

LELAND TOWNSHIP BOARD MEETING
Monday, October 10, 2022 – 7:00 p.m.
Leland Township Library, Munnecke Room
203 E. Cedar Street, Leland, MI 49654
MINUTES

PRESENT: Supervisor Susan Och, Clerk Lisa Brookfield, Treasurer Shirley Garthe, Trustee Clint Mitchell, Trustee Mariann Kirch

ABSENT: 0

GUESTS: 12

CALL TO ORDER: Ms. Och called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

APPROVAL OF AGENDA

Ms. Och noted that there will not be an assessor's report this evening; however, there will be a report from the Facilities Committee.

ACTION:

Ms. Garthe moved to approve the agenda as amended and presented; supported by Mr. Mitchell. Motion carried.

DECLARATION OF POTENTIAL CONFLICTS OF INTEREST: None

APPROVAL OF MINUTES: Regular Meeting, September 12, 2022

Ms. Och and Ms. Kirch noted a few corrections to the minutes. Ms. Marie Korson stated that her name was written as "Mary Korson" in the minutes. Ms. Hubley-Patterson will make the necessary changes and will send a revised copy to Ms. Brookfield for posting to the website.

ACTION:

Ms. Garthe moved to approve the minutes as amended; supported by Mr. Mitchell. Motion carried.

PUBLIC COMMENT:

Ms. Kama Ross, a current candidate for the District 5 County Commission seat introduced herself to the Board as well as to the members of the public who were present. Ms. Ross resides in Centerville Township and is a retired District Forester; she is also a board review member in Centerville Township. She believes that her greatest

strength is the combination of science education and experience that she offers, which would help with decision making regarding natural resources. Ms. Ross previously served as a Peace Corps volunteer.

Ms. Marie Korson noted that her first name was incorrect in the September 12, 2022 minutes; she was identified as "Mary Korson". Ms. Hubley-Patterson will correct this in the minutes. Regarding Sunset Shores, Ms. Korson stated that she agrees wholeheartedly with the easement but does not agree with more land than what is needed; she believes more discussion needs to take place. Ms. Korson stated that she asked Ms. Och for information as to where the drain field would go and also asked for a copy of the survey but never received these items; she feels that there has been no transparency in this matter. She noted that damage to land cannot be restored.

Ms. Och asked Ms. Korson if she is still working with Jim Williams. Ms. Korson stated that she is seeking a new attorney at this time; she has attempted to contact Mr. Williams but there has been no response. Ms. Och stated that this is good information to know because the Board has been waiting for him to take action. She also noted that the Board has a check for Ms. Korson and that papers need to be signed but Mr. Williams has not followed up on this.

REPORTS FROM BOARDS AND COMMISSIONS

Fire and Rescue – Chief Dan Besson

Chief Besson stated that the department received 39 calls last month; this number is down from previous months but added that we are in the fall season. He noted that his team is the back-up team from northern Michigan for Hurricane Ian; although they were prepared, they were not needed as the request from Michigan was cancelled. Chief Besson informed the group that there is a significant fire currently burning in Menominee. He added that his team continues to always be ready to assist if they are needed.

Planning and Zoning – Mr. Tim Cypher

Mr. Cypher is the Zoning Administrator for Leland Township. He noted that a board member had previously asked about the Siddall project in Lake Leelanau; Mr. Cypher stated that they have agreed to put in a sidewalk. There was a Leland Township Planning Commission meeting on Wednesday, October 5, 2022. The special land use permit for Northern Latitudes was approved; they are moving to a new location. Some conditions were noted in the Findings of Fact for Northern Latitudes. There were several members of the public who attended the Planning Commission meeting in support of Northern Latitudes.

Under "Old Business", Mr. Cypher stated that the Planning Commission discussed the Bunbury Zoning Amendment which is potentially a basic character clause that pertains to the size restriction for dwellings in the township. Mr. Cypher stated that Ag Residential and Ag would potentially be excluded from this agreement but added that Chairman Dan Korson was absent from the meeting; therefore, this matter will be on the next agenda for continued discussion.

