

# PENINSULA TOWNSHIP

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MI 49686

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## Township Board Regular Meeting

October 10, 2023, 7:00 p.m.

Township Hall

Minutes – Correction on p. 3

Made by the Clerk on November  
15, 2023

1. **Call to Order** by Chown at 7:01 p.m.

2. **Pledge**

3. **Roll Call**

Present: Achorn, Sanger, Rudolph, Sanders, Chown

Absent: Wunsch, Shanafelt

4. **Citizen Comments:**

**Nancy R. Heller, 3091 Blue Water Road:** referencing the consent agenda, how do you set it up? From the Michigan Municipal League: “All items listed under the consent agenda are considered routine by the board and will be enacted by one motion. There will be no separate discussion of these items. If discussion of an item is required, it will be removed from the consent agenda and considered separately.” Is this how you set up the consent agenda?

**Chown:** yes, it is.

**Heller:** on item number nine, “Preliminary Analysis of Peninsula Township Organizational Structure and Functions by Trustee Armen Shanafelt.” I read it. I feel it's incomplete. It does take into consideration the township staff, the supervisor, clerk, and treasurer. There was no key. I had to ask someone what the two initials meant. He was asked to do this at a township board meeting?

**Chown:** he volunteered to lead the ad hoc committee and begin researching the topic at the special informational meeting.

**Heller:** a lot more discussion needs to take place on this subject. I don't think this is the place for it, as a resident.

**TJ Andrews, County Commissioner:** regarding the agenda item relating to the county's appropriation to Peninsula Township parks capital improvements, \$25,000 a year for the next five years, I want to thank Becky [Chown] and Isaiah [Wunsch] for putting on a great presentation and getting the board to unanimously agree. It's a small amount going towards a great need in the community. It speaks to the value parks provide to our entire region.

In CMH [Community Mental Health] upper management, there was some news over the weekend about folks going on administrative leave. The Pavilions CEO left effective

immediately last Thursday. Roads [Grand Traverse County Road Commission] is going to be getting a new head person. Those organizations are all being led at the moment by interims. Who we put on boards and who oversees these boards is important, and we have openings. We are going to be interviewing for the Pavilions board but there are also openings coming up on the BATA board, the Airport Authority board, Veterans Affairs, and others. I know Peninsula Township is trying to find folks to volunteer on your boards. If you have excess folks who are looking to get involved in our community at the local level, we have an immense need. I have a list of statewide boards looking for appointees. These range from mechanical engineers and boilers to cosmetologist and barbers and many others who oversee the rules and codes. If you come across recent retirees who have a wealth of experience in their trade or profession who want to stay involved, please send them my way. I'll try to sit down with them and find a good fit.

**5. Approve Agenda:**

**Sanders moved to approve the agenda as presented with a second by Sanger. Motion approved by consensus**

**6. Conflict of Interest: none**

**7. Consent Agenda:**

1. Invoices (recommend approval)
2. Reports
  - A. Fire Department
  - B. Cash Summary by Fund
  - C. Peninsula Community Library and additional correspondence from Director Vicki Shurly
  - D. Peninsula Township Ordinance Enforcement Officer
3. Minutes from September 6, 2023, township board special meeting; September 7, 2023, township board special meeting; September 12, 2023 township board special meeting; and September 12, 2023, township board regular meeting
4. Peninsula Township Fire Department Station 1 Open House flyer
5. PowerPoint slides from township board special meeting on general law versus charter forms of township government
6. Ticker article titled "Peninsula Township Explores Becoming Charter Township"
7. Ticker article on GT County Commissioner' approval of Peninsula Township Parks funding
8. Letter accepting the donation of pickleball courts from the Bowers Harbor Pickleball Association
9. Preliminary Analysis of Peninsula Township Organizational Structure and Functions by Trustee Armen Shanafelt
10. Public service announcement from League of Women Voters on leaking septic systems
11. Correspondence
  - A. Joe Gorka
  - B. Susan Odgers

