

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

www.peninsulatownship.com

Township Board Regular Meeting Minutes

October 13, 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, Achorn, Chown, Sanger, Wahl, and Wunsch
Absent: Bickle
4. **Brief Citizen Comments (for agenda items only):** none
5. **Approve Agenda**
Moved by Wahl to approve the agenda as presented, seconded by Wunsch.
Passed unan
6. **Conflict of Interest:** none
7. **Consent Agenda:** any member of the board, staff, or the public may ask that any item on the consent agenda be removed and placed elsewhere on the agenda for full discussion
 1. Invoices (recommend approval)
 2. Reports
 - A. Peninsula Community Library for October 2020
 - B. Peninsula Township Fire Department for September 2020
 - C. Grand Traverse Sheriff's Office Citation, Accident, & Arrest Statistics Third Quarter Totals (July–September 2020) and September 2020 and Grand Traverse County Sheriff Daily Officer Summary for August 2020
 - D. Peninsula Township Ordinance Enforcement Officer for August and September 2020
 - E. Mission Point Trash Collection
 - F. Mission Point Lighthouse Report – September 15, 2020, and October 2020
 3. Budget amendment: Lighthouse Fund G/L #508-000-699.000 “Appropriated Transfers In” \$20,000.00; Lighthouse Gift Shop Fund G/L #509-000-999.000 “Appropriated Transfers Out” \$20,000.00; funds will be used for normal operating expenses
 4. New hires for the Peninsula Township Fire Department
 5. Minutes from September 8, 2020, township board regular meeting (recommend approval)
 6. Correspondence
 - A. Joanne Westphal
 - B. Karen Smith
 - C. Edward Stych
 - D. Bud Stych – Letter Read by Supervisor Manigold (added to agenda)**Moved by Wunsch to approve the consent agenda as amended, seconded by Wahl.**
Roll call: **Passed unan**
8. **Business:**
 1. Hessler Log Home proposal for repairs (Reiser)
Discussed bid for repairs to the structure and grounds of the Hessler Log Cabin. He and John

Scarborough from the Old Mission Peninsula Historical Society have been monitoring problems for the past few years. The detailed list of repairs is outlined in the memo in the packet and includes safety issues with the porch, rocks around the building, and treating the logs to help preserve them.

Moved by Achorn to approve the cost for repairs to the Hessler Log Cabin not to exceed six thousand, five hundred dollars (\$6,500.00), seconded by Wunch.

Roll call: Passed unan

Achorn: Stated that the current budget does not support this cost.

Moved by Achorn to amend the budget to increase Hessler Log Cabin budget 213-000-930 by seven thousand dollars (\$7,000.00), seconded by Wunsch.

Roll call: Passed unan

Moved by Wahl to appropriate the transfer of seven thousand dollars (\$7,000.00) from the tower fund to the Hessler Log Cabin budget, seconded by Chown.

Roll call: Passed unan

2. Request to allow igloos at wineries (Manigold)

Manigold: a request was received from the wineries regarding the use of igloos for the winter months. The township board had previously approved the use of temporary structures during the COVID-19 restrictions so that the wineries could have additional outdoor space.

Sanger: dealt with the use of the igloos last winter. They are considered temporary structures and are not approved within the ordinance. Contacted the city of Brighton, Michigan, and spoke to the director of zoning for the city, which has approved the use of these temporary structures. Livingston County Health Department has also approved them during the COVID restrictions as they allow for social distancing. Contacted Bruce Remai from the Grand Traverse County Building Code Department and inquired if building permits would be necessary for permitting these temporary structures. Noted that our ordinance does allow for the use of temporary structures.

Wunsch: inquired if this has been discussed with the township attorney.

Manigold: this is a safe way to allow additional gatherings for the wineries, as they are still limited to their indoor capacity.

Manigold: read the following proposed temporary guidelines for approving the use of igloos:

Peninsula Township will allow “igloos” immediately as temporary structures pursuant to the following requirements:

1. No more than five igloos are permitted in any area with a defined outdoor customer service area established by a special use permit. This includes outdoor patios and decks. Existing SUPs do not need to be amended.
2. No more than five igloos are also permitted in any area with a defined outdoor customer service area as associated with a “use by right” winery or existing restaurant.
3. Igloos associated with wineries must be placed within the defined MLCC service areas.
4. No igloo may have a capacity greater than ten people.
5. Land use permits are required for all igloos, and such permits will indicate that removal is necessary on or before May 1, 2021.
6. The Peninsula Township Fire Department shall review proposed installations of igloos pursuant to the International Fire Code before issuing a land use permit.

Moved by Wunsch to approve the language and temporary use of igloos, seconded by Wahl.

Roll call: Passed unan

3. Resolution 2020-10-13 #1, Interlocal Agreement for Grand Traverse County Designated Assessor (Manigold)

Manigold: this is a process going through the entire state. Grand Traverse County has taken the lead on this as it is a formal action with a resolution to be approved.

Read the resolution out loud.

