

**CHARTER TOWNSHIP OF GARFIELD
PARKS and RECREATION COMMISSION
March 4, 2019**

Roll Call of Commission Members:

Present: James Guilmet, Chris Remy, Fern Spence, Chris DeGood and Valarie Handy

Absent and Excused: Denise Schmuckal and William Scott

Staff Present: Erik Perdonik and John Sych

1. **Call to Order:** Handy called the meeting to order at 6:02pm.

2. **Review and Approval of the Agenda – Conflicts of Interest**

DeGood moved and Spence seconded to approve the agenda as presented.

Yeas: DeGood, Spence, Remy, Guilmet, Handy

Nays: None

3. **Review and Approval of Meeting Minutes January 7, 2019**

Spence moved and Remy seconded to adopt the minutes of January 7, 2019 as presented.

Yeas: Spence, Remy, Handy, Guilmet, DeGood

Nays: None

4. **Correspondence – Grand Traverse Conservation District 2018 Annual Update**

Tom Vitale from the Conservation District said that the update was included in packets and he was open to any questions. Vitale also updated commissioners on current updates such as a tree down in the Commons and working with Greenspire School to plant at Miller Creek. West Middle Schools is helping to plant native species near Kids Creek and the ponds are being restocked as well. He shared a trail proposal for Silver Lake Park for commissioner review. Steve Largent added that he is working on obtaining a parcel off of Cass Road which would be a bypass for Miller Creek and help with drainage near Cass Road. The property would then be sold back to Garfield for access to Miller Park. He stated that he has signed a purchase agreement for the property. Sych talked about a possible land donation to the township.

5. **Reports**

a. **Commissioner Reports**

None

b. Staff Report

Sych reported that brush removal at Silver Lake Park went a bit too far and work plans will now be needed for volunteer work. Staff will wait and see what comes up in the spring and at that point will plant some other native species which provide habitats for bees and birds.

6. Business to Come Before the Commission**a. PD 2019-19 First Amendment to 2018 5 year Parks and Recreation Master Plan – Review**

Perdonik said the Master Plan was revised to reflect the new parcels to be included in the Parks & Recreation Master plan.

DeGood moved and Remy seconded to direct staff to make the final draft First Amendment to the Charter Township of Garfield 2018-2023 Five-Year Parks and Recreations Master Plan, as attached to Planning Department Report 2019-19, available for the DNR –required 30-day public review period.

*Yeas: DeGood, Remy, Guilmet, Spence, Handy
Nays: None*

DeGood moved and Spence seconded THAT a public hearing BE SCHEDULED on the draft First Amendment to the Charter Township of Garfield 2018-2023 Five-Year Parks and Recreations Master Plan, as attached to Planning Department Report 2019-19, for the April 8, 2019 Regular Meeting of the Parks and Recreation Commission.

*Yeas: DeGood, Spence, Remy, Guilmet, Handy
Nays: None*

b. Deed Restriction on Trail Uses at the Commons Natural Area – Verbal – Preliminary Discussion

Sych said that the Township is thinking of trying to remove the land covenant on the Commons 100 property to allow for more recreation than just hiking and cross country skiing. The Parks and Recreation Commission would study the topic first and then the Joint Planning Commission would look into the proposal. Finally, it would be considered by the Township Board. Sych indicated that the state would also need to review the proposed deed amendment. He will keep the Parks Commission informed of the progress on this item.

c. Potential policy of Pickleball courts at the Boardman Valley Nature Preserve – Verbal – Preliminary Discussion

Sych said that the township was approached by a local pickleball association regarding the management of the courts at BVNP. The association wanted to use the courts for tournament play, reserved play

and designate courts with leveled play options. Sych said he would listen to suggestions from the association and that it may be helpful to have a policy of some sort regarding all courts and recreation areas in the township. Commissioners discussed the proposal regarding the pickleball courts and will wait for more information after Sych talks to the association representatives.

7. Public Comment

None

8. Items for Next Agenda

The next meeting will be held on April 8, 2019.

9. Adjournment

Handy moved to adjourn the meeting at 7:16pm.

Chris Remy, Secretary
Garfield Township Parks & Recreation
Commission
3848 Veterans Drive
Traverse4 City, MI 49684

Dorothy Petroskey

From: webmaster@liao.org
Sent: Sunday, March 10, 2019 8:57 AM
To: Dorothy Petroskey
Subject: Data From Feedback

Hello, My husband and I moved here last June and enjoy going to the Silver Lake Dog Park. It's one of the best we have been to. However, we have an issue with male dogs who are intact being allowed in the park. Many male dogs who ARE neutered behave aggressively towards intact males and I have seen Essay: many fights break out in the past month alone because of this. Many kennels and pet sitters who watch dogs in their homes do not allow intact dogs for this reason. It has made our last few visits to the park extra stressful. I wish someone would look into this and add that as a rule.....NO INTACT MALES. Thank you for your time.

Name: Tammy Johnson
Phone: 2485140983
Email: tjgay@gmail.com

This email was automatically sent from Charter Township of Garfield, Grand Traverse County at <http://www.garfield-twp.com/>. This data was submitted to the form Feedback on page <http://www.garfield-twp.com/comments.asp> on 3/10/2019 8:57:27 AM.


Welcome to the Silver Lake Recreation Area Dog Park!

The Township does not provide staff to regularly monitor the use of the Dog Park. For this facility to remain available for use it is necessary and expected that users of the park will police themselves and use the park as intended. ***Please fully familiarize yourself with the following dog park rules, and help others to understand and follow these guidelines.***

Dog Park Rules

- Hours of operation are dawn to dusk. Under no circumstances shall the park be used before 6:00am or after 10:00pm.
- Dogs must be on a six-foot leash until inside the main play areas (i.e. remain leashed through the entrance enclosures).
- Dogs must have evidence of current license and up-to-date vaccinations on site. Non-vaccinated, non-licensed dogs are prohibited.
- Please ensure entrance gates are closed behind you. In no circumstance should both gates to an entrance enclosure be open at the same time.
- For the safety of our users the small dog area is limited to pets less than 25 pounds. Small dogs are allowed in the large dog enclosure, but exercise common sense. Not all small and large dogs get along. Please use the small dog enclosure if your small dog disagrees with a large dog.
- Dogs must be accompanied by an adult (age 18 or older) at all times, even inside the enclosure.
- Maximum of two dogs per adult.
- Dogs must not be left unattended. Dogs must be in view and respond to the voice command of their owner at all times.
- Dogs that fight or exhibit aggressive behavior must be immediately removed from the park by their owner.
- No dogs under four months of age or in heat may enter the park.
- This area is intended for use by dogs. No children or strollers are allowed inside the enclosure.
- Owners are responsible for pets at all times. Use at your own risk. Those creating problems will be expected to leave.
- No smoking, food or alcohol is allowed inside the dog park.
- Please clean up pet waste; dog bag stations are located adjacent to the entrance gates. Please be considerate of other park users and dispose of pet waste in the bins that are located away from picnic pavilions.
- Dog owners and handlers are strictly liable for any damage or injury caused by their dog(s).
- Professional dog trainers shall not use the park to conduct their business.
- To help control the spread of disease do not leave tennis balls or other toys within the park after your visit. Please pick up and dispose of abandoned toys.
- We dig dogs, but for the safety of our users and our park please do not let your dogs dig.
- In compliance with Michigan Penal Code 750.66, persons 18 and older must provide name and address when the dog under their control has bitten another person. The dog handler must provide vaccination information and remain at the scene of the bite until all of the above information is provided. Contact the Grand Traverse County Sheriff non-emergency line at (231) 922-4550.

- Individuals failing to comply with posted rules are subject to citation, expulsion, or arrest, as well as dog impound.
- This dog park is a work in progress, and will need ongoing improvements. For non-emergencies or suggestions of how to improve the dog park, please call 231-941-1620 or submit a comment to <http://www.garfield-twp.com/comments.asp>.
- If you need emergency assistance, call 911.

		Charter Township of Garfield	
		Planning Department Report No. 2019-25	
Prepared:	March 26, 2019	Pages:	Page 1 of 1
Meeting:	April 8, 2019 PRC	Attachments:	<input checked="" type="checkbox"/>
Subject:	First Amendment to 2018 5-Yr Parks and Recreation Master Plan—Public Hearing		

BACKGROUND:

At their January 7, 2019 Regular Meeting, the Parks and Recreation Commission passed a motion directing Staff to prepare a draft First Amendment to the Township’s DNR-approved 2018-2023 Five-Year Parks and Recreation Master Plan that revises the Township’s acquisition plan to be more consistent with current priorities.

