and his firm to head up our potential effort, I recommend it.

Achorn: we're working on several different fronts on how to finance this. Early on, when this was talked about south of here, I think the price was bandied about as being between eight and 10 million. And I don't think it had the forethought that this station has. Perhaps there are some ways to cut back. We can look at them in detail. Perhaps people can come up with some ideas and discuss them as the public weighs in. I do not think you can stand still. My question to Mr. Kendra is, if any of these adjustments to your drawings come about, is there an additional cost to adjust them before they go public?

Kendra: we build what we call "bid alternates" into the project. We're doing a project for the botanical gardens right now; the bids are due next week. We have something like eight alternates on that project. We'll always build in bid alternates that will give us opportunities to look at ways to

reduce costs if the bids come in higher than expected. There's no additional cost when we do alternates. It gives the board the opportunity when we receive bids to say, "Okay, do we want to put in floor heat? Do we want to put in solar panels?" or whatever it might be. I've been practicing up here for 25 years, and we've not seen costs go down. I always caution people. There's that discussion of "Should we wait?" We went through this with the Grand Traverse Regional Land Conservancy during Covid. A lot of the board was thinking we should wait and see what happens after Covid. I'm glad they didn't. During construction on that project, I had a contractor say that if we had waited, the price for drywall alone would have been 30 percent more.

I applaud you for thinking ahead because the price is not going to go down. We'll take the numbers we get and fill them into our tables and spreadsheets [to see] how we did on estimating and we'll make adjustments. But ultimately, until you get the bids, you don't know what the numbers are.

Gilstorff: she is asking if there are going to be additional costs or is that all covered under what we're asking for?

Kendra: the bid documents are to get us to bid, and there is no additional cost to do that. There will be tweaks once we get into the nitty gritty details of materials and mechanical systems and electrical systems. It's part of our package. We have structural engineers, mechanical, plumbing, electrical engineers, and Gourdie-Frasier will be doing the site work portion of the project as part of this preliminary drawing phase. All the engineering will be complete as part of what we're asking.

Achorn: the chief has come to me from the beginning, once he got the plans. I've walked through it in great detail. I have very little to change based on our discussions.

Chown: how many people do you anticipate would fit into that basement area?

Gilstorff: part of my job is to figure out public safety, the occupancy load, which I do in multiple buildings around the township. I think with chairs and tables, 80 to 95 people. If people were sitting like folks in the audience [in chairs], 175 to 200.

Chown: how does that compare to the library's public room, and also to St. Joseph?

Gilstorff: St Joseph is bigger.

Kendra: we did [St Joseph] so I can pull those numbers.

Chown: it's beautiful. I love Ray's work. It looks like all the trees will go, and that's a heavily forested site. I'm wondering, is that necessary? Is there a way to not cut all the trees?

Kendra: that will be part of our next phase, to get the proper surveys done and see how the roads and the fill would lay out. That ravine is going to remain. As you go to the north, there's a deeper ravine. A lot of the trees will remain. We looked at that from a privacy standpoint, for the neighbor to the north, to make sure we maintain a strong vegetative buffer. In every job we do today, we're focused on minimizing the tree removal but then also replanting what we do remove.

Chown: so all the green I see on the concept plan, which is all forest right now, wouldn't necessarily be grass?

Kendra: absolutely. That was just for clarity. If we put too many trees on the drawings, you don't see the beautiful building.

Chown: thank you. I do have a question for my fellow trustees about the resources, about the money. We have so many needs in this township. We are waiting for the Manor Costerisan report. Hopefully there will be a recommendation to help us fund our parks. We need this fire station, but we need toilets too at Bowers Harbor Park. Is it important to evaluate this request in conjunction

with the other needs? Or is it a stand alone because we have the ability to increase the millage without a vote?

Shanafelt: I don't see doing this as mutually exclusive of doing other things –

Chown: but would the community?

Shanafelt: because the millage is separate and specific to this purpose, I do believe this is something we consider separately. The point about overall taxation is a very real question, but this is an essential part of our functional community. Your question is good, but I don't think it's germane because of both the practical reality and the necessity.

Chown: it's on my mind. What is this community able to bear and willing to bear financially?

Sanger: we need to address the parks. I agree with Armen that it's a separate issue, but it's not a secondary issue. It's just as critical. With the fire department, if we're going to keep a fire department, we have to make a tough decision. Tonight is just the first step. The funding of an architectural study does mean you're going to build it. It means you have an understanding of the timing, the cost. We're waiting for the Manor Costerisan study to come in...We keep talking around this table about the need to fund the parks, and we need to address that.

