LELAND TOWNSHIP BOARD MEETING  
Monday, July 11, 2016—7:30 p.m.  
Leland Township Library Munnecke Room  
203 E. Cedar Street, Leland, MI 49654

MINUTES

PRESENT: Supervisor Cal Little, Clerk Jane Keen, Treasurer Shirley Garthe; Trustees Tony Borden and Tim Cypher

ABSENT: None

GUESTS: 25 (approximately)

CALL TO ORDER: Mr. Little called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

APPROVAL OF AGENDA: Mr. Cypher moved to approve the agenda as amended to delete the sewer update and harbor dredging matter (both items to be covered in reports); supported by Ms. Garthe. Motion carried.

DECLARATION OF POTENTIAL CONFLICTS OF INTEREST: Mr. Cypher said he would refrain from action on the Bruce Price zoning matter.

APPROVAL OF MINUTES
- June 13, 2016 (Regular Meeting): Mr. Cypher moved to approve the minutes as presented; supported by Ms. Garthe. Motion carried.
- June 16, 2016 (Workshop): Mr. Borden moved to approve the minutes as presented; supported by Ms. Keen. Motion carried.

PUBLIC COMMENT
Bruce Price reiterated his concern about a bill for docks and commented about a building at the Narrows bridge in Lake Leelanau with no access to parking.

Veronica McNally, speaking on behalf of her father, Steve Valentine, thanked the board for maintaining the quality of Leland. She said Detroit Hour magazine this month featured Leland’s Lake Michigan beaches. She said the intersection of south Lake and Reynolds is dangerous because there are no stop signs, vehicles do not slow down, and drivers are distracted. On behalf of her father, she requested stop signs at the east and west sides of the intersection.

Chris Palmer said as a full-time Leland resident for 34 years, she could not understand why anyone would risk the area’s water quality with a 65-year-old pipeline under the Straits of Mackinac. She saw only risk and no reward with the pipeline.

Harry Larkin said he had participated initially as township supervisor in the matter involving Don McMullen, and the separation agreement came out of a closed meeting with legal counsel present. He said the decision was not taken lightly, and he questioned what part of the agreement would be changed.

Sue Miller said jurisdiction for Pipeline 5 is shared by the U.S. Department of Transportation and the state of Michigan. She said a 1953 easement agreement enabled Enbridge to build Pipeline 5, with
Michigan having authority over the line. Citing MDEQ, she said 80 percent corrosion is the threshold for government intervention. She said a state-appointed commission is looking into the matter, but its target for a determination is June 2017; she hoped the state would act sooner.

Trisha Denton acknowledged the Township Board has no authority over Pipeline 5 but said it has authority to partner with more than 50 entities to bring pressure to revoke the state easement until the risk can be determined. She said she believes Enbridge does not think it is doing anything fraudulent or harmful; however, she felt Enbridge’s response to concerns focused on cleanup, not prevention. She urged the Township Board to supported House Bill 880.

Steve Mikowski made his 240th monthly request for a referendum on the 1986 Zoning Ordinance, as well as a request for the ZBA to grant him a 17½-inch side-yard variance. He also requested the Township Board pass a resolution at this meeting that if the library millage issue passes, the board would reduce the general fund millage by the same amount.

Berkley Duck said the question of tax revenues collected for the library should be determined in the annual budget process. He felt it would be improper for the board to adopt a resolution such as that proposed by Mr. Mikowski without engaging in the process to determine public needs.

REPORTS FROM BOARDS AND COMMISSIONS
Planning: Mr. Cypher reported the Planning Commission voted to send the Fishtown rezoning application to the county Planning Commission for review and comment, along with proposed Zoning Ordinance amendments for articles 3, 7, 16.23, 17 and 24.10. The Planning Commission also approved a special land use permit for a Hancock Field restroom/concession building.

Parks and Recreation: Mr. Cypher said the next meeting is July 19 at 6 p.m. Agenda items include the recreation plan and the parks ordinance. Lifeguards at Nedow’s Bay Beach responded to three swimmers in distress. Mr. Little asked about employees of a Leland business parking in the Van’s Beach lot and asked if Parks and Recreation could post a sign indicating parking is for beach use only. Mr. Cypher said a sign would require Road Commission permission. He will take the matter to the Parks and Recreation Commission.

Zoning (report on file in Leland Township Office): Mr. Cypher reported four land use permits had been issued, bring the 2016 total to 23, versus 18 in 2015.

Sewer: Sewer Administrator Steve Patmore reported on an apparent blockage between the Thompson Street lift station and the east side of the Leland River. The ultimate solution will need to involve the DEQ; meanwhile, thanks to the quick response of OMI and Jim Houdek, the system is operating satisfactorily. The odor control system is now functioning at Duck Lake Corner, and the engineers are looking to tie in a solution for a manhole cover at the site that is causing odor as well. Phosphorus levels are now acceptable, and engineers are looking at modifications to a clarifier to handle a sludge buildup. The second gate at Popp Road had been locked to keep the public out of the sewer plant.

