

# PENINSULA TOWNSHIP

13235 Center Road, Traverse City  
MI 49686

[www.peninsulatownship.com](http://www.peninsulatownship.com)

## Township Board Regular Meeting

December 10, 2024, 7:00 p.m.

### Township Hall

### Minutes

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

2. **Pledge**

3. **Roll Call**

Present: Sanders, Clark, Milliken, Alexander, Sanger, Chown

Excused Absence: Wunsch

4. **Citizen Comments:**

**Rick Venner, 1660 Wayne Street:** I'm a resident of Traverse City. I'm also the vice president of the Cherry Capital Cycling Club. We have about 530 members presently. It was brought to my attention that the entrance to the [DNR's East Bay] boat ramp might be getting changed to East Shore Drive. From the standpoint of non-motorized or cyclists, it could be a hazard. We have ride leaders, and I reached out to see what their view was. Typically, we run our rides out of East Bay Park or the high school and go right up East Shore, out along the shoulder. We run multiple rides every week all summer long. This coincides with the boating season. We're talking hundreds of cyclists a week, not a small number. I wanted to bring to your attention some evidence. There's a number of apps athletes use to track their routes. One of them is called Strava. The club also uses GPS quite a bit. Those apps present what's called a heat map that shows where most people ride. I brought these maps along; I'll leave them with you. When it's red, it's used a lot. See how bright the red is? It doesn't get any redder than that. Strava, which is probably the more popular app, is the same but it highlights white.

I thought, for the fun of it, I'd do runners, and this one kind of surprised me. That many people run along the shoulder as well. It's pretty heavily used. And then I thought I'd try walkers on Strava. A lot of people apparently go right up to that intersection, turn around, and go back.

You've got a real safety issue there. As a member of the club, I wanted to bring that to your attention. My biggest fear is that somebody will be coming northbound, turning right and then turning left, threading the needle, so to speak. They're not seeing a cyclist coming up East Shore Drive. I appreciate your comments.

**Michael Ascione, 8181 East Shore Road:** we live three houses down from the launch. We are very close to the entrance. Living there, we see it. [Venner] is correct about all the walkers and bikers on East Shore. Everyone in this room knows East Shore is a beautiful road to walk down. It's a big part of our community. We wanted to express that we've had a lot of problems with the boaters coming out of the launch. We're boaters; we use the launch. We're not saying anything against that. But I don't know how many times we've had boaters come through our driveway and try to turn. We have a turn driveway; you can go through. They literally come through our driveway. It's happened so many times we've put cones up. It's really been an issue. So, we're really against

[egress from the boat launch onto East Shore Rd].

I know the plan shows turn right only. I don't feel that fixes the problem. It still puts the launch on East Shore Road. I don't know the thought process yet, but I feel they can make everything work without putting it on East Shore.

The other part is pulling out. Every day I pull out on that road. I pull out on that road and I pull out of the launch. I understand it. The difference between pulling out of the launch and pulling out of East Shore [onto Center Road] is tremendous. You have that blind spot where you can't see. I don't know how many times I've pulled out and had to floor it because I didn't see that car coming. An average boat trailer is 25-30 feet long. Coming out of that launch is a hazard.

The other thought is that boaters will pull out onto East Shore and sit at the stop sign and then cars will start to back up. Now they're backing up into residents' driveways. I know that's going to happen too because they're going to sit there during the busy times. That is a hazard.

Launches have issues. How many YouTube videos are there? You can sit and watch all the stuff going on at the launch. A launch is a great thing for the community, and I get the DNR has all the say in what they can do, but we're hoping the township stands behind this. We've talked to so many residents. Nobody wants it on East Shore. We hope everybody's on the same page, and we hope it goes smoothly. We're just starting [to get organized], but we feel strongly this is a bad move.

**Maureen Ascione, 8181 East Shore Road:** I want to reiterate what Michael said. I'm home all the time with my kids. The number of cyclists...that's why I appreciate Rick [Venner] being here. That's why I reached out. This is a huge problem. You're coming around that curve. And I watch them; they come in groups. It's awesome. I love it. You have pedestrians, residents walking their dogs, coming to the end of East Shore and then just looping around. We're super aware of that. I pull out all the time, and all of a sudden, a biker is in front of me. They're coming south on Center Road, and they just loop in. There's already been one fatality there, which I came upon the aftermath of. I think these out-of-town boaters aren't familiar with the area. It could be, potentially, a fatal accident at that intersection. For the safety of our children, for residents, for pedestrians and cyclists, it's not a good idea. We ask that the DNR hear our concerns and keep that entrance and exit on Center Road, which is a state highway, not a residential road. We have a letter [attached].

**Erin Hafeli, 13387 Blue Shore Drive:** I'm the owner of Lightwell Lavender Farm. Good evening, members of the board. I'm here to provide updates to consider for January 14. I'll respond to what I have heard, maybe continued discomfort with my application. These are in no particular order, just updates for January. My husband, Mark, met with the health department to follow up on open items, and we do see a path to obtain approval for January. We'll continue to work with them to address concerns voiced at prior meetings.

I am happy to report that I am now an equity investor in Hearth Sauna. I have an equity interest in the business that will be operating at my farm in addition to having a lease. If there are any other leasing or equity investment requirements, I'm asking for clarification in advance of the January meeting so that I can work to better understand them and be prepared.

I also completed my Right to Farm certification through MDARD. I proposed to staff a limit of one sauna for my farm, which is consistent with what's shown on the plan. I want to reiterate that I am starting to scale this farm business. I'm a new farmer. This is my second season at the farm. I explained at the last board meeting in November that the growth potential is through the expansion of 25 percent lavender coverage to 70 to 80 percent of farmland planted out with marketable aromatics such as lavender, juniper, and chamomile. My focus for growth remains on my actual farm products and getting more plants in the ground. My application promotes education and marketing around the use of my farm products, and I do hope to see a direct

increase in sales from this accessory use alongside year-round activity at the farm.

If there are any concerns about the sauna net operating income relative to other farm products or business operations, I need help to better understand that so I can address it in January.

Modular or temporary structures are commonplace in agricultural settings, including on this peninsula. This sauna is proposed by design to be a modular structure. I'm agreeable to modifications to the sauna unit, including the ability to custom order the unit without the wheels or hydraulic leveling so that, in essence, we have a static unit that can be delivered and remain in one place. We've met with and continue to work with the health department to talk about that design as well. However, adding septic or building permanent structures is really cost prohibitive. This is something I brought up with the planning commission [PC] as well. It's inconsistent with the business model of this accessory use, and it's outside the scope of my application. In closing, I am still hoping to have direct conversations with the board in advance of January, but if not, I'd just ask for that communication to be passed through staff so that I can be prepared for that meeting.

**Mark Hafeli, 13387 Blue Shore Drive:** I'm Erin's husband, the low-cost farm hand at Lightwell Farm. I've been standing on the sidelines thus far as Erin has been working on her SUP amendment. I've watched as numerous members of the community on and off the record have stated how nice an asset a sauna and cold plunge could be. After reading the master plan, I feel this use is in alignment and would be the perfect use to help Erin's farm gain a wider audience and boost sales of her lavender-based products.

Lavender is renowned for its ability to create a relaxing atmosphere. Turns out saunas and cold plunge kind of fit in with that atmosphere. They also promote health, calm, and relaxation. I believe the marriage of these two things, farm and sauna, provide the perfect opportunity to add value to community and to another small business on Old Mission Peninsula.

As a real estate investor and realtor, I understand that the price per acre for land with development rights on Old Mission is anywhere from \$30,000 to \$90,000 per acre. As market forces continue to work against farmers and the time comes to sell the property and have family continue the legacy, the choice for family members becomes more difficult. Do I sell my farm to a developer and retire, or do I vigorously work the land for a loss or meager profit?

More farmers continue to opt to sell to developers, which is the exact opposite of what our community and township officials say they want. If we don't start getting creative in allowing farmers to monetize their land in ways outside the normal scope of farming, I feel the stiff stance the township has maintained will end up leaving farmers little or no choice but to sell.

I think we all realize the PDR program will be insufficient to help all farmers. As Erin has continued to work through this process and has provided feedback, I've begun to notice a trend. Members of the community who commented on the possibility of a sauna existing in our location seem to be in favor. Meanwhile, much of what we hear from the township seems to be aimed at making things difficult. For example, the potential requirement for ownership interest in the sauna. The potential requirement for limiting the amount of usage of the sauna. The potential limiting the number of saunas on the site. The potential for runoff requirements where no other saunas in the area have had such requirements. The potential for requirement of a septic and drain field or holding tank. The potential for requirement of the sauna to become a permanent structure.

Finally, I would like to ask the members of the township and members of our community, wouldn't it be nice if, instead of looking for ways to make unconventional farm ventures more costly, more difficult, or outright financially impractical, we instead look for ways to help farmers improve the financial viability of their operations, such as provide avenues to avoid burdensome restrictions or limitations? I can't help but feel that some of these restrictions being posed are simply thinly veiled methods to prevent our sauna from being possible. Thank you.