At a March 4, 2019 Special Meeting, the Commission reviewed the draft Amendment prepared by Staff and passed a motion scheduling it for a public hearing for tonight, April 8, 2019, which is the purpose of this item being on tonight’s agenda.

STAFF COMMENT:

The DNR-required thirty-day review period for the Amendment has now concluded and one public comment was received. The comment is from the owner of a parcel (“CE 1”) designated for conservation easement or donation in the draft acquisition plan that would like to see his property designated for acquisition by the Township instead. A copy of the email containing his comments is attached.

Following the public hearing and any discussion, a draft resolution for recommending adoption of the Amendment to the Township Board is attached for your consideration. Please *see* the attached DNR checklist for an outline of the remaining steps in the adoption process. Staff can make any requested changes prior to forwarding the draft to the Board for consideration.

ACTION REQUESTED:

If, following the public hearing and discussion, the Commission is satisfied with the draft Amendment as presented tonight, the next step is to adopt a resolution recommending to the Board that the Amendment be adopted, a suggested motion for which is as follows:

MOTION TO adopt resolution 2019-01-PR RECOMMENDING TO the Township Board that the draft First Amendment to the Charter Township of Garfield 2018-2023 Five-year Parks and Recreation Master Plan, as attached to Planning Department Report 2019-25, BE ADOPTED.

Attachments:

1. Draft First Amendment to 2018-2023 Garfield Township 5-Yr Parks and Recreation Master Plan
2. Public comment (email from Jim Lewis) regarding draft Amendment received 3-21-19
3. DNR Checklist for amendments to adopted 5-yr plans
4. Resolution 2019-01-PR for recommending adoption of First Amendment to 5-Yr Plan to Township Board

INTRODUCTION

The Charter Township of Garfield (“Township”) has developed this first amendment to its 2018-2023 Five-Year Parks and Recreation Master Plan (“Plan”) to include a revised **Green Infrastructure Program** with two new properties identified for potential acquisition by the Township for public recreation, and to provide additional information regarding the planned **Phase III** of Traverse Area Recreational Transportation Trails’ (“TART Trails”) **Buffalo Ridge Trail**. This first amendment to the Plan contains the following seven sections:

- Description of the Planning Process
- Description of the Public Input Process
- Amended Goals and Objectives
- Other Elements
- The revised **Green Infrastructure Program**, intended to replace pages 61 and 75 of the adopted Plan, incorporates two new properties for potential acquisition by the Township for public recreational use
- A new text section and map providing greater detail on **Buffalo Ridge Trail Phase III** within Garfield Township. The text is intended to be an additional paragraph on page 59 of the adopted Plan, between the headings “Boardman River Trail” and “Green Infrastructure Plan.” The map is intended to be a new page 68 of the adopted Plan, pushing each page thereafter up one page number.
- Adoption Documentation

DESCRIPTION OF THE PLANNING PROCESS

GREEN INFRASTRUCTURE PROGRAM

The Township is often approached by property owners potentially interested public acquisition of their property for recreational use or conservation. These inquiries are typically preliminarily analyzed by Planning Department Staff before being forwarded to the Parks and Recreation Commission for discussion and a possible recommendation to the Board of Trustees.

In this case, a list of properties for which the Township received inquiries was presented to the Parks and Recreation Commission by Planning Department Staff at two open meetings and evaluated in terms of whether the property would be a good addition to the Township's existing parks system based on its proximity to existing parklands; whether streams, wetlands, or other natural features are present on the property; and the property's position with regard to plans for future non-motorized trails. At the conclusion of the second open meeting of the Parks and Recreation Commission, the Commission unanimously recommended that the Township's Green Infrastructure Program within the adopted Plan be amended to include each of the properties for which inquiries were received.

BUFFALO RIDGE TRAIL PHASE III

The Township and TART Trails have partnered and continue to partner on trail projects on Township lands. The complete Buffalo Ridge Trail is planned for in the Township's Five-Year Parks and Recreation Plan and was discussed extensively during the update to the Plan. The Township, TART Trails, and the public came together to identify the trail route over the course of several meetings and events.

DESCRIPTION OF THE PUBLIC INPUT PROCESS

GREEN INFRASTRUCTURE PROGRAM

A significant source of public input underlying this amendment was the survey responses recently received as part of the development of the original Garfield Township 2018-2023 Five-Year Parks and Recreation Master Plan (please *see* page 26 of the Plan for a description of the survey, and Appendix A for the full questions and responses).

For example, 59.48 percent of the survey respondents (113 of the 190 respondents) indicated that acquiring additional parkland should be a "very important" or "important" priority for the Township for the next five years. In addition, 71.35 percent of respondents (137 of the 192 respondents) indicated that acquiring land to preserve natural areas, wetlands, habitat areas, and other similar resources should be a "very important" or "important" priority for the Township for the next five years.

As described above, revision of the **Green Infrastructure Program** was extensively discussed at two open meetings of the Parks and Recreation Commission. An amendment was then drafted by Staff and presented to the Commission at a third open meeting for approving the submission of the amendment to the Department of Natural Resources for approval.

BUFFALO RIDGE TRAIL PHASE III

A well-publicized public input meeting facilitated by TART Trails specifically seeking input regarding various aspects of Phase III of the Buffalo Ridge Trail was held at Garfield Township Hall in September of 2017. At the meeting, destinations, obstacles, opportunities, and priorities were discussed. Additional public input efforts are ongoing.

Like with the **Green Infrastructure Program**, the survey responses recently received as part of the development of the original Five-Year Master Plan provide a significant source of public input with regard to trail construction. For example, 77.84 percent of respondents (116 of 182 respondents) indicated that there is a need for additional trails suited to walking, hiking, and jogging.

In addition, 71.21 percent of respondents (136 of the 191 respondents) indicated that building pathways to connect neighborhoods to schools, parks, and entertainment should be a “very important” or “important” priority for the Township for the next five years. Finally, 73.2 percent of respondents (142 of the 194 respondents) indicated that building regional trail connections should be a “very important” or “important” priority for the Township for the next five years.

GENERALLY

Once approved by the Parks and Recreation Commission, the amendment was made available for the required one-month public review period at Garfield Township Hall and online at www.garfield-twp.com, from March 5, 2019 to April 8, 2019. Following the one-month review period, a legally noticed public hearing was held at the Commission's April 8, 2018 meeting during which public comment on the amendment was encouraged.

[PUBLIC HEARING/OPEN MEETING TO BE HELD AT BOARD LEVEL TO BE DESCRIBED HERE]

AMENDED GOALS AND OBJECTIVES

No goals or objectives are being amended.

OTHER ELEMENTS

None other than those described above.

Table 4 – Green Infrastructure Program

Map Index	Name	Method of Protection
A1	Silver Lake Connection to W. Silver Lake Road	Acquisition
A2	Ransom Parcel (Commons)	Acquisition
A3	Oleson PUD Open Space and Wetlands	Donation
A4	Oleson, Schmude Wetlands	Acquisition
A5	Applebees Parcel	Acquisition, Access Emnt
A6	Commerce Center Wetland	Donation, Access Emnt
A7	City-Owned Boardman Parcel	Acquisition
A8	Hanson Parcel	Donation
A9	Traverse Software	Acquisition
A10	Cass Road Self Storage	Donation or Cons. Emnt, Access Emnt.
A11	Miller Creek Corridor; BVNP / Miller Creek Connector	Donation or Cons. Emnt, Access Emnt.
A12	BVNP Parcels	Acquisition
A13	Logan Valley Pond	Donation or Cons. Emnt
A14	Misc. West Boardman River Parcels	Acquisition
A15	Misc. East Boardman River Parcel Easements	Easement
A16	Fraser Parcel	Acquisition
A17	Future East Side Community Park?	Acquisition
A18	SVEC, McClain, Godziewski Parcels	Acquisition
A19	Airport Approach	Donation
A20	Boyd	Acquisition
A21	Kukla	Acquisition
A22	Logan Valley Development	Acquisition
A23	TCLP Parcel	Acquisition
CE1	Lewis, Church, Outlet Mall, Tireland Parcels	Donation or Conservation Emnt
CE2	Sleder Wetlands	Donation or Conservation Esmt
CE3	C D F, Chelsea Park	Donation, Acquisition via PUD, Cons. Emnt
P1	S. Airport Road	Protected
P2	Silver Lake Road Conservation Easement	Protected
P3	Lowes Wetlands	Protected
P4	Hughes Drive	Protected
PUB 1	Future East Side Community Park?	Publicly Owned (BPW)
SP1	Silver Lake Elementary School	School Park
SP2	TC West High School	School Park
SP3	TC West Middle School	School Park
SP4	Former Sabin Elementary Playgrounds	Donation
SP5	Traverse Bay Christian School	School Park

