

PENINSULA TOWNSHIP

13235 Center Road, Traverse City

MI 49686

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Joint Planning Commission and Township Board Special Meeting and Township Board Regular Meeting

November 14, 2023, 7:00 p.m.

Township Hall

Minutes

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

2. **Pledge**

3. **Roll Call Planning Commission**

Present: Beard, Shanafelt, Hornberger, Dloski, Hall, Shipman

Absent: Alexander

Roll Call Township Board

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

4. **Citizen Comments (for agenda items only)**

Marty Lagina, 232 W. McKinley Road: I'm here to pitch a new reality TV show, *The Curse of Peninsula Township*. I want to comment on procedure. I think it's highly improper that you're trying to put these amendments through in a joint special meeting. The zoning ordinance calls for two meetings, a planning commission meeting and a town board meeting. You're doing this and calling it a "special meeting." What is so special about this meeting? It's an attempt to cause these people to not have their say. It's difficult enough to keep up with what's going on in this township. Procedurally, the planning commission is supposed to have a public hearing. They're supposed to kick it around. These people are allowed to have input. Then [the planning commission] sends it to the town board. These people have a chance to think about it. Then the town board has a hearing, and these people can think about it. Then you pass your ordinance amendment. This is ridiculous. What's so special? Why are you trying to cram this through in one meeting? Can somebody answer that? [Applause]

Cram: we are following the procedures of the Michigan Zoning Enabling Act. You are correct that anytime we attempt to amend our zoning ordinance, it has to go to a public hearing with the planning commission. Then the planning commission makes a recommendation to the board. They consider the public comment and take action after that. We scheduled this as a special joint meeting because it saves resources with our attorney and meeting times. And I asked for an immediate response to how we measure building height because it is causing this community issues. There is confusion about how building height is measured. In order for me to act as the zoning administrator and issue land use permits in a timely manner that are fair and consistent, we need to have regulations that contractors and architects and the community can understand to prepare

their plans. We have struggled around the definition of building height for some time. The topic has gone to a study session with both the board and the planning commission. Now we're conducting this joint public hearing.

The second part of proposed amendment number 204, I take responsibility for. I knew we were having this public hearing. I thought that amendment was straightforward. There was no intent to take any action on the proposed amendment to section 6.1.5. But we wanted to have a discussion, and since we were already having this meeting, we decided to add it. We will likely do joint meetings again in the future because we are about to update our entire zoning ordinance in 2024. To be efficient with everybody's time, it's helpful to have the planning commission and the board meet together. We have found from past experience that it is helpful for the board to hear the same comments as the planning commission and to have a conversation and a dialogue.

Lagina: you can do all of that in two meetings. That's what the law requires. I don't find any of that persuasive. That's just a bunch of word salad. No offense. That's how I see it. On the height issue, that's disingenuous. The ordinance couldn't possibly be clearer. It's one sentence in the ordinance: "35 feet from the front line." It's been that way for 50 years. All these houses out here have been built on that. You're creating confusion and then having a special meeting to deal with the created confusion. You will hear from a bunch of builders out here who agree with me. It's been the standard. It's been crystal clear. Your own memo from November 8 says that it's clear, and then you go on to say it's unclear. You can't decide that this is so special. You don't get to decide that. The law says have two meetings, not a joint meeting. And if your attorney is telling you that's okay, remember, this attorney has a vested interest in keeping you in trouble. He's made all kinds of money, seven figures, by keeping this board and that board in trouble. So just do it properly. That's all I'm asking. [Applause]

Wunsch: we're going to be here all night if we applaud. Please keep the applause to a minimum.

Mike Dettmer, 7003 Leorie Drive: I came here to talk about [proposed] amendment 204. Mr. Lagina, as a lawyer, you should be aware this amendment is a codification of law in Michigan that's 50 years old.

Lagina: I couldn't possibly disagree more. That is incorrect. I am a lawyer.

Dettmer: read Pittsfield versus Malcolm, 375, Michigan. 135 and 142.

Point of order

Dettmer: what I came here to discuss is the enforcement of the zoning ordinance as related to the existence of Bonobo Winery. It is clear from the records that Bonobo is sitting on land that is subject to PDR, from 1997. It's been encumbered by nearly identical conservation easements purchased by this township for \$561,500. This is not the fault of this board, but it is your obligation to enforce it. I know it's subject to this litigation. All of you should know that your tax money has been paying for wineries, not only Bonobo but also other wineries that have sold their PDR rights, that are now doing commercial business on agricultural land. It's time the zoning ordinances are enforced. Thank you.

Jim Carruthers, 218 West 11th Street, Traverse City, and 14114 Bayview Avenue: Miss Cram, in your memo on amendment 204, dated November 8, you state at the end of the memo, "This proposed amendment has been introduced for discussion purposes only and

is by no means a priority or time sensitive.” I just want to understand that there's no vote happening now, no vote happening in the near future, that this is just discussion. You're inviting the public to come talk to you. Is that correct?

Cram: that is correct with regard to the proposed amendment for section 6.1.5, but I was hoping I could get clear direction on how to measure building height this evening.

Carothers: it is our understanding that no action is going to be taken any time soon [on the proposed amendment for section 6.1.5].

Todd Wilson, 782 Nehtawanta: I don't have much to say about the specifics of what's being discussed tonight. More along the tone of what I saw in the packet, the letters, and what I read on Next Door. I want to encourage people to stay out of Next Door for your public information. Seems the tone could have been much better for all parties involved. Number two, I want to thank the supervisor, the board and staff, and especially Jenn Cram for working to defend our interests and encourage them to continue clarifying, enforcing, and defending our zoning ordinance for all of us. Thank you.

Andris Valdmanis, 1484 Chimney Ridge Drive: I want to start by thanking you for your service to the township, to the community. One month short of 42 years ago was my first zoning board of appeals meeting. I'm a builder guy, a developer guy, a bad guy according to many. But that's what we do. I've built a thousand homes in northwestern Michigan, close to 200 in Peninsula Township. We've done 800 plus renovation remodel jobs. I have worked with every zoning administrator, every planner for that period of time, cordially, successfully. Today I'd say this is the blind side of 2023. I am shocked, dazed, and confused that we do not have a master plan, although we started it four years ago. It's on hold pending a few revisions. We shouldn't be doing any of this without a master plan. Tell me why we do not have a master plan? I see five people who sat on that committee with me for two years. It started pre-covid, made it through Zoom meetings, finished with a document. We spent tens of thousands of dollars on it. We had a community survey, collecting what you all feel about it. We put it together and we passed it on to the board and the planning commission, but it needs a few revisions four years later. Something's happening here. I don't know what it is. The floodplain; blindsided. I saw in notes, “Status quo.” Status quo since the floodplain ordinance was adopted. For 30 years we've been operating in that zone. Today, we can't do any of those things. We were told, “Go down to the beach with your toes in the water and look out five feet. There will never ever be anything built there again. No patios, no decks, no walkways. No more permits.” We were told that you as landowners would be notified of this change. We as builders and contractors were blindsided. We have a stormwater ordinance, number 33, that I have edited. I turned it over in March. There are 35 errors on that document. You haven't dealt with... [Three-minute timer] [Applause]

Wunsch: if we're going to do the applause thing, we're going to wrap this meeting up and you can all go home.

Llewellyn Seibold, 3195 Cherry Hill Road: I appreciate the work you all do. I know that it takes time and energy and effort. I have a few suggestions about the building height ordinance. In accord with most building and zoning codes, I find the Old Mission Peninsula zoning code more restrictive than it should be. It should be liberalized a bit to measure the elevation grade around the building as the median elevation grade and the roof slope to

the median roof slope of the main body of the roof. That's most common when you look at zoning codes. I think ours is too restrictive. And the reason I say that is, most historical barns and most historical houses in Old Mission Peninsula could not be built under the current zoning. They are too tall. If you look at the bank barns particularly [a bank barn is a barn built into a hill], you see many times they are over 35 feet to the peak. But if they were measured from the average grade and the average slope of the roof, they would be in conformance. I don't think we should negate the ability of people to build something that most people appreciate, which is the historical houses and buildings on Old Mission.

David Taft, 952 Neahtawanta Road: you are all residents of this community and it's wonderful that you are here tonight. But please be proper. Listen to everybody, what they have to say. If they don't want applause, I think we have to respect that. There's probably a lot of people who want to talk. I ask you all to be proper. We are in a community that is under tremendous stress because of this lawsuit. I requested a FOIA to get those settlement copies made public. But [WOMP] got a gag order out of the judge, so you don't know what their settlement demand is. Why are they so embarrassed to show it? Perhaps it's not much different than October 2020 when they asked for \$200 million. And you are going pay for it as well as me and every other resident of this community. I'm glad you're here tonight because I want you to spread this around. It's going to cost this community dearly. In the meantime, these willing workers, you elected them. Some of you didn't, but they got the majority. Some of them were appointed because they were willing to come in front of crowds like this and work for this community. And you ought to at least give them the respect and support they deserve. Thank you.

5. Approve Agenda

Shanafelt moved to approve the agenda as presented with second by Sanger. Passed unan

6. Conflict of Interest

Chown: I have a conflict of interest with business item number five.

7. Consent Agenda:

1. Invoices (recommend approval)
2. Reports
 - A. Fire Department
 - B. Cash Summary by Fund
 - C. Peninsula Community Library
 - D. Peninsula Township Ordinance Enforcement Officer
3. Minutes from October 10, 2023, township board special and regular meetings
4. Certificate of liability insurance from Old Mission Woman's Club and request for signage

Achorn: there's a typo on the October 10 minutes, bottom of page three, regarding appropriations. Under the Historic Log Church Fund, the number should be "216," not "206."

Shanafelt: no changes but a question. Since [Fire Chief] Fred is here, maybe he can answer. On the fire department report, it just gave the 2023 to date total, not the October incident numbers?

Gilstorff: it should have been just October.

Shanafelt: it looks like the running total for 2023.

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

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

8. Business:

1. Joint special meeting and public hearing for Peninsula Township Zoning Ordinance Amendment No. 204 (Cram)

Wunsch: Jenn [Cram] has already talked about her goals for this meeting. We would like to achieve some finality on building height. Jenn has presented information about building height to both the planning commission and the township board and wants us to look at the ordinance language she has presented on those items. I'm going to turn it over to Jenn. Then I'll turn it over to Susie [Shipman, chair of the planning commission] for the planning commission to discuss, and then the board will go from there.

Cram: section 6.8, schedule of regulations, governs the allowed height, bulk, and density of structures and land area by zoning district. Section 6.8 specifically notes that the maximum height of structures in stories is two and a half stories and the height is 35 feet. A copy of section 6.8 is attached as exhibit one in the packet. The regulations that drive the maximum height are governed by section 6.8. It clearly says two and a half stories and 35 feet. We look at both of those things. Nowhere in section 6.8 does it say we only measure the building height from the front elevation. Despite having clear maximums, there have been land use permits issued that exceed the two and a half stories and 35 feet. I believe that is because the definition of how building height is measured has been interpreted differently by past zoning administrators. I think the different interpretations include only measuring from the front elevation. Staff discussed this with the planning commission on August 21 of 2023. We shared a graphic with the planning commission [page 66 in packet]. This is a definition, not a regulation, but it guides how we measure building height: "Building, Height of – the vertical distance measured from the mean elevation of the finished grade line of the ground about the front of the building to the highest point of the roof." So, we measure building height from the mean elevation about the front.