## 5. Government Updates:

**TJ Andrews, County Commissioner District 7:** I want to update you on a couple of things that are going on at the county. First, septic has been a topic that the county commission has elevated and is working on. I'm part of the septic ad hoc committee with commissioners Hentschel and Jewett, and we've been meeting with a group of township folks, inspectors, health department, citizens, and many others, and we've had productive discussions. I expect we will be looking at a draft ordinance at our December 18 meeting. What you're going to see is a time-of-transfer ordinance, which is broader than point of sale. Time of transfer includes some level of inter-family or maybe less than arms-length transaction but is limited to those where the dwelling is within 300 feet of water, so it's a subset of transfers.

The reason the committee is recommending this small step is that we don't have the inspectors we need to undertake inspections. We don't want to stand up a program that's doomed to delay transfers on day one. This is intentionally a smaller step into this space that's directed at the risk, which is obviously surface water from septic systems.

In addition, this ordinance would not take effect until October. That would give the health department time to develop the permitting and forms, certify the inspectors, figure out the fee structure, get that approved, and get the system in place.

The ordinance being considered would also require a water sample of the home at the same time the septic is inspected. They do this already in Benzie County, Manistee County, Kalkaska County, and Leelanau County. They find a lot of systems that need some treatments to protect the buyer or the transferee. I believe we have political support to move this ordinance forward, considering who is on the working group.

Next up, our budget is due by the end of this year. I believe it's being scheduled for publication, and then we will have a public hearing and probably adopt it on December 18. Our budget is going from about 84 million at the end of 2023 to 114 million this next year. That's a 30 percent increase, a huge amount of additional resources. Some of that is due to ARPA funds, property values going up, and new construction that's being captured.

My priorities include expanding treatment court. We have a request for an additional staff person at the district court to help with sobriety court and drug court. It would not expand the capacity of those courts, but it would give them foundations so they could expand going forward and also seek some grants. I think that's a proven, valuable program, and I'd like to see it expand.

We've got a lot of investment coming up in the jail in the next budget. Our facilities in general have not been as well maintained as we would like, as evidenced by the fact the governmental center was closed last week due to heating and HVAC problems. My view is that our jail is beyond its life capacity. We need a strategy and assessment to figure out how we're going to move forward.

Meanwhile, we house about 140 people there every single day of the year. We need a facility where the hot water works and the kitchen is up to standards and we have functional phone systems. We also need more separation so that men and women are separated and youth from adults. We're outsourcing a lot of inmates to Clare and Leelanau counties.

Last point is the DNR boat launch on your agenda for today. I am aware of this issue. I've engaged with the road commission manager, Dan Watkins, a few times about it. I understand the road commission's position is they have not permitted anything for this change. They have no record that they have granted any sort of approval for this. But I understand they are engaged and will be participating in an upcoming meeting. I don't have direct control of the road commission, but we do have a good working relationship, and I'm always happy to facilitate conversations. Thank you for your time and your service. Welcome to the new faces. I'm always happy to chat about anything county, township, or in between. Thank you.

**Dave Murphy, 6943 East Shore:** Laura [recording secretary] is passing something out I discussed at the August meeting. I want to make sure the new board members have it. It's a review of the status of the parks as of August. When we changed from an elected body to an appointed body, part of the emphasis was working on the relationship between this board and parks. We're trying to make an appearance here, even if we don't have tremendous subjects to cover, to keep the dialogue going. We hope to be here each month, giving some kind of update.

Thanks very much for giving us Torey Caviston. She's our newest member. We are a committee of seven. We were down to five, and Torey brings us back to six. She'll take responsibility for Bowers Harbor Park. That's a task in itself. It's going to free up Michele Zebell, who's put in incredible hours on that park, to start tackling the Bower Harbors Park addition. There's an extensive plan Susie Shipman worked on years ago. Nothing has really been done with it to date. Michele is eager to get after that. It's going to be a big challenge, but I'm glad we can free up some time for her.

On the subject of the Bowers Harbor Park expansion, we'd like to give it a proper name beyond "expansion," and we've gone around and around about that. We want to be sensitive to those who helped bring it into existence. We're not going to rush it through, but hopefully within the next month or two, we'll have a name that suits everybody's needs.

We're still down one committee member. Becky [Chown] has been pouring huge time into Kelley Park and into the hemlock wing boardwalk. She's putting huge time in. We really appreciate her being there.

Any recruitment we can do for that vacant spot, we want to find the person we hope will be able to help us out with both Kelley and Haserot.

Becky, did you want to say anything about Kelley right now?

**Chown:** no, we have a phone call next week and then I'll have an update.

**Murphy:** most of you are aware, but Becky continues to run into every possible hurdle that can be found with that project.

Regarding signage for the parks, we did get budget approval sometime back. There are a couple of good reasons why there's been a hold up. Thanks largely to the conservancy, we're doing the design work and are just about ready to pull the trigger. It's a big and expensive project. Once we get that in place, it'll be a template for the other parks. We're down to a few minor changes. The naming issue at the expansion is one thing we need to get through before we get all the signage in place, but we're pretty close.

Moving to the report I passed along, it's kind of dire. Back in August, I received feedback from a number of board members about how difficult things sounded. The issues are being down members [we had a couple resignations], the budget is slim, and staff support isn't there. This is based on two studies, the LIAA report from 2022 and now the Maner Costerisan [MC] report. Parks comes up big as something this community supports with 843 acres to manage. We're looking forward to working with the new township board members. Parks need a lot, and we're especially interested in how the MC report will be handled. We're looking at a citizen survey. I know we're going to try to break down that report. At the last parks meeting, we discussed the fact that, however the MC report is unpacked, we'd like to have a say from parks. I was involved with the committee dealing with the consultant report. I'd be glad to play a role. I've already volunteered to help with the survey. I wonder if those working groups [could] work together. Certainly, the consulting report is going to inform the survey.

Last, I hope there will be a point where we can bring the parks committee and this group together to discuss where we're headed with parks.

## 6. Approve Agenda

**Chown:** please amend item 6. It should say "January 14, 2025."

**Sanders:** please add “special projects” as a third ad hoc to business item four.

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

**7. Conflict of Interest**

**Milliken has a conflict of interest with business item 8.**

**8. Consent Agenda:**

1. Invoices (recommend approval)
2. Reports
  - A. Treasurer’s Office Cash Summary by Fund
  - B. Fire Department
  - C. Planning and Zoning Department
  - D. Peninsula Community Library
3. Minutes from November 12, 2024, Township Board Regular Meeting and November 18, 2024, Township Board Special Meeting
4. Reappointment of Board of Review Members
5. Postage for Annual Assessment Change Notice
6. Extension of Grand Traverse Band 2% Allocation Grant to the Bowers Harbor Park Expansion Area

**Chown:** we do not have a report from zoning or the library. Strike those off the agenda.

**Sanger moved to approve the consent agenda as amended with a second by Alexander.**

**Roll call vote:** yes – Clark, Milliken, Alexander, Sanger, Chown, Sanders **Passed unan**

**9. Business:**

1. 2023 Township Standard Design Guidelines, Specifications, and Details (Jennifer Graham, Gourdie-Fraser)

**Graham:** I’m the director of engineering at Gourdie-Fraser; I’ve been there for 20 years. I’ve been your point of contact, primarily water, sewer, and storm water, working with the planning department on some of the parks projects for the last eight or so years. We’re also the engineer of record for the board of public works, so we represent you and the four other townships in the Grand Traverse/Leelanau region that either send their sewage to the city or receive their water from the city. East Bay has its own water system. We work with the board of public works on contracts, metering, billing, in that realm.

For those of you who may not be aware, Peninsula Township owns its own infrastructure, including all the water and sewer that is publicly within the right-of-way, within easements. Generally for a water site, it’s a curb stop, shut off valve, usually about 10 feet off the water main. Same for sewer. You contract with the county through the Department of Public Works [DPW], which comes out and provides operations, maintenance, and billing to all your customers. Developers will come in who have interest in connecting to either municipal water, municipal sewer, or both. If it fronts their property, it’s something we advocate for.

Relative to the septic ordinance that’s going ahead, we want to advocate for municipal sanitary sewer and municipal water to help protect our resources. Through that process, the townships have worked collaboratively through the DPW to establish standard specs, design guidelines, and details. That’s what [the] packet reflects. It’s an ongoing process. The standards were adopted in the late ‘80s and we’ve maintained that consistency of standard, but every so often, the specs are updated to account for formalities. For example, we don’t say DEQ anymore; it’s EGLE. We have new industry standards, new technologies. Generally how the process works is, a developer has interest. They contact and work through staff. Your planner will forward plans to us to provide a

review. We do a quick vetting, establish an escrow. As your engineer, we provide a review of those projects and assist with permitting because municipal infrastructure that gets extended has to be permitted through EGLE, and that requires the township's consent.

