

PENINSULA TOWNSHIP

13235 Center Road, Traverse City

MI 49686

www.peninsulatownship.com

Township Board Regular Meeting

September 12, 2023, 7:00 p.m.

Township Hall

Minutes

1. **Call to Order** by Wunsch at 7:06 p.m.

2. **Pledge**

3. **Roll Call**

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

4. **Citizen Comments:**

Louis Santucci, 12602 Center Road: I want to clear up something I said at the charter meeting. When I said you had already made up your mind, I was implying it seemed you had already made up your mind to go ahead and hold the referendum, not that you have made up your mind as to where you stand on the issue. I've read the law pretty carefully, several times. The point is you don't have to do anything; you could do nothing. Or you could pass a resolution to say you don't want to be a charter township. Or you could pass a resolution saying you want a referendum on it. My preference would be that you do nothing. Instead of doing the referendum, maybe do a survey, pick 200 people at random and mail them to a survey. Putting out a referendum is a lot of work.

Nancy R. Heller, 3091 Blue Water Road: my number one comment is again the invoice list. I asked a few months ago for an explanation or a short summary on all the legal costs. In addition, the request by a member of the board under board comments to do a summary to inform Peninsula Township residents of some of the current events. It doesn't have to be long or drawn out. I as a resident don't feel properly informed. I would like to know what's going on. I hope you heard the comments. All the residents are asking. Give us the information. Let us make the decisions. Please take that under consideration. Second thing is under the fee schedule, under "Large event permit private property," I need private property explained to me. Is it churches? Schools? The lighthouse? Library?

5. **Approve Agenda:**

Chown moved to add new business item 7, follow-up on next steps after informational meeting on charter versus general law forms of government, with a second by Shanafelt.

Motion passed by consensus

Wunsch: agenda item number four, we are waiting for legal review to turn over the zoning administrator position to Wikar. Leave as is and table for October meeting.

Cram: still navigating whether both [Wikar] and I can be zoning administrators under our current zoning ordinance.

Shanafelt moved to approve the agenda as amended with a second by Sanger. Motion passed by consensus

6. Conflict of Interest:

Rudolph: I have a conflict of interest with item three on the agenda. One of the applicants is a relative.

7. Consent Agenda:

1. Invoices (recommend approval)
2. Reports
 - A. Fire Department
 - B. Cash Summary by Fund
3. Minutes from August 7, 2023, Township Board Special Meeting; August 8, 2023, Township Board Regular Meeting; August 17, 2023, Township Board Special Meeting; and August 18, 2023, Township Board Special Meeting
4. *Record-Eagle* article titled "TC rides to top as states Most Bikeable City"
5. Peninsula Township Fire Department Station 1 Open House flyer
6. Correspondence
 - A. Richard and Peggy Townsend

Chown moved to approve the consent agenda as presented with a second by Rudolph.

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

8. Business:

1. Update from parks committee (Zebell)

Michele Zebell, 2616 Bowers Harbor Road: continuing work on the logo. We are proud of our parks and celebrating on September 30. We amended our reservation to include a rain date of October 1 and another pavilion reservation. In the packets you have a flyer/poster that has been posted on the website along with links to various activities that people can sign up for, basic skills training and a free throw competition. It's posted to Nextdoor so folks in the township will have another way to find out about it. Along with what you have in the packet is our activity trail map. It includes the list of places the kids will go, a schedule, a map of the township parks, and the trails at both the state park and Pelizzari. Each participant or family that comes will get one of those papers. It has links to the website so people can access information about our parks. The celebration is a chance for us to recognize people who have done a lot to make these wonderful things happen. It's also a time for us to get together as a community to celebrate our beautiful parks and each other. I encourage you to come. We'll have board games at pavilion one, lawn games, and the park activity trail has a lot of fun things for people to do. The fire department will be there. Last, I want to thank you for the meeting last week. Funding has been an issue and a frustration for the parks committee from the very first day I joined. We have difficulty maintaining the parks with the funding we have. Looking at possible ways to address that funding issue is appreciated.

