

# PENINSULA TOWNSHIP

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MI 49686

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## Township Board Regular Meeting May 14, 2024, 7:00 p.m. Township Hall Minutes

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

2. **Pledge**

3. **Roll Call**

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

4. **Citizen Comments:**

**Fred Woodruff, 4824 Forest Ave:** I'm here tonight in part because I saw the county road commission is going to give a report. Can somebody ask about what they do with seasonal roads in terms of the status and scheduling for adding gravel? [Also], there are no posted speed limits on Smokey Hollow. Is that necessary? Are there laws that talk about what the speed is when it's not posted?

5. **Approve Agenda**

**Chown:** I forgot to add an item to the business agenda, the litigation update from our attorney, Chris Patterson.

**Wunsch:** we did that first at the last meeting. Should we make that our standard practice?

**Board consensus.**

**[Chown] moved to approve the consent agenda as amended with a second by Rudolph.**

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

6. **Conflict of Interest:** none

7. **Consent Agenda**

1. Invoices (recommend approval)

2. Reports

A. Cash Summary by Fund

B. Fire Department

C. Old Mission Peninsula School

D. Peninsula Township Parks Committee

E. Ordinance Enforcement Officer

3. Signage request from Friends of PCL for its annual used book sale

4. Thank you to Biederman Family Foundation for \$25,000 grant for sustainable boardwalk at Pelizzari Natural Area

5. Minutes from April 9, 2024, Township Board Special Meeting and April 9, 2024, Township Board Regular Meeting

**Chown:** I have an amended report from the parks committee that came in yesterday afternoon.

[Passed it out to the board.] I have already substituted it in the posted packet. There was a change

to the language regarding the new geese deterrent at Haserot Beach. The language needed to indicate that this new lighting system will work as long as it's compliant with our dark night sky ordinance. That was not clear in the original report.

**Sanger moved to amend the consent agenda with the updated report from the parks committee with a second by Sanger.** **Motion passed by consensus**

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

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

## **8. Business:**

### **1. Litigation update from Chris Patterson**

**Patterson:** we are down to two pieces of litigation. The winery litigation has concluded as of yesterday. Since our last update, there have been a lot of orders issued by Judge Maloney. The trial started April 29. There were 11 full days of trial. The township was represented by McGraw Morris. Tom, Beau, and Tracey did a phenomenal job on the township's side of putting together the defense. We do appreciate the efforts by PTP [Protect the Peninsula] and their counsel who did a great job after being permitted to get into the case in August of '22. That first scheduled trial adjourned after they were allowed to intervene. They conducted additional discovery, which developed an expanded record for purposes of challenging testimony and comments that were put in by some of the witnesses.

The first week of the trial was largely testimony from the plaintiff's individual representatives. That occurred through the second week with some expert testimony on planning and zoning, and then the trial finished up with the plaintiff representatives. The last day of trial was the damages expert for the wineries. One final witness was a prior MDARD director. That closes the record for testimony.

There is still a lot of procedure and process left. For each day of trial, a court reporter will prepare a transcript. All those transcripts will be provided to the attorneys, who get to assemble post-hearing briefs. There will be a period of time for closing arguments done on paper with the judge potentially offering the opportunity for additional oral arguments in person. It could take several weeks to finish getting the transcripts together, the formalities finalized for the record, maybe going back in front of the judge for any final oral arguments or clarifications. There is no specific timeline. Then the judge reviews those materials and issues a final decision.

I already reported on some of the early rulings as he was deciding various claims, some in favor of the township and some the wineries. Those last final claims plus some additional pieces from the wineries were ultimately presented to the court, and now the court has the last piece of the record. We don't know when the transcripts will be done, whether that's going to take all summer or six weeks. It can take several months for the federal court to process all that information and issue a ruling.

Beau is in the process of putting something together to update the board, including an estimate as to what he foresees will happen next.

### **2. Grand Traverse County Road Commission update (Dan Watkins and Alan Leman)**

**Watkins:** I'm the manager of the Grand Traverse County Road Commission. This is the first time I've been able to come out and address the board. I've been at the road commission for nine years and have held several different positions there. Mostly I was the fleet facilities manager and then the superintendent. This is the first year I've been the manager. I've been in Grand Traverse County

about 20 years. I was a firefighter EMT for Grand Traverse Metro. I like being part of the community. This new role is a great fit. It combines what I like to do, plus I get to serve the community.

The biggest thing we're working on within the county is the chip seal projects. You've probably seen them around throwing the loose stone on there. We're doing about 70 miles this year. It might seem kind of odd that you'll see us going out and doing this to roads that are maybe a couple years old or that don't look like they're in that bad of shape.

Studies show that if you can do this work within the first few years of replacing a road, you can extend the life of that road a really long time. That's what we're trying to do. It's coming out at about a million dollars a mile to do a full crush and reshape the road for a total of about a billion dollars in infrastructure in the county. Our goal is to try to save what we have. The funding doesn't allow us to do that much replacement on all the roads.