This is an example of a site plan. It's an L-shaped home. Here's the garage and here's the front of the home. We look at the elevation in front of the garage because that's facing front. We look at the elevation in front of the home. We find the mean elevation, 806 feet. If you go to the cross section, you project that 806 through. The maximum height of this building, based on the mean elevation about the front of the building, is then translated so you measure it from the peak of the roof to the finished grade. This dwelling as proposed is 33.2 feet tall. That's what the existing definition says; that's how we measure building height. It says nothing about only measuring it from the front. You look at the mean elevation about the front of that building to project that through.

When we're looking at the number of stories, we have to look at the definition of basement, which is defined as "A story having part but not more than one half of its height below finished grade. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the adjoining ground below is more than five feet or if it's used for business or dwelling purposes." If you have a walkout basement, and more than five feet is exposed above finished grade, we have to

count that as a story. We start counting the number of stories from the finished basement. Then you could have an additional one and a half stories above that. We do not currently have a definition of a half story. In this example, you can see they have three floors of living space. Here's the basement, but no more than five feet is exposed so it doesn't count as a story. This meets the definition of two and a half stories, and it meets the maximum height of 35 feet. But this is not clear to the lay person, and sometimes it is confused. What we're trying to do this evening is to clarify it.

I personally don't have a preference, whether it's two and a half stories or three stories or 40 feet or 50 feet. But as your zoning administrator, I want to be able to apply the rules fairly. I want contractors and architects and families to be able to plan their homes accordingly so that they can come in and go through the land use permit process efficiently. There has been a lot of confusion. We see mostly two and a half story homes here on the peninsula, but we see a lot of three plus story homes as well. This evening, I look forward to hearing from all of you and hearing what the challenges are.

To Seibold's comment, we want to encourage barns. Agricultural buildings are one of the things that are exempted. An agricultural barn can exceed that maximum building height. We know agricultural buildings need to be taller than residential or commercial buildings. Other zoning administrators have done it differently. I am a zoning administrator who follows the rules. This is what the rules say. If we need to change them, that's what we're here to do tonight, discuss them and make amendments.

The other part of this proposed amendment includes defining a half story. Our zoning ordinance doesn't currently do that. If the topography doesn't lend itself to having a walkout basement, and someone wants to have two and a half stories from finished grade, you can have that additional half story, but it needs to be tucked into the roof structure. The proposed definition for half story is "Finished living space under a gable hip or gambrel roof where the wall plates of the exterior walls are no more than three feet above the floor of such half story." You can still have three stories of living space, but that half story on the third level would be tucked into the roof structure. In the packet, there are many examples of two-and-a-half-story structures. And there are examples of three-story structures. We're here tonight to talk about this. I see Laura [Howe] sitting in the front seat. It broke my heart to have to apply the rules to your application because you weren't given clear direction. That is why it is a priority to understand what the community wants so we can make amendments to the ordinance so they're applied fairly and consistently.

Shipman: thank you, Jenn. Does anyone on the planning commission have a conflict of interest with this item tonight?

No conflict of interest.

Shipman: are there questions for Jenn before we open the public hearing? Please speak first on building height and then address the second item.

Dloski: why is section four included in proposed amendment 204?

Cram: okay, going back to the beginning of the conversation, originally we had our study session with the planning commission, and we agreed that we would look at some proposed amendments to how we measure building height. We agreed we would do it in a joint special meeting with the township board. I had been made aware of the potential to clarify section 6.1.4 and 6.1.5 so that was added for discussion purposes only. Right now,

we're only talking about the definition of building height. The first thing that we're discussing, section one, is amending section 3.2, definitions. We're looking at basement, building height, and half story. I'll circle back to the proposed amendment for discussion purposes only for section 6.1.5.

Shanafelt: how does the new ordinance measure the height as compared to how the current ordinance asks you to measure the height?

Cram: the proposed change would read, "The vertical distance measured from the mean elevation between natural grade and finished grade of the building to the highest point of the roof." It would take out the words "About the front of" so there's no confusion that you measure building height from all four elevations. Then it's measured from the mean between natural and finished grade to the highest point of the roof. I want to note that if there is a particularly difficult site, if topographically it is very steep, that's why we have a zoning board of appeals, to request a variance. But this applies mostly, and it also helps to balance the cut in the fill, affecting stormwater and runoff and things like that.

Shanafelt: if we go back to the drawing [page 66 in packet], currently you measure the height from the 806 line, is that right?

Cram: no, you measure the total height from finished grade to the peak of the roof. In this instance, it doesn't show you what the mean is. You would actually take half of that 4.2. So this building would be 35 feet tall approximately.

Shanafelt: the new regulation takes the average from all around. As one of our citizens proposed, this is actually exactly that.

Cram: correct, this is what Mr. Seibold noted, that you're looking at the average.

Seibold: I'm actually proposing too that the mean be figured to the roof pitch. The way the ordinance is tends towards flattening the roof's pitch. Historical precedence in the township is more related to steeper roofs. I don't know if they're on a sloping site that they would meet that qualification of 35 feet. It not only needs to be applied to the ground, it needs to be applied to the highest mass of the roof pitch.

Cram: thank you. That is similar to how height was measured in Larimer County where I came from so I am familiar with this. To be clear, we're measuring from all four elevations.

Beard: how does this compare with surrounding townships?

Cram: it is similar. Acme Township also has a maximum height of two and a half stories not to exceed 38 feet and the height is measured to the midpoint. East Bay is 35 feet or two and a half stories. Long Lake Township is 35 feet with no stories mentioned. Each township approaches it slightly differently, but I would say that measuring to the peak rather than the midpoint of the roof is more restrictive than the other townships that I researched.

Hall: is the builder community complaining of the number of stories being a limitation?

Cram: currently they are mostly affected because they only want to measure the building height from the front elevation. The rear elevation in many cases exceeds both the two and a half stories and the 35 feet. The biggest issue was that people were assuming you only measured building height from the front elevation. None of the other townships that I have researched measure it from the front only.

Hall: but are builders complaining about the two and a half stories limitation? Is that a problem for home design here in the township?

Cram: yes, that has been the problem for some.

Hall: what is the primary policy driver of the building height limitation? I'm assuming it has to do with viewshed?

Cram: that is my understanding from reading the existing master plan and draft master plan.

Hall: then why do we even talk about stories? Agree on a reasonable height limitation and not worry about stories? I just wonder what the number of stories has to do with anything.

Cram: I don't know where the two and a half stories came from. I am accustomed to having a story limitation in commercial and/or industrial areas. But for residential development, normally it's a maximum height. You want to keep things at a height so that you are protecting those viewsheds and that could be accomplished with the height only or having an "either or" as some of the other townships have done.

Wunsch: a number of Michigan municipalities do two and a half stories to incentivize the steep pitched roofs that Seibold was talking about.

Shanafelt: so you can do greater than 35 absolute feet?

Wunsch: limited to 35 feet but there is an option of a half story at the top, which incentivizes an attic level.

Hornberger moved to open the public hearing on building height with a second by Beard.

Passed unan

John Kerridge, 8140 Bell Cherrie Drive: as a resident of the peninsula since 1989, I bring a perspective as a practicing registered architect with more than 30 years of experience in the home building industry primarily focusing on residential architecture, design, and construction. Over those decades, I've collaborated with various Peninsula Township zoning administrators and navigated through numerous special use hearings, zoning boards of appeal, and zoning variance procedures. I stand before you to express my disapproval of the proposed amendments and ask you to stay with the current definitions. In my view, these amendments are shortsighted, unnecessarily complex, and an unwarranted level of restriction on the current and future residents of the township. My concern is they will lead to unnecessary cost, inefficient land usage, appeals, entanglements, and wasted increased staff involvement. As a taxpayer in the township, I believe the township should be dedicated to minimizing burdens and legal fees and not potentially escalating them. Crucially, these amendments do not enhance life safety. Currently and historically, a two-story house with a walkout basement has been permitted in the state of Michigan under the Michigan building code. The building code defines the basement, it defines a grade plane, and it defines stories above grade, all of which pertain to what you're talking about but are not referenced. The changes seem to be dealing with subjective opinion rather than addressing a tangible issue. I urge you to demonstrate the specific province that these amendments aim to solve, some of which you have addressed tonight. I think the new definitions deviate and expand from other northern Michigan townships. I looked at Glen Arbor Township, Garfield Township, and a couple others. They also stand apart as I said from the established 2015 Michigan building code. The proposed alteration to the definition of the finished grade appears arbitrary and without merit. These changes will eliminate designing construction walkout basements with a two-story home, a configuration of approximately 30 percent of the homes on the medium slopes that we find in this township. The consequences will also cause inefficient and wasteful

land use, increase of horizontal spread on a building site versus going vertical, and additional disruption to natural forest areas as you go wider. It will also raise construction costs and ultimately deprive new homeowners of cost effective and energy efficient spaces in a walkout configuration. [Three-minute timer]

Nicole Hewlett, Quail Ridge: I work at Kitchen Choreography, a contractor that works with many builders in the area. We want to be here to support them being able to have that continuity you're talking about so that everybody is treated fairly. I'm a real estate broker. I've sold vacant property to people, and I got a little nervous because I wanted to make sure that some of this property was buildable lots. Reading all of this, I got nervous that maybe their lot wasn't buildable to what they were expecting. Doing my job for those buyers, I wanted to make sure they're represented here. In my opinion, we would never count the walkout as a half story. In the real estate world, we talk about story number one, story number two. In all of our selling, a two story is everything above grade. The below grade walkout, I think, would change things up. And I think if the below grade wasn't considered a story at all, that would be something to take into consideration.

Scott Norris, 5250 Lone Tree Road: Jenn and I have talked about a house we're building currently. When I brought it to the table, it was a two story with a walkout basement. And we had it drawn by an architecture firm that was looking at the ordinance. They were shocked that it was denied based on the current language. The new language certainly would restrict those two stories with a walkout basement. It's your prerogative to decide you want to eliminate the option for a two-story home with a walkout basement, but this is kind of an American staple for two good reasons. One is that building up as opposed to sprawling out is more affordable per square foot. That lower level with a walkout is the cheapest square footage you can finish in a home. The second is the thermal envelope of a home as it spreads out. When it's stacked up, you have the same square footage but with a smaller thermal envelope, so the home is more energy efficient. For those two reasons, affordability and sustainability, eliminating the possibility for something that is energy efficient and affordable seems to go against common sense. Especially in Old Mission Peninsula, which has rolling terrain everywhere. It seems perfect for a two story with a walk out. It would be my recommendation that the ordinance remain the same and be interpreted as it has been for as long I've been building, since 1984. This is the first time we've run across this particular ordinance interpreted this way. I would encourage you to continue to allow two story with a walkout. Thank you.