2. Discussion of Early Voting and Resolution 2023-09-12 #1, Adopting Early Voting Site and Municipal Agreement (Chown)

Chown: determining how to administer the constitutionally mandated nine days of early voting that is now required with the passage of Proposal 2022 last November has sent clerks in every township in Michigan into something resembling a tailspin. In the past several weeks, we township clerks in Grand Traverse County have had several emergency meetings. We've had a four-hour focus group session with representatives from the

Michigan Bureau of Elections. We also held our monthly county-wide township clerk's meeting. All of these meetings will continue for the rest of this year and into the new year as we learn how to implement Proposal 22 and begin training our election inspectors. Right now, we have more questions than answers. In my four and a half years as clerk, running two cycles of elections, we've never had an emergency meeting.

Michigan clerks are now tasked with administering three separate election systems for every state and federal election going forward. First is Election Day voting. Second, we have "any reason" mail-in absentee ballot voting. Third is these mandated nine days of early voting. I want to emphasize that Michigan is alone in this. No other state in the United States runs three separate election systems concurrently.

Each township in Michigan has three options. We can choose to administer the nine days on our own as a single municipality. We can create a joint municipal agreement and work together to administer these nine days. Or we can ask the county to run early voting. The clerks in Grand Traverse County have decided to either administer the nine days on their own or join together in two separate groups. After extensive conversations in the county over the last several months, Charter Township of East Bay, Acme Township, Whitewater Township, Union Township, and Peninsula Township agreed that we would like to work together, utilize our combined resources, and create and staff a single collaborative early voting site that would be housed in Charter Township of East Bay. The clerk of East Bay, along with her election commission and board, had a meeting last night and agreed to host this early voting site. These townships, including Peninsula, cannot successfully implement nine days of early voting without a tremendous expenditure of time and resources.

Peninsula Township will still be open for the mandated eight hours per day of the nine days of early voting. We will still be open to register voters, answer questions, and issue and accept absentee ballots. This is a requirement. Prior to the passage of Prop 22, we were open for one eight-hour day prior to Election Day. Collaborating with other municipalities and Grand Traverse County is not a "Get Out of Jail Free" card for Peninsula Township. Nonetheless, this agreement will allow Peninsula Township to meet necessary space and security standards for early voting and also save the township significant money in terms of the number of election inspectors that we need to train and hire to work the nine days, purchase the equipment that we will need, and so on. The municipalities I mentioned will share the cost of the attorney fees that that have already been spent to create the municipal agreement and the resolution. Peninsula Township took the lead on that and Fahey Schultz created those documents. The other townships would like to share in the cost of those attorney fees.

We still do not know the dates for the presidential primary. It's either going to be February 27 or March 12, which adds to the overall excitement and angst that we clerks are feeling. Peninsula Township and all the other municipalities will of course be open on Election Day for voting as always, and we will still administer absentee voting as we have done for many years now. We are merely adding another option for people who wish to to vote early in the nine days prior to the election. It is my recommendation as your clerk that you authorize me to sign the municipal agreement for election services and that we pass the resolution adopting the early voting site at Charter Township of East Bay and the municipal agreement.

Rudolph: if somebody wanted to vote during those nine days of early voting, they would need to go to East Bay. Would we have to have staff there?

Chown: yes, the five [municipalities] would be sharing the staffing needs.

Rudolph: we would have a representative there. The other thing is, you had a list of equipment. Do we pay for that?

Chown: that remains to be seen. What I wrote was a narrative justifying the early voting grant funds. All the townships have been asked to create this narrative. The Bureau of Elections and the state of Michigan have not yet been able to determine how much money they will be reimbursing municipalities. Our advice from the county was to carefully consider what we needed in order to administer these nine days. A lot of the equipment cannot be used on Election Day. It has to be completely separate for a variety of reasons. We may not get another chance to write a grant and order equipment that we're going to need. We're trying to err on the side of caution and get what we think we're going to need going forward at least throughout this next year. We were told that there will be some reimbursement; we don't know how much.

Shanafelt: regardless, this is now the law. Essentially everything remains the same except that there's another option for voting. And the reason we're not doing it in Peninsula Township and our regular precincts is simply an infrastructure issue.

Chown: infrastructure and, by extension, security.

Shanafelt: cost as well. Collectively getting together provides another opportunity to vote and in a relatively cost-efficient manner.

Wunsch: you're basically creating an expanded number of days when people can come in to register to vote, request an absentee ballot, or do no-reason absentee voting in person. But we'll have an offsite location for anyone who wants to stick their ballot into the machine. The absentee ballots can be cast in the township hall, submitted to the clerk, and then they're opened and tabulated on Election Day. Whereas with early voting, you'll put the ballot into the machine and it will tabulate it same day.