Shanafelt: the report will help us think about how we structure ourselves, how we fund what we need. Worst case scenario, we do nothing with our organization. I think a parks millage that has come up a number of times serves the parks purpose, much like the fire department millage serves the fire department. I think there is a way to get the parks no matter what happens, but I think a holistic plan for how we operate as a township is important to decide how we want to approach that issue. I do think the fire department is a separate issue. This a relatively small fraction of what we're already doing to fund the fire department.

Chown: we currently pay 2.6 mills, and your top estimate is that it would be another .5?

Gilstorff: correct. That would take us to 3.1.

Sanders: and that doesn't take into account if we sell off or lease the land [of current station one].

Rudolph: I look at the fire service as life and safety and parks as a quality of life issue.

Wunsch: the consensus I'm hearing is that nobody's opposed to the idea that this fire station needs to be rebuilt. The question is, are the concept drawings close enough to the mark that we want to engage Mr. Kendra and Gourdie-Fraser to draw architectural plans or want to see more work done on the planning before we move forward?

Sanger: I did chair the fire board for four years. I toured along with the fire board several fire stations at that time. Glen Lake, 14 or so years ago, had half the functional features that Kendra and the chief have incorporated. I'm pleased with that design.

Gilstorff: just a reminder, I looked for property for a long time. The trees, I get that, and there will be a buffer. We might even be able to manually take down the barn so you can reuse the wood.

Achorn moved to amend the fire budget to include \$203,749.88 and Gourdie-Fraser \$55,000 to move on to the next step of this project with a second by Sanger.

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

7. Peninsula Shores SUP #123, Amendment #5, tabled from July 9, 2024, township board regular meeting (Cram)

Sanders moved to recuse Chown with a second by Shanafelt. Motion passed by consensus

Cram: Amendment #5 asks to maintain the original approved 41 units of single family development, to increase open space from 65 percent to 66 percent, to improve that open space without

cropping ornamental trees and plantings, and to relocate units 1, 11, and 12 and realign units 13, 14, 15, 30, and 41. Since the July 9, 2024, public hearing, the applicant considered the discussion amongst the board and continues to believe the amendment as proposed meets the required standards for approval. They have offered to agree to no further adjustments to the eastern property line of unit number 11 and the western property line for unit 29.

In the packet after my memo is the eastern property line for unit 11 and the western property line for unit 29. While not committing to keep the open space in its current configuration in perpetuity, it does help to solidify how those units develop, and there is a relationship to existing mature trees along that northern property line.

A draft condition of approval has been included for consideration on page 10 of the findings of fact and conditions as condition number seven. The applicant has agreed [to] that draft condition. We also included in the packet the findings of fact and conditions from the original approval in 2015. It was helpful to review that because I was not the planner at that time.

The discussion on July 9 was whether or not when an application comes forward if the applicant actually committed to never moving things around, if the location of the development units and open space was locked in. In reviewing the findings of fact and conditions and the minutes from that meeting, there was no evidence of that commitment. No condition of approval required that. We continue to believe the original approval established that the 41 units of development with 65 percent open space was a substantial improvement for the community as a whole versus the 55 units of development that could have happened with no open space. Amendment #5 does not erode the intent of this approval and meets all standards for approval. Furthermore, buffers remain to adjacent residential development, and open space is increased from 65 percent to 66 percent. The reconfiguration of open space improves the connectivity of the open space parcels and provides for additional plantings.

I would be happy to go into more detail, but it is now nine o'clock, and we did have a robust conversation at the July 9 meeting. There were minimal changes to the findings of fact. We added one additional condition of approval. The planning commission has recommended approval. The minutes from those planning commission deliberations have also been included in the packet.

Shanafelt: when we approved Amendment #3, it was because of the substantial improvement clause. We felt there was improvement in the development as well as to the community at large, mainly because of the open space that would be created by moving up unit 1. During that discussion, we had lots of conversation about the meaning of substantial improvement. How do we interpret that? What do we mean by that, and why do we have that clause in the ordinance?

Another thing this project brought up was the concept of scope creep. As I understand it, back in 2015, the simple approval of this was a nightmare. There was a lot of discontent around its initial approval, and ultimately it was approved. And it's changed. Amendment #3 changed it. It's starting to look like maybe it wasn't what the intent was in 2015. The consideration for substantial improvement at one point boiled down to this: is it a substantial improvement of what could have been done before anything was done for every single amendment? Or does substantial improvement mean improvement over what it currently is? That's the crux here. How do you prevent scope creep when you don't want it as a township? And how do you use substantial improvement? Having this substantial improvement clause allows one to consider a change from what it currently is to something new. That allows you to control scope creep. If you go back all the way to the beginning, you can basically change anything you want if you say, "It's better than it was

then.” But the point is, it needs to be better than it is now. It gives us an anchor to consider, “Is there substantial improvement of an amendment to what was originally approved, and frankly, honor the original thought process that went into the initial approval?” I don't have that context. The only way I can honor it is to consider the current situation and whether I see a substantial improvement in the next amendment. That is the backdrop.