Micheal Howe, 6251 Peninsula Drive: I'm here on behalf of myself and my wife, Laura. I'm sorry for the lack of eye contact. I'm going to have to read this word for word. This is an emotional issue for my wife and me as Jenn alluded to. We're here to voice our strong disagreement with the proposed zoning ordinance amendments in particular as they pertain to the height and story definitions. We're long-term residents of the peninsula. Laura grew up here, and our three children attend Eastern Elementary, just like their mom did. We've loved living here. When we outgrew our 1930s-era home, we decided to rebuild rather than move because there's nowhere we'd rather be. But in our building process, we've encountered confusion and frustration regarding the interpretations of the existing ordinance. Our architect designed a walkout-style home based on what we believe the written ordinance to state and multiple verbal and email-based communications with

the previous zoning administrator from August 2022, with specific confirmation that the building height is measured at the front of the home as stated in the ordinance. She acknowledged that the walkout basement side of our home would be higher due to the slope of the land and that was acceptable at the time. We submitted our land use permit application in March 2023 and had no communication until July about the height when we were told for the first time that our home was too tall. We were informed that the building height was no longer measured about the front of the home but now on all four sides. Given the slope of our lot, this required us to significantly modify our plan, the land, the finished grade of our project to meet these changes. We've been asked to build an earthen berm to shield the lower half of our walkout level and raise the finished grade. This presents design and aesthetic challenges, runoff and drainage issues, and waterfront safety concerns for our young family. More importantly, the standard we've been held to for our project is not what is presently stated in the published zoning ordinance. Additionally, the strict definition of a half story enforced in our plans is not defined in the current ordinance and is not consistent with other homes in our neighborhood and around the peninsula. We find these proposed changes unnecessarily restrictive and inconsistent with building practices on Old Mission Peninsula for the past several decades. Not all home sites are the same. These [changes] are particularly restraining to homeowners building on hillier or waterfront slope lots, prohibiting many two-story walkout homes. The limitations imposed by these new definitions will lead to homes that expand their coverage footprint as we just talked about and necessitate greater modification and alteration to the surrounding natural land and more fill. We question whether that's truly the goal of this board. While our experience certainly emphasizes the need for clarity in the zoning ordinance, we strongly disagree with these proposals. Our home is 29 feet above the finished grade at the front of our house. We took every effort to build our second floor within the roof so our home would remain as low as possible. Our architect went to great lengths to confirm the zoning ordinance before we engineered our home. Our home is shorter than either of our direct neighbors built in 2002 and 1999. Yet our plans are still not approved as drawn. We question if the goal of the board is to restrict buildings to this extreme. We believe we were improperly required to measure our home from the back and thus create this earthen berm. If the zoning administrator's interpretation was correct, then there's no need to change the ordinance as it already exists. We'd like our case to be discussed further and ask for our permit to be revised to be consistent with the current ordinance. In addition, we strongly recommend the board solicit further resident input on this matter prior to passing this amendment to ensure this is consistent with the wishes of the residents of the peninsula. Thank you.

Ray Kendra, 8713 Center Road: thank you for all your service; we do appreciate it. I am a licensed architect in Traverse City with multiple projects going in the township. I think it is clear that the definition of height is measured from the front. It says in the ordinance essentially the lot front refers to the road. The height refers to the front of the lot. I think it's clear. Traverse City, Peninsula Drive, same issue. You measure from the front of the house. This is how we've been doing it. It's new to us, this interpretation, and I guess I disagree with it as well. I think we should keep it as it is and clarify that it is measured from the roadside of the house to the grade. Not the natural grade but to the grade of the

house. I think that's how it should stay.

Monnie Peters, 1425 Nehtawanta Road: I think Jenn has a valid point in speaking to whether this measurement is from the front or is it the measurement of the mean of the four sides? I look across Bowers Harbor at the huge house where the front door is actually on the back side. They claimed that was where the front door was located rather than on the roadside. I was in here as soon as I saw the framing go up, angrier than all get out. It is the ugliest thing I look at across Bowers Harbor. Having it clear that you're going to measure the mean from the four sides is very valuable. I think it makes it so much clearer.

Ellis Wills-Begley, 15419 Dunn Drive: I was born and raised here. I'm an architectural designer and plan to be doing work in this area for a long time. I think it's important to talk about these different approaches. I want to bounce off Monnie's example of that house; can we pull it up on the screen? It's in the packet. It's indisputably three stories. I think it's worth pointing out this example. My concern is I think to the points Scott Norris and others mentioned about thermal efficiency and footprint, that we do keep the walkout basement at least as an option. I recently reduced the scope of a client's project to eliminate a walkout option for additional thermal efficiencies. It would have been great to have the flexibility to make that happen. This is a piece of property on which there are no trees as well [page 77 in packet]. If there's any formal way of discussing it, and I don't have a solution or a proposal for this, but I think it's important to at least have a further conversation about the visual mass of the ground floor of a building like this from the road, which in this instance is the front of the house. This is clearly a three and a half story structure, and this was permitted just a few years ago. We live in a shoreline community. It's important to consider not just the front of the house, which might be deemed as the front or the roadside, but the lakeside as well. It's impractical for me to say the interpretation of a formal architectural plan and permitting process for a house like this should be interpreted within reason because within reason is subjective, but I think to most people, like Monnie and anyone else who has to drive past this house, it seems a little too big. If there's a formal process that we could all agree upon for discussing how to eliminate basements like this that are completely walkout, I would advocate and be present in those conversations where we discuss this further. Thank you.

Janice Beckett, 671 Hidden Ridge Drive: I have been a Peninsula Township resident for more than 30 years. I want to start by saying I don't agree with adding more amendments to the zoning ordinance. After talking about it for years, we were finally on track to rewrite the ordinance in its entirety. Even during the pandemic, meetings were held via Zoom. And then for some reason it stopped. Now we're back to cluttering up the ordinance with more amendments. Maybe it's time to issue a moratorium on amendments and get back to the business of the ordinance rewrite. I believe any amendments or rewritten language of the ordinance should be required to include historical comment as to the reason why the change was deemed necessary. Lots of times when you look back at some of these amendments, it's not clear what was in the minds of people when they wrote them. It would be nice to have a little comment about that. With that in mind, I am wondering what the reason is for redefining the words "basement" and "building heights" and adding a new definition of "half story"? There is also a new phrase called "Natural grade" being introduced without any definition. It appears from reading the letter issued on November

8 by Jenn that the planning commission felt that measuring height of a building should include all four elevations instead of just the front elevation. This change should be made by the redefinition of "Building height" as stated in the letter as supports the preservation of viewsheds. I thought I knew what the definition of viewsheds was; there's been thousands of acres of farmland enrolled in PDR to protect those views. Apparently, it pertains to individual small lots and neighborhoods as well. As we are talking about definitions, perhaps we also need to define "viewshed" in the ordinance. It should include what exactly it is and from what vantage point it's measured. In conclusion, I strongly disagree with imposing any more restrictions on individual property rights in Peninsula Township, in this case, thinly veiled in a one-sentence definition. Thank you.

Mike Tucker, 558 Brakel Point Drive: this feels like a dysfunctional homeowner's association discussion. I'm not pointing fingers at the board or the people here. But what that tells me is there's a disconnect between the people you represent, the needs they have, and what you're trying to propose. Jenn, I think you're in a very difficult position, and I don't envy you. That being said, I am a concerned contractor. I'm a senior executive officer of the Home Builders Association in Michigan, and I'm here to advocate for my builders for a fair interpretation and enforcement of the current zoning rules and for the creation of reasonable and clear change, if it's needed. I question whether it's needed. I've been informed by several people through our local Home Builders Association and other agencies that there's been what they perceive to be extreme enforcement overreach in this area. Each of the stories I've been told from contractors has resulted in lost work opportunities, added costs, and unnecessary modifications to the proposed projects. A lot of the projects we've seen up here tonight, I'm aware of. A lot of the contractors you've heard from, I'm personally involved in those processes. I'm not here to tell you what the rules should be, but I am here to express my shock and disgust with the enforcement of what I perceive to be the current code. What I really think is happening is there's been enforcement of what these proposed changes are. That needs to stop. It's okay to change the rules. But moving the goalposts is not just unfair, it's costing these citizens hundreds of thousands if not millions of collective dollars. I have to advocate for that. I feel like in order to push this agenda forward, you've weaponized the land use process. That is shameful. You are elected to represent these folks, to do the best thing for them, and I understand a term I read, because to be prepared, I read a whole year's worth of minutes: guardrails. It's a word everybody in here has used multiple times. You need to put some guardrails on what's going on here. The definition of hypocrisy is the practice of claiming to have a moral standard or belief to which one's own situation does not conform. And I know because I've spent some of my valuable time looking at each and every one of the homes you live in. There are several homes around this table today that could not be constructed based on Jenn's interpretation. And I would have a problem with that. [Applause] I'm not going to talk about 6.1.5. I think if you had a time machine you would remove it from this agenda and discuss it elsewhere because it's brought out this whole group. But the fact that it brought them and we can talk about these important things like building height is great. That's constructive. It's reasonable to have a building height restriction. 35 feet seems reasonable. We can argue what kind of gorilla math, how we're going to measure it. But and/or to do two and a half stories is restrictive for the topography of this township. I

would guess if you were to poll the citizens, the vast majority would say, within reason, a two-story walkout basement makes a lot of sense. From an energy standpoint, from a design standpoint, from a cost-effective standpoint, from a usability standpoint. I feel bad for the folks who have to deal with these five-foot earthen berms. [Three minutes up] Thank you.

Kim Morrison, 13998 Bay View Ave: I think most of you read my letter [page 12 in packet addition]. Thank you for not canceling the meeting. I about died. I drove six hours here. I'm going to drive six hours back. Our family's been a resident of the peninsula for 95 years. We're summer residents. I've been here 40 years. My husband's been here 65 years. We're going to be here for a lot longer. We own three parcels of land, all sloping. One waterfront, one bluff, one kind of in farmland on a bluff. We met with Jenn. We're trying to do the right thing. We want to build a vintage shingle-style home. We don't want a large imprint. We don't want to spread. But the zoning requirements and new restrictions are like squeezing a water balloon. What's lacking is common sense flexibility. I want to ask you to stop, to pause. How many residents aren't here tonight? This meeting is being held in November. It should be held in July. Many summer residents own land. It affects all of us. I think it's grossly unfair. If I hadn't gotten a phone call, I wouldn't even have known this meeting was being held. I wouldn't have been able to write my letter and I wouldn't be able to express my concerns. I think the number one thing you should put back on the agenda and include in zoning is to go back to garages. I'd like to see a detached garage where we could have some living space over it. If you own land across the street, you should be able to build a garage. All those restrictions are in the zoning [ordinance]; the answer is "No." I think it's time to stop. Get input from your residents as to what they want and need. Go back to the master plan. We want to stay in our houses; we want to age in place. You've got to look at how that is done. I don't want to use up all my land and build left and right. I'd like to use vertical space because it costs a ton of money to go left and right. I don't want a full third story walkout; I don't want to use this word "story" for basement or walkout. I think it's reasonable to be able to build a historical shingle-style home, two stories with a roof, a detached garage with optional living space over it if you have to put a caregiver there or if you have to put your 20 grandkids there and it's only a couple times a year. I shouldn't have to build a sprawling home. Please pause. Thank you.