Chown: almost correct. You're right about the absentee ballot going forward. A person can have that ballot and go to the early voting site and feed it into the tabulator. That's brand new. It's been expressly illegal to do that before. Up until until now, if an individual came to a precinct on Election Day with their absentee ballot, they were told to bring it to our drop box or directly hand it to me in the clerk's office. The precincts wouldn't accept it because there's no guarantee, if they're busy, that they're going to be able to get it to me and I can get it to my absentee voter counting board before 8:00 p.m. to get it tabulated. So now an individual who wishes to feed their absentee ballot into a tabulator would do that during Early Voting or, I think, although this question has not been answered yet, on Election Day in their precinct. That's one of the questions we're waiting to have confirmed. We're all being told to be patient, yet we have deadlines.

Shanafelt: basically, this law passed for a variety of reasons, but in essence it gives citizens greater flexibility in how we want to vote while keeping all the things we had in the past. With added flexibility comes complexity, hence the issues you're facing here and the necessity for having a shared location.

Sanger: other townships in our county are clustering?

Chown: several would like to, yes. Long Lake Township is hoping to work with either

Garfield or possibly Green Lake. Some of the others are just trying to figure it out.

Sanger: what is the deadline?

Chown: we have to have our information to [the county clerk] the end of this month. Whitewater is hoping to pass the municipal agreement this evening; East Bay did last night. I think the others are next week.

I do have one correction. In the agreement, on page two, under 1.8, it's the section called "QVF Controller." In the second line, it says "QVF administrator." Need to change "Administrator" to "Controller." That's a correction I will make.

Achorn: where is that?

Chown: page 2 of the agreement for election services.

Wunsch: it looks like the way the resolution is structured, we can adopt and [Chown] will have the ability to make those minor edits. We don't need to amend the documentation.

Shanafelt moved to adopt resolution 2023-09-12 with a second by Rudolph.

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

Shanafelt: thank you, Becky, for all this extra, unexpected labor.

Chown: I've been going and coming. If you're looking for me and I'm not here, I'm in town meeting with the clerks. I want to give a giant shout out to East Bay. I cannot emphasize enough how gracious they have been to allow the small municipalities to do this. They've welcomed us with open arms. Thank you, Sue Courtade and the entire board.

3. Recommendation for filling empty trustee seat (Wunsch)

Wunsch moved to recuse Rudolph with a second by Chown. Passed by consensus

Wunsch: we had three good candidates for the open trustee slot, Julie Alexander, Maura Sanders, and Robert Bonhag. After considering their application materials and what I know about each candidate, I recommend we appoint Maura Sanders to the township board.

Sanger: I suggest for the public that you review that you are statutorily allowed to make this recommendation. We should restate that tonight for those listening here.

Wunsch: the most streamlined process for a new trustee appointment is for me as the supervisor to review applications and make a recommendation to the board. If the board agrees with my assessment, you may move to support the approval of my recommended replacement for the vacant trustee position. If you disagree with me, you may turn my choice down and open up an interview process. For transparency, we included all the application materials in the packet. At our last regular meeting, we decided I would bring a recommendation forward to the board.

Shanafelt: for transparency, what led you to recommend Maura?

Wunsch: her recent election by the township board. She served as a trustee relatively recently; we know the community placed trust in her as a township trustee. While we can't generate a pulse of where the community is right now, the support for her candidacy when she ran initially was strong enough that I felt comfortable.

Shanafelt: in addition to her experience.

Chown: that was 2016? Yes.

Achorn: I was on that same slate of candidates running for election. I worked with Maura probably from February 2016 through to the election, then afterward when she was on the board. I agree with the recommendation.

Sanger: I have similar experience participating in that preparatory work to that election. I

know very well her qualifications. Again, we have someone stepping forward in the community who has both the experience and the qualifications to land on her feet.

Sanger moved to appoint Maura Sanders to the township board with a second by Shanafelt.

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

Sanger moved to bring Rudolph back with a second by Shanafelt. Passed by consensus

Chown: I will swear Sanders in before we head into closed session.