Green Infrastructure Plan Map

As Amended February 2019

Legend

Green Infrastructure Plan

- Acquisition Property ("A")
- Conservation Easement ("CE")
- Currently Protected Property ("P")
- Publicly Owned Property ("PUB")
- School Park ("SP")
- Existing Public Parkland

Wetlands

- Wetlands
- Stream



Prepared by: Garfield Township Planning Dept - February 2019
Data Source: Garfield Township, 2017



BUFFALO RIDGE TRAIL PHASE III

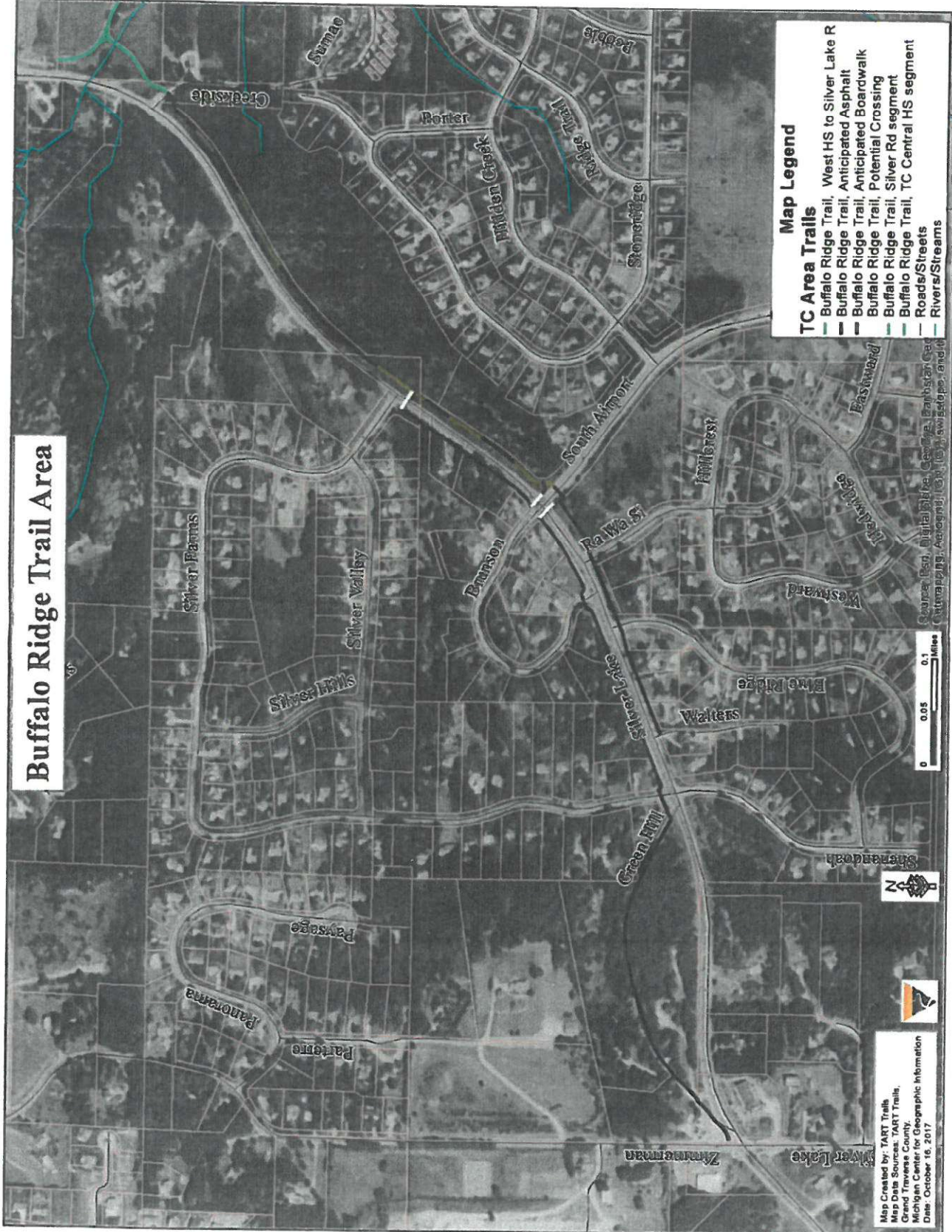
The planned 2.7-mile (1.5 miles in place) Buffalo Ridge Trail is a Type I trail (i.e., a hard-surfaced trail located in an independent right-of-way) connecting Division Street to South Airport Road. The half-mile Phase I segment connecting the Grand Traverse Commons and Traverse City West Middle School along Franke Road was completed in 2011. The one-mile Phase II segment connecting West Middle School, Great Wolf Lodge, and Grand Traverse Bay YMCA's new West Y was completed in 2016.

TART and Garfield Township partnered to construct Phases I and II, and it is anticipated that this partnership will continue with Phase III. Ultimately, the trail will provide connectivity between over three-hundred residences, three schools, numerous parks and natural areas, and countless businesses. It will also create an important link in the regional trail network by connecting the existing Mall Trail to the Boardman Lake Trail, for example. Because of its tremendous connectivity potential, completing the trail is an extremely high priority among local and regional stakeholders. The **Buffalo Ridge Trail Area Map** is located on page 68 of the Plan.

ADOPTION DOCUMENTATION

[TO BE ADDED AS ADOPTION PROCESS PROCEEDS]

Buffalo Ridge Trail Area



Map Legend

TC Area Trails

- Buffalo Ridge Trail, West HS to Silver Lake R
- Buffalo Ridge Trail, Anticipated Asphalt
- Buffalo Ridge Trail, Anticipated Boardwalk
- Buffalo Ridge Trail, Potential Crossing
- Buffalo Ridge Trail, Silver Rd segment
- Buffalo Ridge Trail, TC Central HS segment
- Roads/Streets
- Rivers/Streams

Map Created by: TART Trails
 Map Data Sources: TART Trails,
 Grand Traverse County,
 Michigan Center for Geographic Information
 Date: October 16, 2017



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNR/Airphoto, IGN, USA, AeroGRID, IGN, SDA, Bing, Swisstopo, Land

Erik Perdonik

From: JIM LEWIS [jlewis9100@gmail.com]
Sent: Thursday, March 21, 2019 9:13 AM
To: Chuck Korn; Erik Perdonik; John Sych; Amy DeHaan; Dorothy Petroskey
Subject: Jim Lewis Parcel - Request for change of designation - Green Infrastructure Program

Good morning,

My email of 3-7-19 to the Garfield Township staff asked for additional information on your future plans for land expansion that would include my parcel (28-05-021-029-00).

To date, no answer to my questions on the process, open comments period (3/5/19 to 4/8/19), explanation of 'easement' and how to request for a different designation has been received.

To pursue a timely request to change from 'easement' to 'acquisition' I am submitting this email for that change, with my initial comments to support my position.

I have been the sole owner of this parcel since 1987, some 30+ years. In that period I have not made or authorized any changes to this natural landscape. I do retain a small easement (20 ft) along the south edge of Tireland. The annual taxes have all been paid timely during this ownership, now totally some \$25,000. I don't believe the Township has needed to spend any funds towards my parcel.

Since the early 1990's, I have made multiple contacts to each adjacent property owners advising my intent to sell my parcel, more sooner than later, either to 1 of them or as an adjacent parcel if they were selling their land. While they did respond, none indicated any interest to either approach regarding my land. I also made offers to Garfield Township to purchase my land at some future date. The Township expressed interest as a future acquisition to your parks program, with no specific date set.

My only guidance to the value of my parcel has been from your annual tax assessment notice process. This past decade, that reflected some \$64,000 assessed to equate \$128,000 market value.

Over these past 30+ years, changes to property zoning to parcels surrounding my land has left my 20 acres essentially "land locked". This limits my options significantly; selling to the Township is the best, if not only, viable option for me. I will note here that I separately own a 30 ft easement to the SW section of my parcel across the lot #153 of Stoneridge III, known as 2690 Rock Ct. I had established this for future access for utilities to my land.

I appreciate having my parcel included in your amendment for additional conservation, along with portions of the Outlet Mall, Tireland, and Church; all noted as "CE-1". I'll note here that these other 3 parcels all have, and will continue to have, access to public roads after execution of an easements; I do not, and will not under this plan. Currently, I would expect that any easement for a pathway (or similar) would have a significantly negative effect on both the value of my land and the marketability of the land.