Mr. Cypher stated that the township Planner provided an update on the Master Plan. He hopes to have this completed by the end of calendar year 2022 and be ready for a Public Hearing.

Mr. Cypher informed the Board that Michigan Township Association (MTA) has alerted us that the State Senate plans to take action on short-term rentals but will do so after the upcoming election. Ms. Och confirmed with Mr. Cypher that the purpose of this action is to take away local zoning over short-term rentals; this was confirmed. Mr. Cypher stated that there are many loose ends regarding this matter; he forwarded some questions to our state representatives to seek clarification.

Mr. Cypher noted that it was a busy month for permits. He collected \$1,230 in income and will be dropping these checks off to the office in the next few days. There were 12 land use permits issued for a total of 52 year-to-date. Two of the permits were for single family residences, five were additions to single family residences, three were for decks and/or porches and one was for an accessory building. There is a matter before the Zoning Board of Appeals regarding the Falling Waters Lodge; he has brought in legal counsel to review this case. Mr. Cypher conducted six construction site inspections, handled 43 telephone calls and 34 email responses.

Harbor – Harbormaster Jeremy Anderson

Mr. Anderson noted that it was a very busy summer and stated that he was short staffed during July and August. Nevertheless, many compliments were received on Marinas.com. In total, there were 88 reviews with only two customers who were upset; there were also a handful of mixed reviews. A few simple changes such as new hand towel dispensers and different trash cans have made a major difference in customer satisfaction.

Fuel sales were down this year, including diesel, and fuel prices contributed to this overall. A total of 35,975 gallons of gas were sold as well as 59,468 gallons of diesel. Mr. Anderson stated that his team has begun working on fall projects in preparation for winter. They will shut down the fuel dock after the hunt on North Manitou Island. The public restrooms will be closed on approximately November 6th. Mr. Mitchell inquired if fuel sales were down in gallons, in dollars or both. Mr. Anderson responded and stated that there is some correlation; he also explained about the margin on fuel. He reiterated that it was a very good summer, although not “banner breaking” like last summer.

Sewer – Mr. Steve Patmore

Mr. Patmore stated that the flows are seasonally down which is normal. He also stated that lagoon levels are fantastic and are over six feet which is very good for this time of year. They ran out of the calcium nitrate product; he noted that it did work and was effective in the Leland area. They reduced the amount of calcium nitrate from 50 gallons to 30 gallons; this was not quite as effective as 50 gallons last year. They are looking at a mechanical aeration system regarding hydrogen sulfate as an alternative. Mr. Patmore wants to see what some other townships are doing in this area. The valves were replaced at the harbor lift station. Last month, the generator receptacle transformer was fixed but they are looking at a new system—one that is similar to what is being used in Suttons Bay.

Mr. Patmore stated that his department is trying to finish a couple of projects. New rails are being installed on Thompson Street as well as putting in a flow meter. There have been several call outs and quite a few stepouts. He received information from the State of Michigan regarding potential grant funding for infrastructure projects that is available and he is looking into this; the grant money comes from the Clean Water State Revolving Fund. Mr. Patmore is more interested in a grant than in a loan.

Parks and Recreation – Mariann Kirch

Ms. Och stated that Ms. Steck recently sent out a report and asked Ms. Kirch to address this. There was a Parks and Recreation meeting recently and Ms. Kirch stated that they were asked to look over the park ordinance; the group determined that no changes are needed. The docks at Nedows Bay, Fourth Street and Grand Avenue and Schneider's Beach have been taken out for the season. The dock at Seltzer's Park is still in the water and is damaged. Ms. Kirch indicated that some individuals believe that a floating dock would be best in this location; she noted that this would cost more. She noted that there have been many public comments received in objection to the township building that may be constructed in Grove Park. Ms. Kirch received tree service quotes and stated that the major concern is the grounding of stumps. This is important because stumps are a trip hazard to the township and they are difficult to maneuver when mowing the lawn. Ms. Kirch added that she received some numbers for the grandstand at Hancock Field.