Full disclosure: this is different than how I voted before. Thinking about it more deeply, I think the right way to look at our ordinances is to consider substantial improvement in the context of what the amendment is proposing. In this case, although I can see substantial improvement for the developer, I don't see substantial improvement for the community at large. This is different from Amendment #3, which made the open space more accessible to outside the development. You won't see any of these changes that happen inside the development. The increase in percentage of open space is incremental at best and not meaningful. From my perspective, it's improved for the development but not for the community at large, and I don't see that it meets the standard.

Rudolph: can we really control what happens on another property if we don't own it and they are abiding by local ordinances? The only way we can ensure what will happen on another piece of property is to take ownership of it. To give an example, one of my sisters lived in Duluth, Minnesota. Lots across the street were sold and developed as a four-story apartment building and blocked her view of the harbor. Now you could react as if this was a personal affront to you because somebody bought the property across the road and built this eyesore structure, or you could react like my sister did and just accept this as a fact of life. When she sold the property, I don't think it made much difference to the actual value of the property.

On the flip side, we have to remember the serious conflicts this development brought out in the community. I remember sailing past this area after it had been completely deforested and thinking what an ecological disaster it was. One resident was incensed enough to do something stupid and vandalize. This was a serious conflict. Amid all this turmoil, it finally appeared like the developer and the community came together and reached a compromise that allowed the development to proceed. Part of that compromise was the identification of open spaces in the development.

Now, for the second time since I've been serving as a trustee, the developer is proposing to change the development layout to encroach on the very spaces that were so controversial from the beginning. I understand the motivation to do this. It's probably the best area on this development, probably worth a million dollars in additional revenue to the developer. I don't blame the developer for wanting to do this. But I do not see this as a significant improvement to the overall community. I understand the planning commission has been convinced that it is enough of an improvement to the development itself to recommend approval. Ordinarily, I would be fully supportive of what the planning commission recommends. But in this case, I think that morally and ethically, they're incorrect in their approval. I share Maura's [Sanders] concerns that approving this encroachment will only encourage additional encroachments on the open spaces in this development. I think a good landscape architect would be able to arrange plans that would improve the sight lines in the approaches within this development without encroaching on the controversial open spaces. I am not in favor of approving this amendment.

Sanders: I had the chance to go out today and do a site visit. It was interesting to see, years after the original approval. I seriously value common open space and adhering to the spirit of that in the development.

Sanger: I had quite a bit of interaction on this property. I've been there multiple times. I double checked the buffer and communicated with the neighbors to the north. I'm concerned about their concerns, but I do understand the dialogue that took place at the planning commission. I don't think there's any vested interest in open space just because it was agreed to at one point and proposed at one point. The open space is important, and much as it is troubling to the neighbors to the north, this has been a long process for our township. How is this an improvement to have what they thought was open space diminished? We already have it diminished by moving lot 1 up there. How is this an improvement for those people who have been quiet to this point again? It just strikes me that we've hit on something tonight, that open space is important. I'm not talking about this vested interest matter, just the fact of the impact on the development as approved. It gives me pause to think about the movement of lot 1. Was that a wise action? I'm troubled that we are taking more open space away. That was a valuable function of this development, not only for the community but for the neighbors. I'm tending myself not to be in favor of this.

Achorn: did he say that the house is already built for unit 30?

Shanafelt: yes, they have lawn where the proposed new open space is.

O'Grady: the house is built. It's not yet sold.

Achorn: then why should that lot be expanded?

O'Grady: it's been reduced in size.

Achorn: so maybe I'm misunderstanding. The blue line is the old or the new?

Cram: the blue outline is what was approved for Amendment #3. Unit 1 moved from the entrance up to the corner. Amendment #1 also eliminated a very steep shoreline access. The planning commission and the board found that it met the substantial improvement. This proposes to add to this open space adjacent to the shoreline and then move one additional unit up. Rather than having one large lot, there would be two smaller lots. The blue outline shows the existing PUD unit 41. This is the area where there is a proposal for the rock outcroppings and plantings, so it improved site visibility through the property. The planning commission agreed that was an improvement. But I respect the board's decision. This is always a learning experience.