The other thing we're working on right now is called high ridge removal. Next to the asphalt area, you start to see dirt and grass and stuff build up until it gets higher than the asphalt itself. It doesn't allow water to run off the road. That's what starts to cause potholes. It gets into that sub layer and starts to loosen up and ruin the roads. We're trying to get all the water off the roads and cut trees back because they throw shade on the roads, which doesn't allow them to dry out. They also can be a safety hazard for the motoring public.

Normally we'd be out brining roads by now. There is a brine shortage. This pushed everybody to sign their contracts early, so we were able to allocate brine for Grand Traverse County but unfortunately it's not going to arrive until June, maybe the first week of June. We usually try to get it on before Memorial Day. The reason there's a brine shortage is that a lot of people were using the mineral oil brine. We've been using a synthetic calcium chloride for quite a few years that is more environmentally sound. EGLE is trying to move everyone to this product and trying to allocate it. They are starting in the south and working their way to the northern counties. Since we're so far north, they're pushing us back further than is normally the case. Hopefully next year we'll be back on track.

We updated our website. We now have a link for townships. You can click on your township, and it will show all your local and primary miles. It lists every road, how long that road is, and starts to give a rating on that road. We know we have roughly a billion dollars of infrastructure, and now we know how many miles each road is. We went through TransMaps; they drove each road. They can measure each micro-fracture and rate the road on a one to 100 [scale]. This allows us to look at what the repair for that road is going to be.

Our goal is to start to do preventative maintenance versus the big million-dollar projects. With this information, we can hopefully come back with the fix for each road. We can say if you wanted your township to have 100 percent perfect roads, this is what it's going to cost and this is the fix for each road. The machine that went through and measured each road county wide came up with \$221 million to get all our roads in good shape throughout the county. We're hoping to break that further down to each township level.

**Leman:** it's nice to have Dan here. He's added a lot to the commission and brought real practical experience. He's a hands-on guy and digging into the problems we have at the road commission. We have a big mission. I'm sort of an industry skeptic. I've always been in private business and I try to make the money last. When I saw the budget of the road commission, I thought we ought to be able to do better, but it's really not much. The roads in Michigan are grossly underfunded, and it's why we struggle to make everybody's roads in front of their home the best road.

I have talked to Trustee [Sanger], and I want to address the road ends. Michigan law is pretty well settled that the public has access at our road ends. As the road commission, we would support zoning that helps the neighbors in the areas affected most by people using these road ends incorrectly. We certainly don't want you to limit access to them, but our attorneys stressed that these are not parks. They are for access. There shouldn't be picnic tables there. There shouldn't be campers. If somebody wants to launch a boat, kayak, windsurf, or get down below the high water mark and walk the water down the beach, that's okay, but our road ends should not be turned into playgrounds and parks. If you enact ordinances that address the issues at these ends, we will help you put up signs. We really don't have an enforcement arm. We will do what's legal to let you control the road ends within the Michigan statutes.

**Chown:** if the road commission isn't able to help with enforcement, what is your recommendation? Do we call the police? Are we responsible for enforcement using our zoning enforcement people?

**Leman:** that's what we've been told. Do you have an enforcement officer who enforces your regular zoning, things like blight and junk? A lot of times that would be left to that officer. If it needs to be addressed at a higher level, that's something for the Grand Traverse County Sheriff's Department. If we have a problem, we call the sheriff's department. We don't tow.

**Chown:** if the township adopts an ordinance that governs the use of the road ends and clarifies what is and is not allowed, you'll put up the signs?

**Leman:** yes, we will support your efforts to have reasonable control over our road ends.

**Chown:** thank you. We do have increasing challenges out here at the road ends, with lots of neighbors complaining and sometimes frightening interactions. They want help, and we've got to follow through and help them.

**Rudolph:** I have a question about seasonal roads. We have some seasonal roads up here that are getting more people who live there permanently now. What's the process to change the character of these roads from seasonal to local?

**Watkins:** it's a growing problem throughout the county. Somebody finds a cheaper piece of property they can build on and some realtors aren't the most honest with them. Seasonal roads are 100 percent a township's responsibility. If the township wants to upgrade the road at their cost, we can do a lot of the work ourselves to help save costs. If you get it up to our standard spec of a gravel road, we will accept that road, take it over, and start doing regular maintenance on it, and we can plow in the winter.

**Rudolph:** the township would have to make the change from seasonal?

**Watkins:** for us to be able to accept the road into our road system as a local road, the township would have to upgrade to that standard.

**Wunsch:** it changes basically from a dirt path to a gravel road. Could you take a look at the rough cost of upgrading Forest Avenue?

**Leman:** how many residents are on Forest Avenue?

**Rudolph:** 30.

**Watkins:** the township could look at doing a SAD [Special Assessment District] with that many residents to bring it up to standard.