Mr. Mitchell asked about the damaged dock and was curious if this involved the launch or the stairs. Ms. Kirch noted that there are two damaged docks; one dock was on Nedows Bay. The other dock is being hit by boats that continuously hit the dock.

Ms. Brookfield asked Ms. Kirch to please have the Recording Secretary make a note of the people who have made public comment regarding the township building being constructed at Grove Park so that we are aware of how many people have voiced an objection and we can note who has done so. To avoid duplication, Ms. Brookfield would like to determine the true number of complaints that are being registered in this matter.

Ms. Och asked if the asset management worksheet had been filled out and returned. Ms. Kirch stated that these forms were reviewed for the people who returned them; comments can be found in the minutes.

County Commission – Patricia Soutas-Little

Ms. Soutas-Little stated that the broadband map will soon be online. The delay was due to the time needed to figure out what is called "transport" for broadband. They will change the direction for what is being done; this will hopefully avoid the large "black hole". There is a large number of households that are unserved in the north; the current plan is not working. As of now, the intent is to come in through Solon Township; there are many unserved residents in Cleveland, Kasson and Solon Townships. The plan is for everything to be completed by 2023. The map will allow residents to zoom in to their address and the existing service for the household will be noted on the map. Households will also be able to make a change from their existing service if they so desire.

Service providers are using microwave on Pitt Road where there is a central tower. There are two additional towers in Omena and Maple City. For these two locations, they

were relying on transport by band but this cannot be done; they will use microwave instead. High speed fixed wireless will be available soon; however, fiber will take a while to come online. Work is being done both aerial and underground; there is a partnership with Cherryland Electric to use equipment.

Ms. Soutas-Little stated that she wanted to see if the bins are still at the recycling site; a member of the public stated that the bins have been removed.

Ms. Soutas-Little informed everyone that there will be some interesting presentations this week. The first presentation will be from Northern Lakes Mental Health Agency. The Bay Area Transit Authority (BATA) will also be making a presentation. They have a millage request out and Ms. Soutas-Little urged everyone to support this millage. She noted that BATA is trying to do more for the community and added that many people are not aware of the services that they have to offer. Northwest Education Services will also be giving a special education update. Ms. Soutas-Little announced that the Rockefeller Foundation is offering free Covid test kits which can be requested online; please visit <https://accessCovidtests.org> for further information.

Mr. Mitchell asked Ms. Soutas-Little if there is any update on the cell tower upgrades. She replied, "Yes" and indicated that there is a tower going in at the Government Center. Mr. Mitchell inquired about the timeframe and Ms. Soutas-Little replied that the plan is for this to be completed prior to the first snowfall.

Ms. Och asked about the timeframe for the broadband map and it was noted that this will be online sometime this week; the project manager is currently working on this.

Office Space Committee – Keith Ashley

The Committee continues to meet and it was noted that they presented the Board with seven options in April of 2022 regarding where the township building could be located. At that time, Grove Park offered the most viable option. A discussion is currently underway with a private property owner; the area is highly visible but this would be an expensive proposition. The Committee is also speaking to a second property owner who is less interested in selling; the Committee wanted to speak to a second property owner should the first property owner decide to not follow through. The Committee was offered a long-term lease at the site where Northern Latitudes is located; however, the deadline for this decision has passed and the Committee concluded that this would not be a viable location. The committee would like to engage Mr. John Dancer for a rendering of a building for the Grove Park location.

Ms. Kirch inquired if it was possible for the Board to review numbers that the Committee has received regarding various options; for example, the numbers that were given on the potential lease of the Northern Latitudes building.

Ms. Brookfield stated that the Treasurer's Report should be before the Action Items on the agenda; she will make this correction going forward.

ACTION ITEMS:

1. Approval of new parking signs – Leland Village

A. Parallel parking in front of Trish’s Dish’s

Discussion ensued regarding the parking spots in front of Trish’s Dish’s; these spaces were parallel but are now perpendicular as people are pulling straight into the parking spots. It is dangerous to back out on M-22. Residents of the condominiums have complained that they cannot see the driveway. Ms. Och asked if the Board would approve parallel parking only. Mr. Mitchell stated this is a volume-based business and noted that the concrete curbs are well off the road; there is not a normal shoulder here. He asked how parallel parking would work in this location. Ms. Och commented that the post office is also dealing with this issue.