Library (Report on file in Leland Township Office): Library Director Sylvia Merz reported the library had more than 5,000 visitors in June. Installation of a generator from the old Leland Fire Station is almost complete. Children participating in the summer reading program are receiving “market bucks” they can use at the Leelanau Farmers’ Market.

Fire and Rescue (report on file in Leland Township Office): Chief Rick Royston reported 21 fire
personnel logged 201 training hours in June. Members assisted in fire and tornado drills at Leland School and provided standby assist at the Leland Wine & Food Festival and Kristie Yaakoby Triathlon. Kyle Dunklow started paramedic training; Mike Ball is completing the training.

Fire Facilities: Chief Royston said office furniture will be installed in the Leland station in two weeks; also, bunker gear, laundry equipment and lockers have arrived. He praised the contractor and architect, and said Emergency Facilities Building Committee Chairperson David Hunter is responsible for the project being ahead of schedule. Dedication open houses will be held when the facilities are complete. Assistant Chief Geoff Niessink meets regularly with LVFD, which has fulfilled all the exercise equipment on the members’ wish list.

Harbor (report on file in Leland Township Office): Mr. Borden reported the Harbor Commission has done everything possible to get the harbor and channel dredged, with no success. A DEQ-mandated fish spawning blackout is in place from May 15 through July 15, and it was not possible to get a dredger to Leland before then. If the date is pushed out any further, it may not make sense to dredge this year. Expect cost of dredging is some $160,000. Harbor revenues are down for June and the first 10 days of July, at least partly because of shallow depths. The best permanent solution to the need for almost annual dredging would be to buy a dredge for the harbor, but much investigation would be required before any such recommendation.

TREASURER’S REPORT (on file in Leland Township Office)
Action: Mr. Borden moved to accept the treasurer’s report as presented; supported by Ms. Keen. Motion carried.

ACTION ITEMS

Beechwood Cemetery Cremains Wall
Mr. Cypher said he met with representatives of the Friends of Beechwood Cemetery and suggested relocating the proposed cremains wall along M22, which would not require a variance or easement. Ms. Keen felt the first step was to perform a radar survey to verify the wall could be built there, and then to hold a workshop. Ron Ward of the Beechwood Friends said the group has funds to build a 60-foot section of wall.

Ground-Penetrating Radar Survey of Beechwood Cemetery
Action: Mr. Cypher moved to authorize the supervisor to sign a July 8 proposal from Gosling Czubak for ground-penetrating radar on the proposed new site for the cremains wall at a cost of $2,750; supported by Ms. Keen. Motion carried. Mr. Ward asked if this action authorized construction of the wall if the radar study proves the space exists to go forward. Ms. Keen said the Township Board is in charge of cemeteries. Mr. Cypher said he does not have authority to issue the permit without Township Board approval. Mr. Little said it would be important for the Township Board and the Friends to discuss elevation changes and aesthetics, which would be done in a workshop after the radar survey results are received.

Consideration of Support for Michigan House Bill 880
Mr. Little said the board had been encouraged by citizens at the June 13 meeting to enact a resolution supporting Michigan House Bill 880.

Action: Mr. Little made the following motion: In the review of the information provided, the material furnished by Enbridge seemed to be more factual and more specific in addressing the “underwater” section of the pipe and hence more credible than that provided from the other sources. In addition,
the pipeline is under federal jurisdiction and currently being reviewed by the state of Michigan. Based on their considerable expertise, we are confident they will handle the matter appropriately. For these reasons and because of the highly technical nature of the issue and our limited ability to fully comprehend all of the intricacies involved, I move we do not take a position on supporting HB 880. Mr. Cypher supported the motion.

Mr. Little said the board last month was presented with an issue that seemingly had devastating consequences, but after reading about safeguards, he felt the risks were overstated. If a fracture occurred in the deepest point in the Straits, water would flow in but oil would not flow out. Mr. Little felt the board was not technically equipped to make a decision.

The question was called; motion carried.

**Leland Stop Sign Requests**
Mr. Little said the intersection of Lake and Reynolds is a primary concern because of distraction, cars parked on both sides of the street, and children in the area.

**Action:** Mr. Borden moved to authorize the supervisor to write the Road Commission and request stop signs. The motion died for lack of support.

Ms. Keen felt the supervisor could ask the sheriff’s department to monitor the area for speeding. Mr. Little said the sheriff offers no encouragement to devote time to an area where no incidents have occurred. Mr. Cypher noted a sentence in the letter from Road Commission Engineer Jim Johnson indicating the official manual for a uniform system of traffic control devices clearly directs the commission not to install signs as Mr. Little suggested. Mr. Borden said the criteria cited in Mr. Johnson’s letter for a four-way stop (including a volume of at least 300 vehicles per hour) did not make sense, given that the streets in question are residential. Mr. Cypher said Road Commission decisions can be appealed.