I am requesting a change to the designation by the Township from easement to acquisition. As I have previously offered, I remain in a position to help the Township structure a purchase plan that would spread the cost to the Township over 1 to 2 Fiscal years.

I request that Staff acknowledge the receipt of this email, and advise that it is acceptable as a request for a change in your designation. If it does not, please advise back timely what else is needed in form and substance to be compliant for such a request prior to 4-8-19.

I appreciate your time and efforts towards my request contained within.

Regards,
Jim Lewis
561-798-9100



COMMUNITY PARK AND RECREATION PLAN

CERTIFICATION CHECKLIST AMENDMENT

By Authority of Parts 19, 703 and 716 of Act 451, P.A. 1994, as amended, submission of this information is required for eligibility to apply for grants

INSTRUCTIONS: Complete, obtain certification signatures and submit this checklist with a locally adopted recreation plan amendment.

All community recreation plan amendments are required to meet the content and local approval standards listed in this checklist and as outlined in the *Guidelines for the Development of Community Park and Recreation Plans* provided by the Department of Natural Resources (DNR). Plan amendments must be submitted in MiRecGrants with a completed checklist that has been signed by an authorized official(s) of the local unit of government(s) submitting the plan. Amendments may be submitted at any time of the year, but no later than February 1 of the year the local unit of government is applying for grants.

PLAN AMENDMENT FORMAT

Plan amendments:

1. Must only include revised or additional pages to the approved recreation plan, with an explanation of where the new pages fit within the original plan. If the amendment is to be inserted into the existing plan, it must be similar in format to the approved plan and indicate the location for insertion.
2. For multi-jurisdictional plans, the plan must only be approved by the unit of government that the change affects.

Name of Plan:

2018-2023 5-YEAR PARKS AND RECREATION MASTER PLAN

Date Current Plan Expires:

List the community names (including school districts) that are covered under the plan and have passed a resolution adopting the plan amendment.

CHARTER TOWNSHIP OF GARFIELD

County

GRAND TRAVERSE

Month and year plan amendment adopted by the community's governing body.

PLAN AMENDMENT ELEMENT

INSTRUCTIONS: Please check each box to certify that the listed information is included in the plan amendment submittal.

DESCRIPTION OF THE PLANNING PROCESS

DESCRIPTION OF THE PUBLIC INPUT PROCESS

- Description of the method(s) used to solicit public input before or during preparation of the plan amendment, including a copy of the survey or meeting agenda and a summary of the responses received.
- Copy of the Notice of the Availability of the Draft Plan Amendment for Public Review and Comment.

Date of the Notice _____

Type of Notice _____

Plan Location _____

Duration of Draft Plan Public Review Period (Must be at Least Two Weeks) _____

- Copy of the Notice for the Public Meeting Held after the two-week public review period and before the plan amendment adoption by the Governing Body(ies).

Date of Notice _____

Name of Newspaper _____

Date of Meeting _____

- Copy of the Minutes from the Public Meeting (public hearing and meeting where the plan was adopted).

AMENDED GOALS AND OBJECTIVES

OTHER ELEMENTS: If the plan amendment includes other updated plan elements, list and briefly describe.

PLAN AMENDMENT ELEMENT

1.

2.

3.

PLAN AMENDMENT ADOPTION DOCUMENTATION

Plans **must** be adopted by the highest governing body (i.e., city council, county commission, township board). If planning is the responsibility of a Planning Commission, Park and Recreation Commission, Recreation Advisory Board or other local Board or Commission, the plan should **also** include a resolution from the Board or Commission recommending adoption of the plan by the governing body. In addition, a resolution from the Emergency Financial Manager (EFM) where the local unit of government has been assigned an EFM by the State.

The local unit of government must submit the final plan amendment to both the County and Regional Planning Agency for their information. Documentation that this was done must be included.

Items 1, 3 and 4 below are **required** by all communities and must be included with the amendment.

APPROVAL DOCUMENTATION: For multi-jurisdictional plans, each local unit of government affected by the amendment must pass a resolution adopting the plan amendment. Prepare and attach a separate page for each unit of government included in the plan.

- 1. Official resolution of adoption by the governing body **dated:** _____
- 2. Official resolution of the _____ Commission or Board, recommending adoption of the plan by the governing body, **dated:** _____
- 3. Copy of letter transmitting adopted plan to County Planning Agency **dated:** _____
- 4. Copy of letter transmitting adopted plan to Regional Planning Agency **dated:** _____
- 5. Copy of letter transmitting amendment to other units of government included in a multi-jurisdictional recreation plan. _____

OVERALL CERTIFICATION

NOTE: For multi-jurisdictional plans, Overall Certification must include the signature of each local unit of government. Prepare and attach a separate signature page for each unit of government included in the plan.

I hereby certify that the recreation plan for

_____ (Local Unit of Government) _____ includes the required content, as indicated above and as set forth by the DNR.

Authorized Official for the Local Unit of Government _____ Date _____

This completed checklist must be uploaded in MiRecGrants.

RESOLUTION# 2019-01-PR

RESOLUTION RECOMMENDING ADOPTION OF THE FIRST AMENDMENT TO THE TOWNSHIP'S 5-YEAR PARKS AND RECREATION MASTER PLAN

WHEREAS the Charter Township of Garfield adopted a Five Year Parks and Recreation Plan on January 23, 2018 which describes the physical features, existing recreational facilities, and the desired actions to be taken to improve and maintain recreation facilities during the period between January 1, 2018 and December 31, 2023; and

WHEREAS this First Amendment to the adopted Parks and Recreation Plan is intended to amend the Township's acquisition plan to reflect current Garfield Township priorities, and to provide additional detail regarding the planned Phase III of the Buffalo Ridge Trail; and

WHEREAS a public review and comment period on the First Amendment was noticed and held from March 7, 2019 until April 8, 2019; and

WHEREAS a public hearing was held on the First Amendment by the Parks and Recreation Commission at Garfield Township Hall on April 8, 2019; and

WHEREAS the Charter Township of Garfield has developed the plan for the benefit of the entire community and to adopt the amended plan as a document to assist in meeting the recreational needs of the community; and

WHEREAS the Township Parks and Recreation Commission having found that the Parks and Recreation Plan has been developed to a final form; and

NOW, THEREFORE, BE IT RESOLVED that the Charter Township of Garfield Parks and Recreation Commission does hereby recommend to the Township Board that it adopt the First Amendment to the Charter Township of Garfield 5-Year Parks and Recreation Plan as a guideline for improving recreation for the residents of the Charter Township of Garfield.

Moved: Supported:

Ayes:

Absent:


By:

Chris Remy, Secretary
Charter Township of Garfield Parks and Recreation Commission

CERTIFICATE

I, Chris Remy, Secretary of the Charter Township of Garfield Parks and Recreation Commission, do hereby certify that the above is a true and correct copy of Resolution 2019-01-PR which was adopted by the Parks and Recreation Commission of the Charter Township of Garfield at a Regular Meeting on the 8th day of April, 2019.

Chris Remy, Secretary
Charter Township of Garfield Parks and Recreation Commission

		Charter Township of Garfield	
		Planning Department Report No. 2019-26	
Prepared:	March 12, 2019	Pages:	Page 1 of 4
Meeting:	April 8, 2019 PRC	Attachments:	<input checked="" type="checkbox"/>
Subject:	“Commons 100” Deed Restriction—Recommendation		

THE ISSUE:

In 1993, the State of Michigan conveyed a 100.87-acre parcel (“Commons 100”) of land at the Grand Traverse Commons to Garfield Township (*see Attachment 1*).

Since the 1993 conveyance, the parcel has become an integral part of the Commons Natural Area and home to a significant portion of its singletrack trails (both marked and informal), which are used for hiking, biking, skiing (cross-country and backcountry), snowshoeing, and dog walking.

However, during the recent acquisition of the “State 40” parcel, it was discovered that the 1993 deed conveying the Commons 100 to the Township contains the following deed restriction (*see Attachment 2*):

Provided further, as a covenant running with the land that said land so conveyed **shall be used solely and exclusively for the public purposes of hiking and cross country skiing trails only** [emphasis added], and upon termination of this use, or upon use for any other purpose, title to the property shall revert immediately to the State of Michigan, with the State of Michigan assuming no liability for improvements made at grantee’s expense. Such permitted use does not permit, without limitation, ski rental facilities, concession stands, permanent or seasonal bathroom or changing facilities or any other structure or improvement that may disturb or affect soils.