Marty Lagina, 232 West McKinley Road: a couple things are crystal clear. You have to kill this tonight. Nobody spoke in favor of it. It's been framed wrongly too. Have to have a little integrity. At the risk of making the township even more angry at me than it already is, I'm going to say the difficult things. Miss Cram, there is no confusion in the existing ordinance. You created the confusion by adding something that isn't law yet. Your example up here couldn't have been a better exhibit that the law is clear: you measure from the front. That's what these builders have been designing from. You started saying, "No, we have to look at the back too" before it's the law. That is a lack of integrity. Please don't do that. The law is the law until it's the law. I want to pick up on something Mike said. There's actually a huge conflict of interest amongst this board. This ordinance if passed would make every one of you who live in a two-story house with a walkout basement gain all kinds of money tonight. Your house will become more valuable because no one else will be able to build one like that. You're going to deny all these people the ability to do that with

this ordinance. You can't do that. That's a huge conflict. I don't think anybody's thought of it, but you should discuss it. So procedurally, there's conflicts all around this board, significant ones. And one last thing. We all had to get our letters in by November 7. The planner's letter came in on November 8. Nobody has had a chance to comment on it. This is a difficult thing to say, and I want to be polite, but the letter is disingenuous and inaccurate. And I have that set forth here. I'll distribute this to everybody. If you'd like, you could read it into the record. If we have to get our stuff in by November 7, then your stuff has to be in before that. Otherwise, how can we reply to substantive things that are brought in? You can't pass this tonight. Nobody wants it. You need to kill it. You need to go back to the drawing board. Thank you. [Applause]

Dloski moved to close the public hearing on building height with a second from Hall.

Passed unan

Dloski: I'm not sure what the issue is. We're hearing from the audience, architects, and builders that there's no problem with how the ordinance is written currently. It appears to be an interpretation issue. How do we solve that? If the ordinance is clear, is it being interpreted that way?

Cram: I agree. If the zoning ordinance needs to be interpreted differently, I am okay with that. But I don't believe the definition as it's currently written, that you look at the mean elevation about the front, implies that you only measure the height from the front.

Dloski: are you saying if we resolve that issue then there's no problem?

Cram: I still believe we would have an issue with how we measure two and a half stories based on the existing definition of basement. We can't ignore that the existing definition of basement says if there is more than five feet exposed, we count it as a story. We start looking at the number of stories from the basement. If it's a full walk out, that would only allow one and a half stories above that. I believe it would be helpful to clarify. If people want to have more than two and a half stories or want to exceed 35 feet or have a steeper roof pitch, we could look at measuring the height to the mean of the roof from the average of all four grades. I believe, based on what we've heard, we can take this draft and further clarify it so we don't have to do the earthen berms to meet the two and a half stories.

Dloski: does the township have to make a policy decision on whether or not we want a basement and three and a half stories?

Cram: I believe so. In my conversations with board members, they have agreed two and a half stories is the maximum and there were issues with some of the three stories. I didn't just create this issue. It was discussed amongst other colleagues and zoning administrators. The way that our current definitions are written leads to confusion.

Hornberger: how important is it that we look at stories if we're just talking about 35 feet? If you can meet that height...

Cram: on all four elevations –

Point of order

Cram: based on that rumbling, I would assume the people who are here would like to exceed the 35 feet on three sides and only meet the 35 feet on the front elevation. I don't know how the planning commission and the board feel about that.

Hornberger: then you run into difficulties. What is the front elevation?

Cram: this definition doesn't say "the front elevation." It says, "the mean elevation about the front on the ground."

Shanafelt: this conversation illustrates why some change to the zoning ordinance needs to be made. Part of it is the interpretation: what is the front? What I heard from the audience was, "Measure from the front." But the zoning ordinance does not say that. It says, "From about the front." What does that mean? I could view it one way, Jenn could view it another way. Future planners could view it a different way entirely. I do think we need to do some work on this. It does not sound like the current proposal works. I've heard several options to make this better. Ultimately, where is the measurement taken from? What are the consequences of that? We need to understand the unintended consequences of moving to a more specific ordinance. Hopefully, doing that, we can meet most needs. I guarantee not everyone will be happy. Accept that. What we can do is find a way to meet most needs.

Hornberger: the definition of "front" is problematic and has been for as long as I've been on the board. How do you define "front"? That is how we ended up with what we saw [in the packet]. Do you want a building that faces the street and they're calling the "front" behind the building?

Cram: agreed. Because the peninsula has such undulating hills and steep topography, there is a benefit to minimize the cut in the fill to try to integrate the building into the topography so that you're being efficient with those resources. I'm wondering if Ellis Begley would work with me to do some sketches to look at different examples of how we could measure building height. We could come up with a hypothetical site plan with topography and look at how we would measure it from the mean of natural and finished grade to the mean elevation of the roof on four sides. We could look at some different roof pitches and things. I think we're all visual people. If we could look at how these words result in visual examples, perhaps that would help us come to a conclusion. I do believe we need to measure the building height from all four elevations. But we want to do it in such a way that it does allow for flexibility, that it's integrated with the land. I liked what Scott Norris said about the thermal and energy efficiency. And to what Kim Morrison said, we will be talking about ADUs in the future because I also believe in them. We need to look at that as we deal with our housing crisis. With regard to making additional amendments to the zoning ordinance, I don't want to continue to piecemeal this but as your zoning administrator, I do need to know how to measure this fairly and consistently. I don't like hearing the complaints from the property owners. That's not why I get up and come to work every day for all of you and work as long as I do. I'm not here to make your lives miserable. I'm trying to make it better and to create efficiencies in the process. I hope we can continue to do the work, to be kind to one another and make constructive comments, so that we can come up with definitions we can all live with.

Hall: clarity is important, but we've got to get the policy right and I'm not clear on what the right policy is. I wonder what the process should be. I find the issue to be somewhat technical. I'm quite interested in what the contractor and architect community has to say, the homeowners as well as the people who own property. Is that something staff would do, bring in and solicit comments from people who deal with these technical issues? Are we going to have stories be part of our definition? What is the right policy? I don't know.

But we need to get on this and do it quickly.

Cram: I agree. In addition to having some sketches and scenarios, I could also bring forward how Acme Township measures building height and what that result is, how East Bay does it, and so on. I think it'll be helpful to look at other communities that have shorelines. The walk out when the topography allows for it is valuable.

Beard: most codes are set up to define a front yard and a rear yard and a side yard. I'm just starting to read the Peninsula Township code but I've got to believe those definitions are in there. And I would think that would apply when you want to define the front of the house; you use that definition. If we don't have a definition for natural grade or finished grade, that should be included. That should be customary across the board. We should settle too on either the term "average" or "mean." They're not interchangeable. Based on your answer to my previous question about surrounding townships, it sounds as if most of them are in that ballpark of 35 to maybe 40 feet. I would think that'd be the neighborhood we would want to be in as well. I'm not sure about defining stories. I think given the topography here and the desire to have walkout lower levels, a lot hinges on what you're defining as the front and what point you're measuring from to hit that height limit.

Shipman: there's a consensus that we're not interested in making a recommendation to the township board on the language that's been proposed. We want to do more work together and allow staff to work on that process. Since we have such a large volume of people here, I think it would be great if we had a next step. As a planning commission, would we like to see this at an upcoming planning commission meeting? Would we like to do a special study session? How would we like to proceed?

Cram: I would be interested in having a study session with the planning commission. We have our upcoming meeting already scheduled for November 20. We would have some time to work on this and come back with some thoughts or at least try to clarify some things. We agree that building height should be measured from all four elevations –

Point of order

Cram: we agree that we need to develop these definitions of natural grade and things, and I think having some sketches as well to see what the different scenarios result in would be helpful.

Dloski: is it better for us to meet after you talk to the builder and architectural community and get their feedback and then bring that to the planning commission?

Cram: yes.

Beard: this should be on our agenda for our December meeting for further discussion. Between now and then, a handful of planning commissioners could meet with Jenn, kind of a work session.

Shipman: that's something we've done before, committee work. Kevin [Beard], are you particularly interested?

Beard: I guess I did just volunteer.

Hall: I would like people out in the field working with these problems to tell us what's working, what's not working, what they think our ordinance needs to look like for them to have reasonable mobility and latitude to build the homes that people want.

Cram: the gentleman from the builder's association, would you be interested in helping with that?

Tucker: yes. This lady here is the CEO of the Grand Traverse Home Builders Association. I think it would please everyone here if we had collective effort from some of the board members, architects, builders, to come up with a common-sense approach, something guys could work from.

Cram: that is what I would like. Scott Norris?

Norris: certainly; I could help provide some of the sketches you're looking for.

Cram: I will collect contact information of those interested in providing feedback to get our first study session scheduled so we have something to turn back to the planning commission at their December meeting.

Morrison: will we get homeowners involved?

Cram: yes, I would like Laura [Howe] to be part of that too. I want to thank all of you for your comments. I hope that we can continue to work together in a civil manner. It would have been wonderful if you had come to me and asked questions before all of the unkind comments went out on social media. I have an open-door policy. My phone number, my email address, are out there. You can schedule a meeting with me to ask questions. I want to work with you.

Shipman: as far as formal action, do we want to table this item to December for further consideration?

Dloski moved to table the building heights discussion to the December 18 planning commission meeting with a second by Hall. Passed unan

Shipman: thank you to everybody for being here. We're all reasonable people. We're neighbors and we're all in the same room. If we're respectful and kind and speak with each other, we can do a lot of good things in this community.

Moving on to our next item, something that a zoning administrator might see as regular in terms of planning and zoning language has caused a lot of concern. I want to listen and respond to that. My opinion on this item is also to table to a future meeting, but we still have a public hearing on section two of the proposed amendment 204.

Beard: 204 also amends section 6.1.5 sub 4.

Cram: I would like to separate the two. Again, I thought the amendment to section 6.1.5 was straightforward. It doesn't actually change anything that the existing zoning ordinance says. When you draft zoning ordinance amendments, sometimes you only include the amendment. In hindsight, I wish I had included all of section 6.1.4 and section 6.1.5 so that everybody could see the context in which that amendment was proposed. Lesson learned. I would like to separate that proposed amendment from building height because building height is the priority for me as the zoning administrator to move applications forward. We could come back to section 6.1.5 later with some additional context.

I want to assure everyone that this amendment was not proposed to take away anybody's rights or to change any uses. It is not our desire to continue to piecemeal and make little incremental amendments to the zoning ordinance. We plan on a complete update of the zoning ordinance in 2024. But there are a few things that are a priority. It's my plan to work in a few spheres with a consultant that we select to assist us with completely updating the zoning ordinance but also bring forward a few key amendments such as how we measure the definition of building height.

The other priority we're working through is how we address non-conforming structures

and the expansion of those non-conforming structures. I would like to get back to the work of proposing amendments for value-added agriculture and uses by right for the agricultural community and signage to support the agricultural community for the spring season. There would be some very specific amendments that we would tackle in addition to looking at the entire update to the zoning ordinance, which was adopted in 1972. There have now been more than 200 amendments. At the next board meeting, I will give an update of the amendments I think are a priority. I thank you all again for your time this evening. It means a lot that you care and are open to sharing your ideas with us.