Wunsch: most of the pushback the board has heard on proposed amendments to this project deal with that northern property line. The developer is agreeing to essentially preserve that common space at the top. Is it worthwhile for us to exchange one more unit for actually vesting that common space, which the board has not done previously?

Shanafelt: where is the community substantial improvement as a consequence of this? From my perspective, it's nonexistent. Your question is a good one, but I don't think it's germane.

Wunsch: when you're looking at granting an SUP approval, you're looking at how does approving something outside of the ordinary lines of your ordinance provide substantial benefit to justify the change you're approving. The newly proposed conditions essentially lock in the northern property boundary. I see that as a substantial community benefit. Most of the complaints we've heard about this development during the course of the amendment processes have come from the people on the northern property line. The proposed condition of approval #7 does provide some community benefit that the original –

Shanafelt: sort of. I was up there today. Topographically, proposed unit 11 is so much more in your face than what's in the blue lines. When we approved Amendment #3, it was sort of a push. It was good for a couple people below and bad for a few people above. The thing that [persuaded me to

approve it] is that it moved that house out of the sightline of the general public. Here, it's all internal. I struggle with us saying, "It's better than 55 units." That question is done; we're well past that. It's how does this compare to Amendment #3, and does this really meet the standards of the ordinance? I will agree, from the plan here, it's a nice way to do the area. I'm not sure it's so great in real life; the topography changes how you look at this. But the other components of the ordinance, like the setbacks, I think Kyle [O'Grady] did a great job with that unit on the other cul de sac, how they're planning to build it, if they were to go forward with it. I think all those things are really well done. I appreciate your point; it's just not enough.

Sanger: the topography here is such that the open space to the east, beginning with unit [29] at the top, that slope is so steep that open space to the east is not usable. In my view, the open space to the north is important open space for the people who are up in that curve. The fact that we have moved lot 1 means we're taking more open space away that would be utilized with those people on the flats. On the east side of that street, that hill is extremely steep. The likelihood that people would use that open space is minimal. But that open space, in my view, would be utilized by the people who are south of that unit [29]. The open space that those people would be using is directly across the street, so we're cutting down the amount of open space available to the people in that immediate area by perhaps as much as 50 percent. Who benefits from that? The developer has one pretty good lot to sell, and I can't find an offset to compensate those people who have lost the use of that open space.

Achorn: we haven't heard from any of the owners. We've only heard from property owners to the north, but not any of the subdivision owners.

Cram: during one of the hearings with the planning commission, we did have property owners who live in the development who spoke in favor.

Shanafelt: they said they had no objection. They were living in units closer to the water; they were not affected. To their point, they came of their own free will to comment.

Cram: this common open space for those who have been up to the site is kind of a gully. It's a low point there.

Shanafelt: it's a 45-degree slope.

Cram: open space is intended for people to use. It was to keep things open for views. There are multiple purposes. But I hear what you're saying. This is helpful for staff to move forward.

Sanger: I've walked the area. The property in lot number [11] is flat.

Cram: the elevation is above the road, and it kind of falls down. That's why it's helpful to see things out in the field because this is a flat image.

O'Grady: I'd like to address a few comments. I don't want to underweigh the comments of the folks who live in our subdivision at two different addresses. In terms of other property owners, we still hold approximately 20 parcel IDs. Although I'm the developer, I'm also speaking on behalf of a large portion of those who own the community currently. I appreciate the comments and concerns of board members. Something interesting we really haven't talked about is what's lower on our depiction here. We've been focusing on the north side, where the lots are being relocated to. It's important to have our minds open to where we're relocating them from. To Armen's point, point taken, but I also respectfully disagree that the changes are only internal. Driving down Boursaw Road, a case can be made that there will be fewer homes viewed in a similar sense to our third amendment. Granted, where lot 1 was located, that is in closer proximity to Boursaw. I do

challenge you to go look at the property and see this new open space we're presenting, more centrally located in the subdivision. These are changes that can be seen from Boursaw Road. How this was an improvement to the property was how it affects the flow of traffic around Shoreline Court and Waters Edge, where we're relocating 11 and 12 to the north side of the property. I'm not sure how many of you have had the chance to stand on this new proposed open space. Understanding where the house is currently located, we're planning to remove it from that location, put it elsewhere on site, allowing this to be open space for the community, for the members of our subdivision.

I understand the neighbor to the north has some concern. To Rudy's point, if you want to make changes at the property, it's nice to have ownership of it. We're proposing changes that benefit the developer as mentioned; anybody in business goes out to make a dollar. We truly believe this change positively impacts all 41 parcels. This is not just removing a lot, and there's going to be a new view to the water created. Multiple things are addressed in my application that I want to urge you to consider. Obviously, you're not bound to the decision of the planning commission, but I want to remind you that this was a unanimous yes.