**Wunsch:** if we could look at the top line costs first, then we could have a conversation about whether the township would have the resources to pay for it or whether to look at a SAD.

**Watkins:** yes. We'll drive the road and come up with the rough cost for you.

**Shanafelt:** you guys are doing 70 miles of chip seal. Are any of those on the peninsula?

**Watkins:** I meant to look. Most of them are on the southern side of the county. We're trying to get a chip program going. We need a three-year plan. I wanted to stand in front of you and say, "These are the roads we're doing for the next three years, and this is why." TransMap has no personal opinion. It's not the road commission choosing to do this road. It's data driven.

**Shanafelt:** is it going to capture all the roads or only the primary and secondary roads?

**Watkins:** we did all the roads. The goal is to break that down. Locals, primaries, and then the subdivisions. Separating the subs out actually brings the rating down. You get a real feeling for what it would take to get the local roads down.

**Sanders:** do you have an update on Bluff Road?

**Watkins:** [Wunsch] might better than I do. We've had several committee meetings; it's great to work with everybody. We looked at what it would take to truly open the road. We're looking at 2.5 to 3 million. We found some grants and wrote some letters of recommendation. Unfortunately from the road commission's standpoint, we were unable to apply for them. But as a township, you were.

**Wunsch:** yes. We've opened the doors for the Storm Act funding through FEMA. I think the biggest barrier is finding a township match if we're not able to bring the state or federal dollars to the table. You guys basically proposed that we pay for getting the roadbeds back up to a grade where you can build roadway on it. The road commission would cover the road portion of the project.

**Watkins:** the issue originally started outside the right of way. It would help out on that roadway surface if we could get something that we could actually put a road on.

**Brian Tuck, 11036 Peninsula Drive (from audience):** I live on Peninsula Drive. We are increasingly getting a lot of foot traffic and bike traffic. North of McKinley, there's hardly any shoulder. Any plans to address that? Is that the township or road commission?

**Watkins:** we have no current projects or plans. We're trying to put shoulders on all our roads. When people drive, they're going on and off the shoulder. This crumbles the shoulder, which works its way in. If you have a three- to four-foot shoulder, it actually saves the road. That's definitely the road commission's recommendation when doing a new road. When you do that, the township has to be involved. To move the road surface out four feet, you're moving people's mailboxes, re-establishing ditch lines, cutting trees. It's nice to have the overall opinion that everybody's comfortable with that.

**Tuck:** it's a safety hazard. At what point does it get people's attention? Bike and foot traffic has increased. I wanted to voice my opinion now rather than wait for more problems.

**Chown:** can you please also address the lack of speed signs on Smokey Hollow?

**Watkins:** speed limits and sign locations are set by state police. I can look if there's supposed to be anything out there. Might have start at the state police and request a speed study.

**Leman:** if it's not signed, it's 55.

**Chown:** if it's not signed, would we need a speed study?

**Watkins:** I can look into that.

**Chown:** if a speed study is required, who pays for it, the township or the road commission?

**Watkins:** the township starts off, gets with the state police, and requests it. We can be involved and put in a recommendation. Once they come out with their findings, they come to us and give direction on what we need to do.

**Chown:** is there a cost to it or is it a service that's provided?

**Watkins:** I don't know. It might be a service.

**John Jaye, 15688 Smokey Hollow:** Bluff Road on the south side of the erosion problem is 55 miles per hour. That's dangerous. There are no shoulders.

3. Public hearing for Festival of Races (Cram)

**Cram:** the Meijer Festival of Races is scheduled for Saturday, July 6, this year. We did receive an application from the festival foundation on February 5, so they met the required deadline. The application is complete and in good shape. I have received the letter from the private property owners at Island View Orchards as well as evidence of the other additional insured policies. The application fee has been paid and the applicant is aware of the current fee schedule for large events on private property and public roads. The Festival of Races has successfully hosted the initial meeting with staff, the emergency services coordinator, and the Peninsula Township Fire Department on April 22. It was an easy meeting. The race course has not changed. Every year they continue to make communication improvements. It was my sense that Fire Chief Gilstorff was comfortable as was Gregg Bird. The first postcard went out to Peninsula Township residents 15 days prior to the scheduled public hearing. They also sent postcards to all township residents. For both the Bayshore and this race, we've initiated a new mailing that seems to be reaching people more effectively. I did include a larger race course in the packet for you, and we will get that posted on the website. Staff is comfortable moving this forward and welcomes any input the board or community may have.

**Garrett Boursaw:** I'm the logistics director for the Cherry Festival. We are doing the same 15k and half marathon race on Peninsula Township as in years past. We take off for the half marathon from Old Mission Peninsula School, head west on Island View, run through some lovely agriculture out here, connect back on Peninsula Drive, and head south into town to meet up with the other races. We still have a hard stop at 10:00 a.m. on the peninsula. Everyone's got to be off. We'll continue to monitor and open the traffic on Peninsula Drive as the racers move southbound to get people routed over to Center. We've used this exact route now for three years.