Shipman: Jenn, can you just run us through what we're looking at here? I don't know if everyone saw the printed copy, but it adds some clarification.

Cram: I will pass around the printed copy; it's also here on the screen. I also included section 6.1.4 and section 6.1.5 so you can see the context in which that amendment was proposed. Zoning is enabling legislation. We have permissive zoning. Rather than listing all the uses that are prohibited, we generally list the uses that are allowed. You have principal uses of land, and you have accessory uses of land. It seems the community is concerned this proposed amendment would somehow affect those customary and incidental uses of property such as mowing your lawn and hosting your friends in your back yard. That is not the case. Zoning ordinances don't normally list what all those customary and incidental residential uses are. What this amendment proposed to do is clarify that if something isn't currently listed in the zoning ordinance as being allowed in that zone district, then it is not allowed in that zone district. It's another way of saying what's already written here, but it's not a priority. This topic was discussed at a planning conference I attended. I discussed it with legal counsel and there does need to be some clarity, but this proposed ordinance doesn't change the way we currently utilize our zoning ordinance.

Hall: add shoreline regulations to your list of priority amendments. That is a real need for a lot of people with disputes with their neighbors on the location of their docks.

Also, I would like to suggest that this proposed amendment to 6.1.5 be tabled indefinitely. It can wait until we redo the zoning ordinance. I agree substantively that it's not changing anything. To understand it in context, it's important to realize there are a lot of technical deficiencies in our zoning ordinance that relate to this. I'll give you an example. If I am a non-lawyer and I'm reading the packet that comes out from the township and I see, "Uses non-specified are prohibited," what does that mean? Well, one of the problems is that there is a concept in typical zoning ordinances dealing with accessory uses. Accessory uses are subordinate to the principal use, but they are common and incidental. Birthday parties for your kids or backyard barbecues are accessory uses and generally understood to be allowed. Our ordinance as it exists has a definition of accessory use and it's not carried throughout the ordinance. So for Traverse City, Acme Township, when they list each use district, they say, "accessory uses" so it's clear for non-lawyers or non-planners when they read it so you don't get the concern you're likely to get if you just read this proposed language. The other thing is people read this language and say, if the use isn't on this list of use by right or special use, what do I do? I can't do anything about it. Yes, you can. Under our ordinance, like many ordinances, you can go to the zoning board of appeals and ask for an interpretation of the proposed use. The zoning board of appeals has the ability to interpret the proposed use as either comparable to a use that is listed or not. If they say

it's comparable, then that use is okay. If you don't get relief there, you can propose an amendment to the zoning ordinance. That's a longer road. When people read "It's prohibited," they think that's the end of it. It's not the end of it. I'm not troubled by that language except if I read it in a vacuum. The language Jenn proposed is verbatim to what's found in various ordinances. My recommendation is we push this back until we redo the zoning ordinance and fix these deficiencies. Another deficiency, a technical one, is when you petition the zoning board of appeals for an amendment, they can decide to hold a hearing. Then it doesn't say anything more. Who actually adopts it? Typically, it would be the township board that adopts amendments. This relates to a bunch of technical problems. Let's solve all of them in the rewrite of the zoning ordinance and just leave this alone.

Dloski: I would make a motion to that effect.

Cram: I would like Chris [Patterson, township legal counsel] to comment on this.

Patterson: I appreciate Randy [Hall's] comments. He covered the main points I wanted to communicate. I can appreciate the public's perception when you read the language in a vacuum as it was proposed in the packet, but the language is really similar to probably more than a hundred other communities we work with. The idea was the clarification point that Randy hit on, which is that an accessory use as a use itself is not consistently listed in these districts. So, you have to add other sections in the zoning ordinance. We were trying to simplify it for a layperson who could read the provision and understand how the language in 6.1.4, the intent that's in these other sections of the zoning ordinance, how exactly that would relate to a resident. I agree that reading it in context with that additional accessory use piece is important. Because certainly the activities the community is doing now with respect to graduation ceremonies, playing basketball or volleyball, the sort of minor accessory improvements like the basketball hoop you would use for that, all of that is permitted since the '70s. It will continue to be permitted and the language does not prohibit those activities, whether it's lawn mowing, exercise sports...all of that will be considered as part of the definition of what is exactly related to those uses. The state law relies on the township in indicating that you need to also use your master plan. The Supreme Court has upheld this principle. This language is pretty consistently used. I think the presentation here was to provide the context for the public. I appreciate everybody coming out. The comments were helpful in understanding how we could better educate on what the zoning ordinance is already doing. It was meant from a readability standpoint.

Shipman: do we hold the public hearing and then take action?

Dloski: if we're not going to proceed with it?

Shipman: if people are expecting to speak, I feel we have an obligation.

Patterson: I recommend holding the public hearing. If the planning commission wants to take action in advance saying you're going to table it so the public is aware of that when they're making their comments, you can take that action, but since the public has come out, and we certainly have a lot of engagement, it's appropriate to hold a public hearing.

Shanafelt: when we do bring up the language again, we would have another public hearing. We aren't trying to just hear it now; we would like to hear it both times.

Hall: I suggest that it never come up again except in the rewrite.

Beard: I recommend against using the word "tabling." Under parliamentary procedure,

something that is put on the table can be taken off the table. That is not a good practice. What you want to do is defer action on it, in this case until such time as the code is rewritten.

Shanafelt: sounds like a major decision. I want to make sure Chris is okay with it.

Patterson: it's not problematic.

Beard moved to defer action on ordinance 204 regarding section 6.1.5 sub 4 until such time as the zoning code is rewritten with a second by Dloski. Passed unan

Hall moved to open the public hearing with a second from Dloski. Passed unan

Marty Lagina, 232 W McKinley: the reality show is going well tonight; we should have had cameras. Randy [Hall], I respect you immensely. I also disagree with you. If this is enacted, it changes the presumption. When you go to the ZBA as you suggest, you're starting from a hole because it's deemed to be prohibited instead of uncertain. And, respectfully, Jenn [as the Zoning Administrator] gets to make the decision. [Correction: the zoning administrator does not get to make the decision. This individual can make a recommendation to the ZBA, but the ZBA is independent of the zoning administrator and can choose to either support or not support this recommendation]. This is insidiously wrong. As far as this attorney saying "All the other townships do it," as my mother told me, just because your friends are jumping off a cliff doesn't mean you should do it too. This is self-evident. If this doesn't change anything, then why do you need it? I'll tell you why, because it changes the presumption of what you do. We used examples tonight of mowing the lawn. Yep, that will get through. How about a Gus Macker tournament in your driveway? Does that go through? Ah ha, we don't know. But when it gets turned down by the zoning administrator, you're in a hole. You'll have a lot harder time advancing your cause if this gets passed. Randy, I liked what you did. It's the right result but bury it a lot deeper than that. It is insidiously wrong, and these people will find that out if it gets passed. It's way too easy to say no, and then you start in a very deep hole.

Mike Tucker, 558 Brakel Point: I was here to talk about building heights, but reading that, why would anyone suggest it? It's completely ridiculous. I attend lots of different meetings of different municipalities around the state. I'm not trying to be critical. This is dysfunctional. I would be embarrassed. I say that in the most respectful manner. I want to see you do better. I live in this county; I don't live in the township. I want to see you do better. I think you can. This isn't it. Don't try to change things that don't need to be changed. Marty [Lagina] said something that hit home. If it doesn't change anything, why do it? You motivated all these people to come sit in these chairs today, for what reason? They're concerned about the mowing. I think that's never going to be a thing; you're not going to tell people they can't weed whack. But you created this mess by doing that. Please think about your actions and think about things.

Alan Kostrzewa, 7447 Logan Lane: I'm reading a letter for Steve and Sarah Trippe. I share their thoughts. "To whom it may concern. I'm writing this letter to express my concerns and opposition to the proposed amendment aimed at imposing a very strict ordinance on the residents of Peninsula Township. As a resident of Old Mission Peninsula, I believe that this amendment may have unintended consequences that could negatively impact our community. I understand that the township has the best interests of the residents in mind. When considering this amendment, I would like to highlight a few points that need careful

consideration. One, impact on property values. Strict ordinances can sometimes affect property values, making it challenging for homeowners to sell or invest in their properties. As a professional in the oil and gas industry, I am aware that a balance must be maintained between regulations and property rights. Two, economic implications. The proposed strict ordinance may also have economic implications for residents who might be burdened with additional costs to meet the new requirements. This could create financial hardships for some members of the community. Three, community input. I urge the township to seek input from the residents and involve them with the decision-making process. Transparency and collaboration will result in a more equitable and effective ordinance, taking into account the diverse needs and concerns of the community. Four, alternative solutions. Before enacting a very strict ordinance, I encourage the township to explore alternative solutions that achieve the desired objectives while being less restrictive on residents. There might be compromise options that can strike a balance between community welfare and individual property rights. I kindly request that Peninsula Township reconsider the proposed amendment and ensure it aligns with the best interests of the community as a whole. I believe that a thorough and inclusive evaluation process will lead to a more equitable and effective solution. Thank you for your time in this matter.”

Jed Hemming, 2455 Nehtawanta Road: as written, this is a dangerous precedent. It opens the door to a lack of public hearings for one thing. It's heavy-handed zoning enforcement. The official, who may or may not be elected, drives down the road, sees an activity, maybe doesn't like it, maybe it's a neighbor they don't get along with, uses some heavy-handed tactics to cause problems. I think this is a bad idea and I'm glad you turned it down. I think you shortened your meeting by two or three hours.

Micheal Frederick, 14877 Shipman Road: it's bananas that before anyone even spoke tonight, you all realized how crazy this was and deferred on the whole thing before anyone even spoke. I don't know how it made it on the agenda and wasted everyone's time here tonight. I'm embarrassed about it.

John Wunsch, 17881 Center Road: I would disagree this was a waste of time. I think a lot of people with different points of view got to hear each other. A lot of learning went on here. It was more contentious than it should have been beforehand. When the mind sees a problem, it wants to work on it. When the mind gets going and a problem stirs you up, you get afraid. If you're afraid, you get angry. It's got to go somewhere. And, unfortunately, it's going towards these people who are trying to do the best they can. We are in a state where unless it's allowed by an ordinance, it isn't allowed. That's a given. That's what hasn't changed. Our ordinance says that these uses have to be in the ordinance and the ordinance says it elsewhere. This language used “prohibited.” This language didn't reference the accessory uses, which led to a lot of fear and concern. Other townships have written it in similar ways, less frightening because it doesn't use the word “prohibited.” Garfield 311: “No use is permitted unless it is a permitted use, a conditional use, special use, or in the respected district.” East Bay 212: “Land use in whole or in part for any use in any district which is not specifically permitted in the district of this ordinance.” Elmwood 3.4: “Those uses not specifically included as permitted or special land use are not permitted.” I don't think the idea here is to tell people they can do less. The idea is when something new comes along, you want to look at it and decide how it fits and have this

kind of input, so people respond as they did. Say okay, we'll change it, and come up with a balanced way to do something new. The idea of having to write it down before you do it is right. Is this the right language so we're all happy? No, we're not all happy. Hopefully, we'll get there. For all of you [town board], thank you for the effort you put in. I'm sorry you have to take such negative energy and attacks instead of more conversation. But people get angry. People get scared. It happens. I thank you for being willing to be up there and encourage you to keep doing your best.