The developer, through the escrow policy, is responsible for retaining Gourdie-Fraser as your engineer to provide full-time construction inspection and work with that development's engineer to ensure we maintain accurate record drawings of the system. A lot of that is translated and identified in those standard specifications, design requirements, and details.

These specs say 2023. We actually started the process in 2021. The last time the specs were updated was 2018. It's a very slow-moving machine.

The DPW itself has experienced quite a bit of transition. Our director, Mr. Divozzo, passed away unexpectedly earlier this year. We've been working through that. We've had a lot of upsets going through the process, but I'm happy to report we've done all the vetting. The Board of Public Works has approved the specs so now it's on to all the townships to review.

We're advocating that plan reviews be conducted by the township engineers with DPW review, ensuring that any pump stations or electrical components are completed by the DPW integrator of record to do that programming rather than allowing a developer to retain their own individual to do that. We want to make sure we have consistency.

For the fire department side, we have updates to the hydrants. Some fittings were addressed previously and noted. They've been updated to ensure the fire departments are getting hydrants with the correct adapters.

We're providing a clear close-out process checklist to make sure we're getting all the documents we need and getting easements from developers recorded so the township isn't saddled with having to do that recording.

We're making sure the township engineer is fully communicated with and has opportunity to review to ensure that everything represents your best interests.

A lot of my job is to be the gatekeeper of these documents. It is our hope to do this a little more frequently and to have consistency. We want to remove some historical things from the specs that don't function over time. A big thing is, for the longest time, ductile water main was a big industry standard. The city still uses it, but we're finding in areas around here with a higher water table and heavier soils that we're getting a lot of pit. That ductile iron isn't lasting as long as you'd expect because it's not being installed in appropriate conditions. Plastic pipe is not only more cost effective but a lot more durable. We keep updating and incorporating things like that.

I'm looking for this board to formally approve this document. Our next step is, we'll put it on file with EGLE. Ultimately, we won't have to keep doing paper copies every time we submit a permit. We will save some trees and have this on file for them.

**Chown:** you [said] there are four townships reviewing this besides us. Were there any red flags, any issues they were concerned about in the changes that are proposed?

**Graham:** Acme Township presented one. To me, it wasn't an issue, but to them it was, and I was happy to accommodate. I created a custom spec for them. It was on the sanitary sewer side, and it referenced the ability, truss pipe, anything 15 feet or deeper, that has a lot of bearing capacity and soil weight on it. We require a heavier duty pipe. That's an industry standard. The old standard allows for ductile, which I would never approve. Even though it's allowed, that doesn't mean it will get installed. There are so many provisions in this that state "subject to township engineer, DPW approval." Those caveats give us flexibility. Acme took issue with it being in there, so we struck it out. I'm happy to accommodate.

**Chown:** you're the engineer of record for the DPW and also our township engineer. Are you the engineer of record for the other townships too?

**Graham:** just Garfield.

**Sanders:** when is the next iteration of this document?

**Graham:** December of every year, I hope. We're going to have a new DPW director in this position, so I'm going to defer to them for some direction.

**Chown:** when do you expect to hire the new DPW director?

**Graham:** I believe it's tomorrow. Maura [Sanders] has been sitting as your representative for the township.

**Sanders:** I'll get sworn in on the 18th.

**Sanger moved to adopt the 2023 Township Standard Design Guidelines, Specifications, and Details with a second by Alexander. Motion passed by consensus**

2. Update on the DNR East Bay Boat Ramp and Parking Lot Plans (Sanders)

**Sanders:** I hope to get this file uploaded to the website. In the back of the room is the plan that came directly from the DNR for the East Bay boat launch. There's a dial-in number for a meeting the DNR will be hosting. Kasey Cline, regional figurehead for the DNR, will host that on Monday at 3:00 via Microsoft Teams. There's the ability to log in and watch it online, or there's a telephone number to dial in. What Peninsula Township will provide is the space. We'll have the video on the TVs. I'll be able to take questions as folks have them and type them into the chat. Originally, Kasey was looking for township interest and buy-in from the residents. Because there's quite a bit of miscommunication between the Grand Traverse County Road Commission and MDOT, I requested those representatives attend. TJ [Andrews] received the request as well. If you have questions, my phone number and cell phone are on the township website. Please reach out. My goal is to have everybody who is interested attend, dial in, or communicate their questions ahead of time. The township has received quite a bit of public communication and input, and I appreciate that. Keep it coming. If you can put together specific questions, I'll narrow them down for the meeting. I can even get them out ahead of time so that Kasey or the road commission has answers prepared.

**Milliken:** is that meeting going to be available to view after 3:00 p.m. by any chance?

**Sanders:** I don't know. I will ask if it's being recorded.

**Sanger:** are you going to post that meeting so we can have a quorum?

**Sanders:** yes.

**Maureen Ascione:** [from audience] I have a group I would like to email and let them know. Is it posted on the website?

**Sanders:** we will put it on the website. Dave Murphy also has the invitation in his inbox and can forward that. The plans will stay in my office through Monday if anyone wants to stop by.

3. Appoint Township Board Liaison to Planning Commission (Sanders)

**Sanders:** we need to fill the role of township board liaison to the planning commission [PC] tonight. Next Monday, the town board will be interviewing candidates for the remaining seat on the PC. Does anybody here have interest in serving on the PC as the board liaison?

**Alexander:** I do. I would like to continue.

**Sanders:** anybody else? All right, Julie, would you please share your interest in continuing?

**Alexander:** I feel continuity is important, especially now. I've been on the PC for more than three years. It gives me great insight into the ordinances, development of the ordinances, and the public process. I enjoy being part of developing the ordinances and watching them grow. The master plan was an instance of how the community came together. I'd like to continue in that role.

**Sanger:** I certainly can speak to Julie's dedicated service. I believe she has done an excellent job in serving on the PC. I speak as someone who was a planning commissioner for many years. I look to Julie to do comprehensive research. When I see what has come through the town board the last



couple of years, Julie typically thoroughly analyzes and fully understands the basis for either approving or disapproving. I support having Julie continue.

**Chown moved to appoint Julie Alexander as the township board liaison to the planning commission effective immediately with a second by Sanger. Motion passed by consensus**

4. Introduction of Ad Hoc Committees for Internal Compliance and HR and for Finance and Budget and for Special Projects (Sanders)

**Sanders:** I'd like to get the board going on something outside of what occurs in this room on Tuesday nights once a month. I think the best way to do that is to set up some ad hoc committees so that when things like the budget show up after the new year, it's not a scramble at the last minute. I want to have somebody assigned to it so that it's a smooth carry over every year. They can run with it, report to the board, and we can go from there.

Regarding internal compliance and HR, Michigan legislation is changing as far as overtime and working hours and things like that go, plus there's general business performance reviews and all kinds of things that come into the HR and compliance world. I hope to set up an ad hoc committee for that and have one of the board members serve as the chair.

The other thing with townships and ad hoc committees is that you have to give the number of people that are going to be serving on those committees. We would have to say, "Total of four, one being the town board member." The larger the ad hoc committee, the harder it is to get work done. My request is not to exceed four people, including the town board member.

Finance and budget. This would involve working on the budget and then producing quarterly reports, which we've already started doing, and also including the forecast models for spending. We'd start with looking out 5 to 10 years and doing some strategic planning and asset allocation into the future.

The additional proposed ad hoc committee is special projects. There's always a special project that takes up a lot of time and energy that rolls into the township, [such as] master plan or township survey. They require a lot of time and attention, and I would like a board member to take that on and report back to the board.

**Chown:** if a board member is the chair of the given ad hoc committee, are the other three members from the community at large?

**Sanders:** yes. Ad hoc committees do not have to be made up of board members. I want full buy-in from anybody in the community who's interested. The board chair will be able to solicit names.

The town board can figure out how we want that process to look. I want to stand up the committees right now and appoint the point person from the board for each one. Becky [Chown] already runs with parks. Katie [Clark] already has a full-time job in the treasurer's office. Julie [Alexander] was just appointed to the PC. I spoke separately to JP [Milliken], Dave [Sanger] and Isaiah [Wunsch], to let them know about my idea. Dave has a strong background in HR. I'd like to appoint him as chair for internal compliance and HR. JP told me he's interested in finance and budget. Isaiah accepts special projects. He's well versed in the township survey.

**Milliken:** I would love to take the position we talked about and try to make it transparent.

**Alexander:** divide and conquer is a great idea. If we diversify, we can tackle what we need to and involve the public, which I love.