In other words, biking and other uses, aside from hiking and cross-country skiing specifically, are not allowed on the Commons 100. As a result, any trail planning efforts aimed at accommodating bike use are currently on hold.

PLANNING CONTEXT:

Site Conditions and Historical/Current Uses:

As was mentioned previously, hiking, biking, skiing (cross-country and backcountry), snowshoeing, and dog walking are common uses on the Commons 100. Mountain biking in particular is a historically established use at the Commons, as bikers have been using trails there since at least the 1980s. There is a relatively extensive and well-established informal network of mountain bike trails within the Commons. However, there has been growing concern regarding erosion of the trails as a result of bike use. Essentially, the trails are not sustainable as presently configured. In addition, there is some concern among users with regard to potential pedestrian-bicycle conflicts.

Uses on Adjacent Parcels:

Although the Commons 100 parcel is subject to a deed restriction limiting uses to hiking and cross-country skiing, the adjoining parcels comprising the rest of the Commons, such as the “State 40” and Barns Park, do not contain such a restriction, thus legally allowing for bicycle use in the surrounding natural areas. Indeed, mountain bikes are frequently used on each of these parcels to some extent. Therefore, the deed language for the 100 is inconsistent with that of the surrounding parcels, but the use

“Commons 100” Deed Restriction—Recommendation

of bikes is well-established on each of the parcels nonetheless, which suggests that the deed language itself is the more the issue than the uses.

2010 Grand Traverse Commons Master Plan:

The 2010 Grand Traverse Commons Master Plan’s Vision Statement states that

[u]sers will navigate the Grand Traverse Commons through a clear, safe, convenient and integrated system of sidewalks, pathways, trails, and **bike**-lanes that connect with the surrounding community.

Moreover, the Master Plan’s Circulation Plan includes the following Principle among its Five Guiding Principles:

Provide for Non-Motorized Access: Access to the Grand Traverse Commons for pedestrians and **bicyclists** is a priority. Safe and accessible crosswalks will link the campus with the surrounding community. Key areas of campus will be connected with sidewalks, trails, and pathways.

In addition, the Master Plan states that

as part of the proposed circulation plan, a number of new, sidewalks, pathways, trails and **bike**-lanes will be added to the current non-motorized system to provide for safe and convenient pedestrian and **bicycle** access throughout the campus and with the surrounding community.

A parcel map showing the non-motorized circulation network as of 2016 is attached to this report as ***Attachment*** 3. Taken together, it is evident that the 2010 Grand Traverse Commons Master Plan recognizes and encourages bicycle use at the Commons.

2017 Grand Traverse Commons Development Regulations:

The Commons 100 falls within the boundaries of the Conservation and Recreation District (CR), which allows passive recreation, trailheads, non-motorized pathways, and uses accessory thereto by right.

Moreover, the Circulation and Parking portion of the Regulations lists the following among its purposes:

- A. To make the Grand Traverse Commons safe for and accessible to pedestrians, **cyclists**, drivers and passengers.

In addition, the Circulation and Parking portion of the Regulations contain extensive standards for the provision of **bicycle** parking. Taken together, it is evident that the 2017 Grand Traverse Commons Development Regulations recognize and encourage bicycle use at the Commons as well.

2018 Garfield Township Master Plan:

The Non-Motorized Plan Map in Garfield Township’s 2018 Master Plan includes several **bike** path connections leading into the Commons, including the 100. In this light, the Master Plan recognizes and encourages bicycle use at the Commons as well.

POTENTIAL SOLUTION:

How to proceed in light of the deed restriction has been hotly debated for some time now, to say the least. Of course, a trail planning effort cannot proceed if it is unclear precisely which uses will be planned for. It

appears that at least one reasonable solution has begun to emerge that recognizes the need to safely and sustainably accommodate all non-motorized uses, including biking. As the Planning Context section of this report illuminates, a solution that accommodates both pedestrians and bikers is supported by an evaluation of the current site conditions and current and historical use patterns, as well as the uses of adjacent parcels; the 2010 Grand Traverse Commons Master Plan; the 2017 Grand Traverse Commons Development Regulations; and the 2018 Garfield Township Master Plan.

The solution would entail Garfield Township turning over the deed to the Commons 100 to the State of Michigan and asking the State to reissue it to the Township with the following changes:

Provided further, as a covenant running with the land that said land so conveyed shall be used solely and exclusively for ~~non-motorized public purposes the public purposes of hiking and cross-country skiing trails~~ only, and upon termination of this use, or upon use for any other purpose, title to the property shall revert immediately to the State of Michigan, with the State of Michigan assuming no liability for improvements made at grantee’s expense. ~~Such permitted use does not permit, without limitation, ski rental facilities, concession stands, permanent or seasonal bathroom or changing facilities or any other structure or improvement that may disturb or affect soils.~~

STAFF COMMENT:

Staff suggests that this solution be pursued as it is consistent with established plans and regulations and should end the use of the deed language by special interests as a legal threat. More importantly, it will allow for the much needed trail planning effort to move forward as erosion of the trails continues. It is in this light that Staff is seeking a recommendation from this Commission as to whether the change in the deed language should be pursued.

Following a recommendation from this Commission, the next steps are generally as follows:

1. A recommendation from the Joint Planning Commission (opportunity for public input)
2. The Garfield Township Board of Trustees, which will be the ultimate approving body, will review the Parks and Recreation Commission and Joint Planning Commission’s recommendations and will chose whether to pursue the deed changes (opportunity for public input).
3. If the changes are approved, Garfield Township submits the deed to the State for the changes and the State reissues the deed to Garfield Township with the changes.
4. If the changes are approved, a plan is developed for trail improvements at the Commons.

ACTION REQUESTED:

If the Commission is prepared to make a recommendation as to whether the deed changes described above should be pursued, Staff suggests the following motion in support of the change:

MOTION TO RECOMMEND THAT the deed for the 100.87-acre parcel owned by Garfield Township at the Grand Traverse Commons BE REVISED to reflect the changes as indicated on page 3 of Planning Department Report 2019-26.

Attachments:

1. Map indicating the boundaries of the Commons 100 parcel
2. Copy of portion of deed for the Commons 100 containing the relevant restriction
3. Parcel map indicating the location of the trail network at the Commons as of 2016

Links to Useful Articles:

<https://www.traverseticker.com/news/could-bike-trails-at-commons-become-major-revenue-generator/>

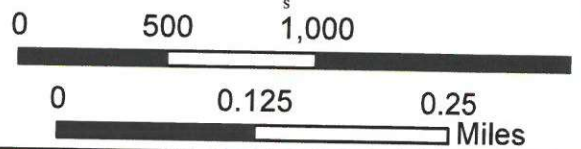
<https://www.northernexpress.com/news/feature/study-shows-bellaire-mountain-bike-trail-is-worth-millions/>



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid,

Map Legend

-  Commons 100.87 Acre Parcel
-  Grand Traverse County Equalization Parcels



acres of land, more or less, and is subject to all applicable building, use restrictions, rights of way, and easements, if any, affecting the premises

together with all and singular tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

Saving and excepting out of this conveyance and always reserving unto the State of Michigan, all mineral, coal, oil and gas, (excluding sand, gravel, clay or other nonmetallic minerals) lying and being on, within or under the said lands hereby conveyed, with full and free liberty and power to the said State of Michigan, its duly authorized officers, representatives and assign, and its or their lessees, agents and workmen, and all other persons by its or their authority or permission, whether already given or hereafter to be given, at any time and from time to time, to enter upon said lands and take all usual, necessary, or convenient means for exploring, mining, working, piping, getting, laying up, storing, dressing, making merchantable, and taking away the said mineral, coal, oil and gas.

Provided further, as a covenant running with the land that said land so conveyed shall be used solely and exclusively for the public purposes of hiking and cross country skiing trails only, and upon termination of this use, or upon use for any other purpose, title to the property shall revert immediately to the State of Michigan, with the State of Michigan assuming no

liability for improvements made at grantee's expense. Such permitted use does not permit, without limitation, ski rental facilities, concession stands, permanent or seasonal bathroom or changing facilities or any other structure or improvement that may disturb or affect soils.

By accepting this Deed, the Grantee, for itself, its successors, and assigns, agree to cooperate with the Michigan Department of State, Bureau of History Division, in the application of 1980 PA 197, MCL 399.251, et seq; MSA 15.1816(51), et seq, concerning the preservation and reuse of National Register Building requirements.