Keith Lane, 2565 Shore Wood: everything that you ladies and gentlemen decide, whether it's with support or not, impacts everyone in here. Having sat and watched them talk about all the delays, that's monetary. You have builders in here, contractors, residents. While we are trying to work through this process, remember that every delay and every project that we do not go forward with or there's someone who can decide whether the previous zoning was wrong or right [causes a delay that has] a significant financial impact. There's a lot of people spending a lot of money in here who want to have a good life, good pursuit of happiness. It is contentious. We're working through it, but you have a lot of emotional vested interests in here. And the sooner we get it clarified, the better it is for everybody. Thank you.

Sally Erickson, 2228 Kaukauna Court: we built Port of Old Mission. We care very much about the entire peninsula. I think what we saw tonight were rules that were unexpected and a surprise. As much as all of us are shooting for an end run of having a good place to live, I think we're not seeing the rules that are in place being enforced. When you spring on us new words and new enforcement, new laws, when we're not seeing the things that are already in place being enforced, it has no credibility. That's my biggest concern. I'd like for this to be a credible source of information so that builders, developers, homeowners, farmers, can honestly take the information and do what's right based on what you're providing for information and what is the right thing for the community. That has to come together. Thank you.

Brian Hosmer, 17593 Shiitaki Trail: when we think about moving forward on this stuff, be more considerate. We can sit here and say what may or may not be allowed in the future, but what happens when there are new people sitting in your spots? When you have broad ideas that eliminate everything, what you say now means very little 20, 50 years in the future. Be cognizant of that as we move forward and rewrite these kinds of ideas...[avoid] far-reaching implications treated as a stopgap solution for a problem that the township has had repeatedly. We don't want to make it easier to for you to say "No" right away. Innovation and farming and anything that we do when it's just outright "No" to begin with is challenging in an already challenging and competitive environment. Imagine being the cherry farmer of the future, trying to convince a board of people who aren't necessarily farmers what the next cooling pad should be and why it should be allowed, anything you might deem necessary for your farm. Be considerate of these things as we create these broad and overreaching kinds of rules. Thank you.

Hornberger moved to close the public hearing with a second by Hall.

Passed unan

Dloski moved to adjourn the planning commission meeting with a second by Hall. Passed unan

Wunsch: take a five-minute break.

2. Public hearing on Peninsula Township Cemetery Ordinance No. 58 (Chown)

Chown: this has been in the works for more than a year. Our sexton and others have been asking me to create it since I became clerk. We've never had an ordinance to govern the three cemeteries Peninsula Township manages. This draft has been through many versions. It was created by our township attorneys and has been vetted by our sexton and others as well as yours truly. I am the clerk, and the clerk's office manages the cemeteries. The purpose of this ordinance is to memorialize a variety of practical matters, including the grave markers, the memorials, the monuments, and what happens to unused burial right permits – we used to call those “deeds” but do not any longer – and prohibited uses and activities. It's important to have a baseline for safety and maintenance. I hope this ordinance will contribute to the sound and compassionate functioning of these memorial parks for many decades to come.

Wunsch opened the public hearing on Peninsula Township Ordinance Number 58.

Kim Morrison, 13998 Bay View Ave: I own six plots in Bohemian Cemetery. I purchased them in 1990 or 1992. Can you clarify that if they're not used, they revert back to the township in 30 years unless I make notice?

Chown: yes.

Morrison: do you make any notices or is it always the responsibility of the property owner to notify you?

Chown: ultimately it is the responsibility of the property owner because sometimes people move and they don't tell us. But we do our best to track people down using the records we have. But we have had occasions when we can't make contact. We do ask that folks remember to contact us to let us know.

Morrison: what is your total number plots with all three cemeteries?

Chown: I don't know offhand.

Morrison: so it's always going to be totally on the property owner?

Chown: no, we do our best to track you down if we have a question, but it's a mutual responsibility.

Morrison: it's every 30 years then, okay. Thank you.

Wunsch closed the public hearing on Peninsula Township Ordinance Number 58.

Sanger: I worked with Becky [Chown] on this. I did manage the Saint Joseph Cemetery as well. I am comfortable with this ordinance as it is.

Shanafelt: is the 30-year notice customary?

Chown: yes. [read from ordinance]: “Burial rights permits sold after the effective date of this ordinance, and remaining vacant for 30 years or more from the date of their sale, shall automatically revert to the township upon the occurrence of the following events: one, notice shall be sent by the township clerk by first class mail to the last known address of the last owner of record informing them of the expiration of the 30-year period, and that all rights with respect to said burial spaces will be forfeited if they do not affirmatively indicate in writing to the clerk within 60 days from the date of mailing this notice of their desire to retain those burial rights. Number two, no written response to said notice indicating a desire to retain the burial spaces in question is received within 60 days from the date of mailing.” We will absolutely make every effort to reach you and contact you.

Morrison: for successor ownership, do I have to re-deed them?

Chown: we ask you to come in and re-deed them through the township so that our records are up to date. You have the right to re-deed them to anyone you choose.

Morrison: can trustees re-deed them?

Chown: absolutely. We want people to have their burial rights. It means a great deal to folks and gives them a lot of comfort. We make every effort to make sure that folks have the burial rights they purchased. We try and track people down.

Jed Hemming from audience: define "use." We have a family marker on a lot but no one is buried there and probably won't be. Does that qualify as use?

Chown: we sell people the right to be buried in a particular piece of land. The township owns the land and sells the right to be buried. Your family has purchased the right. Whether you bury someone there or not, that's up to you. If your family only chooses to have a family monument there, that's fine. No one else gets to be buried there. If your descendants one day decide these lots are empty and want to be buried there, that is their right. But we don't get to come in and say the burial rights haven't been used once you've placed a family monument. [The 30-year reverter] wouldn't apply in a situation where you've placed a family monument.

Sanders: maybe once a year putting an update on the website or newsletter?

Chown: for folks who are moving and if they're not using their plots, to ask them to stay in touch with the township? Good idea.

Sanders moved to approve Peninsula Township Ordinance Number 58 as written with a second by Sanger.

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

3. Request to purchase fire truck (Fire Chief Fred Gilstorff)

Gilstorff: back in August, I came to ask for permission to go out to bid for a fire truck to replace engine two, currently housed at station two. That truck is 25 years old. In the packet, I sent a review of that presentation, a refresh on why we need that truck. Bids were sent out. We received them on October 26. The deputy clerk and I went through them. I sent out five bids to different manufacturers and we received two bids back, one from CSI Emergency Apparatus in Grayling for \$906,681 for a truck with a 500-horsepower engine. They submitted an additional bid for \$852,051 for a truck with a 400-horsepower engine, which we're not able to guarantee at this time. If approved, though, we are going to put in for that. The other bid we received was from RNR Fire Truck Repair in Plymouth for \$954,937. Could do a hundred percent prepay option, which would bring it down to \$906,777. I don't care for that option, paying for a truck we haven't received yet. I am requesting the \$906,681 CSI bid. I go to the higher number because the option for the smaller engine is not a guarantee. For financing purposes, we need to go to with the higher number to lock in financing. With the bids, I requested bank information from each dealer. We went through multiple financing options with the treasurer. I propose we go with Community Leasing Partners. To clarify, it's a loan. We own the truck outright after 10 years. These trucks usually last 25 years. Ten-year payment plan, interest rate of 5.03. Talked with lender today to confirm if we get paperwork in, we're locked in. Yearly payment would be \$80,434.94. Downpayment of \$300,000. We kept a lot of money to the side from our EMS revenue. This is the time to use it. Won't start making payments until

we receive the truck in May or April of 2025. Fingers crossed we get that smaller engine. If we do, another \$52,000 will come off. This is in line with my 10-year forecast. I don't expect this to be something I would need to raise the millage for. I am requesting you approve the bid from CSI, approve financing with Community Leasing Partners, and ask you appoint someone on the board to sign the paperwork.

Rudolph: what is the status of replacing our other front-line pumpers?

Gilstorff: engine one at station one is four years old so 21 more years. Engine three at station three is a 2008 so [10] years on that. That is going to be a specialty truck because of the area it protects. Probably be smaller in size to be more versatile for that area. Won't be a custom truck like this one.

Rudolph: for the public, understanding the unique geography of the township, we have to operate three stations and finance more equipment than you would normally see.

Gilstorff: I haven't added anything to the vehicle list. Reconfigured some and were able to consolidate some things. Trying to utilize the vehicles for all the potential they have.

Shanafelt: appreciate you trying to find the best price. I want to make sure going for the 400-horsepower doesn't compromise us?

Gilstorff: that's what is in the apparatus we currently have and it's more than sufficient. It's the engine manufacturer saying they're not making that engine anymore.

Achorn moved to approve the purchase of the CSI truck at \$906,681 or \$852,051 depending on the engine, financing from Community Leasing Partners, and to authorize the supervisor to sign the paperwork with a second by Rudolph.

Sanders: thank you for the work on this.

Wunsch: [it's pretty remarkable] to have the treasurer make the motion to spend money.

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

Gilstorff: regarding the exit interview that was in the packet, thank you for taking the time to read it.

4. LIDAR (Light Detection and Ranging Device) request and presentation (CPO Tony Martinez)

Martinez: this is a request for a second LIDAR unit. Please consider any one of the three models presented [in packet].

Achorn: which do you prefer?

Martinez: I'm happy with the cheapest, but the one that runs \$2,700, that's the best one.

Chown: how long do they last?

Martinez: if they're kept up well, quite some time. I don't know of an age limit. The problem with the one that's already been purchased is the technology. It's challenged by the elements. You can't utilize it through glass, so you have to have your windows down when trying to initiate contact with a violator. Snow, haze, smoke also influence its ability. The newer technology is able to work through glass and other weather conditions.

Chown: would both deputies share it?

Martinez: yes, ma'am.

Wunsch: this is in my discretionary spending limit as supervisor, but because we are pulling it out of the CPO millage, we historically run it through the board. Want to get approval before I signed off on this.

Sanders moved to approve the purchase of the XL LIDAR at \$2,770 with a second by Rudolph.

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

Approved unan

5. Resolution No. 2023-11-14 #1, Authorizing the Grand Traverse Regional Land Conservancy to Sign PDR Grant Requests on Behalf of Peninsula Township (Cram and Laura Rigan, farmland program manager with GTRLC)

Sanders moved to recuse Chown due to a conflict of interest with a second by Rudolph.