Wunsch: thank you all for applying for the position. I appreciate your willingness to serve, the time you put into submitting application materials, and the time you've put into coming this evening. I felt all three of you were good candidates. It was a difficult choice.

4. Authorize Nicholas Wikar as Peninsula Zoning Administrator (Cram)

Chown moved to table business item four until the next regular board meeting with a second by Sanger. Motion passed by consensus

5. Large event permit fees (Cram)

Cram: on May 9, we updated our permit fees. Generally, they were updated by 20 percent to reflect inflation and increased costs. Our goal is to cover staff resources to process these applications and issue or deny the permits. The large event fees were increased beyond that 20 percent. After we increased those fees, we heard from several nonprofits that participate in races here on the peninsula. We had a presentation from the Bayshore [Marathon] to help us understand that, in addition to hosting those events, these nonprofits give considerably back to the community. The large increase in the application fee and the cost per participant would hinder their ability to give back. I paid close attention to that. I looked at what other municipalities are doing with regard to large events and event fees. I propose that we look at the 20 percent increase. That would bring it to \$650. Likewise, rather than going from a rather abrupt increase of \$1 per participant to [\$5] that we go to \$2 per participant. The thought behind the participant fee is to provide a public benefit in exchange for the constraints the event puts on the community. That fee goes into our parks fund. It is consistent with what other municipalities are doing, and it will still cover staff costs for processing these permits. Based on our discussions with the recent large event application that came before you, we realized the time it takes to process a large event application for an event happening on private property is less than what we commit to races. With the races, you have to coordinate safety with police and fire. We are looking at covering our costs, but we want to reduce the permit fee for a large event taking place on private property. To answer Mrs. Heller's question, the large event ordinance says any large event that has 250 people, either on private property or on public property, requires they go through the large event process. St. Joseph church is on private property.

Wunsch: do we consider the library private property? Are we looking at other governmental entities that aren't township owned as private?

Cram: yes. The library would be considered private property. If they have more than 250 people at an event, they go through the large event process.

Wunsch: public properties would be either roads or parks that the township owns that the parks [committee] allows an event on but where we're incurring public safety costs.

Cram: our parks ordinance addresses how those large event permits and processes take

place.

Shanafelt: “races” is a very specific term.

Cram: we could make it less specific. Use “public property” instead. I used “Races” because it is specific. It’s the only large event where we would have the per-participant fee.

Shanafelt: the Freedom Run was not a race or a competition yet they would have been using public property. We need to capture that because it's a potential future thing. I appreciate, sort of, reducing the per person fee for the non-profits. The presumption there is the non-profit organizations give back to the communities in which these events occur. What about a for-profit? We need a distinction there. Want to look forward and make sure when we do run into a situation where we're faced with a conundrum, we have something in place with guardrails we can act within.

Cram: I propose another line item to distinguish that the \$2 per participant is for an established 501(c)(3) non-profit. For a for-profit, the price would be \$5 per participant.

Shanafelt: I would go higher personally.

Wunsch: is that legal?

Patterson: I think you can make some delineation. When we were looking at the parish's application, we discussed returning to the ordinance and whether we wanted to adopt potential exemptions or a streamlined process for certain types of applicants. Instead of fee waivers or reductions, go back to your large event ordinance.

Cram: I still want to revisit the ordinance. But in the meantime, this provides us a solution that was discussed before the board with regard to St. Joseph's application. I have informed them of this change. They are excited about it and I think it would work. My goal is to cover the operational costs and this accomplishes that.

Chown: the \$2 per participant fee for nonprofits covers staff time?

Cram: the permit application fee covers staff time. The cost per person is a nexus that goes to public benefit.

Chown: I didn't feel we were reactionary when we changed the participant fee to \$5. I want to be careful not to be reactionary and go too low.

Sanger: want to cover costs. We're not talking fully accounted costs, we're talking about incremental costs. Fully accounted would account for property buildings, all expenses that are not normal payroll-related costs. When we discussed this one big event, it ties up the whole peninsula on one of the three major summer holidays for almost the entire day. There is a cost of not being able to use the roads. I don't think we are exorbitant at the \$5 fee given what the entry fee is for a runner. At \$2, we’re hoping to be one of those charities that this nonprofit is giving away to and that is not guaranteed.