By accepting this Deed, Grantee acknowledges that it has had the opportunity for physical and environmental inspection of the premises and has received a copy of an environmental report completed by Snell Environmental Group, Inc. in May of 1992. Grantee has inspected the premises and knows the physical and environmental conditions thereof and is accepting the same "As Is" as a result of such inspection and not because of or in reliance upon any representations made by the Grantor or any other person.

IN WITNESS WHEREOF, the State of Michigan, acting by authority pursuant to 1993 PA 38 and the State Administrative



Parcel Map

Legend

-  Bike Path
-  Singletrack
-  Parkland
-  Parcel 2015


This map is based on digital databases prepared by Garfield Township. The Township does not warrant, expressly or impliedly, that the information on this map is current or positionally accurate. Always contact a surveyor to be sure of where your property lines are located.

Garfield Charter Township
 3848 Veterans Drive
 Traverse City, MI 49684
 Phone: 231.941.1620
 Fax: 231.941.1688
www.garfield-twp.com



NOT A LEGAL SURVEY

Garfield Township Planning Dept: 1/7/2016

		<h2 style="margin: 0;">Charter Township of Garfield</h2> <h3 style="margin: 0;">Planning Department Report No. 2019-27</h3>	
Prepared:	March 26, 2019	Pages:	Page 1 of 1
Meeting:	April 8, 2019 PRC	Attachments:	<input type="checkbox"/>
Subject:	SLRA Capital Improvements Prioritization—Recommendation Requested		

BACKGROUND:

In 2018, following two onsite meetings at the Silver Lake Recreation Area (“SLRA”), the Parks and Recreation Commission suggested several maintenance items and improvements for the park. Each of these items was included in the 2019 Parks and Recreation Budget. Each of the capital improvement items (i.e., those that will be brought before the Township Board prior to implementation) are outlined below, followed by some Staff comment regarding next steps.

STAFF COMMENT:

Item 1—New Trail Loop:

A northern trail loop connector towards the fire station was budgeted for 2018 but the project has not yet been implemented. Staff has walked the proposed route with GTCD staff and the GTCD is ready to hit the ground running on this project. Tom Vitale will provide a more detailed overview.

Item 2—Tennis Court Resurfacing:

With the walking path and basketball courts having been resurfaced last year, it appears that the next logical step is to address the tennis courts. This item was newly budgeted for 2019. The Township Facilities Manager handled the bidding and oversight process for both the path and basketball courts last year and would be asked to do so for this project as well.

Item 3—Well House:

This item was also newly budgeted for 2019. Commissioners suggested that a well house be constructed from materials that match the existing restrooms to replace the current fence enclosure surrounding the wellhead. This project will obviously be a larger undertaking in terms of bidding and administration generally. If the Commission would like to see this item done this year, then Staff suggests making a recommendation to the Township Board that they contract with an engineering consultant to bid and oversee the project.

Item 4—Sidewalk Connections:

This item was also newly budgeted for 2019 but has been discussed extensively in the past. It appears that bids may even have been sought at one point a while back. Sidewalk connections are planned to connect the southernmost pavilion with the restrooms and dog park entrance. This project will also be a larger undertaking in terms of bidding and administration. If the Commission would like to see this item done this year, then Staff suggests making a recommendation to the Township Board that they contract with an engineering consultant to bid and oversee the project.

CONCLUSION:

It appears that seeking bids for all four projects simultaneously in house at this time is unfeasible in light of current staffing levels and workload. The Deputy Planner is resigning his position effective April 25, 2019. As was mentioned above, proceeding on *Items 3* and *4* at this time would require the services of a consultant, such as Jennifer Hodges with Gourdie-Fraser, and therefore a recommendation to the Board to fund such services. *Items 1* and *2* can be completed this year with the GTCD taking the lead on *Item 1* and in-house Staff handling *Item 2*.

ACTION REQUESTED:

If, following discussion, the Commission would like to recommend any/all of *Items 1 – 4* described above, two separate suggested motions are provided below; the first for recommending to the Board that *Items 1 and 2* be immediately implemented this year, and a second for recommending to the Board that a consultant be hired to bid and oversee *Items 3 and 4*:

For *Items 1* and *2*:

MOTION TO RECOMMEND to the Township Board THAT *Items 1* and *2*, as described in Planning Department Report 2019-27, BE IMPLEMENTED.

For *Items 3* and *4*:

MOTION TO RECOMMEND to the Township Board THAT a consultant be hired to bid and oversee the implementation of *Items 3* and *4*, as described in Planning Department Report 2019-27.



Charter Township of Garfield Planning Department Report No. 2019-28

Prepared:	March 28, 2019	Pages:	Page 1 of 1
Meeting:	April 8, 2019 PRC	Attachments:	<input checked="" type="checkbox"/>
Subject:	BVNP Pickleball Courts Policy—Recommendation Requested		

BACKGROUND:

With the new pickleball courts at the Boardman Valley Nature Preserve (“BVNP”) set for completion this spring as soon as weather permits, now is the time to put a policy in place for the use of these particular courts. Following preliminary discussion at the Parks and Recreation Commission’s March 4, 2019 Special Meeting, the Commission generally gave direction to Staff to err on the side of public availability of the courts in providing a draft policy.

Staff met with representatives from the Traverse Area Pickleball Association (“TAPA”) twice and they have provided a draft policy, which is attached to this report.

STAFF COMMENT:

Staff is of the opinion that TAPA’s draft policy should be implemented for the BVNP courts on a one-year *trial basis*. The policy appears to strike a good balance between public availability and tailoring to those that will likely be using the courts most. TAPA has an established track record in the region and manages the pickleball courts at Herman Park in Suttons Bay and at Grace Macdonald Park in East Bay Township.

Furthermore, TAPA is offering to set up and administer an online court reservation system for the Township, which they have done for Suttons Bay and other communities. This will not cost the Township any money, nor will it create an administrative burden for any Township employees. The system will be entirely administered by TAPA and a link to the reservation system will simply be included on the Township’s website. TAPA has even offered to provide volunteer support for setting up that link. The Township will retain the contractual right to supersede any reservations through TAPA should the circumstances warrant it.

In addition to the written policy document, signage will be needed at the courts outlining the policy. TAPA has agreed to design, pay for, and install the signage. The signage itself and its location will be reviewed by Township Staff prior to installation.

ACTION REQUESTED:

If, following discussion, the Commission is comfortable with implementing the draft policy offered by TAPA on a one-year *trial basis*, the Commission should recommend to the Township Board that the Township enter into a formal contractual agreement with TAPA to that effect, a suggested motion for which is as follows:

MOTION TO RECOMMEND to the Township Board THAT the draft policy for the BVNP pickleball courts, as attached to Planning Department Report 2019-28, BE IMPLEMENTED on a one-year trial basis.

Attachments:

1. Draft picklball court policy for BVNP provided by TAPA



BOARDMAN RIVER



	4		

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	3		

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	2		

	7		

	1		

	8		

Open Play Courts 1, 2, 3, and 4

The purpose of open play is:

- to play and socialize with all members of the Pickleball community.
- to provide a variety of mixed skill level games, so that:
 - ▶ players with similar skill levels have opportunities for competitive games.
 - ▶ Players with less advanced skills have the opportunity to challenge themselves against players with more advanced skills.

Challenge Courts 5 and 6

The purpose of a challenge court is:

- to allow advanced players the opportunity to play competitive games.
- to provide intermediate players the opportunity to step away from open play and test themselves.

Open Play Courts 7 and 8; 4.0 Skill Level or Higher

The purpose of the open courts for 4.0 skill level or higher is:

- to provide players with 4.0 skill level ratings, or higher, or with comparable ability to have opportunity for competitive games.
- to provide players with 4.0 skill level ratings, or higher, opportunities to practice the soft game elements of pickle ball (dinkings, placement, soft third shots, soft blocking, etc.)

Court Reservation Policy, Courts 5,6, 7 & 8

The purpose of reserving courts is to allow groups of players the ability to reserve, up to four courts for family groups, round robins or other groups to play uninterrupted.

- Courts 5,6, 7 & 8 may only be reserved during the following hours:
 - ▶ Monday - Friday: 7:00 a.m. to 10:00 a.m. and 4:00 p.m. to 7:00 p.m.
 - ▶ Saturday & Sunday, 7:00 a.m. to 11:00 a.m.


- Courts may only be reserved online, through the Garfield Township reservation systems, within 48 hours of the reservation.
- Challenge Court play (courts 5 & 6) and 4.0 skill level or higher open play (courts 7 & 8) shall be suspended whenever courts 5, 6, 7 or 8 are reserved, during the reserve periods only.