Ms. Och stated that she spoke to Jessica Carpenter at Michigan Department of Transportation (MDOT) who stated that we can do what we like in this location. She added that historically, the Road Commission has painted parallel parking lines here but stated that more cars will fit in this area if they pull in perpendicularly. Ms. Och stated that traffic does stop when cars go to pull out that have pulled in this way. Mr. Mitchell noted that this is a driving issue, not a traffic issue. Ms. Och stated that perhaps the Board should find out where the right of way is. Ms. Kirch asked if anyone had spoken to Trish’s Dish’s; Ms. Och replied, “No”.

A member of the public stated that if there is no available parking in this area, people pull into the parking lot. Ms. Brookfield stated that she is not sure how the Board can correct this matter; she noted that Leland is a popular town with very limited parking.

Mr. Jim Atkinson stated that there is a sign that read “Parallel Parking” in front of Trish’s. He added that the post office has been working on a similar issue for a while now. He suggested that the parking in front of Trish’s Dish’s stay parallel as it has been or this will become too problematic. Ms. Kirch added that the issue is one of enforcement. Mr. Anderson stated that the road is very narrow here, especially if one is driving a truck. Ms. Och noted that there are signs on either side of the business but none in front of the building; she added that we could try to get this painted first. She added that angle parking is better on a road where people travel slowly.

Ms. Och asked the Board if they want to obtain the opinion of a traffic engineer. Ms. Brookfield replied, “No” and suggested that the debris be cleaned up in this area and that the parking be enforced. She suggested that any violations be reported by calling the non-emergency number for the Sheriff’s Department.

Ms. Och stated that she could ask Ellen Pisor who is the owner of the building to have signs put up; the painting will most likely happen next summer. Mr. Mitchell asked if we can require that signs be put up on private property as the Board has had this discussion previously; he added that we must be consistent.

Ms. Brookfield moved that all debris be cleared from the existing parallel parking signs to the south and north of Trish's Dish's; supported by Ms. Garthe. Motion carried.

B. No parking, corner of Lake and River Streets, observation deck sidewalk to corner

Mr. Mitchell stated that this area could be for pedestrians so that people would not have to walk on the lawn. This would be safer for those with strollers and for anyone in a wheelchair. Ms. Garthe noted that this was previously discussed. Chief Besson stated that it would be tight to have a fire truck get into this area, if needed, but it could be done.

Mr. Mitchell noted that the power line could be a problem. He would like to see something done near-term so that people avoid walking in the street. Mr. Mitchell commented that the only choice now is to walk down the slope or walk in the street. He reiterated how dangerous this could be if someone is in a wheelchair or is pushing a stroller.

Ms. Och stated that this is a question for the engineer. Even with the sidewalk, we still do not want parking here. Ms. Brookfield asked if we could get this area painted as soon as possible. Ms. Och will ask Chief Besson the feasibility of this option and to see what would happen in the event of a fire or a medical emergency. She noted that the nearby business owners may be upset.

Ms. Brookfield noted that this would be difficult to get done during the summer months; all concurred with this statement. Mr. Mitchell stated that we do not need to do the entire stretch but we can begin with a smaller area.

Mr. Anderson commented that approximately 99% of cars that are parked in this area are Fishtown employees. He asks his employees to park on the fuel dock during the day.

Mr. Mitchell moved that we pursue no parking at Lake and River Streets from the observation deck where the sidewalk entered the road to the corner and also refer to the Road Commission for guidance regarding signage and striping; supported by Ms. Kirch. Motion passed with a 4 to 1 vote; Ms. Brookfield is opposed and believes that this signage and striping should go further.

