

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

www.peninsulatownship.com

Township Board Regular Meeting Agenda

September 8, 2020, 7:00 p.m.

Township Hall

1. **Call to Order:** by Supervisor Manigold at 7:00 p.m.
2. **Pledge**
3. **Roll Call:** Manigold, Bickle, Chown, Sanger, Wahl, and Wunsch
Absent: Achorn
4. **Brief Citizen Comments (for agenda items only):**
Nancy R. Heller, 3901 Bluewater Rd.: inquired on the lease with the DNR; asked for clarification on who is paying for theoretical services such as dog bags and cleaning potential portable units. Also requested clarification on an invoice from Baird, Cotter, & Bishop regarding bank reconciliations in preparation for an audit.
Bickle: clarified that the bill from Baird, Cotter, & Bishop was for services that had been the duty of a former employee to prepare for the audit and that they also contract with this entity for payroll services. The lease with the DNR has not been signed by the township at this time.
5. **Approve Agenda**
Moved by Wunsch to approve the agenda as presented, seconded by Wahl.
Passed unan
6. **Conflict of Interest:** none
7. **Consent Agenda:** any member of the board, staff, or the public may ask that any item on the consent agenda be removed and placed elsewhere on the agenda for full discussion
 1. Invoices (recommend approval)
 2. Reports
 - A. Peninsula Township Fire Department for July and August 2020
 - B. Grand Traverse Sheriff's Office Citation, Accident, & Arrest Statistics Second Quarter Totals (April-June 2020), June 2020, July 2020, and August 2020
 - C. Lighthouse Litter Pickers for July and August 2020
 - D. Peninsula Township Ordinance Enforcement Officer for June and July 2020
 3. Extend terms for Peninsula Township Planning Commission members Donna Hornberger and Al Couture until August of 2023
 4. Request from Peninsula Township Fire Department Chief Fred Gilstorff to support the Grand Traverse County ballot proposal to consider a local 911 surcharge of up to \$2.50 per device/month through 2027
 5. Minutes from July 7, 2020, township board special meeting; July 14, 2020, township board regular meeting; and July 16, 2020, Election Commission Meetings (recommend approval); and September 1, 2020, township board special meeting
 6. L-4029 winter millage rates
 7. Assessing Reform Memorandum from Assessor Sally (Akerley) Murray
 8. Correspondence
 - A. Thomas J. Bensley, Grand Traverse County Sheriff
 - B. Randy and Paulette Kloes
 - C. Ron Rohloff

- D. Hannah Matthews
- E. Jane Garret
- F. Robert Tucker
- G. Steve Trippe
- H. Grand Traverse County Road Commission to Bluff Road resident Gary Popovits
- I. James Raphael
- J. Fred Gilstorff, Peninsula Township Fire Chief

Moved by Wunsch to approve the consent agenda as presented, seconded by Sanger.

Roll call:

Passed unan

8. Business:

1. Update on Kelley Park (Manigold)

Manigold: we held a public meeting last year involving a grant for the Haserot Boat launch. During public comment, it was requested that the boat launch be moved to Kelley Park so that Haserot could remain a swimming beach and not a combined boat launch/swimming area. The township worked with members of the DNR to see if Kelley Park could be gifted back to the township in order for a launch to be established. Kelley Park was purchased through the DNR Trust Fund, which paid 25% of the value of the land in order to obtain the property. It was determined that the DNR could not lease Kelley Park back to the township without a lease agreement. A lease was created that included the use of a motorized boat launch, but when it came back for signatures, it was discovered that “motorized launch” had been removed from the agreement and in place was approval of a carry-down launch for non-motorized boats only. Township Attorney Greg Meihn and Manigold spoke to the attorney from the DNR regarding the change. They were informed that a boat launch would not be approved for this location. This does not resolve the issues with the boaters and swimmers all being on one beach at Haserot. The township will look to obtain additional property for a new boat launch. Residents wish to retain Haserot as a swimming beach only. The encroachment on the Hyslop property by the current dock is problematic as is repairing the damage that was caused last November by a storm that twisted the dock. The rising water levels have created additional issues with Haserot Beach and Kelley Park by creating a wetlands area and lessening the beach frontages. If the township could reach an agreement with the DNR to lease the property for a launch site, a ramp would be installed and paid for and maintained by the township.

Wunsch: suggested reaching out to elected officials for assistance.

Manigold: the township should contact representative Wayne Schmidt to see if we can secure some assistance with moving the project forward.

2. Clarifying directive for a PUD (planned unit development) – Bella Vue (Mielnik)

Manigold: stated that they have had other applicants with the same request before the board in the past. Applied for a special use permit for a project on less than the required acreage for a new development, which needs township board approval before it can be applied for through the planning commission.

Moved by Chown that the township board request that the planning commission proceed with review of a concept plan to be submitted to the board along with preliminary findings that a PUD on this site be appears to be suitable and reasonable compared with conventical development. A final plan and findings would be subsequently prepared and approved by the planning commission before final action by the township board, seconded by Sanger.