Passed unan

Rigan: for context, when the purchase of development rights ordinance was last updated, it emphasized leveraging millage funds by bringing in matching funds from grant sources. Federal, state, or other grants are available. I'm working with some landowners who are interested in pursuing these grants. Rather than tracking down Isaiah [supervisor] or Jenn [planner] on getting these signatures for every grant, I propose getting signing authority for these grant documents since I'm coordinating the landowner documentation. None of this would be binding. The township isn't bound to spend these funds. Anything legally binding or any legal agreement would be signed by the supervisor or a designee. This just gives me signature authorization on these grant applications. One is due this Friday for a USDA grant that contributes 50 percent of the matching funds. This helps leverage the taxpayer money and helps spread out the funding so we can accomplish more projects.

Cram: as the program coordinator, I fully support this. Laura [Rigan] has been wonderful to work with.

Wunsch: smart move.

Rudolph moved to approve Resolution 2023-11-14 #1 authorizing the Grand Traverse Regional Land Conservancy to sign the PDR grant requests on behalf of Peninsula Township with a second by Achorn.

Rudolph moved to bring Chown back to the board with a second by Wunsch. Passed unan

6. Request for budget amendment and appropriation for the Compactor Station Fund (Achorn)

Achorn: I request we appropriate \$10,000 from the Tower Fund and transfer it into the Compactor Station Fund. We are running out of operating monies. Had an unexpected cost for grading this summer that wasn't anticipated in the budget.

Sanders moved to transfer funds with a second by Chown.

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

Wunsch: we got a good deal because they were able to do the grading while we were doing the basketball courts.

Chown: Team Elmers keeps giving us phenomenal deals. I am immensely grateful.

Achorn: we can probably expect more need for grading. All the rainwater makes ruts and we're going to have to continue to take care of it.

7. Request for budget amendment and appropriation for the Hemlock Wing at Pelizzari Natural Area (Achorn)

Achorn: requesting \$50,000 for Fund 214, Pelizzari Natural Area, for the Hemlock

Preservation Boardwalk Project. Included in the packet is the status as of end of October of our ARPA funds. We've continued to accumulate interest with \$592,227 cash in the fund. We've committed to some parks signage but have not had any expenditures toward that yet. For the basketball court hoops and tennis court upgrading, we approved \$50,000 and we've expended \$47,915. For Archie Park, we've committed \$1,100 and spent the same amount. That leaves \$523,177 before this commitment of \$50,000. To assist with the grants that have come in for the Hemlock Wing and the potential for more grants and donations, I'm suggesting we commit \$50,000 to show the township is willing to put some money into this project.

Shanafelt: using funds like this in the context of grants is key to making projects happen. There's no way we can do it on our own. It requires the township's engagement directly to enable these types of funding events to occur and get additional grant money.

Chown: we need to have skin in the game. It makes a huge difference for us to say we are putting in a chunk of money.

Shanafelt: it's a good example of making this happen in the context of the available funds.

Sanger: is there a time when the ARPA funds must be spent?

Achorn: 2026. Have to commit them before the end of 2024.

Sanger: there's still quite a bit of money yet to be raised. What happens if we get close to that time? Hate to see us lose that \$50,000.

Chown: we won't lose it. It just has to be committed.

Sanger: please answer the question again, Marge.

Achorn: committed.

Sanger: spent by end of 2026? That's my concern. How confident are we that we can raise another couple hundred thousand dollars?

Chown: I'm very confident.

Sanger: I want to be sure that we don't lose it.

Chown: the township needs to show it's committed to constructing this sustainable boardwalk. We are going to make it work. I'd like to get this job done in 2024. We've got a couple fundraising hikes in the works, and I'm hopeful the people who love Pelizzari Natural Area, who love hiking in the Hemlock Wing, who might have charitable dollars they'd like to give before year end, either this year or next year, might come forward and make a gift. These are tax-deductible donations, and we would gratefully accept anything large or small toward this project. If we had to, we could recommit the money, but we are going to make this happen. I'll dust off my superpowers if I have to.

Shanafelt moved to allocate funds from ARPA towards the Hemlock Wing with a second by Rudolph.

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

8. DNR Waterways Grant Agreement and Resolution No. 2023-11-14 #2 (Chown)

Chown: last spring, the engineering firm Beckett and Raeder submitted a grant application to the DNR's Waterways Grant program on behalf of Peninsula Township for a single lane, motorized boat launch and ADA-compliant kayak and canoe carry-down launch at Kelley Park. In June, we learned we had been approved for a grant that will pay for one half the costs of construction of these new amenities. That grant agreement and the accompanying

resolution are in your packets. They have been vetted by our attorneys. Since 2018, there have been numerous public conversations about the boat launch at Haserot Beach, about the ever-growing safety concerns and inadequacy of parking. Residents urged us to separate the swimming and boating uses to keep residents and visitors safe. The picture in your packet of Haserot Beach on a typical summer's day [page 158 in packet] makes it clear why we need to separate the swimming and boating uses. Feedback from residents at township board meetings from 2018 through 2020 confirms the community's overwhelming preference to construct the launch at Kelley Park, and a number of important documents that guide the township ultimately resulted. They include the township's draft master plan, the 2022 parks projects survey and public input study, and the township's newly passed 2023 Five-Year Parks and Recreation Plan. All these documents express the community's abiding interest in constructing the launch at Kelley. Excerpts from these documents are in your packets.

Your packet also contains the concept plan approved by the DNR in June. It reflects the concerns and the requests voiced by township residents who asked for the following: first and foremost, local control. A minimally impactful, environmentally sensitive, single-lane motorized launch. Limited parking. Sensitive lighting that complies with the township's dark night sky ordinance. A vegetation buffer to screen the neighbors. No marina or transient boat slips. We checked the box on each of those requests. The approved plan also includes initial dredging and an ADA-compliant non-motorized carry-down kayak and canoe launch and an ADA-approved toilet and sidewalks. Your packets also contain a few questions and answers about the new motorized launch and ramp. A concerned resident asked if the DNR would allow us to place a fee pipe at the launch to collect user fees to help defray annual dredging expenses. The answer was yes. That is now part of the project.

How much will the dredging cost? The last time we dredged the launch at Haserot Beach was 2019. Team Elmers did the work for \$400. I've been working with Brian Peace at Elmer's, and because of the greater distance to reach deep water at Kelley Park, not to mention inflation, Brian estimates in 2024 the cost of dredging will be \$1,200 per episode. We're going to need to dredge each spring and possibly more frequently. The usage fees we collect in that fee pipe will help pay for this annual maintenance need or even completely offset it. It's an honor system. Hopefully people will put that \$5 bill in the pipe. I've been holding this grant agreement since June. I waited to bring it forward in the hopes of receiving grants or donations toward the 50 percent of the money the township must provide. To date, we have received one \$500 donation and one \$25,000 donation from generous township residents. In addition, we have received the Grand Traverse County Board of Commissioners' commitment of \$25,000 a year for five years to be used exclusively for capital improvements at our parks. We are still accepting donations large and small from anyone who would like to help us complete the vision for this documented priority in Peninsula Township.

One last thing: the Michigan Natural Resources Trust Fund invested \$2.3 million to acquire Kelley Park for boating access and parkland use. Now the DNR waterways program is offering \$605,000 to construct this long-awaited launch. This is nearly a \$3 million investment to enhance public access and our recreational amenities. I hope the board will

support signing the grant agreement and resolution that will allow us to move forward.

Shanafelt: the number that strikes me is not the \$600,000 we need to find but rather the fraction of that total cost [we will end up paying]. It's only 17%. Everything else is grants. The ability to have capital dollars to use to leverage other funds comes again.

Chown: I love Haserot Beach. I love Kelley Park. I'm unhappy every time I drive by and see the state of both places. They look unkempt. The riprap still at Haserot will be reused at Kelley. We will remove the old cement pad. We are going to reclaim the swimming beach and expand the swimming beach and swimming area at Haserot. We have to finish the job we started a long time ago. And construction costs aren't going to come down.

Sanders: when I was on the parks commission in 2014, this was on our radar back then, trying to figure out how we could get to this point right now. It's a significant time consumption and undertaking and the fact that these dollars are there is awesome.

Wunsch: I commend Becky and Beckett and Raeder for putting together a really nice project. I've seen previous iterations of the Kelley Park boat launch that brought out as many people as we had here at the beginning of this meeting. This one is a lot closer to the mark.

Chown: it's a reflection of the community's desires. We didn't do this in a vacuum. We listened to what the residents told us they wanted to see and what they didn't want to see. Hopefully it's something we can all be proud of and utilize. It provides increased access to our bay and this wonderful northern fishery that is difficult to access from elsewhere. And I don't mind telling you that I'm visited regularly by several older fisherman who ask me when I'm going to get this launch done. They want me to know they're running out of time.

Rudolph: I am one hundred percent behind this.

Shanafelt: it has the added benefit of allowing us to enhance Haserot.

Sanders moved to move forward with the Kelley Park boat launch implementation proposal from Beckett and Raeder and Gordie-Fraser with a second by Rudolph.

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

9. Kelley Park Boat Launch Implementation Proposal from Beckett & Raeder and Gourdie-Fraser, Inc. (Chown)

Shanafelt: as far as signing the grant, do we need to appropriate the dollars?

Wunsch: we are committing to the other half; we don't know what that looks like yet.

Wunsch moved to approve Resolution 2023-11-14 #2 with a second from Sanger.

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

Shanafelt moved to authorize the supervisor to sign the Waterways Grant agreement with a second by Sanders.

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

10. Update from Charter Township Study Group (Shanafelt)

Shanafelt: quick update on where we are. Apologies that we don't have a longer document to discuss. The question we wanted to ask first that came out of the charter township presentation was, do we really need to change anything? What resources do we

currently have in the township and what are we trying to do? Do we need anything to do that in a manner that we would expect? That's both people and dollars. What we've collected to this point through interviews and budget analysis is a preliminary analysis. Over the next month, we will look at our numbers to make sure we're right before we present it to you for review. That is the first step in the context of, "Is there a reason we might want to consider any kind of change from what we're currently doing?" Is this all about money, and do we need more money to operate? After we have that question answered, and if it necessitates going into a deeper analysis, we will move towards a more open type of discussion, keeping our same committee but having our meetings be open meetings much like the citizens' agricultural group. Those will be announced, and we'll hold them here [the township hall]. If you want to participate, that would be great. We want people to be involved.

Achorn: you're going to want more information from me.

Shanafelt: I know. There are a lot of moving parts.

Audience member: when do you anticipate the study group?

Shanafelt: the open session? I would like the report to be out for people to think about. I would think the first time we would meet would be in January. I don't know the frequency. Let's see what the report indicates. The goal would be to get everything done before the end of March.

Sanders: because it is the winter season and a lot of folks are gone, we now have the capability to Zoom.

Shanafelt: we've already started talking about it.

Wunsch: one thing I would caution: it's feasible to allow people to participate as audience members with Zoom. It's difficult in the space for seated board members.

Shanafelt: I agree. We will find ways to incorporate. To the comment, "You should be doing this in the summer," the problem with that is it basically means we don't do anything in the winter and the legislative process moves throughout the year. The work product for this will be available so everyone can read it. You can write letters or I'll take calls on this.

Kim Morrison from audience: regarding the summer, it's an easy work around with today's technology. I'm in a community of 3,500 people in Florida. We'll all be attending the board meeting this week. We do this with our own HOA meeting when we're spread out. We do it with Zoom. We wave if we want to make a comment. It works. It's something you should consider.