Achorn: has not been in the past either. Over the years we've asked for an increase in this participant fee. This year we finally got it down in writing, and I am not in favor of changing it. The parks need that income, and this is a major revenue source for the parks. This is the only way we can get reimbursed for use of the peninsula.

Sanger: Bowers Harbor Park is now a staging ground for two of these races. Who paid for the expansion of Bowers Harbor Park? We did. We need to recover that cost somehow.

Chown: I feel sympathetic to the TC Track Club that the difference between the \$1 per-person fee and \$5 was a tremendous shock. But I feel \$2 isn't enough. I wasn't necessarily thinking we should stick with \$5, but it sounds like the board would prefer that.

Shanafelt: I still think it should be \$10.

Achorn: initially we were thinking \$8 and we went down to \$5.

Shanafelt: the issue is, regardless of for-profit or non-profit, it causes issues on the peninsula. In the context of the fee an individual registering pays, this is nominal. \$5 is nothing. It could be \$10 and it would still be nothing in the context of the fees they pay. I would argue to make it \$10. I'm absolutely opposed to reducing it from five.

Achorn: I agree with you.

Wunsch: I'm concerned it appears we are a bit erratic with the 500 percent increase in one year. Because we work with these nonprofits that have relatively fixed annual budgets, I'd rather see us add incrementally rather than 500 percent in one year.

Shanafelt: I would use the example of the change in our charge for water service. That was unchanged for 20 years and should have gone up regularly.

Cram: based on this feedback, I would like to come back with a revision that clarifies the nonprofit version.

Shanafelt: I don't think you need to do that if we keep the fee at \$5.

Cram: I'll change the \$2 per person back to \$5 and move forward.

Wunsch: is that the pleasure of the rest of the board?

Rudolph: I'm not sure the township benefits from these kinds of events. I don't have a problem with keeping it at \$5. We talked about this earlier and agreed to go to that.

Sanger: I'm comfortable too. We've given them adequate notice. We're getting feedback, but I don't want to be compromised by the feedback. We need to recover more than just the incremental costs. We still have cost recovery going on. Incremental cost recovery is something we need fully accounted.

Wunsch: balance your costs against your user fees. What's the right fee for us to charge in order to get that public benefit?

Shanafelt: they are using the peninsula for purposes that are not directly benefiting the peninsula. I came up with \$10 is because it goes a long way to meeting the parks minimal operational budget. I can live with \$5. And to your point, we can gradually increase if we need to. I don't think \$5 should impact their ability to operate these events.

Cram: I appreciate the discussion on this. We are trying to keep these permit fees updated and reasonable so we're covering our expenses and to provide some public benefit for peninsula residents.

Sanger: typically, a municipality would set a fee like this because we're benefiting, say businesses, but that's not what we need in this township. I go back to the need to take care of our parks.

Wunsch: Traverse City tourism is making more off Bayshore than Peninsula Township is. The \$5 fee is impactful to the parks but is it workable for the folks who are doing these races?

Cram: that's why it was proposed originally, but I also found the presentation that the Bayshore made compelling as well as hearing from the other race organizers.

Achorn: if you will note, there was only a \$25,000 donation made to the township in all the years. Although they talked a lot about donating here and there, that does not benefit Peninsula Township.

Rudolph: that doesn't benefit residents, the ones who are being disturbed by these

activities.

Chown: when the TC Track Club gave the township that original \$25,000 grant, before I was clerk, was a grant request filled out?

Achorn: it was a match and the township had to put up \$25,000. That was used for Bowers Harbor Park expansion.

Chown: but nobody on staff or the board filled out a grant request and submitted it?

Achorn: no.

Chown: I am pretty sure in the last couple of years they've gone exclusively to that. I'm in the process of writing a grant request right now to the TC Track Club. They now work with the Grand Traverse Regional Community Foundation; I believe that's how all their philanthropic dollars are distributed.

Achorn: it could have been done orally, not in writing, and then the paperwork came in.

Sanger: staying with our \$5 fee, that's a given. You can apply for the grant and that's an unknown. That troubles me.

Chown: approximately 8,000 runners at \$5 apiece; that's \$40,000. That's a lot of money in a park system of 823 acres. We own or manage seven parks. And we have a budget of just slightly more than \$200,000 a year to take care of them.

Shanafelt: when I was on the parks committee, we didn't even come close to receiving our minimum budget to operate.