The point of substantial improvement; what is the definition of that? How do I think it relates to the neighbor versus the property? We still have Chris Patterson on Zoom; he addressed that question last time. I would encourage you to ask him if you see that as appropriate this evening. We believe this meets all standards in the zoning ordinance. We urge you to say yes. We've vetted it thoroughly. Jenn has spent an incredible amount of time on it. I appreciate the consideration.

Wunsch: the board consensus I'm hearing is that there's not support for moving forward on that amendment. Chris, would you like to weigh in?

Patterson: this can be tough with a PUD with multiple standards that are in the ordinance, so any decision we make, whether for approval or denial, has to be supported by facts in writing based on those standards that are not met. For the board, there are probably two paths. If it is a general consensus that you would be proceeding to deny, it's important to focus on the standards, either those that are general or specific. We need specific facts that support the standard to indicate that it should be a denial. The second option is that the planning commission made a recommendation. The direction from staff was the documents you have in front of you, a recommendation for approval. If you find it more appropriate, we can also take direction from the board, and a majority vote would give us the latitude to draft a resolution for denial that we can bring back the findings of fact for the board to consider at its next meeting.

Jenn's actual findings, the headings, give you the standards that are relevant. You've talked about 8.1.3 1A related to essential character. You talked about subsection B about substantial improvement. We need to put it all together in a motion that the board takes action on.

Shanafelt: sounds like if we're going to deny it, it's going to take some time to figure out what a resolution would look like. Table this discussion to our next meeting?

Patterson: my recommendation, given that we were involved in litigating the third amendment, is to make sure it has an appropriate record, particularly for a court. If they have to review it, they're going to want to make sure they understand the findings and how they apply to the standards. We understand the comments and dialogue of the board. If we had direction by a motion to table it and prepare proposed factual findings related to a denial of the standards, we could bring that back at the next meeting.

Wunsch: I recommend we table.

Sanger: we need better documentation to put my concerns in the motion.

Sanders moved to table to the next meeting and allow township staff to prepare a recommendation of denial consistent with the deliberation of the board this evening with a second by Shanafelt. Motion passed by consensus

Rudolph moved to return Chown to the board with a second by Sanger. Motion passed by consensus

8. Land division application from former Peninsula Township Board trustee (Cram)

Rudolph moved to recuse Sanders from the board with a second by Chown. Motion passed by consensus

Cram: Sally Murray, our assessor, can more eloquently explain the facts associated with this.

Sally Murray: land divisions currently are processed by a committee consisting of the township assessor, the township zoning administrator, the township planner, and township legal counsel. We meet on Tuesdays to review all land divisions and lot line adjustment proposals. The reason the board is required to take action on this particular division is that its applicant is a former employee, a former trustee of the Peninsula Township board. In 2017 the township board passed a policy requiring any such applicant meeting those previous employment standards to have their land division application vetted and approved by the township board in addition to committee. I did include the complete packet in your packet. The applicant is David Weatherholt. This parcel is located near the Harbor View Nursery on Center Road. Mr. Weatherholt will be retaining approximately 15.78 acres of a 50-acre parcel. He will be tie-barring that with a holding he owns adjacent to it, and he'll be selling off the 35 acres that front Center Road to the owners of Harbor View Nursery. In effect, it's a lot line adjustment. It's represented best in the color coordinated image, the last page of the attachment in your file. This parcel is restricted by a PDR easement. There are zero residential sites allowed on this 50-acre parcel. There are further restrictions that at no point can the total composite acreage ever be broken into more than four pieces, and none of those pieces can be fewer than 15 acres. That continues to hold with this proposal. The conservation easement will live on in perpetuity for the purchaser. That deed of easement will be referenced in the purchase agreement and deed to keep a nice chain of title with those conservation easements. It has been vetted by committee. We hold all proposals to the standards of our township land division ordinance, our township zoning ordinance, and the state's land division act. Each of those instruments is reviewed in conjunction with our approval process. This was vetted and approved by legal counsel. The recommendation is for the board to approve.

Shanafelt: it can't be broken into smaller than 15-acre pieces, so the lot that's being retained, that's as small as it will ever get. The larger parcel can only be broken once as well.

Murray: correct.