**Don McMullen Separation Agreement Request**
Mr. Little said Don McMullen had asked the Township Board to alter one of the terms of his separation agreement that would bar him from applying again for employment with the township.

**Action:** Mr. Little moved to rescind the following clause in Don McMullen’s separation agreement: “and agrees to never apply for such employment.” Mr. Borden supported the motion.

Ms. Keen said she and Ms. Garthe are the only standing Township Board members in the closed meeting that led to the separation agreement. The agreement was drawn up by attorneys for the township and Mr. McMullen and were based on the condition of his resignation. She added she would not be at all comfortable consulting both attorneys and bringing the other board members up to speed on the circumstances. Mr. Cypher noted that the agreement was for separation in lieu of termination, which for him was the governing factor. Mr. Little said Mr. McMullen had helped him immensely on department business after his termination, adding Mr. McMullen is a member of the community in good standing. Ms. Keen agreed Mr. McMullen is dedicated, adding that the matter at hand was based on a legal action to which this board was not privy. She did not think this board could appropriately make a decision of this kind. Mr. Borden said he had observed Mr. McMullen as a civic-minded member of the school board and felt good works should afford him future consideration.

The question was called. The motion was defeated 3-2 (Ms. Keen, Ms. Garthe and Mr. Cypher voted no; Mr. Little and Mr. Borden voted yes).
**Bruce Price Zoning Matter**
Mr. Little said the board on May 25 granted Mr. Price four weeks to finish the cleanup of his property to remove nonfarm items from view.

**Motion:** Mr. Little moved that given Mr. Price had satisfactorily complied with the Township Board’s request, the board dismisses the matter without prejudice, so the board may continue to monitor the situation in the future. Ms. Garthe supported the motion.

**Discussion:** Mr. Cypher said Mr. Price had said he allowed things to be dropped off on his property, which is not authorized as a junkyard. Ms. Keen said she had heard refrigerators had been dropped off for use by migrant workers; assuming they are usable, she saw nothing wrong with that. Mr. Cypher said the board should consider that as zoning administrator, he has found Mr. Price in violation with the Zoning Ordinance since 2014. Mr. Borden commended Mr. Cypher for addressing the matter and said he would prefer to keep the matter in abeyance rather than dismiss it.

Ms. Garthe withdrew her support for the motion; Mr. Little withdrew his motion.

**Action:** Mr. Borden moved to retain jurisdiction in the Bruce Price zoning matter to assure continuing compliance, as such keeping the matter open for the time being. Ms. Garthe supported the motion. Motion carried 4-0, with Mr. Cypher abstaining.

Mr. Cypher said Mr. Price had commented he is grandfathered and therefore is allowed to have a roadside stand. Mr. Cypher said the township Zoning Ordinance states farm sales are allowed if the goods are being produced on the premises, adding he is not sure Mr. Price is producing anything.

**Parks and Recreation Commission Appointments**
Susan Och: Mr. Cypher moved to reappoint Susan Och to the Parks and Recreation Commission for a three-year term; supported by Ms. Garthe. Motion carried.

Tim Cypher: Ms. Keen moved to reappoint Tim Cypher to the Parks and Recreation Commission for a one-year term as board representative; supported by Ms. Garthe. Motion carried.

**Sewer Commission Appointment**
Shirley Garthe: Mr. Cypher moved to reappoint Shirley Garthe to the Sewer Commission for a one-year term as board representative; supported by Ms. Keen. Motion carried.

**OTHER BUSINESS:** Mr. Cypher said cleanup on the former courthouse property is scheduled for July 18, involving use of gravel trains during the busiest time of the year.

**BILLS AND ACCOUNTS**
**Action:** Ms. Keen moved for payment of bills from June 14 through July 11, 2016; supported by Ms. Garthe. Motion carried.

**CORRESPONDENCE:** Keith Ashley submitted his resignation from the Planning Commission, effective September 13, 2016.

**BOARD COMMENT:** None.
PUBLIC COMMENT
Mr. Price said another township resident seems to have leeway to accept items at his property.

Susan Och commended the board and the citizens who spoke on the Pipeline 5 issue, saying without public pressure and board research, Enbridge might not have held an open house.

County Commissioner Patricia Soutas-Little said the county administrator has an update on the Leland property. She said she will advocate for 80 percent of 2016 PILT funds to go to townships.

Ms. Denton said she was disappointed that the board declined to take a stand on the Pipeline 5 matter but appreciated the time spent in learning about the topic.

Mr. Mikowski said he felt need and necessity were missing from a radio appeal to approve the library millage issue. He felt should the Township Board should have held public hearings on the matter.

ADJOURNMENT: Ms. Keen moved to adjourn the meeting; supported by Mr. Cypher. Motion carried. The meeting was adjourned at 9:45 p.m.

Respectfully Submitted,
Susan M. Buxton, Recording Secretary

Date Approved: August 8, 2016

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Calvin R. Little, Leland Township Supervisor

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Jane M. Keen, Leland Township Clerk