Achorn: we are getting it from ARPA, the tower fund, and the cable fund, not from outside.

Wunsch: there's a lot of feedback for [Cram] to incorporate into some changes. I'll look for a motion to table and then bring this back up at our October meeting?

Sanger: we have an application to which you have conveyed a lower fee. If we table, what will that do to that communication?

Chown: I think it will be after their event.

Wunsch: let's look at approving what we have before us tonight effective immediately following adoption and you can bring the proposed changes back. Could move to strike the amended \$2 fee so we don't have to have this conversation again?

Shanafelt moved to keep the \$5 participant fee with a second by Sanger. Motion passed by consensus

Shanafelt moved to approve the revised fee schedule for large events at \$600 and the private property large event fee at \$150 with a second by Rudolph. Motion passed by consensus

6. Peninsula Community Library event and raffle form (Cram)

Cram: Friends of the Peninsula Community Library is hosting a fundraiser event, Cheese, Chocolate, and Chardonnay, to benefit the library on Sunday, October 15, 2023, from 2:00–5:00 p.m. A copy of the event brochure was included in your packet. The proposed number of participants is 75. A large event permit is not required. The proposed event does not conflict with their special use permit approval for SUP #128 or sections 8.1 and 8.6 of the zoning ordinance. Those sections of the zoning ordinance don't provide standards for how these types of uses are conducted. We should update our zoning ordinance to provide those types of standards. It doesn't have to be extensive. How many people they can have associated with the parking provided on the property, the water

capacity, those types of things. When these types of events that are appropriate for churches and libraries and schools and things are happening outdoors, we have the same considerations of neighbors and reducing negative impacts to adjacent properties. The event includes a 50/50 raffle. The Michigan legislature requires the local governing body to approve and sign a resolution authorizing the charitable gaming license. The resolution is included in the packet for reference. There is someone here to answer any questions about the event and the raffle. Staff recommends you make a motion to approve the attached resolution and authorize the clerk to sign it.

Sanger: this is required for any organization having a raffle to sell tickets.

Rudolph: at the Legion Hall when we do our dinners, we have a 50/50 drawing. Does that mean we need to have one of these resolutions as well?

Cram: you might need that. We could look into that and assist you.

Sanger moved to approve the State of Michigan Charitable Gaming Division Local Governing Body Resolution for Charitable Gaming Licenses for the Peninsula Community Library with a second by Rudolph.

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

7. Update on next steps after informational meeting on charter versus general law forms of township government.

Shanafelt: that was a cogent presentation on the facts around charter township. We essentially have three groups. One group is opposed to any kind of increase in taxes. Another group essentially proposed governing by referendum. The last group supported the charter township question. Another point that came up was, what would the ideal government structure look like and what would be needed to operate effectively and efficiently in Peninsula Township? We're moving forward with working on a build-out of understanding what it is we need to operate well. The idea is not to build big government but to understand how we as a township should be constructed to best meet the needs of the community. We could convene an ad hoc committee of both residents and board members. Then we would have an idea of what funding we have today and how close we are to meeting this idealized goal.

Wunsch: it's a tall order, but if there are people in the community who have the skill set necessary to do a bit of strategic planning work, absolutely.

Shanafelt: the first step is information gathering.

Wunsch: then create an ad hoc committee to engage in some strategic planning and visioning for the township.

Shanafelt: that'll be the fun part. Think about not what we are today but where we want to be.

Wunsch: I would encourage some expediency. Have a vision for where we want to be by late 2023 or early 2024.

Achorn: could your request for the ad hoc committee be put on the website?

Shanafelt: let's think about what we want to put up on the website.

8. Litigation update (Chris Patterson from Fahey Schultz Burzych Rhodes)

Patterson: the Hidden Ridge case was dismissed without prejudice. The Family Orchard case is pending. The second case, Villa Mari LLC, is pending in local circuit court. Litigation is being handled by insurance defense counsel. It's proceeding through discovery and

remains pending. The winery litigation has concluded the discovery phase. The parties are filing dispositive motions. This allows the case to get more focused as you would present for trial. The way the case is going, many more motions will be filed. The deadline is, I think, the first week of October. After October, the next currently scheduled date is the last week of April, the trial, in 2024.