2. Prioritization of needed Capital Improvement projects for 10-year plan

Ms. Och discussed the proposal from Mr. Jim Tiffany and noted that he wants to take small steps to get EGLE onboard. The Road Commission will need a list of projects that we want done in 2023 no later than November 1, 2022. Ms. Och asked the Board what they would like to see accomplished in 2023. Thus far, the following three projects that we have committed to and the corresponding costs include: McLeod Drive - \$100,438, Trillium and Valley - \$156,406 and Golfview Drive - \$166,400. Ms. Och believes that Golfview and McLeod are the best candidates.

Mr. Mitchell feels we should consider some chip sealing on certain roads as this would give us another 20 years. He noted that if there are many construction projects in the area, the roads will be damaged.

Ms. Och stated that two years ago, the process was different. They would pick a section of the county to work on each year. She does not believe that we can do chip-dealing as Mr. Mitchell suggested. Ms. Och stated that chip sealing is not appropriate for village streets; there is a high temperature emulsion and a strong smell from the chemicals. Mr. Mitchell noted that chip sealing is normally done in September.

Mr. Mitchell does not believe that cul-de-sacs in subdivisions that are less than half full are a priority at this time. He stated that a through road is a priority now.

Ms. Brookfield believes that before we determine any road projects to be done, we need to know about the two projects that we have committed to; Ms. Brookfield stated that there are some unanswered questions. She would like to know what the cost will be to complete the Sunset Shores project and phase two of sidewalks.

Ms. Och stated that the Road Commission is also looking at roads and formulating a strategy. Ms. Brookfield added that we do not have the money to spend now on additional projects. Ms. Och commented that we need to determine how we will prioritize these projects. She stated that we did not do a good job of selling the millage; we have capital needs that must be addressed.

Ms. Och spoke to Jessica Carpenter at MDOT and was informed that M-22 is on the list for a total re-build in 2026.

Ms. Och stated that we are looking at a 10-year plan. Ms. Brookfield commented that we already have plans for two phases of sidewalk work to be done. Mr. Mitchell stated that he could arrange for a general meeting to discuss the process of rating and repairing roads, as well as budgeting and scheduling; all Board members agreed that this would be acceptable.

Ms. Och stated that we should circle back to how we make decisions and prioritize projects; she asked about the role that imminent danger plays in the decision-making process.

3. Proposal from Jim Tiffany for preparation of bid documents for library seawall

Mr. Tiffany is the dam engineer. He informed Ms. Och that a discussion with the permitting authorities from the state of Michigan is necessary. This project has a sunk cost of \$4,500 and there is a pre-application meeting with EGLE in December.

Mr. Mitchell stated that he has talked to some residents in the community and shared that there is some interest in privately funding this project; however, these residents stated that they would like to see this project coordinated with the renovation of the library. Mr. Mitchell suggested that the Board not venture too far on this matter if private financing can be obtained. Ms. Och stated that this is a

gamble. She noted that the south section is close to failing. Ms. Och would like to see a steel wall built but the cost of this endeavor was \$700,000 in 2020. Ms. Och will speak to Mr. Tiffany further.

Mr. Mitchell asked about the use of timber versus steel. Ms. Och stated that perhaps we should talk with EGLE and ask which of these materials would they support using; Ms. Och prefers that our engineer handle this matter with EGLE. Ms. Kirch stated that we should approach EGLE to have them get us started in the right direction. Ms. Och will ask Mr. Tiffany if we can date this project for the next fiscal year and asked the Board members if this makes sense. Mr. Mitchell agreed. Ms. Brookfield would like to see the Board be efficient and combine resources with the library. Ms. Och noted that the library previously split off from the township; she added that if the cost of the seawall project had been known at the time, the agreement would look very different.

No action taken on this item.

4. Authorize Supervisor to request quote from Gosling Czubak for engineering and RFP specs for phase 2 sidewalk project

Ms. Och stated that the area by the harbor was originally going to include a staircase. Ms. Brookfield said that she believed Mr. Anderson intends to use this area for an electric vehicle charging station. Ms. Och stated that the owners of The Fish Hook may want to replace the boardwalk near the store with a sidewalk. The business owners have asked for assistance with the upkeep of the sidewalk.