**Rudolph moved to approve the consent agenda as presented with a second by Sanders. Motion passed by consensus**

**8. Business:**

1. Parks Committee update (Chown)

**Chown:** there's quite a lot in the packet. This update covers everything from our brand new parks logo to planned signage in our parks, starting with Pelizzari Natural Area, to the recent community-wide celebration at Bowers Harbor Park. I would be remiss if I did not briefly mention the dozens of people who helped make that celebration a success. First, the parks committee itself. Every one of the members came out and assisted. I want to recognize and thank the Bowers Harbor Pickleball Association, which jumpstarted the additional improvements at the park with the six new pickleball courts its members privately fundraised for. That work helped us leverage a deal to repour the tennis courts and construct a brand new basketball court we otherwise could not have afforded. I also want to recognize Brian Peace of Elmers, who did all this work, and Mike Query, who sold us the new state-of-the-art basketball goalposts at cost. Michelle Zebell of the parks committee spearheaded the entire event. The Old Mission Peninsula United Methodist Church provided snacks and drinks. Local farmers provided apples. The list of people who assisted is three pages long. The parks committee created t-shirts that say "OMP" on the front with a beautiful logo created by artist Glenn Wolff on the back that he donated to the township. We also have stickers and decals for sale. If anybody would like to purchase them, visit Mission Point Lighthouse Gift Shop. All proceeds go to our township parks.

2. Old Mission Woman's Club Christmas Cookie Sale December 8 and 9, 2023, at Peninsula Township Hall (Chown)

**Chown:** in your packet is the annual application from the Old Mission Women's Club [OMWC] for the cookie sale. Normally this item goes under consent and is automatically approved. It's a business item tonight because the OMWC hasn't yet received its certificate of liability insurance. That is pending and is required to hold the sale at the town hall. I ask for a motion tonight to approve this agenda item, pending receipt of the certificate of liability insurance, so the women's club can move ahead with planning for the event.

**Rudolph moved to approve the Old Mission Woman's Club Christmas Cookie Sale December 8 and 9, 2023, pending receipt of the certification of liability insurance, with a second by Sanger.**

**Roll call vote:** yes – Sanger, Rudolph, Sanders, Chown, Achorn

**Approved unan**

**Sanders:** will you let us know when that certificate comes in?

**Chown:** yes. It should within the next two weeks.

3. Request for Budget amendment and appropriation (Achorn)

**Achorn:** the Dougherty House and historic log church need additional funding for operating expenses. We estimated utilities but that wasn't sufficient. They need an extra \$10,000 appropriation and an amendment to their budget. I propose the money come from the Tower Fund, number 502, and we put it into the Dougherty House Historic Log Church Fund, number ~~206~~ 216. At the present time, there's \$1,700 in their cash account and we're approaching winter with probably hefty utility bills.

**Sanger moved to approve the transfer of \$10,000 from the Tower Fund to the Historic Log Church Fund with a second by Chown.**

**Roll call vote:** yes – Rudolph, Sanders, Chown, Achorn, Sanger

**Approved unan**

4. Revised fee schedule (Cram)

**Cram:** based on feedback from our last meeting, the revised fee schedule clarifies that the

large event permit for those events on public property and/or within the public right-of-way would have the \$600 application fee and go back to the \$5 per participant fee at the completion of the event. For the large event permit fee for events on private property with 250 people or more, the application fee would be \$150. I will update the website. This information is available when people come in to apply for various permits.

**Sanders:** are we sending out a notice to our historic event holders?

**Cram:** they are already aware of this, but I can send a reminder.

**Sanders moved to approve the revised fee schedule with a second by Achorn.**

**Roll call vote:** yes – Sanders, Chown, Achorn, Sanger, Rudolph **Approved unan**

5. PDR update (Cram and Laura Rigan from the Grand Traverse Regional Land Conservancy)

**Cram:** the selection committee announced the first application period of round five on May 3. That application period closed June 7. We received 10 applications. They were all deemed complete. Two of the applications included multiple parcels. Laura [Rigan] and I broke these two applications into five applications based on the contiguity and location of the parcels. They are all labeled VM 3, which stands for the Van Meter family. A copy of the spreadsheet is included in the packet.

The selection committee decided to request appraisals for the four top-ranking applications based on the fact that we have limited staff resources and it takes time to do these appraisals. We plan to work through all of them as we move forward. Once those appraisals are complete, we will bring them back to you. Laura has been working closely with the applicants to determine whether or not they're interested in participating in matching funds. She has submitted grant applications on our behalf. If matching funds are available, the rankings might change. That process is outlined in the PDR ordinance. We're hoping to have the first four appraisals complete sometime around the end of the year. Regarding the 2022 monitoring, all 12 violations have been brought into compliance. Most related to a transfer of property and not recording the appropriate deed. A couple of others we addressed through letters and investigation. One citation was issued and settled. Monitoring for 2023 has begun. Susie Shipman received the contract to assist with monitoring. She has sent out letters to all our existing conservation easements. There are 114. She is requesting site visits with the property owners and is getting a good response. Since the first application period rolled out, we have received additional interest. We're keeping a running list of all interested parties for when we complete these current applications and open up another application period.