**Sanger:** I'm happy to help too given my background in large and small companies over my career.

**Alexander moved to approve the ad hoc chairs.**

**Chown amended the motion to appoint Sanger as chair of the internal compliance and HR ad hoc committee, to appoint Milliken as chair of the ad hoc finance and budget committee, and to appoint Wunsch as chair of the ad hoc special projects committee with a second by Clark.**

**Motion Passed by Consensus**

5. Award Bid for Non-Motorized Transportation Analysis RFP (Cram)

**Susie Shipman, 14735 Shipman Road:** I'm here to speak on behalf of the working group but also on behalf of Jenn [Cram], who can't be here tonight. I want to give a little background on the motorized transportation planning process and then talk about the funding awards and budget we have available as well as the timeline, then make a recommendation for award of that proposal. There's long been a recognition of the need for non-motorized improvements in our township. Our community has expressed quantifiable support for this work as demonstrated in the 2008 citizen survey and continuing through the 2019 citizen survey.

In the 2008 township citizen survey, residents indicated several related elements were important. Specifically, 88 percent identified the issue of increased traffic, 75 percent requested designated bicycle paths along new roads, and 65 percent requested designated bicycle paths off main roads. In response, the 2011 township master plan included a goal "To provide a variety of parks, trails, and recreational facilities and programs to serve all groups and citizens." Action items included developing an overall future trails plan along roadways to link Peninsula Township to other regional trail systems and provide a system that would accommodate bicycle traffic without conflicting with vehicular traffic.

Eleven years later, in the 2019 survey, residents spoke convincingly about the need to plan for more non-motorized transportation opportunities in our township. In the survey, 80 percent of respondents supported the concept of more planning for biking and pedestrian travel.

In response, the recently approved Peninsula Township Master Plan includes the vision statement "To make pedestrian and bike travel safer and more convenient" with an action step to form a working group to begin developing a non-motorized transportation plan.

During the planning update, a citizen group carried on our work after the master plan recommendation was made with a small group focused on this particular task. That working group has been meeting since May 2021 to move this initiative forward.

Over the last three years, along with our partners at TART Trails, the Cherry Capital Cycling Club, Norte, and MDOT, the working group has been focused on making immediate roadway safety improvements. We worked with MDOT when they did the paving project to install at the correct locations signage about sharing the road where we have tight intersections with heavy usage by cyclists and vehicles. We've been discussing options for existing roads, right of ways, new trails, or routes. We've also been discussing and gathering non-motorized transportation planning information that would be relevant to our particular community circumstances.

Grant proposals were prepared and submitted. We didn't get a lot of them, but we got a couple.

Now we can go ahead with the planning process. We're going to consider specific Peninsula Township parameters. Geography and topography are key. We don't have a rail bed to use. A fully separated road all the way from the tip to the city isn't likely. As part of that formal planning process, we've got to customize how we connect within our community and how we connect to our community at the base of the peninsula.

In May, we received \$15,000 from the DALMAC Fund, the Dick Allen Lansing to Mackinaw bicycle tour. In 2024 they rode their 53rd tour from Lansing to the Mackinaw Bridge. The DALMAC Fund is supported by the riders of that tour. They have funded over a million dollars within Michigan towards safety improvements and infrastructure, education, and access programs across our state. We're really grateful. They were the first funder to support us, and I think that award allowed us to be successful in our next award, which was \$51,000 received from the Michigan Health Endowment Fund 2024 Nutrition and Healthy Lifestyles Program.

Combined with the \$8,000 that the township board has allocated towards this effort, we have a total budget of \$74,000 to work with.

The target timeline is about 14 months. We want to focus on those months when we have the highest number of residents present. We'll be planning public workshops.

The request for proposals for planning went out in October and closed November 25. Tonight, I'm here to recommend we approve the contract for development of the plan to McKenna Planning Consultants. It's within the available budget of the funding we have, and the staff are experienced in this kind of planning. They work with communities of our size and have extensive experience in interesting non-motorized transportation planning. We were impressed with their background. Jenn and I had a talk with them yesterday for about an hour. There are three principal planners. Two are vice presidents, and we think they would be great partners. We discussed the main issue Jenn and I both identified when we went through their proposal, that we will need more public engagement. We discussed their capacity to provide this. We also discussed additional meetings with specific stakeholders such as the city of Traverse City and TART Trails, which recently completed comprehensive planning processes, so we need to be aligned with those. We'll have to make those connections and add that to what they've proposed.

McKenna's base proposal was \$43,500. This included one broad public workshop. Additional workshops are priced at \$4,000, and additional work sessions and meetings are priced at \$500. We believe a total of four meetings would be right for our community. Our recommendation is to hold aside 10 percent of that \$74,000 for contingencies. That would leave us with a not to exceed of \$66,600 to award. To the planning process, we have to look at things like mailings as part of our budget. I don't think we write a check for \$66,600 or write the contract that way, but we want the plan to come in at that price. Then we'll have a contingency.

**Milliken:** since this is new to me, is this thrust towards bicycles, etc., or what's the general emphasis?

**Shipman:** we have a mission statement about making our community safer, not only for our recreational users on foot or bike but for families with kids and strollers, for our farmers in farm vehicles, and for our drivers. We have a lot of conflicts, especially in particular areas where a farmer is trying to get down the road, and sometimes they pull over so traffic can go by, and then you have cyclists in that right of way, and it's kind of a mess. We focused on this being something that addresses the needs of our entire community, not something that's highly focused on cyclists.

**Milliken:** the emphasis is for something that goes along the roads as safer for non-motorized users?

**Shipman:** that is one of the thrusts, but we also want to look at opportunities to connect off-road trails that might connect resources in our community, like parks. We have to look at working with private landowners who are interested in working with us. We've talked about developing a parallel path along certain roads, taking advantage of an easement in the road that we have available to work with. We want to look at things you would read about in best practices for non-motorized transportation planning, address how a road is put together with the painted lines so that it meets the needs of the community that's using it. We want to look at some of those options and how and where they might fit best in our community.

**Milliken:** does the consulting group look at the geographic area and say, "These are the best things you can do for non-motorized transportation" or are they doing what's guided by what you want?

**Shipman:** they're going to do all of those things, and then they're going to ask the public what it wants, starting with what it would like to see. The working group has talked about what might be feasible in some areas. We want to push that into the process as well. It's going to be a mix of bringing recommendations that are proven concepts in other communities that might be relevant here, listening to the public, and taking the knowledge of the folks like the riders of the Cherry Capital Cycling Club. We want to pull in all that information as part of the process.

**Chown:** that's why the public workshops are important. It's going to take more than one because that initial workshop is going to get folks talking. We're going to need several, spread out over months, to make sure everyone has an opportunity to be heard and participate. I've been a member of that non-motorized committee since 2021. I think the primary driver is safety for everybody, certainly for bikers and people walking but also for everybody on a tractor or driving a car or truck or motorcycle.

**Sanger:** it's important that the consultant understand we're not starting with a clean slate. Please be sure, if we select McKenna, that they understand we have serious constraints in the township. We don't have an unlimited budget. We need to mirror this with the Maner Costerisan report. Let's guide the consultant [so that] by the time we get to the fourth session, we pretty much have a consensus in terms of what we can do.

**Shipman:** absolutely. They are looking for that local knowledge.

**Sanger:** they know our township. They worked on our zoning ordinance seven, eight years ago.

**Alexander:** I found lots of things about this exciting, and one is the walking and biking audits. Plural, not singular. As someone who rides out here, sometimes it's scary. I would like to see more about farm equipment. I would like to see more emphasis on widening shoulders and things like that. When we're done, the expectation is that we will have a comprehensive plan, but we as a township are still going to have to work with the community because we probably have to acquire some property, right?

**Shipman:** we'll see. I'm not sure yet. Yes, the goal is to have a comprehensive plan that has public buy in, that people feel they had a chance to offer their suggestions and be heard, and to have a plan we can start to implement immediately. There's going to be prioritization. A big chunk of that is going to be the budget. They're going to recommend funding for specific things, and that would be part of the prioritization. We're going to be very demanding clients. This is a lot of money, and it should be a very good plan. We need to get our money's worth, and I expect we will.

**Chown:** I know you'll be involved. Jenn too. Who else will be helping to guide McKenna?

**Sanders:** it's nice that we just appointed Isaiah to special projects.

**Chown:** and he's a cyclist who doesn't bike on the peninsula anymore because it's so dangerous.

**Shipman:** if we go with McKenna, we need to talk about what exactly you want to see for project management. I'm happy to provide reports to the board on a regular schedule so that everyone in our community knows what's underway.

**Chown:** probably the existing committee members will wish to be involved.

**Shipman:** yes, could I take an opportunity to thank our committee members? Becky and Isaiah and Dave Murphy have been there from the start plus Andy Valdmanis. Todd Wilson has been remarkable, and he has this engineering brain that's incredibly helpful. He also participated with me in making a video for one of our funding requests. The TART Trails folks have been outstanding. Norte has been in the wings. We had an initial meeting where Norte, Cherry Capital Cycling, and TART all agreed to be to be part of a formal support agreement to support this process.