Regarding settlement discussions, all the parties were scheduled to go to Grand Rapids as part of a mediation settlement conference with the magistrate judge, who the parties have engaged with previously. Many of the board members did go to Grand Rapids and participated in that settlement conference, which I think shows the interest of the township in wanting to work with everybody and get this resolved. No immediate resolution was reached, but we are working with some representatives and the judge to see how we can continue those informal conversations. A further mediation process can continue through October. By the time we meet again, we will know the full extent of motions that have been filed in the cases. If there is continued informal mediation, we can provide an update on how logistically that has been accomplished so far.

Wunsch: as is our habit, if there aren't any objections, before we move into closed session, we'll have citizen comments.

9. Citizen Comments:

TJ Andrews, 690 Webster Street: I'm your county commissioner, Grand Traverse County. I want to mention two topics about resources that were significantly impacted by COVID. Very different topics but similar to thread. The first is parks. At every township board meeting, there's a discussion around the demand on township parks. I do believe the county will be considering a request from Peninsula Township for an ongoing multi-year allocation from the county budget to the township to support parks. The township is asking for \$25,000 for the next several years. It would be in consideration of the fact that the township hosts substantial park resources and the people who use those resources don't tend to consider whether those are township parks or county parks.

The second topic is the Pavilions, another resource in our community substantially impacted by COVID. COVID hit assisted living facilities hard. People are finding ways to not send their loved ones there, and, as a result, that community resource has been substantially under census and revenues have been way below the necessity to break even. It's been operating at a deficit that's been increasing substantially. There's an all-hands-on-deck effort to get that resource back on track to be the type of facility this community needs. Anybody who needs assisted living is never turned away. That is what we get with a county-run medical facility, a high level of care and high level of Medicaid patients in those facilities. I'm now going to become the board of commission liaison to the Pavilions board. I'm also on the ad hoc committee that's working on that issue from the county perspective.

10. Closed session with township legal counsel to discuss trial and/or settlement strategy in connection with the *Family Orchards* and *Mari Vineyards v Peninsula Township* and township board lawsuits with the township's insurance-appointed attorney pursuant to MCL 15.268(1)l and MCL 15.243(1)(g), as an open meeting would have a detrimental financial effect on the litigating or settlement position of the township (Wunsch)

Achorn moved to go into closed session with township legal counsel to discuss trial and/or settlement strategy in connection with the *Family Orchards* and *Mari Vineyards v Peninsula Township* and township board lawsuits with the township's insurance-appointed attorney pursuant to MCL 15.268(1)(e) and MCL 15.243(1)(g), as an open meeting would have a detrimental financial effect on the litigating or settlement position of the township at 8:47 p.m. with a second by Sanger.

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

Chown moved to return from closed session at 9:29 p.m. with a second by Rudolph.

Achorn absence excused.

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

11. Board Comments:

Sanders: I'm pleased to be back and excited to serve.

Sanger: I'm impressed with Grant Parsons' comment that we've been elected to lead and make decisions. He used the phrase "control by referendum..."

Shanafelt: "government by referendum..."

Sanger: which we don't want to do.

Wunsch: talk to the clerks who are hosting multiple emergency meetings.

Shanafelt: it's infeasible.

Chown: it's tremendously inefficient. You recognize the need, but then you've got this immense delay in order to get it on the ballot.

Sanger: Joe Gorka, who is a township resident, has a piece in the *Gazette* this week; his comments are right on track. Joe has the experience. He was a supervisor downstate.

Chown: I have comments from Joe that he submitted too late to put in this packet, but they'll be in the next one.

Wunsch: it's a lot of work to go through strategic planning, figuring out the ideal structure for the township and budget allocations for things that keep coming up like parks, public roadway infrastructure, basic operations. I keep hearing people say, "Just settle the lawsuit and end the legal costs." I think we know that is not, from a purely financial standpoint, a good outcome for the residents.

Chown: it might even be infeasible.

Wunsch: to the extent that we can look at some of those from a scenario planning standpoint and project what the costs organizationally are, could we get the attorneys to commit to what the lifespan of this looks like? It would be constructive to look at our budget. If we had the power to, without going through this analysis, I can say pretty confidently I wouldn't support going all the way up to five mills.

Shanafelt: we have to understand first why we need it. That's the purpose of this exercise, what we need today. But I think our task is to figure out what we want to look like in a decade plus and how we get there.