Moved by Chown to approve the Interlocal Agreement for Grand Traverse County Designated Assessor, seconded by Wunsch.

Roll call: Passed unan

Manigold: read a letter from Nate Alger stating that a credit will be applied to the township for \$14,446.00 per the CPO program for the non-use of the CPO during COVID when the stay-at-home order was invoked by the governor. The finance director will apply credits to the township's billing for this program, giving credit for two months of non-service.

4. Recommendation from planning commission regarding solar panels (Mielnik)

Mielnik: last year, amendment 199 was passed to allow free-standing solar panels within the township. Since then, two issues have been raised. One issue is the question of whether free-standing solar panels can be considered agricultural structures when placed on land subject to a PDR easement. Second, a desire to have solar panels larger than 10kW to support agricultural operations has been expressed. Regarding the first issue only, Township Attorney Greg Meihn recommended that the township formally determine that solar panels can be considered agricultural structures on land subject to PDR easements. He recommended that this issue be addressed first at the planning commission level, then brought before the township board for approval. At the September meeting, the planning commission took up this issue and offered the favorable recommendation that solar panels can be considered agricultural structures and therefore are allowable on properties subject to PDR agreements.

Sanger: this would allow solar panels on PDR properties. The master plan identifies the viewsheds for the PDR program; solar panels would not be allowed within a viewshed if they are structures.

Mielnik: We now have an updated viewshed map, and we can identify specific parcels included in a viewshed. This is a significant improvement over previously available viewshed maps

Wunsch: viewsheds are defined within the easement agreements; the solar panels should be viewed like any other structure.

Ahorn: has three pages of questions pertaining to this issue that are not answered. Suggests this matter go back to the planning commission rather than coming at this time to the township board. Feels more information should be obtained regarding placement and the size increase request.

Meihn: the PDR easements allow for the placement of structures but do not define an agricultural structure.

Wunsch: the current ordinance language caps these panels at 10kw. The planning commission is looking at possibly increasing this to 20/25kw panels, which aligns with the needs of farmers.

Ahorn: the B&B ordinance was reviewed repeatedly and people have been taxed towards the purchase of these properties. Feels the community should have a voice on this topic and that it is premature to bring this issue before the township board.

Meihn: this can be forwarded to a public hearing if the board desires.

Wunsch: solar arrays would be placed on property just like anyone else would be allowed to. PDR properties would not have any greater use than regular residential use.

Achorn: wonders about the Grand Traverse Regional Land Conservancy’s position on this topic, as it would also have an interest and say in these panels being situated on purchased lands. Concerned that solar farms could fill the landscape.

Meihn: solar farms (providing power for off-site uses) are prohibited by the easements and the ordinance.

Manigold: expressed frustration that PDR easements are treated differently than regular agricultural properties. Emphasized that the only right that was sold was the right to develop residential housing. All other agricultural rights were reserved.

Meihn: the original drafts of the easements were created in a manner that creates confusion. The confusion comes in the statement, “bundle of rights.”

Monnie Peters, 1425 Neahtawanta Rd.: net metering works with the customers in determining the amount of electricity that is appropriate for their usage. Once a determination is made, it doesn’t change. There should not be a set upper limit. Screening around the solar arrays could be established.

Moved by Wunsch to approve the recommended policy, which states: It is the policy of Peninsula Township to consider the installation of solar panels as a common agricultural practice as defined by PDR easements when such panels are in direct support of onsite agricultural practices. When a PDR easement also includes a viewshed referenced in the easement and/or the baseline report, no free-standing solar panels are allowed in such designated viewshed, **seconded by Chown.**

Roll call:

Passed unan

9. Citizen Comments:

Eric Drier: gave a report from the parks committee. Through a grant from DTE, 50 trees will be delivered and planted at Bowers Harbor Park. The parks committee will continue to sell the old playground equipment.

Don Atkinson: the Haserot playground project has been successful. Brian Peace from Team Elmer’s removed the old structure. They have began pouring the concrete and framing for the 12-inch engineered wood chip base for the new equipment. Donations were received from the Glysson and Woodruff families. Thanked the township board for supporting this project and for the donations. An open house/ribbon-cutting ceremony is proposed for October 24; no time has been set. **[NOTE: the open house/ribbon-cutting ceremony is being delayed until spring.]** The parks committee is continuing to raise money for park projects.

10. Board Comments:

Chown: the repairs to the Bowers Harbor Park walkway were completed last week.

Eric Drier: the entire loop was resurfaced. Due to the higher water levels, the surface was deteriorating. They did a good job on the resurfacing and in some places removed and replaced the damaged asphalt.

Manigold: thanked the Van Meter family for a \$4,000.00 donation and Golden Fowler for the donation of furniture to the new fire station. Informed the board that a \$50,000.00 donation was also received by an anonymous donor in the community. Suggested a letter be drafted requesting donations from the community on three different topics: fire station, playground equipment for the parks, and cemeteries.

11. Adjournment

Moved by Sanger to adjourn, seconded by Wunsch.

Passed Unan

Final adjournment: 8:15 p.m.