**Sanders:** and thank you to you and Jenn.

**Chown:** we would be remiss in not recognizing the countless hours Susie put into the grant writing. We wouldn't be here today without your work.

**Sanger:** did we get any other bids?

**Shipman:** no. I think our aggressive timeline—we want to start now—may have been a problem.

**Chown:** we were hoping for more bids, but we're not unhappy with McKenna.

**Milliken moved to approve the non-motorized transportation proposal from McKenna and Associates with a second by Chown.**

**Sanger:** do we need to have a second motion in terms of the funding amount?

**Milliken amended the motion to include funding not to exceed \$66,600 with a contingency of 10 percent or \$7,400 of the available \$74,000 budget with a second by Chown.**

**Roll call vote:** yes – Milliken, Alexander, Sanger, Chown, Sanders, Clark **Passed unan**

6. Continued Discussion on SUP #138, Amendment #1 (Lightwell Lavender Farm); Item to Be Tabled to January 14, 2024

**Sanders:** From Jenn: “Motion to table till January 14, 2025, as we are still waiting on final comments from the health department regarding wastewater disposal and sanitation requirements. Applicant is also working with staff to address the other concerns raised at the November 12 board meeting.”

7. Public Hearing on Police Power Ordinance #33, Amendment #1, Stormwater Control Ordinance (Cram)

**Sanders:** From Jenn: “As discussed at the November 12 meeting, the text amendment was requested by Drain Commissioner Andy Smits. We will be collaborating with the drain commissioner and our engineer to do a comprehensive update to the police power ordinance this winter.” What we're working on tonight is the bottom of page one and the top of page two, section three, enforcement agent. The Grand Traverse County Drain Commissioner has, up until this point, been the authorized primary enforcement agent for Peninsula Township for all matters relating to stormwater control. What the township is hoping to go to is this: “The township is the enforcement agent and maintains the discretion to enforce this ordinance by the township's ordinance enforcement officer.” We're bringing the enforcement action of this ordinance back into the township for many reasons, which Andy and Jenn elaborated on last meeting. Dave, you're the enforcement officer. Do you have any comment?

**Sanger:** when we talk about stormwater control and drains, interest is primarily on the public drains. We have a handful of public drains in our township. The focus throughout the county is on the general issue of public drains. In the township, we have our own stormwater control ordinance, and it's focused on geographical differences in terms of our township versus the other townships. Number one, the 500 feet distance from the ordinary high water mark in the Great Lakes puts us in a unique group of several townships that have more interest in drainage on private properties than public roadways. The township ordinance comes into play when we have the disturbance of one acre or more of land anywhere in the township or if we have any disturbance of the soil within 500 feet of the high water mark. That's most typical in terms of the permitting that's being done by our planning and zoning office, whether it's a new home, a remodel, or where the landscape is being recontoured and results in a change in the flow of water.

We've had some conflict with the county over the last five, six years. I recall a couple of enforcement actions where we tried to coordinate with the county. This is a proposal coming from the planner to listen to the request of the county. I think it makes good sense. The knowledge base of the work that's going on in the property of our township is here, not the county. There's no county permitting. There's a slight overlap with the soil erosion permit, but that focuses on a different matter, the erosion going into the Great Lakes. The request of the county before you tonight is to strip the language out that makes the county the primary enforcing agent.

**Chown:** so, this is an amendment. We need to add that language to the title.

**Sanders:** prior to going into public hearing, make a motion to amend?

**Chown:** yes. Also change the effective date in section 17.

**Milliken:** if this goes through, who in the township makes these decisions? Who's going to approve the stormwater permits?

**Sanger:** the authority would be with the director of planning and zoning for issuing permits. When someone comes in for a new building project, that will trigger the stormwater control permit

process. It also will trigger the engagement, depending upon the magnitude, of our township engineer, Gourdie-Fraser. There's an escrow established through the treasurer's office to fund this professional engineering work. That work is all going on with Jenn Cram. If there's an enforcement issue, that would bring into play the township enforcement officer giving notice to the property owner as provided in the ordinance in terms of 30 days to cure.

**Chown:** I just got a text from Jenn. It says, "Our engineer reviews stormwater permits."

**Sanger:** [Jenn] does the administrative work.

**Alexander:** I have a question. It says "Disturb one or more acres of land." What if my lot is only half an acre but I want to disturb some land and I'm close to being within 500 feet of the ordinary high watermark? It talks about houses, condominiums. What about a single-family home when the lot is less than an acre? Would this not pertain to me?

**Chown:** that might be part of the deeper editing that needs to happen to update it.

**Milliken:** that's what I got out of it. If you're more than 500 feet from the water line and you have less than acre, you don't need a stormwater permit.

**Sanger:** that is correct.

**Sanger:** it's probably old engineering. What we're trying to accomplish is that when we add impervious surface to a property, we can contain the water. Previously it fell on the land and stayed on the land. Because it's now a driveway, roofs, or parking lot, that water quickly goes somewhere else.

**Chown:** Jenn texted that this ordinance amendment shall take effect January 1, or seven days after publication, whichever occurs later. I'm also going to correct a typo on page 1 that says "Bt" instead of "By."

**Sanders opened the public hearing at 8:36 p.m.**

**Dave Murphy 6950 East Shore:** I realize this is about enforcement. I don't want to dig too deeply into the ordinance. I want to make a couple of comments about growing concerns. On East Shore Road again, we're seeing changes in home ownership use patterns. We've had a couple flooding issues. The road commission changed pitch on the road a few years ago. It created some flooding. Property owners come in, and they put big driveways down and large homes. Water flows and ends up off their property. The road commission comes in, rather arbitrarily, and chooses where to put a storm drain. It's creating problems. These are not treated storm drains. There's one 200 yards down the road from me, and now every time there's a south wind after a rainstorm, the beaches are flooded with soil and debris. That never occurred before.

I realize this is about the enforcement mechanism, but I had a question a while ago about driveways. I believe that is a use by right and doesn't fall under land use permits. When I'm seeing these enlarged driveways, it concerns me where the water ends up. It doesn't end up on their property. It ends up on the road. Whatever pitch there is to the road, that has been willy nilly engineered by the road commission, based on complaints.

This gets back to the DNR issue. We don't have a handle on our shoreline roads. Our master plan is riddled with references to treating our shoreline roads more like neighborhoods, paying attention to recreational usage. When we get into the stormwater issue, we're adding another layer of conflict. There's one spot on East Shore where a neighbor built up some soil, and now the road is semi flooded anytime there's precipitation. That shoots bikers out into the middle of the lane. Cars are dodging that all the time. It worries me who ends up with a storm drain.

**Jennifer Graham, Gourdie-Fraser:** the stormwater ordinance itself is part of our process as we go through the escrow and implement those reviews. Every time the planning department receives plans that warrant it, she sends them to us. Through our review, we validate whether they comply or not. There are instances, if it's less than an acre and more than 500 feet away, when we issue an

exemption. When you're building something and you don't need a soil erosion permit, that agency issues an exemption letter because it's needed as part of the building permit process.

To elaborate on the ordinance, many of the other townships are going through the same thing. Right now, it's more of a formality in the housekeeping. My own township that I'm a trustee in, Paradise, we did the same thing. Garfield Township, they're actually removing the drain commissioner tonight.

At one point, the drain commissioner and the county maintained the stormwater ordinance and enforcement permitting. Through attrition, that department downsized and soil erosion separated from storm water. The duties of the drain commissioner were reduced, so many of the townships had to take on that work. That's where you guys are. That ordinance you adopted really wasn't edited. You just took on the enforcement. There's some legacy language that needs to be cleaned up. Mr. Smits has been very diligent about doing that. There are townships that have elected to not take it out at all, so they're not implementing any type of stormwater ordinance. There's a responsibility property owners have to ensure that whatever improvements we're doing, we're managing our storm water, we're not putting that water onto somebody else's property and causing long-term damage or impacts.

Soil erosion is still maintained through the county. Garfield Township is electing to take that on, but that's a short-term measure through the construction process. Once measures are established, soil erosion permitting ends up being expired. Stormwater management is a long-term legacy. As you see with continued development, Bluff Road is a great example. We constantly see with that development, with things being built, everybody downstream, there's potential compromises. The sooner we can be proactive, the better.

Part of our exercise, working with Andy Smits and the other townships, is updating the ordinance to make it specific for this community. Peninsula Township does have some unique challenges such as steep topography with high water tables and shoreline and coastal erosion that a lot of the inland townships don't. We're working with several townships to create a custom stormwater ordinance specific for them and also accounting for changes in weather patterns. What we're seeing is, it's very intense at times, for short periods. We're still getting the same volume, but it's a hard-driven rain event as opposed to more modest rain over a four-hour period. We are accounting for how much management, sizes of infrastructure, making sure those things are implemented in that ordinance and that they are more user friendly. We're also creating checklists for property owners if they're just putting a shed within 500 feet versus someone building a 5,000 square foot home and what that level of impact looks like. We're creating custom categories for each of them. Something more complex requires a lot more review, a set of plans by a licensed engineer that we have to review, perhaps even record drawings, so that we have a system to maintain and go back to. Something like a shed is a lot more straightforward.