Wunsch: to imagine we had the capacity to fund the higher level is constructive for the community trying to make this decision.

Chown: the parks committee has already done the funding feasibility study. That material is there. Has to be updated with current costs.

Shanafelt: when I was there?

Chown: 2021. That immense work is done. What's left is roads and staffing.

Sanger: comparing us to the charter townships, the metrics of the population that lead to demand for services, we have a facility issue facing us. We don't have room for another employee in that building. My concern is about the vulnerability of our township records. If this was our business plan, what are we doing for safeguarding? What it spells is a need for more people.

Shanafelt: certainly more people and budget to bring in outside people.

Sanger: something that became clear when I read Gorka's comments is that we have three trustees who are full time. Look at what is piled on your backs in terms of additional work. Anything that comes along gets piled on the backs of the statutory duties of the clerk, the treasurer, and the supervisor. It's too much to ask at times.

Chown: Maura, did you have a chance to watch that meeting?

Sanders: I watched it on YouTube. I don't know if you keep the metrics for every town board meeting, who logs in and watches. There are a lot of people watching. A lot of interest even though people aren't ready to chime in and say anything. To your new ad hoc committee, [Wunsch] and I talked about this maybe a year ago. I reached out with some thoughts about efficiency and streamlining processes. There are plenty of people in this township, if you get the right group that can work well together, who can save us money because we won't have to go out and get paid services. These folks are professionals and want to help.

Wunsch: the three officers have inherited statutory responsibilities. There's also just the baggage that comes along with the way the township has operated for the last 100 plus years. It would be useful to have someone look at what does it really look like.

Shanafelt: right, if we were to go from scratch, what would we really do?

Wunsch: in my business, you have to make decisions about whether you are doing things because you've always done it that way. As a manager, you take over a system and continue it. You make improvements around the edges but it's helpful to have outside eyes come in.

Sanders: knowing you don't know what your end state is supposed to look like but knowing we need to get better. That's where the outside eyes really help.

Chown: objectivity.

Sanger: we have a model in front of us, our fire department and chief. We all know what the fire department was 10 years ago, and look at it today. It's a good example of bringing in a professional and fresh ideas. He was able to make major changes. I sat on the fire board 12 years ago, and talking about converting from volunteer to full time was like saying we were going to close the township down. Thanks to [Chief Gilstorff's] professionalism and leadership, I'm proud of our fire department and EMS operations today.

Rudolph: a lot of people don't realize the pressures that are building out here. That came through with one of the slides Bill Fahey had that showed new home construction out here. Look at what has happened just in the last year. We're on a path where we might be looking at a thousand new homes within the decade. The demand is on our staff to manage that.

Sanger: the easy-to-build lots were purchased a long time ago. The non-desirable lots are all we have left. They take more staff time.

Rudolph: the more development you have, the more demand on resources. It's easy and cheap to run a farm community, but more residents demanding services gets more expensive and harder to manage. We've got do something better than what we are now.

Shanafelt: we are not strictly an agricultural community today.

Wunsch: while the look and feel is agricultural, the types of developments we have with new residents who have the ability to do whatever they need to put what they want on these less desirable lots means there are major complications with every land use permit being issued out here. The design side of our local building community has figured out how to push things to the absolute limit of our zoning ordinance. We are spending a lot of time checking to make sure that what an architect submits is actually in compliance. Because there's so many parameters that are right up against the edge, it places the types of resource demands on us that we would have if we had a busy downtown area.

Shanafelt: it's only going to get worse. The number of individuals who have financial resources is only going to increase.

Wunsch: we've been in a tough position for the last few months. We're getting a lot of negative feedback from contractors and developers because we uncovered some issues with zoning administration, and the prerogative for the last couple of quarters has been to make sure we're doing things right. Things are taking longer.

Shanafelt: quality over quantity is in our master plan. If you're getting complaints about speed, we're following the master plan to preserve the character of the community. You can have people complain to me; I'd be more than happy to talk to them.

Wunsch: remember your staff gets worried about that. I remind them that doing it right is more important.

Shanafelt: I think we as trustees are in complete alignment around that.

Sanders: I always encourage the staff and tell them they're doing a great job because they are.

Wunsch: a great job in tough circumstances.

12. Adjournment

Sanders moved to adjourn with a second by Sanger. Motion approved by consensus
Adjourned at 9:48 p.m.