**Alexis Bremer:** I'm the operations director. Garret covered it all. I'm just going to say "Ditto" and thank you for letting us bring our runners out. I know they very much enjoy these races.

**Sanders:** thank you for submitting the complete packet and getting everything all tied up.

**Sanger:** how many total runners are you expecting this year?

**Boursaw:** as of today we have 365 for the half marathon. It's capped at five hundred. The system won't allow registrations over that. 15k is at...

**Bremer:** 83 people as of today. I believe the largest number of registrants between the 15k and the half marathon has been 870 runners.

**Boursaw:** traffic signs will be going up Friday, June 28.

**Wunsch opened public hearing.**

**No comments.**

**Wunsch closed public hearing.**

**Achorn:** I live on Peninsula Drive and have enjoyed watching the race. I have seen no issue.

**Chown moved to approve the application for the Festival of Races for 2024 with a second by Rudolph.**

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

4. Discussion of on-site sewage disposal system inspection requirement upon the sale of existing homes/businesses not hooked up to public waste utilities (not for new construction) (Sanders)

**Sanders:** I first looked at this in 2016. I'm a real estate broker. This comes up a lot in the realtor community, especially in rural areas where folks are on septic. It's specifically important to Peninsula Township because of our geography, being surrounded by water and rolling hills. For those not at the base of the peninsula hooked up to public utilities, we should have an ordinance in place that requires a septic inspection when there is the sale of an existing property. Prior to closing, there has to be a septic inspection and it has to come out okay. If not, a contract can be negotiated and septic has to be brought up to snuff.

In the packet is information I directly copied from Long Lake Township. They've had this in place for a long time based on their rural geography, rolling hills, and the amount of water and groundwater that are fairly close to the surface. Depending on what the board thinks, if this is something we want to move forward with, we will send it to the planning commission and have them come up with language specific for our township.

**Rudolph:** who would you envision doing the inspections?

**Sanders:** anyone out here on a septic who has their septic pumped, whoever they use, all those companies have the ability to do a septic inspection. There are a couple guys in town who just do septic inspections; they're licensed through the state. There's an information page the Board of Realtors shares with our clients, a list of folks who will come out to do inspection.

**Cram:** the property owner is responsible for paying for the inspection in order to sell their property?

**Sanders:** anything can be negotiated but traditionally it's the property owner.

**Shanafelt:** in the Long Lake document, I was trying to figure out what enforcement or remediation looks like. If the septic doesn't pass, what happens?

**Sanders:** it's on the property owner to, number one, update their seller's disclosure that says they have a failed septic system. Then they have to pay for the remediation.

**Shanafelt:** the house cannot be sold unless it's remediated?

**Sanders:** correct. It's a point-of-sale inspection.

**Chown:** I'm surprised it isn't standard. Is it standard in other townships?

**Sanders:** it is not.

**TJ Andrews, County Commissioner:** there's been discussion of this in the county; other townships want to do this. East Bay and Garfield have been talking about it and have asked the county to do this. There's strong interest in the county because it's a health department function. It's something that belongs at the county level. There's pending legislation at the state level that's been talked about for years.

Michigan is the only state that doesn't have a septic inspection requirement. After it's built, there is no requirement. I'm interested in seeing the county do this because under the pending bills that have come forward, there's a grandfathering in for counties that already have a point-of-sale system. Actually, it's a point-of-transfer. There's a difference; it's a little more inclusive.

The county is interested because it doesn't want every township doing it in a different way, which makes for a sporadic, scattershot approach. There should be some systematized ways of doing this. Our health department is well situated to take this on.

I would love to for you to take action to pass a resolution to move it forward. Another option is where we can add in options, where you have a standard point of sale or point of transfer. You also have what are really the high-risk situations, which are septic systems within 500 feet of water. That could be another option, where a township could choose to opt into the county model ordinance that we don't impose for the whole county. There may be parts of the county that don't want to do that, but

if there are parts that do, then there's sort of a partnership where we bring the expertise, the health department, the inspectors, the permitting system, everything you need to pull it off, but you get to say what you want to do in your township.

There's some timeliness here because of the state's pending legislation and the opportunity to get ahead of that and then build in some extra time to bring it into compliance. There are issues with inspectors; we don't have enough. It's going to be a problem. There are different standards. I just want you to know that we would be supportive.

**Sanders:** what does that timeline look like at the county? I would like to get the ball rolling.

**TJ Andrews:** I see no reason not to get the ball rolling. Just know that if the county moves it forward, it's a great opportunity to work with the commission. Talk to the health department; they have interests in the language. There are mutual benefits to being collaborative.

**Wunsch:** is the health department or the county planning department the right point of contact for the planning commission?