Ms. Brookfield moved to authorize Ms. Och to request a quote from Gosling Czubak for engineering and RFP specs for phase 2 of the sidewalk project and including the harbor corner; supported by Mr. Mitchell. Motion carried.

5. Resolution R-22-18 Delinquent sewer accounts

The amount owing for any delinquent sewer account will be added to the tax bills; a 6% late fee will be imposed.

Ms. Garthe moved to approve Resolution R-22-18 regarding delinquent sewer accounts; supported by Mr. Mitchell. Motion carried. Ms. Brookfield conducted a roll call vote:

Ms. Kirch – Yes
Ms. Och – Yes
Mr. Mitchell – yes
Ms. Garthe – yes
Ms. Brookfield - yes

6. Reappoint Brooks Bunbury to the Zoning Board of Appeals (ZBA) for a 3-year term ending September 2025

Ms. Garthe moved to reappoint Brooks Bunbury to the Zoning Board of Appeals (ZBA) for a 3-year term ending in September 2025; supported by Mr. Mitchell. Motion carried.

TREASURER'S REPORT:

Ms. Garthe reported on income and expenses for the last month. She noted that over one-half of the tax revenue was collected within two weeks. The general fund was business as usual.

ACTION: Mr. Mitchell moved to approve the Treasurer's Report as presented; supported by Ms. Kirch. Motion carried.

SUPERVISOR'S REPORT:

Ms. Och reported that the road survey has been completed. The results indicate that 25% of our roads are "good"; 25% of the roads are "failing" and 50% of the roads fall somewhere in the middle.

There is a tree down at Beechwood Cemetery; it has been removed. The drainage work on Pearl Street has been completed.

Ms. Och received a 20-page technical review of Sunset Shores. Mr. Mitchell and Ms. Kirch accompanied Ms. Och to meet with Ms. Stephanie Long. Ms. Och stated that Ms. Long inquired about the school using the baseball field's infield to fit a regulation-size soccer field; however, this has not been approved by the township. Under the approved plan, the proposed soccer fields ends at the edge of the infield.

Ms. Och reported that we are on MDOT's calendar to re-pave Main Street in 2026. The Board will be looking for public comment on this project in the near future. Ms. Brookfield inquired about the cost; Ms. Och responded that MDOT pays for the entire project.

Ms. Kirch inquired about the evaluation of the grandstand at Hancock Park. Ms. Och replied that the design of the grandstand is "pure 1980s". She added that this can be renovated or torn down but we first need to know the cost. Ms. Kirch stated that she previously submitted a report to Ms. Och. Popp gave us a quote of \$4,275.00 for demolition of the grandstand; they are aware that this project will need to go out for bids.

Ms. Och commented that no one in Michigan was able to finish work on crosswalks this year.

OTHER/OLD BUSINESS:

1. Sewer Commission members – there was no decision on this agenda item this evening.

BILLS AND ACCOUNTS:

Ms. Brookfield presented the bills that are to be paid for the period of September 13, 2022 through October 10, 2022. She noted that there will be a new invoice in the amount of \$1,440.00 coming due for our storage unit; this invoice is paid annually. Once paid, we will be up to date until October of 2023.

Ms. Brookfield moved to approve payment of all bills from September 13, 2022 through October 10, 2022; supported by Ms. Garthe. Motion carried.

CORRESPONDENCE:

There was no correspondence presented.

BOARD COMMENT:

Mr. Mitchell noted that Mr. and Mrs. Mikowski were absent from tonight’s meeting; he hopes they are doing well.

PUBLIC COMMENT:

Mr. Fred Siegmund distributed comments from Mr. Stephen Mikowski who was unable to attend tonight’s meeting. Mr. Siegmund asked the Board to please not move the township offices into Grove Park.

ADJOURNMENT:

Mr. Mitchell moved to adjourn the meeting at 9:28 p.m.; supported by Ms. Brookfield. Motion carried.

The next meeting is Monday, November 14, 2022.

Respectfully Submitted,

Lisa Brookfield, Clerk

Date Approved: _____

Allison Hubley-Patterson, Recording Secretary

Susan Och, Leland Township Supervisor

Lisa Brookfield, Township Clerk