I know Andy's very thankful you're going through this exercise to remove him. He has no enforcement power in this capacity unless it's an established county drain through a special assessment district. You do have some of those, but anything on a private level, people are calling him, and he's going to defer back to you.

**Chown:** when we begin diving into this, will we be working with you?

**Graham:** that's the intent. Mark McGuire in my office works closely with these on a day-to-day basis. A lot of my focus is utilities. Part of our intent is to work with other engineers in the area. This ordinance is extremely antiquated. Accounting for things like green technologies, we're going to look for feedback from the PC or the master plan. Right now, that ordinance doesn't accommodate any of those things. I want it to be a collaborative process.

**Sanders closed the public hearing at 8:46 p.m.**

**Chown moved to approve Police Power Ordinance #33, Amendment #1, with corrections on page 1 and on the final page to update the date it goes into effect with a second by Milliken.**

**Roll call vote:** yes – Alexander, Sanger, Chown, Sanders, Clark, Milliken **Passed unan**

**Chown:** for the record, normally we don't approve something the night we hold a public hearing. This is not something controversial that we need to think about. The sooner the better from Mr. Smits' perspective.

8. Public Hearing on SUP #35, Amendment #3 (Seven Hills) (Cram)

**Sanger moved to recuse Milliken with a second by Alexander. Motion passed by consensus**

**Sanders:** Susie Shipman is filling in for Jenn regarding the Seven Hills SUP amendment.

**Shipman:** for those who don't know, I'm vice chair of the planning commission [PC]. Jenn and I discussed this project ahead of time, and I'm going to take her recommendation for how to present it. The applicant is the OMP Seven Hills development, LLC. Previous hearing dates for amendment #3 were as follows: August 21, 2024, an introduction to the PC was made. On October 10, 2024, a public hearing with the PC took place. November 6, 2024, the PC recommended this project to the board. That vote was six members in favor, zero opposed. There was one absence; it was me. December 10, tonight, we're having a public hearing regarding amendment #3.

The original SUP was approved on February 9, 1993. It included four buildings for various professional offices and related storage. This is a commercially zoned parcel. The first amendment was approved on May 11, 2021, for a redevelopment of the property that reduced the total number of buildings to two. The uses approved within the two buildings included a restaurant tavern in the front or eastern building and retail offices and storage in the back western building along with associated parking, drainage facilities, lighting, and landscaping.

The second amendment was approved May 23, 2023. This approval expanded the capacity of the restaurant tavern from 32 to 70 and allowed outdoor uses in a defined area that includes seating, consumption of food and beverages, yard games such as corn hole, and fitness classes and gatherings with the use of amplified sound. This approval also allowed the restaurant tavern to utilize a limited distilling liquor license to blend bottle and label spirits that are manufactured at an off-premise, bonded facility.

The applicants are now requesting a third amendment to their SUP to add micro brewing, small winemaker, and beer and wine tasting licenses to the approved restaurant tavern premises. The submitted application and supporting material are included in exhibit five.

The next section is the basis for determination, section 8.1.3. I will go through it and hit some high points.

(A) "The amendment must be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such a use will not change the essential character of the area in which it is proposed."

The material Jenn prepared says, "The character of the area surrounding the subject property is generally agricultural and rural residential in nature. The land directly north is zoned A1 agricultural and is mostly wooded. This land is part of the acreage that makes up Bowers Harbor Vineyard. The land directly west is also zoned A1 and is currently vacant. There are three parcels directly south; two are zoned A1. One of the two parcels zoned A1 contains a single-family dwelling. The third parcel to the south, that fronts on Seven Hills Road is zoned C1, commercial, and contains a non-conforming single-family dwelling."

There's an attached facility map in exhibit two. "The subject property has been commercially zoned since the township adopted its zoning district map and has been utilized with allowed commercial uses. Existing buildings meet required setbacks, height, and lot coverage for the C1 zone district.



The development is attractive and well maintained. All existing uses within the development are allowed within the C1 zone with the approval of a special use permit. The C1 commercial zone does not currently allow manufacturing. The intent of the C1 commercial zone is to allow for convenience-type shopping for township residents and for limited marina and transient lodging facilities. It is the purpose of this regulation to avoid undue congestion on major highways, to promote smooth and safe traffic flow along highway routes. Commercial activities within this district are those which primarily offer goods and services that are generally required by a family at intervals of a week or less. The requested amendment to add micro brewing and small winemaking licenses should not change the character of the approved restaurant tavern, provided that the licenses are only used to meet the minimum manufacturing requirements as were approved with amendment #2 for the distilling of spirits. The approval of amendment #2 limited manufacturing to providing the required equipment on premises located within a bonded storage area and mixing, blending, bottling, and labeling alcoholic beverages that were manufactured off premise at a bonded facility. If the same restrictions are applied, then the proposed amendment should also be harmonious with the surrounding area.”

(B) “The requirement is that the amendment not be hazardous or disturbing to existing or future uses in the same vicinity and a substantial improvement to the property in the immediate vicinity and to the community as a whole.

“There is no concern with the approved uses conducted indoors. Outdoor uses have the potential to impact neighbors with regard to light and noise. Negative lighting impacts have been minimized with an approved lighting plan under section 7.14 of the zoning ordinance. Negative noise impacts can be minimized by following noise ordinance #40 as amended, along with the required conditions of approval from amendment #2. The establishment has generated a handful of noise complaints since conducting outdoor uses, and a violation letter was issued on September 18, 2024. As such, the outdoor uses have been found to be disturbing to properties in the vicinity. Future noise complaints will result in an issuance of a citation. The applicants have submitted a plan to address the noise complaints by using a dedicated operations manager, volume control measures, and planting additional evergreen trees to improve the buffers.

“The board must also find that the requested amendment to add additional liquor license is a substantial improvement to properties in the immediate vicinity and community as a whole. The board may find that an additional property where residents and visitors may consume wine and beer as well as distilled spirits, beyond what currently exists on the peninsula, which is four class C liquor establishments and 11 wineries, to be a substantial improvement. Approval of the requested amendment will allow the property owners to expand alcoholic beverage offerings, which may increase sales of the approved restaurant tavern, making it more viable as a commercial property. Approval of the requested amendment will also set precedent for other commercially zoned properties to obtain similar liquor licenses.”

(C) “Be served adequately by essential facilities and services such as highway, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.”

“The existing uses are served adequately by essential services. The proposed amendments should not place any additional burden on adjacent roadways, public emergency services, or public utilities or schools, as proposed by the applicants and with additional mitigation measures as noted below. A detailed analysis on traffic generation was performed by Fleis and VandenBrink during the review process of the first amendment in 2021. The condition of approval was included, and it will carry forward the notes that the OMP Seven Hills development, LLC understands, agrees, and acknowledges that, as part of the board's approval of the requested amendments, that at any time it is determined by Peninsula Township that the impact or intensity of the use of the roads to and

from the subject site has increased in a meaningful way, that they will pay for an additional traffic study and work with the township to reasonably mitigate or relieve the impact of the increased intensity to the roads to and from the subject site.

“The Grand Traverse County Health Department reviewed the increase in capacity and outdoor uses as part of amendment #2. The maximum number of patrons for the restaurant tavern, both indoors and outdoors, of 70 was found to be appropriate for the capacity of the on-site septic system as currently designed. The applicants asserted in testimony before the township board and in a letter to the township board that actual manufacturing will not occur on site, due in some part to the septic system being inadequate for such a use. The health department also reviewed the request to expand the liquor licenses and required a flow meter to be installed and an affidavit recorded to note that no waste generated from limited manufacturing of beer or wine will be allowed within the existing on-site septic system. Continued compliance with the current health department requirements is required in the absence of any manufacturing use related to the MLCC licenses and is included as a proposed condition of approval.”

(D) “Not create excessive additional requirements of public cost for public facilities and services.”

“The required number of parking spaces, which is 55 for all uses on the property, has been provided. The PC and board expressed concerns with parking overflow onto Seven Hills Road during review of amendment #2. The applicants installed signage on site to encourage their patrons to come back another time if the parking is full and to discourage parking on Seven Hills Road. Unfortunately, there have been documented occurrences of parking along Seven Hills Road. In one instance, as many as 78 cars were parked in addition to all 55 parking spaces on site being utilized. This not only exceeds allowed capacity but creates safety concerns for people walking along Seven Hills Road to access the commercial businesses on the property. During the review of amendment #2, the Grand Traverse County Sheriff's Department noted they would only install ‘No parking’ signs along Seven Hills Road if there was documentation of an issue.