Challenge Court Rotation of Play Guidelines

- Paddles must be queued up for play on a challenge court.
- While the challenge court is intended for intermediate to advanced play, ANY player may elect to play on the challenge courts, and no other player may discourage or restrict them from doing so.
- Players electing to play on a challenge court should understand that all players on this court are expecting a challenging game and will not be expected to “go easy” on anyone.
- Teams stay together on this court.
- When a game ends, the winning team stays on and stays together after a win, and a new team comes in to challenge them. The loser of the challenge comes off the court.
- Players are encouraged not to play exclusively on the challenge courts. Advanced players (4.0 skill rating or higher) should consider themselves ambassadors of the sport, and as such, are encouraged to play some games on the open play courts and use those games to mix with other players.

Open Court Rotation of Play Guidelines

- Paddles must be queued up for open play.
- 2 queues will be provided for the 6 open play courts, one for courts 1-4 and one for courts 7 and 8.
- Standard play rotation will be “4 out, 4 in.” Under “4 out, 4 in,” when a game ends, all 4 players come off the court, unless the number of players waiting is 3, 2, or 1, then the number waiting will come in and the same number (3, 2 or 1) will leave.
- Rotation into the next game occurs when the next open play court becomes available.

 Charter Township of Garfield Planning Department Report No. 2019-29			
Prepared:	March 26, 2019	Pages:	Page 1 of 2
Meeting:	April 8, 2019 PRC	Attachments:	<input type="checkbox"/>
Subject:	Miller Creek Drive Parcel Donation—Discussion		

BACKGROUND:

Staff was recently approached by the owner of an approximately three-acre parcel at the southwest corner of Cass Road and Miller Creek Drive (Parcel ID: 05-022-012-20). The owner noted that the site would be difficult to develop in light of the presence of wetlands, and that he has been unable to sell it for many years. In this light, he asked if the Township might be interested in accepting the parcel via donation.

Aerial image of subject property (highlighted in blue); wetlands shown in green:



STAFF COMMENT:

It appears that the parcel’s value to the Township would be mostly in terms of conservation of the wetlands on the site or; to put it a bit differently, bringing the parcel under Township control so that it cannot be developed. The parcel does not adjoin existing parkland and is thus unsuitable for a trailhead or trail connections. In addition, it would likely be brought into the new Cass Road Drainage District, which would mean that the Township might be assessed a fee on the parcel. Therefore, accepting this parcel via donation may not be completely without liability.

Finally, although Township ownership of the parcel would be a means by which to prevent the development of the parcel, the parcel is unlikely to be developed under private ownership due to the natural limitations associated with the wetlands, which is likely why it has sat on the market for so long.

Miller Creek Drive Parcel Donation—Discussion

In this light, it is Staff's recommendation that the Township pass on pursuing this donation as it does not provide significant value in a strategic sense in furthering Township parks and recreation priorities and may come with undesirable liabilities attached. In other words, staff sees this as a situation in which the Township does not need to accept a donation of property just because it is being offered. Nevertheless, the Commission may feel differently and offer reasons to pursue this parcel that Staff has not contemplated.

ACTION REQUESTED:

No formal action is requested at this time. This item was placed on tonight's agenda for discussion purposes only. Staff is seeking to get general feedback from the Commission regarding whether this donation should be pursued further.



Charter Township of Garfield Planning Department Report No. 2019-30

Prepared:	March 26, 2019	Pages:	Page 1 of 1
Meeting:	April 8, 2019 PRC	Attachments:	<input checked="" type="checkbox"/>
Subject:	Amendment to Parkland Ordinance Prohibiting Marijuana Smoking—Recommendation Requested		

BACKGROUND:

At their March 12, 2019 meeting, the Township Board indicated that the Township's parkland ordinance, Ordinance No. 50, should be amended to include a prohibition on the smoking or vaping of marijuana on Township parklands in light of the recent recreational legalization of marijuana, and asked that the Parks and Recreation Commission make a recommendation on the matter at their April 8, 2019 Regular Meeting.

The City of Traverse City recently initiated an amendment to their parkland ordinance prohibiting marijuana use on the advice of their city attorney. The City reasoned that although it is unlawful to smoke or vape marijuana in public generally, it is nonetheless wise to make clear in park rules that it is specifically prohibited.

STAFF COMMENT:

Please *see attached* to this report a draft of an amended Ordinance No. 50 with a prohibition on marijuana smoking or vaping included in Section IV. If the draft amendment is ultimately adopted, the Township's reservation forms will be updated to be consistent with the amended Ordinance No. 50.

ACTION REQUESTED:

If, following discussion, the Commission is satisfied with the draft Third Amendment to Ordinance No. 50 as presented tonight, the next step is to recommend to the Board whether the draft Amendment should be adopted, a suggested motion for which is as follows:

MOTION TO RECOMMEND to the Township Board THAT Garfield Township Ordinance No. 50 BE AMENDED to include a prohibition on marijuana smoking as attached to Planning Department Report No. 2019-30.

Attachments:

1. Draft Third Amendment to Ordinance No. 50 prohibiting marijuana smoking or vaping on Township parklands

THE CHARTER TOWNSHIP OF GARFIELD

**ORDINANCE NO. 50
PARKLAND ORDINANCE**

An Ordinance to provide for operating rules and regulations for, and to apply to, all Parkland under the jurisdiction of the Charter Township of Garfield.

**THE CHARTER TOWNSHIP OF GARFIELD, GRAND TRAVERSE COUNTY,
MICHIGAN ORDAINS:**

Section I
Scope and Mission Statement

- A. Preamble and Scope. This Ordinance shall act as the operating rules and regulations for, and apply to, all Parkland owned and/or controlled by the Charter Township of Garfield under authority provided by MCL 41.422.
- B. Mission Statement. The Township's goal is to provide safe, convenient, user friendly parks and trails to the citizens of Garfield Township as well as our neighbors and guests, while still preserving and protecting the natural environment in which they exist.

Section II
Definitions

- A. "Board" shall mean the Charter Township of Garfield Board of Trustees.
- B. "Township" means the Charter Township of Garfield.
- C. "Township Parkland" shall mean all parks and recreational lands, facilities and trails, owned or under the control of Garfield Township, currently being used for recreational purposes, or being held for future recreational use as shown on the Green Infrastructure Plan, as attached to the Township's Comprehensive Land Use Plan, including but not limited to, Township Parks (including nature reserves) identified in these Section II definitions.
- D. "Parks Administrator" shall mean Township Supervisor, or a designee of the Board, who has been delegated the authority to oversee operation of Township Parkland.
- E. "Person or Persons" shall mean any individual(s) or group(s) of individuals.
- F. "Camping" shall mean the overnight lodging or sleeping of a person or persons on Township Parkland, including but not limited to using a tent, trailer coach, vehicle camper, motor vehicle or in any other conveyance.

- G. "Rules" shall mean this Ordinance and any amendments to this Ordinance approved by the Board for the purpose of regulating the operation of Township Parkland.
- H. "Pavilions" shall mean the covered concrete areas on Township Parkland designed for picnicking and socializing. These pavilions usually contain picnic tables for public use.
- I. "Designated Trails" shall mean all paved, wood chipped or dirt trails, on Township Parkland, designed for non motorized use.
- J. "Silver Lake Recreation Area" shall mean the Township Parkland located along East Silver Lake Road, North of Silver Pines Road. This area is identified as location "A" on Appendix A.
- K. "Kid's Creek Park" shall mean all Township Parkland located along U.S. 31 South, between the Great Wolf Lodge and Kohl's and proceeding west and south. This area is identified as location "B" on Appendix A.
- L. "Grand Traverse Commons Recreation Area" shall mean all Township Parkland located within the Grand Traverse Commons redevelopment district. This area is identified as location "C" on Appendix A.
- M. "Miller Creek Nature Reserve" shall mean all Township Parkland located East of South Airport Road and West of Cass Road, and property South of South Airport Road and North of Hartman Road. This area is identified as location "D" on Appendix A.
- N. "Garfield Township Nature Reserve" shall mean all Township Parkland along the Boardman River between Boardman Lake and the Grand Traverse County Natural Education Reserve. This area is identified as location "E" on Appendix A.

Section III
Hours of Operation

- A. All Township Parkland shall be available for public use from two (2) hours before sunrise until two (2) hours past sunset, unless otherwise posted. Site specific hours of operation, where posted, will be posted at the general parking areas or trail head.

