

PENINSULA TOWNSHIP

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RESOLUTION 2020-09-08 #1

At a meeting of the township board, of the municipality of Peninsula Township, Grand Traverse County, state of Michigan, on the _____ day of _____ at Peninsula Township Hall at 7:00 p.m.

PRESENT:

ABSENT:

The following resolution was offered by member _____ and supported by member _____:

WHEREAS, the Grand Traverse County Road Commission (GTCRC) has placed a millage request on the ballot for the November 3, 2020, General Election; and

WHEREAS, the following chronology addresses the history of Peninsula Township's declining ability to provide input into GTCRC procedures, planning, budgeting, and millage for local roads:

- a. In 1909, the General Highway Law (Chapter 220 of Act 283 of 1909) consolidated and added to the laws relating to the establishment, opening, discontinuing...and use of the public highways and private roads..., providing for the election or appointment and defining the powers, duties and compensation of state, county, township and district highway officials. **This law included township highway officials;**
- b. The McNitt Act, P.A. 130 of 1931, transferred jurisdiction of all township roads to county road commissions. **Townships were no longer directly participating partners other than a source of tax revenue.**
- c. The Horton Act of 1932 **established the financial structure of all roads and streets that is still used;**

- d. Act 51 of 1951 repealed and replaced portions of the McNitt Act. **The act earmarked highway user funds for specific purposes and established the distribution formula**
- e. Until 1969, county road commissioners were appointed by the county board of supervisors with representatives from each township in the county. In 1969, township representatives were replaced by commissioners representing districts having roughly equal populations. **As a result, past healthy and open partnerships between townships and road commissions were made more difficult because township representative no longer appointed county road commissioners; and**

WHEREAS, GTCRC has refused to acknowledge Peninsula Township's unique transportation needs by:

- a. Cutting trees along Peninsula Drive and Bluff Road in order to prevent other townships from believing GTCRC treats Peninsula Township differently from them. Note: Peninsula Township has some 42 miles of Great Lakes shoreline experiencing record high water levels, and tree roots help stabilize steep banks, reduce the effects of erosion, and help motorists identify areas where steep banks are within the shoulders of shoreline roads;
- b. Telling the Peninsula Township zoning administrator that GTCRC does not have responsibility for fixing the problems along Bluff Road; GTCRC staff discussed placing guard rails in places where the top of the bank was within the shoulder of the road but took no subsequent action;
- c. Refusing to designate Bluff Road as a Natural Beauty Road pursuant to P.A. 451 of 1994 in spite of a petition of more than 25 property owners and a resolution of the Peninsula Township Board of Trustees on March 17, 2017, supporting the petition;
- d. Ignoring the fact that on November 19, 2019, the Peninsula Township Board of Trustees adopted a resolution opposing the proposed transfer of jurisdiction over M-37 to GTCRC from the Michigan Department of Transportation (MDOT), with copies sent to MDOT's Traverse City Service Center and GTCRC;
- e. Accepting the offer on October 20, 2019, by MDOT to accept jurisdiction over M-37, an action that would require MDOT to delete M-37 from the Pure Michigan Scenic Heritage Byway system without notifying or consulting Peninsula Township. Note: Peninsula Township was not copied on the communications between MDOT and GTCRC, including the decision to offer the transfer or the notice of GTCRC's August 20, 2019, meeting;
- f. Threatening to abandon a portion of Bluff Road or engage in a de-facto abandonment by closing a portion of Bluff Road and creating two dead end roads; and

WHEREAS, Peninsula Township has taken the following actions regarding the roads in Peninsula Township:

- a. Since 1968, the Peninsula Township Master Plan has included three scenic views along M-37 that contribute to the character of the township;
- b. In 1991, the Peninsula Township Master Plan was amended to include an Agricultural Preserve Area and a Prime Scenic View map;
- c. In 1994, Peninsula Township voters approved a 1.25 mill increase to purchase conservation easements to permanently protect agricultural land from development and preserve prime scenic views by limiting structures that would reduce the scenic qualities as seen from public roads, including M-37;
- d. On September 13, 1995, the Peninsula Township Board of Trustees adopted Resolution #4 in opposition to turning M-37 over to the county road commission and/or Traverse City;
- e. On November 20, 1995, the Peninsula Township Planning Commission heard a presentation by Michael Saunders, Heritage Route Program Manager of MDOT, and adopted a resolution to begin the process of designating M-37 as a Michigan Heritage Road;
- f. On December 12, 1995, the Peninsula Township Board of Trustees approved a motion to support the initial "Review of Eligibility" for designating M-37 as a Michigan Heritage Road;
- g. In 2002, the voters approved a second millage for 20 years to protect farmland and open space;
- h. In November of 2006, a nomination document titled "Old Mission Peninsula Heritage Route" (Copyright 2006, Northwest Michigan Council of Governments) was presented to MDOT by the M-37 Scenic Heritage Route Nominating Team from Peninsula Township that created a roadside photo inventory identifying 16 scenic views and objectives, including the 1968 master plan's prime scenic view, and that MDOT approved the Scenic Heritage Route designation in 2008 with a designation celebration on May 17, 2008;
- i. Article IV of Act 33 of 2008 (125.3861) provides procedures for Peninsula Township Planning Commission approval before streets, public ways, grounds, or other structures may be constructed or authorized for construction. On July 12, 2011, the Peninsula Township Board of Trustees adopted an amended master plan for Peninsula Township dated January 27, 2011. On pages 36 and 37, the plan states: "Common transportation routes will be another focus of the Public & Semi-Public Land Use category. Recently, Center Road has been recognized by the State of Michigan as a Scenic Heritage Route. This credential signifies the importance of preserving the view sheds and scenic beauty of this roadway." On page 37, the plan also states: "Maintain Center Road (M-37) as an arterial system providing free-flowing traffic with no stop signs or signals." The county road commission might not follow the master plan provisions related to no stop signs or signals;
- j. On March 30, 2017, the Peninsula Township Board of Trustees adopted Resolution 2017-03-30 #1 supporting the request of the more than 25 property owners in Peninsula Township and their petition asking GTCRC to designate Bluff Road as a Natural Beauty Road in conformance with Part 357, "Natural Beauty Roads" of the Natural Resources and Environmental Protection Act 1994 P.A. 451, as per the stated goals, objectives, and criteria established by this act. The act (324.35704,

sections 1–7) provided for MDOT to work with GTCRC to develop guidelines and procedures that could be adopted by a board to preserve native vegetation in a Natural Beauty Road. GTCRC did not designate Bluff Road as a Natural Beauty Road;

- k. On November 19, 2019, the Peninsula Township Board of Trustees adopted a resolution opposing the transfer of jurisdiction over M-37 to GTCRC; copies were sent to MDOT’s Traverse City Service Center and GTCRC.

NOW THEREFORE BE IT RESOLVED that the Peninsula Township Board of Trustees is opposed to the 2020 millage request by the GTCRC and respectfully asks the road commission to work with Peninsula Township in the future to jointly solve its difficult road issues.

AYES:

NAYES:

RESOLUTION DECLARED ADOPTED

Signature

Name

Title

I hereby certify that the foregoing is a true and complete copy of the resolution adopted by the township board of trustees of the municipality of Peninsula Township, county of Grand Traverse, state of Michigan, at a meeting held on _____ and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act and that the minutes of said meeting were kept and will be or have been made available as required by said statute.

Signature

Name