Chown moved to approve the land division with a second by Rudolph. Motion passed by consensus

Rudolph moved to bring Sanders back to the board with a second by Sanger. Motion passed by consensus

9. Resolution 2024-08-13 #2, updated poverty guidelines for property tax relief (Murray)

Murray: the General Property Tax Act provides some concessions for owners of property in which they make their principal residence to claim relief from property taxation, either in whole or in part. Townships need to adopt specific resolutions to support the statute. On occasion those require

some tweaking. This is not our first time making an amendment to our poverty resolution. We need to stay in compliance with the statute. The specific change we need to make has two points. One, the value of the home in which the claimant is living cannot be a consideration in the poverty exemption. As long as they meet the income threshold and are under that value, they can live in a \$200,000 house or a \$20 million house. We can't consider that home as an asset to be used against them. The intent is to keep them in their home, not make them sell it to pay their property taxes. The second point is partial exemptions. In the past, they could be very nuanced. 33 and a half percent. The state came back and said we're going to have rigid partial exemption percentages. It's either 100 percent, 75 percent, 50 percent, or 25 percent. Our resolution needs to be updated to comport with those statutory changes.

Shanafelt: how is income calculated? Does it include assets beyond the home?

Murray: all wages. The resolution requires that townships have an asset level test. I don't recall what our specific dollar amount is; I think it's \$10,000. But you can't have a Monet laying around. The expectation would be that you would need to sell some of those assets to pay the property taxes. All reportable wages are considered. The poverty level is set very low. We have not had to address a poverty exemption in this unit. The income level needs to be below \$14,580 for one person. It goes up incrementally the more earners there are in the household.

Shanafelt: if someone had a brokerage account, that would be an asset.

Achorn: what about trust income?

Murray: [both] are included in that asset test. The recommendation is to pass the resolution to adopt the guidelines.

Rudolph moved to number the resolution as 2024-08-13 #2 with a second by Sanger. Motion passed by consensus

Shanafelt moved to approve Resolution 2024-08-13 #2 with a second by Sanger. Motion passed by consensus

10. Reappointments to township boards and committees (Cram)

Cram: already noted is that we have some vacancies that need to be filled on the parks committee; those will be advertised. We also have two people on the planning commission whose terms are up. Both of those commissioners have decided to reapply. We're grateful to Randy Hall and Larry Dloski and thank them for their service. On the zoning board of appeals [ZBA], we also had two appointments that were partial appointments filling previous terms. One of those two has decided to reapply. We appreciate Mr. Cowan's continued service. We thank Mr. Dunn for his service, but he has opted not to reapply. We have one vacancy on the ZBA, and we also have a vacancy for an alternate. We will be advertising vacancies and have some positions to fill.

In addition to what Dave Murphy said about the challenges of the parks committee and volunteers, we have a lot of issues facing this community. We have growing pains. Our public servants, our planning commission, our ZBA, they're spending their time to serve this community. Because of some of the contentious issues, there has been some bullying. In addition to having a heavy workload, they're having to defend themselves. I wanted the board to be aware that this behavior is happening, and I want the community to know. I hope we can treat one another with kindness and respect.

This evening, we saw an application move forward that some felt met the zoning ordinance standards. Ultimately, it's the board's approval, and we need to respect that sometimes we need to

agree to disagree and move forward. I would ask the community to treat our volunteers with respect, because they are doing a great service, serving on these boards.

Chown: I have an amendment to the paperwork that was in the original packet. Michele Zebell has agreed to continue with her service on the parks committee.

Cram: if a commission member is reapplying, does the board need to conduct interviews and then officially make that appointment?

Chown: these folks have all been interviewed already, so it's simply a matter of approving their re-appointments.

Wunsch: if the board is comfortable with reappointing those who are willing to serve another term without further discussion or looking at other candidates, that's an option. If you want to open it up and look for other candidates, that would be an option as well. But from a procedural standpoint, we have the option of either reappointing or going through a more robust appointment process.

Shanafelt: obviously if we had more people applying than we have positions, we'd have to go through that interview process. In this case, we're looking at reappointing the parks and reappointing to the ZBA, and both will still have vacancies.

Sanders moved to reappoint all five candidates with a second by Rudolph. Motion approved by consensus

11. Planning and Zoning Department update (Cram)

Cram: the shoreline regulation study group continues to be very productive. This Monday, we had a guest speaker, Heather Smith, the Grand Travers Baykeeper. She gave a wonderful presentation to help educate us on some of the reasons why we need to look at our shoreline. We had a wonderful follow up by Ruby Rudolph about wave action and erosion. We continue to move forward with the third phase of our discussion on shoreline regulations to educate the group about why we have an interest in updating our zoning ordinance to better address our shoreline and the activities that happen there.