Section IV
Prohibited Activities

The following activities are prohibited and it shall be unlawful for any person or persons to do any of the following in Township Parkland;

- A. Remain on Township Parkland outside of the stated or posted hours of operation.
- B. To enter any Township Parkland that is posted or in any other way identified as being "closed".
- C. To camp at any time unless written permission is obtained from the Parks Administrator.
- D. To have an open fire, outside the designated charcoal grills provided for the purpose of cooking, without written permission of the Parks Administrator. (Private grills shall be

allowed, either gas or charcoal, so long as the ashes will not be deposited on the ground) No fires may be built directly on the ground.

- E. To operate motorized vehicles of any kind on designated trails, except for maintenance or patrol as authorized by the Parks Administrator.
- F. To operate or park any motorized vehicles of any kind on Township Parkland except in established driveways and parking areas.
- G. To commit vandalism of any kind, including but not limited to;
 - 1. Removing, damaging, destroying or defacing Township owned property and equipment.
 - 2. Destroying, damaging, injuring or removing any trees, shrubs, wildflowers or vegetation on any Township Parkland.
- H. To have a pet, on Township Parkland, that is not on a leash or otherwise restrained and in control of it's keeper. Animal leashes shall not exceed 16 feet in length.
- I. To litter or otherwise dispose of or discard refuse of any kind in or upon Township Parkland except by placing said refuse in containers provided for that purpose.
- J. To dispose of any household refuse on Township Parkland or in garbage receptacles on Township Parkland.
- K. Solicit post, advertise or in any way sell or attempt to sell any goods or services on Township Parkland without written permission of the Parks Administrator.

L. To possess or consume beer, wine or any intoxicating liquors on Township Parkland.

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L.M. To smoke or vape marijuana on Township Parkland.

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M.N. To discharge projectiles either by air, explosive substance or any other force by any firearm, revolver, pistol, shotgun, rifle, air rifle, air gun, paint ball gun, bow or other weapon that discharges a projectile. This section shall not apply to any peace officer, or duly appointed law enforcement officer while carrying out their duties. This section shall also not apply to any person lawfully hunting game as outlined in Section VI of this Ordinance and as allowed by federal and state game laws.

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N.O. To in any way harass and intentionally disturb any and all wildlife on Township Parkland other than while hunting as allowed in Section VI of this Ordinance and as allowed by federal and state game laws.

O.P. To feed any wildlife at any time on Township Parkland.

P.Q. To refuse to comply with this Ordinance when requested by a local enforcement officer or in any way hinder the Parks Administrator, any employee or designee of the administrator while performing their official duties, including the enforcement of this Parkland Ordinance.

Section V
Rules of Operation

- A. Persons must act in a way so as not to create a disturbance which will unreasonably impair the quiet enjoyment of other persons using the Township Parkland.
- B. Persons with pets on Township Parkland shall pick up and dispose of excrement from their pets. These droppings must be contained in a sealed bag and removed from Township Parkland or placed in trash receptacles as provided.
- C. Township Pavilions shall be occupied on a first come first served basis, unless previously reserved, and must be made available / shared with other persons, as long as space permits. Persons using Township Pavilions must clean up after use and dispose of any trash in receptacles provided or remove their trash from Township Parkland.
 - 1. Pavilions may be reserved for large groups and special events at the discretion of the Parks Administrator. Persons wishing to reserve a pavilion for a large group or special event must make their request in writing to the Parks Administrator at least 14 days prior to the event. Reservation requests will be considered for groups of 100 or more people only. If a reservation is approved by the Parks Administrator the details of that reservation will be posted on the pavilion at least 7 days prior to the event.
- D. No smoking of tobacco products of any kind is permitted within 100 feet of any playground equipment, pavilions, restroom facilities or any other area where persons may be affected by second-hand smoke.
- E. Baseball diamonds, tennis courts, basketball courts, soccer fields and any other recreational facilities shall be used on a first come first serve basis and can not be reserved for future use.

Section VI
Hunting, Fishing and Trapping

- A. The Board and Parks Administrator reserves the right to use any and all means to control wildlife deemed to be a nuisance. All further conditions regulating Hunting, Fishing or Trapping in this Ordinance shall not apply to the Township or its designees.
- B. Fishing is allowed in all waterways within Township Parkland so long as all state and federal game laws and regulations are adhered to.
- C. Trapping of wildlife is not permitted on Township Parkland.

- D. Target shooting is not allowed on Township Parkland.
- E. Hunting is allowed only on Township Parkland identified in this section of the Ordinance and with the limitations stated herein. Anyone hunting on Township Parkland must possess valid state and federal game licenses as required for the game being hunted. All hunting must be done in accordance with state of Michigan and federal laws including but not limited to those regarding season dates, species and bag limits. Hunter's must also possess a permit issued by the Parks Administrator as outlined in this section of the Ordinance.
1. There shall be no hunting allowed in the Silver Lake Recreation Area.
 2. There shall be no hunting allowed in the Kid's Creek Park.
 3. There shall be no hunting allowed in The Grand Traverse Commons Recreation Area.
 4. Hunting is allowed by means of Shotgun (shot only no slugs) and Bow and Arrow only in the Miller Creek Nature Reserve. Hunters must possess a permit issued by the Parks Administrator as outlined in this section of the Ordinance. All other restrictions outlined in this Ordinance must also be adhered to.
 5. Hunting is allowed by means of Shotgun (shot only no slugs) and Bow and Arrow only in the Garfield Township Nature Reserve. Hunters must possess a permit issued by the Parks Administrator as outlined in this section of the Ordinance. All other restrictions outlined in this Ordinance must also be adhered to.
- F. There shall be no permanent hunting blinds erected on Township Parkland. All tree stands must be temporary in nature and removed when not in use. No permanent steps, ladders or screw in foot pegs may be used.
- G. There shall be no cutting of trees, tree limbs or any other vegetation, on Township Parkland, to improve visibility for the purpose of hunting.
- H. All hunting or placement of temporary hunting blinds must take place at a minimum 150 feet from any parking area, boat launch or maintained trail on Township Parkland.
- I. There shall be no baiting of game on Township Parkland.
- J. Permits to hunt on Township Parkland must be obtained, from the Parks Administrator, in advance of hunting as outlined below;
1. Hunting permits will be issued on a first come first serve basis by the Parks Administrator. Permits will be area specific and the number available will vary based on the hunting season and hunting area. The number of permits available will be determined by the Parks Administrator.
 2. Hunting permits will be valid for 7 days beginning 2 hours before sunrise on Saturday and ending at sunset on Friday of the week that the permit is issued for.

3. Applications for hunting permits are available at the township offices and must be filled out at least 7 days and not more than 14 days prior to the desired timeframe. Hunting permits are free of charge.
 4. All hunters granted hunting permits will be required to complete, and submit to the Parks Administrator, a survey within 10 days of the end of their hunting period. This survey will be used to help analyze wildlife encountered during the hunter's use of Township Parkland. This survey will be issued with the permit. Failure to complete and return this survey may result in forfeiture of future eligibility of permits to hunt on Township Parkland.
 5. Hunting permits issued by the Parks Administrator are non-exclusive permission to hunt. The permit holder should be advised that additional permits to hunt may be issued.
 6. Hunting permits are specific to the person granted the permit and are non-transferable.
 7. In the case of animals being taken, which require field dressing, the resulting entrails shall be covered with soil at a depth of one (1) foot.
- K. Any person granted the privilege of utilizing Township Parkland for the purpose of hunting shall agree to conduct them self in a safe and ethical manner. They must also be mindful of property boundaries, safety zones surrounding adjoining residences, recreational trails and other users of the Parkland.

Section VII
Enforcement and Penalty

- A. The Grand Traverse County Sheriff and his deputies and Township Code Enforcement Officers are authorized as local enforcement officers of this Ordinance.
- B. Any person(s) violating any provisions or rules in this Ordinance shall be deemed as guilty of a misdemeanor and upon conviction thereof shall be fined as follows;
 1. First violation within a 2-year period not more than a \$50.00 fine.
 2. Second violation within a 2-year period not more than a \$100.00 fine.
 3. Third violation within a 2-year period not more than a \$150.00 fine.
 4. Fourth and all subsequent violations within a 2-year period not more than \$250.00 fine.

In addition to the fines as outlined above, person(s) convicted of violating this Ordinance may be imprisoned in the county jail for a period not to exceed 90 days.

Section VIII
Severability

- A. The provisions of this Ordinance are severable and if any part is declared void or unenforceable by court of competent jurisdiction, the remaining parts shall remain in force.

Section IX
Effective Date

This Ordinance shall take effect thirty (30) days after it is published.