**TJ Andrews:** the health department would be the point of contact.

**Sanger:** one of my concerns with the ordinance in Long Lake is in paragraph 10. It states, "The township shall have no obligation to take enforcement action." I'm concerned about enforcement. We have been able as a township to link up with the building department and issue a final certificate of occupancy when the zoning and planning director signs off on compliance with township ordinances per the land use permit. That's what we want to see in this type of ordinance. Where is the point of consummation when it takes place with the transfer of the property?

**Sanders:** the document from the septic inspector saying it's good to go becomes part of the closing packet that goes to the title company. Because it would be our ordinance in our township, we can specifically say a copy comes to us as well.

**Sanger:** I want to seek a way we can take action, like Jenn [Cram] is now doing with the county building department. It's working terrifically. You cannot get a certificate of occupancy without the township signing off on the land use permit. We've got to be sure we have an ordinance that has a linkage. It probably takes place at the Grand Traverse County Register of Deeds.

**Sanders:** it would get recorded with the package.

**Sanger:** that's the point where it has to be caught.

**Sanders:** it would be caught by the title company prior to closing.

**Wunsch:** my recommendation for next steps is to take this to the planning commission. Jenn's time and resources are limited right now. It's interesting that East Bay Township, according to our county commissioner, is also interested in this topic and happens to do some work with our general counsel. I recommend we hold a planning commission meeting with someone from the health department and East Bay planning staff. See if the county can kick in some resources for these two pioneer townships to work on developing a model ordinance for the county. I'd like to avoid duplicating work by taking the initiative and setting something up that could be applied countywide. Is that something that you could work on, Chris [Patterson]?

**Patterson:** yes. Grand Traverse County works with a well-known firm representing counties. They have facilitated projects with us. If you want to put together the contact with East Bay, we could reach out to the county and get their corporate counsel involved. If the county has an interest in putting this together but doesn't want to move too fast, they could put a model together. We've done it in other situations where we've had the county lead in developing the ordinance, then pass



it out to the local townships to adopt. It's a good model. It's worthwhile and I'm happy to make the connections.

**Chown:** it sounds like it could save resources for the township too.

**TJ Andrews:** I'm happy to make a connection between our attorney, the planning commission at East Bay, and the health department. We have a mutual interest in moving forward together.

**Chown:** perhaps Maura could sit in on that committee too?

**TJ Andrews:** Yes, I'd be happy to have Maura join.

**Cram:** from a timing standpoint, we have a special meeting with the planning commission on May 23. I'm hoping to hold a public hearing with the planning commission at their June 4 meeting for the master plan. We have two other SUP amendments that will also have public hearings. I could introduce this topic to the planning commission at the June meeting. Hopefully we could get organized for a presentation at the July meeting.

**Wunsch:** I recommend July/August.

**Sanders moved to refer [the on-site sewage disposal system inspection requirement upon the sale of existing homes/businesses not hooked up to public waste utilities] to the planning commission with a second by Sanger. Motion passed by consensus**

5. Third board discussion regarding township government funding (Shanafelt)

**Shanafelt:** Maner Costerisan, our third-party consultant, has already begun work. They will be visiting us on site next week to begin interviewing township officials and staff. The goal is to identify efficiencies and gaps we might have in meeting our objectives and propose potential funding mechanisms for those gaps. They will provide a roadmap to get to where we'd like to go and help us be better at what we do.

Regarding comments at the last meeting about reducing taxes, I have an opposite way of looking at this problem: specifically, what could we cut? What could we eliminate to reduce taxes? As far as the township goes, we only collect property taxes. State and federal government do the income tax and sales taxes. Most of the property taxes collected are mandated, such as educational or other items such as PDR that have been supported by the voters. The amount of two of the millages the township collects, the police and the fire department, also passed by voters, are under the discretion of the township. These are unlike our operating millage, which is about 2 percent of all the taxes we collect. The operating millage is something we can decide how to spend, but we don't decide how much to collect. The fire millage and the police millage are things the board annually recommends an amount to collect based on the needs of those two groups.

In principle, the board could decide to collect zero for police and zero for fire and that would reduce our property taxes about 10 percent, but there's a consequence to that. It would mean no police presence and going back to a volunteer fire department, which we had pre 1975 and which resulted in a situation where there was a millage passed to support a professional fire department. I want to point out that the flexibility we have in reducing the amount of property taxes collected is nominal and not really practical.

**Chown:** thank you for putting together the taxing authority and the millage rate chart. I've seen this many times over the past couple of years and I'm always amazed at how little the township receives to do all the work we do.

**Sanders:** it's part of an ongoing presentation, whether it's at our town board meeting, continuing in the newsletter, or whenever we're out and about.

**Chown:** there are always new people moving in and people who begin paying attention to these things who perhaps weren't before for whatever reason. It's important to keep reminding people what we all pay and why and also where it goes.