“Our community enforcement officers would like to see ‘No Parking’ signs installed after witnessing parking on Seven Hills Road associated with existing commercial uses and are concerned about safety due to low visibility. The PC agreed that ‘No parking’ signage should be installed on Seven Hills Road at the property owners’ expense to further mitigate potential safety issues. A draft condition of approval has been included here for consideration. The applicants have provided a plan to address overflow parking that includes pre-sold or reserved tickets at future events, providing a shuttle service, and additional on-site signage to note additional parking behind the restaurant tavern in addition to agreeing to work with our CPOs and the road commission to install ‘No parking’ signs along Seven Hills Road.”

(E) “Not involve uses, activities, processes, materials or equipment, or conditions of operation that will be detrimental to any person's property or the general welfare by fumes, glares, odor.”

“As stated above, the applicants hold an MLCC manufacturer license, which could create the potential for harmful fumes or odors if manufacturing took place at the facility under an MLCC license. The applicants, however, have agreed to refrain from MLCC license-based manufacturing on site, which is fundamental to ensuring the absence of offensive fumes or odors. Based on applicants’ agreement, the existing and proposed uses do not include uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to persons, property, or general welfare.”

I wanted to pull out a couple of our specific requirements. I’ll start with item (D): “The plan meets the requirements of Peninsula Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services.” “No construction is proposed as a part of the amendment, and there are no concerns with impacts to storm drainage.

As mentioned before, the Grand Traverse County Health Department has required a flow meter be installed and an affidavit recorded. They have no concerns with the amendment provided there is continued compliance with the capacity of 70 patrons indoors and outdoors and no waste generated from mixing or blending alcoholic beverages goes into the septic system. A proposed condition of approval has also been included that continued compliance with the health department requirements is maintained. In addition, the applicants have provided a plan to ensure that capacity is not exceeded by requiring the manager on site to monitor capacity and turn away people as needed. The fire chief has no concerns with the proposed amendment. A proposed condition of approval has also been included that continued compliance with fire department requirements is maintained.”

The next stretch is straightforward. Unless someone wants to pull one of them out, we’ll move down to item (Q) on page seven: “Vehicular and pedestrian traffic within the site and in relation to streets and sidewalks serving the site shall be safe and convenient.”

Jenn has written, “Vehicular traffic will enter and exit the property on Seven Hills Road. The road commission requirements noted as part of the approval of the first amendment have been completed. A draft condition of approval is included to require the property owners to pay for the cost of installing the ‘No Parking’ signs along Seven Hill Road, as discussed previously.”

(S) “The proposed site is in accordance with the spirit and purpose of the ordinance and not inconsistent with or contrary to the objectives sought to be accomplished by this ordinance and the principles of sound planning.”

We want to highlight this statement: “If the board finds that the existing commercial uses are compliant with past approvals, and the proposed amendment meets all standards to amend a special use permit, then it can be found that the amendment meets the objectives of the ordinance and the principles of sound planning.” The PC, in looking at this application, was looking at those compliance issues and building that into our recommendation, as you saw in the proposed conditions.

On page seven, we have a list of the approval conditions and safeguards that continues through page nine. I covered a lot of those. A couple of notes to the board regarding comments that were made by one of the applicants. An email was sent out, and Jenn today was able to respond to those items. Troy Daily [sent] some questions regarding the material that was presented in the packet tonight. Under the approval conditions and safeguards, he asked for clarification on number seven, “No outside storage of contractor equipment or construction materials is permitted.” This was inexplicably changed to “No outside storage of materials is permitted.” Jenn said she wasn’t sure how this change was made. She is happy to go back to the original. Troy responded and requests that it say something along the lines of “No outside storage of supplies, containers, or materials related to limited alcohol manufacturing” or something like that because they’re not in the construction process anymore.

Regarding number 11, signs on a county road, there were some questions about the process. Jenn stated, “The road commission installs ‘No Parking’ signs on roads that would otherwise allow parking. People are allowed to park outside their houses and things like that.” Troy is raising that. Jenn noted that discussions during the second amendment with the road commission indicated the road commission would install those signs if supported by the sheriff’s department, which the sheriff now supports. Jenn stated, “We will work with [the sheriff’s deputy] and the road commission to pick the best locations near the entrance of your establishment. The road commission will fabricate and install them and bill you for them.” We expect this to be fairly straightforward. Troy has requested specific wording: “If the Grand Traverse County Road Commission determines that ‘No Parking’ signage should be installed along Seven Hills Road, as

recommended by Peninsula Township community protection officers and Grand Traverse County Sheriff's Department, applicants/property owners shall work with the Grand Traverse County Road Commission to install 'No Parking' signs at applicants/property owners' cost." We'd have to compare that against what number 11 says.

Number 19, there was a question about the language included in this condition of approval. Jenn clarified that number 19 was something a planning commissioner had brought forward as a recommended condition of approval. Troy thanked her for the clarification.

Jenn wanted me to note that the applicants were great to work with. We had a working group meeting with a few of the planning commissioners to look at a plan they were proposing to address some of these concerns. The PC was happy with the plan. Note that the support from the PC was based on supporting a viable, successful commercial operation. Members agreed that offering a lower alcohol product was a good idea as far as supporting the condition that this is a benefit to our community.

**Sanders opened the public hearing at 9:10 p.m.**

**Troy Daily, 16169 Hill Rise Road:** I am one of the owners of Seven Hills. Thank you for giving us the opportunity to speak tonight and present a request for a minor amendment in our SUP. We're seeking approval to serve beer in our tasting room by adding a small distillers' license to our commercially zoned property. Our property is already approved for a variety of uses, as stated, including a restaurant, tasting room, bar, and tavern operations. We currently hold a small distiller license and small winemaking license [from the Michigan Liquor Control Commission, or MLCC], both of which are used in full compliance with existing zoning township ordinances and our SUP. The small brewer license as proposed will be utilized within these same legal boundaries. This amendment is straightforward. A resolution was previously drafted and approved to allow our small distillers' license and our existing SUP already addresses the concerns surrounding manufacturing. The verbiage in SUP specifically states, "The approved uses above do not include the manufacturing of products under the MLCC license. The approved uses above may include processing under an MLCC license only if the process is limited to blending and bottling and labeling of a product brought in from an off site, bonded facility."

The addition of a small brewer license will not alter these limitations, and the beer we will serve will be manufactured off site at a licensed brewery. Bottles or kegs will be transported to our tasting room on site where we are limited to using a five-gallon carboy at a minimum of once a year to satisfy the MLCC licensing requirements. Any waste generated will be disposed of off site in compliance with our affidavit that is recorded with Grand Traverse County, which is also included with what you have.

We understand there are some concerns about this amendment and the nature of our operations. We'd like to provide additional clarity. Item B is noise complaints. Its proposed amendment refers to a handful of noise complaints. A violation letter was issued on September 18, 2024, based on one unsubstantiated noise complaint. We addressed this concern immediately to prevent recurrence. We respectfully request that the statement be corrected to reflect the facts and removed from the public record.

Parking on Seven Hills. Item D states that there have been documented occurrences of 78 cars parked on Seven Hills. Despite repeated requests, we have not received any evidence or documentation to substantiate this claim. We request this statement also be removed from the public record, as it is unverified.

We acknowledge that parking on Seven Hills could pose a safety concern. However, enforcement requires support from the county and law enforcement. Just as the township likely shares our goal in eliminating parking on Center Road, a state highway, during township meetings or voting, we

recognize how difficult such enforcement can be without dedicated resources. To address these concerns, we are committed to working with Grand Traverse County Road Commission to explore solutions such as installing the "No Parking" signs.

Our commitment to the community: Seven Hills has been a vibrant and valued part of Old Mission. We've been open for more than 550 days. We've hosted a lot of events and fundraisers, workshops, gatherings, engagement parties, weddings, and more than 180 live music events. We strive to provide a welcoming space for our community to gather, dine, and recreate. While we are not proud of the fact that we received one noise complaint during this time, we are proud that it is the only complaint we've had, despite the amount of volume and diversity of events we've hosted. We acted swiftly to address the concern, implementing changes to ensure it does not happen again. We recognize there is always room for improvement, and we remain committed to being a positive, harmonious presence on Old Mission. Thank you for your time and consideration. We hope you will vote to approve this minor amendment to our SUP.

**Michele Zebell, 2616 Bowers Harbor Road:** I commend the idea of "No Parking" signs. I can see the benefit of having school events like the tree lighting. That also is a situation where there's a school parking lot and shuttles could be used. As for the noise complaints, I guess I've been educated tonight. I could have called numerous times. This fall, I was in my garden out back, which is the furthest I could be from the facility. I could hear the music that was being played at the same time I could hear where I could get which specific beverages at the wedding that was happening at the Jolly Pumpkin. So in my backyard, I had sounds from Seven Hills and sounds from the Jolly Pumpkin. At one point, I'm pretty sure I heard whooping and hollering from a winery. I strongly urge the board to come up with a decibel level that can be metered and measured so that offenses going beyond that sound level can be addressed and ticketed in a manner commensurate with what it's doing to the neighborhood.