At the meeting on Monday, we also reviewed the draft policy direction the study group has been working on specific to single waterfront ownership and shared waterfront ownership. I was delighted that there was consensus. That policy direction will be moving forward to the planning commission at their meeting next Wednesday. Once the planning commission is comfortable, staff can move forward with drafting zoning ordinance amendment language for review by the planning commission. I am grateful to have so many passionate community members participate with the study group to share their feedback in an open situation so we can all learn and work together to come up with an amendment to the zoning ordinance that there's community buy-in on.

Regarding the agricultural advisory committee, thank you all for submitting your questions. We'll be presenting the outline and the proposed questions so we can conduct interviews and make appointments. Regarding the questions that were generated, would you like the applicants to answer them in advance of the meeting? These are farmers. They're busy, and to ask them to answer five pages of questions could be onerous. I want to make this easy for them but also provide you with the background you need to make these appointments.

Shanafelt: I think if they were answered ahead of time, that would be great because it would allow us to be prepared.

Cram: would you be comfortable with me working with the board members who submitted questions to compare them and come up with a reduced list?

Board agreement.

Cram: thank you. Responding to some comments related to the adoption of the master plan, there was a question about the budget. I did have some conversations with two different consultants, and it would appear that a well-thought-out, robust master plan costs anywhere from \$30,000 to \$50,000. They are generally about \$2,500 per chapter. There are additional add-ons. When you want to have more robust public input or engagement processes, you pay the consultant for attending those meetings. Additionally, there's the cost of doing the survey.

12. Potential closed session pursuant to MCL 15.268(1)(h) to consult with the township attorney regarding a confidential legal opinion pertaining to potential litigation regarding drone use in the township (Wunsch)

Wunsch: our last two business items are closed session items.

Patterson: I can provide background for both. For any potential motion on either one, they would be separate motions. The language that's in the agenda will be sufficient for purposes of the statutory exemption that's stated. Number 12 relates to limitations that were posted for signage at the Peninsula Township lighthouse as well as on the lighthouse website. It's related to restrictions on drone use and how close they can fly within those structures, particularly adjacent to that township historical site. The township, as far as we're aware, doesn't have any ordinance or particular regulation. They have received a demand letter alleging the township is violating state and federal law with that position. The township took action by basically taping over those restrictions [until] we could discuss what's in this demand letter related to the use of those drones. Because of the potential threat of litigation, we'd like to have a confidential legal discussion with the board about how state and federal law drone use overlap with the township's ability to control. The second case has claims related to the Right to Farm Act and the township zoning ordinance, including Amendment 201. The reason it's presented as a legal opinion and not just for specific litigation is that the Wineries against Old Mission Peninsula trial raised questions related to farm markets and GAAMPS. There's also a question similar to the drone use as to exactly the line of preemption for purposes of the township's current zoning ordinance. That's being challenged in litigation. Our recommendation is that the township board have those conversations with legal counsel in closed session so that we can maintain attorney client privilege, so that those people who are making claims against the township don't otherwise hear the confidential information.

Wunsch: what is the pleasure of the board?

Sanders moved to enter closed session pursuant to MCL 15.268(1)(h) to consult with the township attorney regarding a confidential legal opinion pertaining to potential litigation regarding drone use in the township with a second by Rudolph.

Roll call vote: Chown, Wunsch, Achorn, Sanger, Sanders, Rudolph, Shanafelt Passed unan

13. Potential closed session pursuant to MCL 15.268(1)(h) to consult with the township attorney regarding a confidential legal opinion pertaining to the Michigan Right to Farm Act and Farm Markets in the township (Wunsch)

Shanafelt moved to go into closed session pursuant to MCL 15.268(1)(h) to consult with the township attorney regarding a confidential legal opinion pertaining to the Michigan Right to Farm Act and farm markets in the township with a second by Rudolph.

Roll call vote: Wunsch, Achorn, Sanger, Sanders, Rudolph, Shanafelt, Chown Passed unan

Sanders moved to come out of closed session with a second by Sanger.

Roll call vote: yes – Sanger, Sanders, Rudolph, Shanafelt, Chown, Wunsch

Passed unan

Excused absent: Achorn

Chown moved to authorize the township supervisor and attorney to provide feedback on the draft 2025 Farm Market GAAMPS to the MDARD commission with a second by Rudolph. Motion passed by consensus

8. Citizen Comments:

Kyle O’Grady: I feel like PUD SUP 123, agenda item six, Peninsula Shores, unraveled quicker than seemingly everybody had time to digest. At our last meeting on July 9, we went over each zoning ordinance, standard by standard, and how Amendment #5 met those. And rightfully so, time was kind of getting away from us, and Jenn mentioned [we might want] to abbreviate that and get into discussion. I want to put on the record that I think it would have been appropriate to go through those standard by standard, like we did on July 9. I think they precisely answered some of these questions you all had. I would ask that we table the amendment to the next meeting when we’re not mentioning running short on time so we can go through it standard by standard. If that opportunity has come and gone, please let me know that. And I may have a follow-up question. But is that something we’re allowed to do at this point, or is that conversation over and the decision is the decision, or is that something we can discuss per my request at this time?