**Shanafelt:** the amount we pay is like one percent, one and a quarter percent at most, which really is the national average of what people pay in property taxes. But we the township collect it, so it gives the impression that we're getting all that money. All we are is a tax collection service for the county and the state. We get a tiny bit for operating.

**Sanger:** this conversation ties into the item before us on the agenda tonight. It makes sense to put some regulation into the operation of a personal septic system. The question is going to be asked, "If the township takes this on, what is it going to cost the township?" We have always looked ahead, at least in my 20-some years here, to the parks, PDR, to take on projects that have value for the township in terms of the benefit of living here. Part of what this study by the accounting firm is doing is to help us understand what we are doing. What should we be doing? And how can we do better with what we have? It may be that we're going have to address issues.

Armen [Shanafelt], I know you weren't serious about eliminating police and fire, but, again, that is the reality. We cannot continue, in my view, to deliver services and budget. We're continually being forced to reduce that millage by the Headlee limitation of 1993.

**Shanafelt:** a lot of what you're bringing up has to do with protecting what we have and the natural beauty, but if we get personal, it's about maintaining our home values. All these things are in place to make it a nice place to live. It costs money to do that. Our community gets a little more complex every day. Complexity costs money and time to make it work. We're not going to go back to only farmland on the peninsula; it will only get more complex. We need to find a way to make it work best for everyone.

#### 6. Agriculture signage enforcement for the 2024 growing season (Cram)

**Wunsch:** there wasn't anything to act on in the packet, but if there's an action item and not just a policy update, I may recuse myself.

**Cram:** I wanted to talk with the board to see if they support doing something similar to last year. I could come back at the next meeting with a revised resolution. I included the resolution that Chris' [Patterson] team put together for us last year. We know section 7.11 in the zoning ordinance related to signage needs to be updated to support our farmers. Last year, I asked the board to put a temporary moratorium on the enforcement of U-Pick and farm stand signage so we could look at it in hopes of amending the zoning ordinance to come up with some reasonable solutions for temporary seasonal signage to support these value-added operations. I'm hopeful this work will be easier once we get the agricultural advisory committee in place.

One of the first things this group will address is policy direction for agricultural signage. With your support, we could do another moratorium for this season. Last year, my observation was that we did see a little bit of sign clutter, but nobody was injured. It wasn't in the right of way. Hopefully it helped the farmers sell more produce. We didn't receive any complaints. There were no perceived negative impacts from not enforcing the signage on these uses.

**Rudolph:** were the signs out of the right of way?

**Cram:** yes, though we did have to move a couple.

**Shanafelt:** it worked last year. It sounds like we get another year of data to make a better ordinance.

**Rudolph:** I think it's great that we're letting the producers experiment and see what works for them. It helps us with the ordinance work to see what worked and what didn't.

**Chown:** I'm in favor of it. It's the growing season, not forever, and it buys us a little time to do this important work.

**Cram:** I included the resolution from last year in the packet. We did it in August. We would do it earlier and then have the same expiration date of November 1 after the growing season. That would give me fall and winter to get the amendments in place for next season.

**Chown:** we're not causing any farmers any difficulty by waiting another month to pass a resolution?

**Cram:** I don't believe so. As long as you're comfortable with Dave [Sanger] and me not enforcing anything that doesn't meet the current ordinance.

**Sanger:** why not change the date on this resolution from last year and pass it tonight? Would you be coming back with this exact resolution?

**Cram:** yes, I was going to just amend the dates.

**Sanger:** it's best in my view not to let the agricultural community hang there for another four weeks.

**Chown:** I would prefer to pass it tonight.

**Cram:** I can make this amendment and have it ready for signatures tomorrow.

**Chown:** I will take over as Isaiah will need to recuse himself.

**Sanger moved to approve the supervisor recuse himself with a second by Sanders. Motion passed by consensus**

**Sanders moved to use the same language as Resolution 2023-08-08 #2 and update it to May 14, 2024, and extend the temporary moratorium through November 2024 with a second by Shanafelt.**

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

**Passed unan**

**Rudolph moved to bring Wunsch back to the board with a second by Sanger. by consensus**

**Motion passed**

#### 7. Planning and Zoning Department update (Cram)

**Cram:** I want to give a preview of where the master plan is. We have gone through the entire document. We've red-lined for typos and grammatical errors. We also looked at the vision statements and action items to make sure they were accurate and made some minor changes. We've also been updating the existing land use map so that it accurately depicts how land is currently being used in the township.

The most important update is including the agricultural preservation area and the number of acres that have been preserved. This will allow us to move pretty easily into the future land use map based on the community's desire to try to minimize the potential for buildout and to look at increased density and things of that nature. In the next five years, particularly since the PDR millage passed again, I anticipate that we will see more land preserved. We might see based on some additional exempt land divisions that some of the areas identified as rural residential, meaning they have one unit per five acres or more, may convert to suburban residential, which is one dwelling on less than five acres. The planning commission will review these changes at the May 23 meeting. Beckett and Raeder has been working hard to keep up.