**Rudolph:** congratulations on getting through the citation.

**Chown:** from a process standpoint, how often does the committee get together?

**Cram:** in the beginning, we met every other week. We updated the application and the conservation easement template and went through the ordinance. We had to bring the selection committee up to speed with the farm processing amendment, number 201. We are meeting sporadically now that the applications have been ranked and Laura is working with the applicants. As we have additional information, we will bring the selection committee back together. Once the appraisals come back, we will meet more regularly to prepare applications to move forward to the board.

**Chown:** it's going to stay busy for a while.

**Cram:** we have a great selection committee. They work really hard. Laura Rigan of the Grand Traverse Regional Land Conservancy was contracted to assist with program administration. She's awesome.

#### 6. Planning update (Cram)

**Cram:** I am sad to say that Nicholas Wikar is no longer with us as our planning and zoning administrator. We have reposted the position and are hopeful we will find someone soon. We have Sara Kopriva with Beckett & Raeder coming in to help on a contract basis. I will go back to covering both departments and working with our ordinance enforcement officer as well as with Sara to move land use permit applications forward.

It came to our attention that Bonobo hosted a private event on September 30. We have received complaints about noise at that event. We are currently investigating Bonobo's SUP and other things. We will keep you posted.

We have also received several complaints about events at the Seven Hills distillery. They had an event over Labor Day. It was reported that 30-plus cars were parked on Seven Hills Road with noise beyond 10:00 p.m. I had a verbal conversation with one of the owners letting him know a violation letter would be coming. Before I could get the letter out, they hosted another event last Wednesday, October 4. I investigated that event and counted more than 77 cars parked on the road. That is a violation of their SUP for many reasons. They agreed not to park on Seven Hills Road. They also exceeded the capacity allowed by their on-site septic system. The violation letter will now have additions based on this second incident and we will likely issue a citation.

**Chown:** will this go beyond citations if these sorts of violations continue?

**Cram:** hopefully the citation cures it and they understand we need to enforce our SUP approvals. Beyond that we could look at their SUP.

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

**Patterson:** one of the lawsuits that was filed around this time last year in federal court was with the plaintiff Family Orchards LLC related to the process of the moratoriums that were in effect prior to Amendment 201. Motions are pending. There's been no scheduling order, which is something a court issues. We have pending legal motions that could dismiss the case if the judge agrees with the position set forth by the township.

The second case, the Villa Mari lawsuit, is in state court now. It relates to the scope of activities that are permitted in their SUP. That case has gone through formal mediation. Discovery should be completed in the next two weeks.

The wineries of Old Mission Peninsula case is moving through the courts again with PTP's [Protect the Peninsula] intervention. The deposition process is complete. We had until last Friday to file dispositive motions. Now the clock starts running for responses to all those motions. That case is set for trial sometime in April 2024. There were mediation discussions. We are interested in continuing to engage in that process. We should be getting updates from counsel shortly to figure out exactly how the court wants to conduct those additional settlement discussions.

#### 9. Citizen Comments

**Fred Woodruff, 4824 Forest Ave.:** is there a point at which this process of claim, counter claim, what everybody is actually trying to seek, will become public? My understanding is that gag orders have been issued so that the parties involved can't talk about it. Is that still

in place? What information if any will be revealed by these motions for summary judgment?

**Patterson:** I think you're referring to an order that was issued by Magistrate Judge Kent. The township is a public body subject to the Freedom of Information Act. We did receive a FOIA request seeking copies of the settlement proposals that were issued by the township, Protect the Peninsula, and the wineries. Legal counsel provided notice to the parties that the request was received and in response the issue was raised before the court. As a result of that request, Magistrate Judge Kent issued an order that the settlement proposals and any confidential letters exchanged between parties or anything related to settlements may not be disclosed.

I want to make clear that the motions themselves and the briefs are all available. You can log onto the website called Pacer to get electronic access to any court case within the 50 states. You're looking for Michigan and then the Western District. You can search the name of the parties. As far as what those documents are trying to do, it's complicated. We are trying to narrow the issues and get certain claims decided earlier so the trial will be more focused.

**Woodruff:** my hopes went up when I heard the magistrate ordered the parties to sit down without lawyers. That process is over, right?

**Patterson:** the township is not finished with the mediation process. Magistrate Kent is still interested in working with the parties with or without counsel to see if there can be resolution.

#### **10. Board Comments**

**Sanders:** can we put the Pacer link on our website?

**Chown:** yes.

#### **11. Adjournment**

**Rudolph moved to adjourn with a second by Sanger. Motion approved by consensus**

**Adjourned at 7:46 p.m.**