Shanafelt: I just said we would consider and implement.

Rudolph: we heard some criticism tonight about the way the board operates. Between the last two censuses here in Peninsula Township, our population increased by 20 percent. We went from 5,000 and some people to more than 6,000. That doesn't even count summer residents. This is no longer a little rural community. It's becoming a big deal out here. The board is looking at this and saying we've got to figure out a way to manage this whole operation to better serve the citizens. That's why this whole process is going on right now.

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

Patterson: the same cases are pending that I updated you on last time. Two cases are pending with respect to other issues outside of the winery litigation. One case is pending

related to an entity that was filing a special use permit related to a winery zoning approval prior to amendment 201. That case remains pending in federal court. Your insurance defense counsel is handling that case.

Insurance defense counsel is also involved with the case involving Villa Mari. That lawsuit relates to the scope of rights provided under its special use permit. That case has been progressing and also claims meetings related to the Open Meetings Act as well. It is in state court. The judge has been fast tracking that case; no more adjournments. The judge is indicating he would like the case to proceed to trial in January of 2024. Depositions wrapped up yesterday in Traverse City. Transcripts will be available. We have an upcoming mediation settlement conference related to that case as well, which we will update the board on. That case should resolve through the trial process early next year.

The last case currently pending relates to the winery litigation. We finished the discovery phase. Motions have been filed that test basic legal principles in the case to see if it can be narrowed and focused and to crystallize what issues might be subject to an appeal by any of the parties involved. Those are currently still being briefed. Currently it's scheduled for a trial last week of April. Settlement discussions were going on in parallel with the litigation. The magistrate judge in Grand Rapids had shown interest in seeing whether the parties wanted to continue settlement discussions, and the township did. He asked the parties to provide their interest. The township did provide interest in continuing to engage in that process, but it requires the full consent of all the parties. My last memory is that the magistrate judge was interested in coming up to Traverse City to meet with the parties to see if those pieces could be worked out. That still remains open from the township's perspective. We still want to engage in that process. Hopefully at the December meeting, we will have more updated information on whether that is going to occur.

11. Citizen Comments

TJ Andrews, 619 Webster Street, Grand Traverse County Commissioner: I wanted to follow up on zoning but from a regional perspective. Take Trustee Rudolph's comment to heart: this is a community in transition. It's not limited to Peninsula Township. Grand Traverse County is growing at an unprecedented rate. This growth is creating a county as well as townships that have traditionally been rural and are no longer just rural. We are a regional hub. We are accepting a lot of burden in our community to solve problems we're not well equipped to solve. We see turmoil. We see it in departments. We see it at CMH, at the Pavilions, at the road commission. We've lost directors at all these places and boards are in a tangle trying to solve complicated problems. I don't have a solution. I'm just identifying a shared problem. Related to zoning, housing is a huge issue in this community. Having to hire new directors of large organizations with \$100 million budgets, and we ask them to take a salary where some portion of their pay is that beautiful bay, that doesn't work very well. We can't attract talent when we have to increase budgets by 40 percent from the person who was last hired in that position. These are big jobs with big responsibilities and it's hard to pull people in. We've seen this with school boards and across the community. We acknowledge the problem. I'm looking at you guys; you're going to update your zoning ordinance. We've all got to do our part on housing. We've got to get creative. Zoning is one of many tools. We're going to see this on our county board. I'm urging you to be a model for how to be creative, with more housing units developed that

people can afford to live in, above their garages, any which way we can squeeze in folks who want to move to this community. That's one aspect of zoning and another aspect of zoning from a regional perspective is solar. Wind power. We have a new bill coming; it hasn't been signed yet. But communities in our county can get ahead of that. There's an opportunity for townships to adopt zoning that anticipates potential commercial grade renewable energy for those who want to fit within the standards.

Kim Morrison, 13998 Bay View: I want to follow up on something TJ brought up and something I don't think you guys are considering. Hinsdale, Illinois, is where I've been for the last 25 years. It's the teardown capital of the world. You have a teardown issue, and it's just starting to roll. Grab it now. Put a moratorium on tear downs until you come up with a policy of what to do about them, how you're going to handle them. If you don't, it changes the fabric of the community. Those small homes get torn down. There are no starter homes. There are no young families, no elderly, it all disappears. It disappeared in Hinsdale. We don't have young people. They can't afford it. And it's happening here. You need to come up with a plan. You have to come up with an incentive of why you don't want to tear that 1,500-square-foot house down. I didn't hear anyone talk about the teardown issue. I haven't seen anything in your notes that you have a teardown issue. The other thing that drives it are the spec homes. There was a lot. I said to my daughter, "Hey, run over there and buy it." It was a tiny house under \$500,000. By the time I finished the sentence, [the sale] was pending. It was torn down. It was a spec home and sold for over \$3 million. That's what's happening to your starter homes, your retirement homes, and your community. It's going to change the demographics. It's going to change the look of this community and it's going to change the feel of this community. On affordable housing, following TJ, it's something you really need to build into the process. Thank you.

11. Board Comments

Sanger: we've got to have a planning session for next year. There is more work to do in 2024 than we can even start to think about. As a board, we need to spend time setting some objectives for next year. We must improve communication with the residents. The fact that we had this hall filled tonight at the last minute is not fair. Residents need time to react and get good information. All I see happening in our township unfortunately is bad information. And it's a shame because we're destroying community. If we could open up communication...I don't have a magic answer. But we no longer have a newspaper that's commonplace in homes. Too often we find the citizens really don't understand what's going on and they draw conclusions.

Ahorn: should a date be set for this planning session?

Wunsch: do we have an appetite for daytime meetings?

Sanders: I'm fine with that.

Wunsch: sometime early next year or sooner?

Sanders: I'm fine with next week or as soon as we can all get together. Open door, in here at the township, and start working away at our goals.

Chown: it has to be noticed as a special meeting.

Board discussion

Chown: we will hold a special meeting/work session on Wednesday, December 13, at 1:00 p.m. Anyone is able to come. We will hold it here and stream it on YouTube.

Wunsch: who would take the lead?

Shanafelt: take the lead on where we are, where the gaps are. We need someone to actually lead.

Wunsch: want me to put together the agenda?

Shanafelt: yes.

Sanger: start by going through what we know are issues and what we want to get done next year. The issues I saw tonight affecting height, stories, has been primarily with teardowns. That one-bedroom cottage that was torn down is now a three- or four-million-dollar house. It begins with the tear down.

Cram: it's why we need to address how we look at non-conforming structures; it's on the priority list. Most of those cottages on the shoreline don't conform to setbacks and different things. How do we handle the expansion of those non-conforming structures? Want to incentivize. We want people to make creative changes, make those homes livable, and be able to age in place. Need to be reasonable so we meet other guidelines.

Shanafelt: identifying goals and objectives helps with decision making. A lot of this is around zoning and prioritizing which zoning issues we need to tackle. Some of them are interrelated. If we could find a good priority, this sets the agenda of all the issues we're going to be looking at. Some are more time sensitive, such as the shoreline.

Sanger: identify these concerns, flesh them out, then prioritize.

Shanafelt: I can set the stage. Let's have Isaiah construct the agenda. Three hours isn't going to be enough but it's a good start. For anyone who reads the minutes, or in the audience, I appreciate people are paying attention and expressing their opinions. I don't appreciate the vitriol and aspersions that can be cast. Be thoughtful. Examine the issues. Write your opinions but the attack stuff doesn't work. Let's try to be civil and nice.

Cram: I hope we can come up with a way to engage the community in a more productive way. Trying to update the zoning ordinance, I was hopeful we could get through phase one in 2024. But if the meetings are going to go like this, it's not going to be possible. How can we shift that energy, gain the trust of the community, and engage in productive communication? I am open to ideas because it's going to be difficult to move forward.

Sanger: in many areas, we're out of resources.

Shanafelt: it's not about the capabilities; it's about what resources are required to make the township run. The communication, I haven't figured that out. Jenn urged people multiple times tonight to call her. I think all of us are happy to talk as well. What can we do with the website to get stuff out there? People still have to think to go to and look at it. There's stuff there. The budget appears there. People have been asking questions, such as how much are we spending on the lawyers? It's there on the website. My comment is, it's actually very reasonable, the fees we are paying for what we're getting, from what I've seen in the real world. Utilizing the website, the minutes are all there. I think we need some website redesign to make it a little easier. But that's capital, right? We need money to make that happen. That report our group is putting together, that's going to be on the website. It does take time to read and there's a lot to read. I mean, how long was the package today, 190 pages? You need to [read] that in order to understand what's going on at this meeting. And this meeting is a microcosm of everything else going on.

Jane Boursaw from audience: you are welcome to use the Gazette. I try to keep on top of

meetings, and I send people to the township website all the time. I'm just one person. If anybody wants to write something up for the Gazette, I'm all for it.

Sanger: the township needs a communications department. We've got to get the good news out.

Wunsch: a lot of the issues the community is concerned about, we aren't allowed to speak about.

Monnie Peters from audience: biggest issue with this was the way the packet went out. There was not enough background information; it wasn't edited carefully enough. It was clear to me when it came out that it would be a firestorm. I'm thinking, why didn't they think that and why aren't we up at the church where there's more room? Do you have an editor or a sounding board? If what the change was going to be was embedded in the middle of your paragraph, rather than sitting out there like flashing red lights, it would have been better. I suspect much of the audience never even read what Jenn wrote. I'm guilty. I didn't read what Jenn wrote until two days later.

Chown: if the residents aren't reading the material in the packet, we're really between a rock and a hard place.

Monnie Peters: it's how you're presenting it. It's a matter of having an editor to see how things are going out.

Shanafelt: so nothing that couldn't be solved with time and money.

Audience: we have a community college in this community. Journalism students are looking for community hours.

Michelle Zebell: having been on the parks committee, the people I work with are particularly hardworking, genuine, caring community members who are trying to make it as fair and equal and accommodating as it can be for the residents. There's nothing nefarious going on; [staff and commission and board members] don't have time. They have no one to support them. I've lived through it as a parks member who helped put in a playground. We don't have a public works department. I made decisions about things I've never done in my life. I agree we need to have our packets put together better, that there needs to be more communication. We can hardly address all that we're doing now, in addition to litigation. The communication part of the parks committee is such a huge job. As many volunteer hours as I put in, I could have been fully employed this entire summer. It was a lot, and they do this all the time. I do think there needs to be another social media presence, but who does that? Is there a volunteer who's civically minded, loves this community, and wants to see it be a community and not a confrontational place to live?

Dave Murphy: I should have gotten up here and been available to support you. Standing in the back, my skin was crawling. I was listening to people curse and bash without having read, without having considered who they were talking about. You've already begun a laundry list of new things to take on. That's why I'm working with Armen [Shanafelt] on charter. Your capacity is at the limits and volunteers are at their limits. I want to say thank you very much. I'm sorry I wasn't here to support you earlier.

12. Adjournment

Sanger moved to adjourn with a second by Sanders. Motion approved by consensus
Adjourned at 11:17 p.m.