We do have one additional public hearing with the planning commission tentatively planned for June 4. The master plan could come back to the board at its July meeting for adoption. Rather than bringing everything up to date from when the draft was released to now, we drafted a prologue to highlight all the things we've accomplished in the last two years.

Shoreline regulations are moving forward. We continue to meet every other Monday from 3:00–5:00 p.m. at the township hall. We post the agendas to the website and to the window. Robin Noval, our deputy clerk, created an email distribution list so that any property owners who wish to be notified when the shoreline regulation study group is meeting can be notified. The next meeting of the shoreline regulation study group is Monday, May 20. That agenda will go out shortly. We've made progress talking about policy for single and shared waterfront ownership. I'll be coming back with a summary of what I've heard to move that item to the planning commission. Then we will start to talk about shoreline development, protection of natural resources, and floodplain issues. We plan to have some guest speakers to help educate the study group and the community. I did get a letter out in April to all shoreline property owners, both single and shared ownership interests. It went out to 2,158 people, letting them know the study group is working on this, reminding them that the floodplain elevation increased with the adoption of the FEMA maps last April 19, 2023, letting them know when a land use permit may be required, and things like that. I've received a wonderful response to that public education piece and there has been additional interest in participating in the study group. We're making great progress on a really challenging topic. I'm grateful to the board for agreeing to create the agricultural advisory committee. Letters of interest to serve on that committee are due by May 18. I've received six letters to date and am hopeful we'll get a few more. I'll be working with Becky [Chown] to schedule interviews to get that committee appointed.

With PDR, we have three of the four appraisals done for the top four ranked properties. We received 10 applications. The PDR selection committee ranked those and gave them to Laura Rigan with the Grand Traverse Regional Land Conservancy. She's been working with Steve Nichols to appraise these four properties. We anticipate those appraisals will be shared with the PDR selection committee at the end of May, first week of June. I plan to bring those appraisals to the board and public for review.

Sarah Kopriva in the zoning office created an online appointment scheduler. We require an appointment to submit your land use permit application. Now you can go right to our website and schedule an appointment to come in and submit a land use permit application. That is working well. We are seeing an increase in land use permits coming in as the building season kicks off.

I will be excited to get our new planning and zoning administrator in that position. We have a candidate, and if all goes well, she will start July 1. We have a planning intern helping us with filing and other organizational needs, and we have a new part-time admin person helping in planning, zoning, the clerk's office, FOIA, all sorts of things.

## 9. Citizen Comments

**Louis Santucci, 12602 Center Road:** I came down here four minutes after seven and you had already gone through the agenda. I wanted to make a couple of comments. I went to the agritourism meeting last week, which Jenn [Cram] was also involved in. There were representatives from Michigan government, farmers, and tourism groups who spoke. An MDARD government representative was there who is the expert on the Right to Farm Act. Yesterday, I also attended the court hearing in Kalamazoo on the winery lawsuit. Isaiah [Wunsch], I was glad to see you were there. Mr. McDowell, the former director of the Department of Agriculture, was there. And what both these individuals, who are experts on the Right to Farm Act, made very clear, and again, you were both [present to hear these] statements by both of these people, is that the Right to Farm Act protects any kind of, let's call it agritourism, that's done that promotes your farm. And by the way, wineries are farms. They made it clear that such things as weddings and other kinds of events

would be protected under the Right to Farm Act.

Now, what comes to my mind is that it seems maybe you knew this all the time. Maybe you didn't. But the hundreds of hours you spent on this lawsuit could have been settled very early. The money that was spent on this and I still have no idea whether it's covered under insurance or not could basically go to your issue, because we've wasted time and money. Therefore, in my opinion, if that had not been wasted, we wouldn't have to overturn the Headlee Amendment and we wouldn't have to become a charter township, both of which I totally oppose.

The other thing is, we had a group of farmers who came here when you folks were considering the processing ordinance. We told you it wasn't a good ordinance, and now it would seem that many aspects of that ordinance violate the Right to Farm Act. You need to take another look at it. When you have this agriculture committee together, I think that's one of the issues you have to deal with. My final comment is, all the time I hear, "Traffic, traffic, traffic." Well, let me tell you something. I live on Center Road, and if that's really a cause of concern, you folks ought to pass an ordinance that says on the night of the northern lights, you aren't allowed on the peninsula. I sat there at 9:00 o'clock and counted 250 cars going out to the lighthouse and that traffic continued all the way till 11:00 o'clock. So if traffic is really your concern, I suggest you look at the northern lights issue and maybe do something about that as well because, man, there was a lot of traffic.