Roll call:

Passed unan

3. Resolution to reject the Grand Traverse County Road Commission's 2020 road millage renewal (Manigold)

Manigold: read into the minutes the resolution to be submitted to the road commission. See attached document.

Moved by Manigold to approve the resolution to the Grand Traverse County Road Commission, seconded by Wunsch.

Roll call:

Passed unan

9. Citizen Comments:

Jane Boursaw, 12875 Bluff Rd.: asked if the lease with Kelley Park could be brought back to the DNR Trust Fund board for additional discussion and possible approval of a launch site.

Manigold: there were concerns with dredging at Kelley Park due to the previous use of the property and a buried gas tank that supplied fuel to a pump that had been located at the end of a dock. The DNR Trust Fund had left it up to the previous township board to decide where to place the dock, and it was decided years ago to move it to Haserot. A grant was applied for and approved to improve the dock at Haserot but not accepted as the residents did not want the dock to remain at Haserot. The DNR is not able to gift Kelley Park back to the township because of the money involved. Kasey Mahoney, director for the DNR, was working with the township to secure the lease agreement.

Josey Ballenger, TCAPS Board of Education candidate: lives in Garfield Township and has attended regular TCAPS board meetings for more than two years. Is campaigning on classroom trust and creating benchmarks within the district. Wants the public to be more aware of how the schools are performing and to minimize budget cuts. Has created Facebook and Instagram pages and can be found at joseyballengerfortcaps.com.

Dan Leonard, former planner for Peninsula Township: thanked the board for its consideration of the project being presented to the planning commission.

10. Board Comments:

Manigold: informed the board that the township will seek an opinion from the attorney general's office regarding control of M-37 being changed from MDOT to the Grand Traverse County Road Commission.

Meihn: the board can authorize the township attorney to write the letter to the attorney general's office requesting an opinion regarding the shifting of control from MDOT to the road commission for the scenic heritage highway and Bluff Rd.

The board agreed to have Attorney Meihn move forward with a letter to the attorney general's office for an opinion. (No motion was required.)

11. Adjournment:

Moved by Bickle to adjourn, seconded by Wahl.

Passed unan

Final adjournment: 8:48 p.m.

PENINSULA TOWNSHIP

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ROBERT K. MANIGOLD
SUPERVISOR

REBECCA CHOWN
CLERK

BRAD BICKLE
TREASURER

MARGARET ACHORN
TRUSTEE

DAVID K. SANGER
TRUSTEE

WARREN WAHL
TRUSTEE

ISAIAH WUNSCH
TRUSTEE

RESOLUTION 2020-09-08 #1

At a meeting of the township board, of the municipality of Peninsula Township, Grand Traverse County, state of Michigan, on the 14th day of September at Peninsula Township Hall at 7:00 p.m.

PRESENT:

Manigold, Bickle, Wahl, Sanger, Wunsch, Chown

ABSENT:

Achorn

The following resolution was offered by member Manigold and supported by member Wunsch:

WHEREAS, the Grand Traverse County Road Commission (GTCRC) has placed a millage request on the ballot for the November 3, 2020, General Election; and

WHEREAS, the following chronology addresses the history of Peninsula Township's declining ability to provide input into GTCRC procedures, planning, budgeting, and millage for local roads:

- a. In 1909, the General Highway Law (Chapter 220 of Act 283 of 1909) consolidated and added to the laws relating to the establishment, opening, discontinuing...and use of the public highways and private roads..., providing for the election or appointment and defining the powers, duties and compensation of state, county, township and district highway officials. **This law included township highway officials;**
- b. The McNitt Act, P.A. 130 of 1931, transferred jurisdiction of all township roads to county road commissions. **Townships were no longer directly participating partners other than a source of tax revenue.**
- c. The Horton Act of 1932 **established the financial structure of all roads and streets that is still used;**

- d. Act 51 of 1951 repealed and replaced portions of the McNitt Act. **The act earmarked highway user funds for specific purposes and established the distribution formula;**
- e. Until 1969, county road commissioners were appointed by the county board of supervisors with representatives from each township in the county. In 1969, township representatives were replaced by commissioners representing districts having roughly equal populations. **As a result, past healthy and open partnerships between townships and road commissions were made more difficult because township representative no longer appointed county road commissioners; and**

WHEREAS, GTCRC has refused to acknowledge Peninsula Township's unique transportation needs by:

- a. Cutting trees along Peninsula Drive and Bluff Road in order to prevent other townships from believing GTCRC treats Peninsula Township differently from them. Note: Peninsula Township has some 42 miles of Great Lakes shoreline experiencing record high water levels, and tree roots help stabilize steep banks, reduce the effects of erosion, and help motorists identify areas where steep banks are within the shoulders of shoreline roads;
- b. Telling the Peninsula Township zoning administrator that GTCRC does not have responsibility for fixing the problems along Bluff Road; GTCRC staff discussed placing guard rails in places where the top of the bank was within the shoulder of the road but took no subsequent action;
- c. Refusing to designate Bluff Road as a Natural Beauty Road pursuant to P.A. 451 of 1994 in spite of a petition of more than 25 property owners and a resolution of the Peninsula Township Board of Trustees on March 17, 2017, supporting the petition;
- d. Ignoring the fact that on November 19, 2019, the Peninsula Township Board of Trustees adopted a resolution opposing the proposed transfer of jurisdiction over M-37 to GTCRC from the Michigan Department of Transportation (MDOT), with copies sent to MDOT's Traverse City Service Center and GTCRC;
- e. Accepting the offer on October 20, 2019, by MDOT to accept jurisdiction over M-37, an action that would require MDOT to delete M-37 from the Pure Michigan Scenic Heritage Byway system without notifying or consulting Peninsula Township. Note: Peninsula Township was not copied on the communications between MDOT and GTCRC, including the decision to offer the transfer or the notice of GTCRC's August 20, 2019, meeting;
- f. Threatening to abandon a portion of Bluff Road or engage in a de-facto abandonment by closing a portion of Bluff Road and creating two dead end roads; and

WHEREAS, Peninsula Township has taken the following actions regarding the roads in Peninsula Township:

- a. Since 1968, the Peninsula Township Master Plan has included three scenic views along M-37 that contribute to the character of the township;
- b. In 1991, the Peninsula Township Master Plan was amended to include an Agricultural Preserve Area and a Prime Scenic View map;
- c. In 1994, Peninsula Township voters approved a 1.25 mill increase to purchase conservation easements to permanently protect agricultural land from development and preserve prime scenic views by limiting structures that would reduce the scenic qualities as seen from public roads, including M-37;
- d. On September 13, 1995, the Peninsula Township Board of Trustees adopted Resolution #4 in opposition to turning M-37 over to the county road commission and/or Traverse City;
- e. On November 20, 1995, the Peninsula Township Planning Commission heard a presentation by Michael Saunders, Heritage Route Program Manager of MDOT, and adopted a resolution to begin the process of designating M-37 as a Michigan Heritage Road;
- f. On December 12, 1995, the Peninsula Township Board of Trustees approved a motion to support the initial "Review of Eligibility" for designating M-37 as a Michigan Heritage Road;
- g. In 2002, the voters approved a second millage for 20 years to protect farmland and open space;
- h. In November of 2006, a nomination document titled "Old Mission Peninsula Heritage Route" (Copyright 2006, Northwest Michigan Council of Governments) was presented to MDOT by the M-37 Scenic Heritage Route Nominating Team from Peninsula Township that created a roadside photo inventory identifying 16 scenic views and objectives, including the 1968 master plan's prime scenic view, and that MDOT approved the Scenic Heritage Route designation in 2008 with a designation celebration on May 17, 2008;
- i. Article IV of Act 33 of 2008 (125.3861) provides procedures for Peninsula Township Planning Commission approval before streets, public ways, grounds, or other structures may be constructed or authorized for construction. On July 12, 2011, the Peninsula Township Board of Trustees adopted an amended master plan for Peninsula Township dated January 27, 2011. On pages 36 and 37, the plan states: "Common transportation routes will be another focus of the Public & Semi-Public Land Use category. Recently, Center Road has been recognized by the State of Michigan as a Scenic Heritage Route. This credential signifies the importance of preserving the view sheds and scenic beauty of this roadway." On page 37, the plan also states: "Maintain Center Road (M-37) as an arterial system providing free-flowing traffic with no stop signs or signals." The county road commission might not follow the master plan provisions related to no stop signs or signals;
- j. On March 30, 2017, the Peninsula Township Board of Trustees adopted Resolution 2017-03-30 #1 supporting the request of the more than 25 property owners in Peninsula Township and their petition asking GTCRC to designate Bluff Road as a Natural Beauty Road in conformance with Part 357, "Natural Beauty Roads" of the Natural Resources and Environmental Protection Act 1994 P.A. 451, as per the stated goals, objectives, and criteria established by this act. The act (324.35704,

sections 1-7) provided for MDOT to work with GTCRC to develop guidelines and procedures that could be adopted by a board to preserve native vegetation in a Natural Beauty Road. GTCRC did not designate Bluff Road as a Natural Beauty Road;

- k. On November 19, 2019, the Peninsula Township Board of Trustees adopted a resolution opposing the transfer of jurisdiction over M-37 to GTCRC; copies were sent to MDOT's Traverse City Service Center and GTCRC.

NOW THEREFORE BE IT RESOLVED that the Peninsula Township Board of Trustees is opposed to the 2020 millage request by the GTCRC and respectfully asks the road commission to work with Peninsula Township in the future to jointly solve its difficult road issues.

AYES:

Mangold, Biddle, Wahl, Fonger, Wunsch, Chown

NAYES:

RESOLUTION DECLARED ADOPTED

Rebecca Chown

Signature

[Handwritten Signature]

Name

Clark

Title

I hereby certify that the foregoing is a true and complete copy of the resolution adopted by the township board of trustees of the municipality of Peninsula Township, county of Grand Traverse, state of Michigan, at a meeting held on 09/08/20 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act and that the minutes of said meeting were kept and will be or have been made available as required by said statute.

Rebecca Chown

Signature

Rebecca Chown

Name

Clark