Sanders: we tabled it with the resolution to work on our wording to disapprove.

Achorn: and we also need additional information regarding topography.

O’Grady: to me, those two things don't seem to go hand in hand. If we're asking for more information, how could we be asking to deny it at the same time? To me that doesn't make sense.

Shanafelt: the topography was to allow us to have a written description with actual, factual information in that denial as opposed to our visual analysis. It's informational, not new information.

O’Grady: as an applicant, I have to know what information I'm being asked to provide.

Patterson: I’d like to comment on the board's intention in asking for the topographic information. I think it's likely that staff might be able to put together a recommendation for denial to the board. To the applicant’s question, an entire factual findings relating to approval and support of the project [was presented]. We still have that paperwork and that documentation, which we can bring back at the next meeting when the findings of fact for denial are presented. At that time, the township board could take up either one of those decisions. After we get the other document prepared, the board will be able to deliberate and reach a final conclusion on either.

Cram: I will review the minutes and recording to assist with this resolution. My takeaway was that the standard the board did not believe was met was 8.1.3 (1) B. Was that your takeaway?

Patterson: I have 8.1.3 sub 1, sub A, and B. There’s a later standard related to topography. Three different standards discussed for failing to be met, based on the deliberation of the board.

Cram: grading plans were included in previous plans [for topography]. We could provide those if we look back through past applications without it being overly burdensome.

O’Grady: part of our original approval has the grading plan.

Sanger: I was the one who raised the topography issue, and I wanted to drill down on the substantial improvement. In doing that, I want to compare areas where we have open space and factor in the topography of that open space here versus there. It's not all flat land. That's what I'm

trying to figure out. If we're trading off open space, in my view, trading off steep sloop and flat land are different uses.

Wunsch: point of order here. We're trying to do public comment. I think we're going to be able to provide both the findings of fact that support approval and denial. [The planner and legal counsel] will work on preparing the other side and the board will evaluate both side by side.

O'Grady: as the applicant, should I expect at the next meeting that the packet presented today with the findings of fact showing it meets the standards of the ordinance will be presented as well as whatever is drafted after today's discussion?

Wunsch: yes.

O'Grady: great. If there's anything you guys need from me, please let me know.

Dave Murphy, 6943 East Shore: with the fire millage, what is the allowable amount?

Sanders: 10 [mills].

Murphy: second question, with 50 percent of the population south of Gray Road and understanding the 18 miles of this township, it's always been curious to me how the balance is struck with the main department at the center point. Does that meet all concerns with what the demands might be on the south end? There's a satellite department on the south end. This is going to be the bigger-than-ever department. I'm curious about that balance of EMS services and fire. That's in the plan, that's been vetted, and everyone's satisfied?

Fred Woodruff, 4824 Forest Ave: is there not a limit on the fire special assessment? It's not a millage. Is it 10 years?

Sanger: my understanding is that the 10 mills is in perpetuity.

Woodruff: it's not a millage. It's a special assessment?

Sanger: I don't know.

Woodruff: if you're talking about folding that into the 10-mill cap, there may be a time limit on it that would not allow you to borrow money for 25 years. Some of those are for a period of time that have to be renewed.

9. Board Comments

Chown: we had a terrific election on August 6 thanks to our 40-some election inspectors and chairs, the fire department, which helped us get our equipment to and from the precincts, and our receiving board. Everybody went through significant training, either with the county or me or both. They read a lot of material. I have a phenomenal staff assisting with elections. I am incredibly proud of our community, and I want you to be proud too. They did a magnificent job, and we have never sailed through the board of canvassers like we did this time. It was very gratifying. I'm always on pins and needles for a couple of days after an election to answer questions and explain irregularities. We just did a beautiful job thanks to a wonderful staff and group of people who care very deeply about secure, free, fair elections.

Sanders: all those folks have a great leader running the elections.

Shanafelt: I'm thankful for the robust conversation tonight.

Wunsch: we covered a wide variety of difficult topics this evening.

10. Adjournment

Sanders moved to adjourn with a second by Shanafelt.

Motion approved by consensus

Adjourned at 11:25 p.m.