**TJ Andrews, County Commissioner:** thank you for letting me participate earlier. I appreciate that we heard from Mr. Watkins and Mr. Leman from the road commission. I want to let you know what's going on at the county level with the road commission; it's on our agenda for tomorrow. About a year ago, roadkill became quite a concern in our community. It brought the road commission strongly into the county commission's concerns. We had a couple of meetings and ended up with a memo from our legal counsel to look at options not just to deal with the roadkill but to look at the governance structure of the road commission itself. That legal opinion led to an ad hoc committee that recommended going to our full board to get a feasibility study to consider an alternative structure to the current appointed system with six-year terms. Alternatives include either elected commissioners or bringing it in house. The law changed in 2012 to allow Michigan counties by a vote of the county commission to dissolve the road commission and bring it in house as a county department. That is what the feasibility study will assess. It's what several counties have done. It starts with a feasibility study to look at the options, the cost, and the benefits. This is also the year the county road millage expires. In my research regarding how other counties have approached road governance structures, there are other ways to approach road millages. Some counties have split the millage. Part of it goes into the general fund for the county, but part of the millage collected from a township is actually dedicated to roads in that township. One could create a system where 50 percent of the road millage collected in Peninsula Township is spent in Peninsula Township. You could come up with different percentages, but it's a conversation I would like to have. It could help ensure there's more parity and interest in areas that may feel a little underserved in a system that's maybe not prioritizing the same interests this community would prioritize if it had its own pot of road millage money to spend. It's an opportunity to improve. This is nothing personal against anybody at the road commission. This is about good governance and an opportunity in our community to improve how our critical roads function and are managed. We have openings on our Veterans Affairs Board. We appoint more than 100 citizens as board members in the county. We have a millage dedicated to supporting veterans. Access to housing and mental health is a huge issue in our veteran community. If you know anyone who would be interested in serving on that board, we could use another appointee there. Parks is another issue of mutual interest between the peninsula and the county. We are scheduled to take a vote tomorrow on the acquisition of the GO-REC parcel. This is an opportunity for the

county to improve the resources we have. It's a great partnership with the Grand Traverse Regional Land Conservancy. This has been something the county has been exploring for some time. We could invest more in the parks we have, and acquiring more parks and creating public areas for people is good for our community. I think we've got more to do to support the parks we have. I would love to see the conservation district do more programming at GO-REC and Power Island. I'd love to see the county provide additional access at Power Island. It's amazing and is underutilized in my opinion. I will be voting in support of GO-REC tomorrow. I hope I have the majority vote. I'm always happy to talk to anybody about anything, county or otherwise. Thank you for your service.  
**Brogan Danbrook, 3096 Blue Water Road:** thank you all for what you do for the township. I want to thank you for letting my classmates and me observe a government meeting. It was pretty interesting. Thank you.

#### 10. Board Comments

**Sanders:** since 2014, this is the first time I've had a high schooler come up and thank the board.

**Rudolph:** very refreshing.

**Wunsch:** I think I came here in 2005. I was appointed to the planning commission and I've been here ever since.

**Achorn:** regarding Pelizzari Natural Area, did you sign the closing papers?

**Wunsch:** I did.

**Achorn:** I sent over the money. We now have the Meeker property officially part of our Pelizzari park system.

**Wunsch:** we spent that money on the one thing it could be legally spent on.

**Chown:** and there is a little bit left. We hope to continue acquiring nearby parcels to ultimately link the Meeker addition back to the original park. It is a long-term vision, and it is beginning to come to life. It takes time, effort, patience, and guarding those dollars carefully.

**Achorn:** how long ago was that ballot millage voted on?

**Chown:** I think it was 2008.

**Achorn:** the voters wanted this park.

**Chown:** and we got it thanks in great part to Dave Murphy. There aren't enough hours in the day to thank him for his leadership in working to create Pelizzari Natural Area.

**Sanger:** to repeat, the money came from that millage and had to be spent on that millage.

**Chown:** Monday afternoon, I will be at Central High School participating in a voter registration drive. I love to get back to the high school and see the kids.

**Achorn:** we have a celebration at the lighthouse for the new telescope.

**Wunsch:** Friends of the Lighthouse is purchasing a telescope.

**Chown:** the celebration is Saturday at 1:00 p.m.

**Achorn:** they came to me about a year ago with this idea. They acquired the telescope. You can see all the way across the bay to the new area, where the Native Americans moved, from Old Mission to the New Mission. But they were short on money. We had a DTE representative come to the township a couple months before that. I called him and said, "I have a project for you." We must thank DTE for its support for this new telescope that will be at the lighthouse.

**Sanders:** the treasurer's office is inputting the budget right now. I thought it would be a good idea to send notice to all departments at the end of May for a quarterly review at the end of June to see how we're doing. This is a heads up that notice will be coming.

**Achorn:** the auditors will be in the office the second week of June.

#### 11. Adjournment

**Sanders moved to adjourn with a second by Sanger.**

**Motion approved by consensus**

**Adjourned at 8:36 p.m.**