The second thing I would like to point out is that to create a party atmosphere outside is much more difficult than creating a party atmosphere in a small space. Having been a musician and then a music teacher who's done outdoor concerts, trying to amplify so that things can be heard and felt at an intense level outside where there are no boundaries is pretty difficult. It requires, at least in my experience, a pretty loud volume level. If that's beyond the capacity of an outdoor setting, then perhaps the group that's performing needs to be inside an area that has sides put up, some type of enclosure that keeps the sound from going anywhere but is directed toward the actual facility itself versus floating out through the whole neighborhood. There's a disadvantage. It's like a bowl, so sound perhaps carries a little easier than it might in other areas.

I will, from this point forward, call every time I hear music from any facility or microphones and speaking that's going on that disturbs the neighborhood. Thank you for listening.

**Sanders closed the public hearing at 9:20 p.m.**

**Sanger:** am I correct tonight that the findings of fact and in particular the condition of approval have changed from the transmission from the PC to what we have here tonight? We went through several. Seems to me there's disagreement between what the PC approved and what we have here tonight. That's corroborated by some of the testimony I just heard.

**Shipman:** I haven't put them side by side. I could ask Jenn to do so. As she noted, she was unsure of why one change happened.

**Sanger:** I'm concerned that comments from the applicant tonight are in disagreement with what we have here in terms of safeguards. It seems to me we need to resolve these issues before we move forward.

**Alexander:** I noticed a few of those changes. I was at the PC, so I have them here. We had 20 conditions of approval. There are 19 here. The one I saw that went away was "Compliance with

review requirements stipulated from Gourdie-Fraser engineers is required.”

There was another difference I noted, something about signage near the exit that notes that no parking is permitted on Peninsula Township roads. That was different. I don't see that here. That's something they could do in their own lot rather than going through the road commission. Why was this different than what we talked about?

**Sanders:** this is a public hearing so we will not be voting on this tonight. Your questions need to be answered. This will be pushed back into the planner's office.

**Sanger:** I would request that what comes to the board from the PC is the best work that can be done by the PC with the applicant. I'm concerned about having to decide whether or not to send this back to the PC. Are the changes material? A break in communication between the PC and the town board concerns me. I'm not pointing blame. I'm just pointing out what I heard tonight.

**Alexander:** I was surprised to read through this packet. I thought, “Well, this is what we approved. This is different.”

**Shipman:** Julie, the copy I think you're looking at is the 2023 [amendment], not this amendment.

**Alexander:** no, it's not. There were 20 conditions of approval. These were the ones we talked about.

**Shipman:** the discussion we had to resolve those issues occurred before the PC met and made the recommendation. It didn't happen between that final recommendation and tonight.

**Alexander:** yes and we talked about all those at the meeting. They were great suggestions, like the shuttle that was brought up tonight. Making sure there's a manager on site who is actively monitoring the property and walking around, listening to the level of sound at the boundary, seeing if you need to turn it down. Another suggestion was monitoring the parking and making sure people aren't coming in. Or the ticketed event. Not necessarily charging for the ticket but saying this is our capacity so you need to register if you're going to attend this event.

**Chown:** who came up with those suggestions?

**Alexander:** the applicant.

**Sanders:** I met the manager on site. Nice guy, doing a good job.

**Alexander:** there were some other questions and concerns made at the PC. One was, this does set a precedent for licensing. Now they have the provisions of a class C license. But the only difference is, they are using their own label. If they had a class C license, they would just be selling. This is a way of going around that. This sets a precedent.

**Sanders:** we have a couple ways to sort through it. One, we could send it back to the planning department and request clarity. The other option is to send it back to the PC and have some of the loose ends tied up.

**Alexander:** I'd like to hear from Jenn about the different 20 conditions and the 19 conditions. About the sign at the exit versus on the road.

**Sanger:** I want to get this accomplished because I understand the business problem. What I'm trying to come to grips with is these findings of fact. It seems we're adding things all the time. I heard tonight from the applicant that you must open the issue of this noise complaint, which has been documented. The longer we go trying to modify and amend these safeguards, the more time it's going to take. I thought tonight I'd be prepared to vote in favor of this, but if there are noise issues, if there are issues with the “No Parking...”

In my mind, those are not the subject tonight. The subject tonight has to do with the fact that they already have MLCC licenses. They're doing some manufacturing that was not allowed by the ordinance. I'd like to fix that problem. If there are issues affecting parking and noise, I'd like to address those with present mechanisms in place as opposed to trying to doctor up the safeguards. I wish we could get this all done to help this business.

**Alexander:** those are the conditions of approval.

**Sanger:** the original approval addressed the issue of noise. It was clear. The parking was also addressed. I know there were issues with the neighbors on both of those issues, and I believe we have mechanisms in place to address them. But to try to add more now to these safeguards is only going to mean it takes more time to solve the real problem, which is that this business really wants to be able to serve wine and beer as opposed to everybody coming in and drinking hard liquor.

**Sanders:** Jenn is available to dial in.

**Chown:** I'm wondering if this is just a bookkeeping hiccup. Jenn was out of town and tonight she's unable to be here. Rather than send it back to the PC, I'd rather send it back to Jenn.

**Alexander:** we have a meeting Monday?

**Chown:** I don't know if there's time to address this by then.

**Clark:** I remember when you were discussing Peninsula Shores, there was a long discussion about improvement to the community. The document says, "The board must also find that the requested amendment to add additional liquor licenses is a substantial improvement to properties in the immediate vicinity and community as a whole." I heard you mention something about the PC finding that it's an improvement to the community as a whole. I'm wondering how adding multiple forms of alcohol is an improvement to neighboring properties or the community as a whole?

**Alexander:** that was a struggle for us as well. Before, they were serving hard spirits, and this is a lesser alcohol level. Fewer people drinking harder spirits would be an improvement.

**Clark:** I don't see it as an improvement to the properties in the immediate vicinity. We've heard from neighboring properties saying it has not proven to be an improvement. Troy, can I ask you a question? When you were speaking, I caught the part that said you were doing something specific to satisfy the MLCC requirements. Can you say again what that was?

**Daily:** the addition of a small brewer license will not alter these limitations. The beer we serve is to be manufactured off site at a licensed brewery in bottles or kegs and transported to our tasting room. On-site brewing will be limited to using a five-gallon carboy at a minimum of once a year to satisfy the MLCC licensing requirements. Any waste generated will be disposed of off site in compliance with our affidavit.

**Clark:** that's a minimum requirement by the MLCC that you're satisfying. Had there not been that minimum requirement, you wouldn't have done that?

**Daily:** correct. We have to in order to have an actual license.

**Board discusses previously mentioned concerns.**

**Sanders moved to table to the January 14 regular meeting with a second by Chown. Motion passed by consensus**

**Sanger moved to return Milliken to the board with a second by Alexander. Motion passed by consensus**

9. Maner Costerisan Final Report and Discussion of Next Steps (Sanders)

**Sanders:** I have roped [Armen Shanafelt] into helping with the Maner Costerisan report and delivery to the township. We're going to start our strategic planning sessions in January. There are many things up for discussion with the driver behind it the [MC] report. Isaiah and special projects will be running that first meeting, going over the PowerPoint. It'll be open for the public. It's a great time to communicate with the public and for the board to come to consensus on how we want to move forward in our strategic planning.

**Sanger:** have the changes listed here been made to the document?

**Sander:** yes.

**10. Citizen Comments:** none

**11. Board Comments**

**Sanders:** welcome to the new township board. I'm excited to have you all here. We've already started to do great things on behalf of the township.

**Sanger:** I'm really excited about the communication that TJ [Andrews] is bringing us from the county. That's been missing for a long time. I appreciate her taking the time.

**Sanders:** if I folks get a chance to watch any of the county commission meetings, TJ does a good job of presenting concerns specific to Peninsula Township. Last week, she brought up a few things regarding the DNR boat launch that are much appreciated.

Just a reminder that the first agricultural advisory committee meeting is Monday, December 16, at 7:00 p.m. We will swear in all the new members before that meeting unless they have a chance to swing by the township first.

Reminder that we follow the TCAP schedule. If TCAPS is closed due to inclement weather, we are closed as well. We reassess mid morning. Plan on the township offices opening at 10:00 a.m. unless we put word out that we'll remain closed. When we're closed, we're working from home and answering our phones. We have almost everything we need at our fingertips. I'm always a point of contact. You can call or email if you have a question or issue you want help with during that time.

## **12. Adjournment**

**Chown moved to adjourn with a second by Sanger.  
Adjourned at 9:45 p.m.**

**Motion approved by consensus**