

**Packet Addition**  
**February 13, 2024,**  
**Township Board Regular Meeting**

# Correspondence

## Becky Chown

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**From:** ellie fabe <elliefabe@yahoo.com>  
**Sent:** Friday, February 9, 2024 11:12 AM  
**To:** Becky Chown; info@friendsofoldmissionpeninsula.org; info@brysestate.com; info@cgtwines.com; bill@hawthornevineyards.com; info@tabonevineyards.com; info@bowersharbor.com; info@2Lwinery.com; info@bonobowinery.com; wine@chateauchantal.com; wine@marivineyards.com; clopez@blackstarfarms.com; john@peninsulacellars.com  
**Subject:** Township Support & WOMP Moratorium

Dear Township Board Members,

We support your continued efforts to resolve the WOMP lawsuit through negotiation. The wineries should uphold the agreements that they helped craft and willingly signed at the origins of their conversion of agricultural zoned land into winery operations and tasting rooms. These original agreements were created in the spirit of enhancing OMP farming and viticulture opportunities, keeping agricultural zones in production, and respecting the quiet residential needs of our community. Any changes should continue in this same spirit so that all interested parties can thrive, not just the wineries.

We are including OMP wineries in this email to let them know we have suspended all purchases of their products, services, and event operations until they return to transparent negotiations with the township, rather than trying to force their demands on our community through a federal court. We are encouraging our friends and neighbors to do the same. It is only through you, our township representatives, that the local community can have a voice in shaping a satisfactory outcome.

Respectfully yours,

Ellie Fabe  
1064 Neahtawanta Raod  
Traverse City, NI 49686

## Becky Chown

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**From:** Susan Mackay <maremmackay@gmail.com>  
**Sent:** Friday, February 9, 2024 1:21 PM  
**To:** Becky Chown; info@friendsofoldmissionpeninsula.org; info@brysestate.com; info@cgtwines.com; bill@hawthornevineyards.com; info@tabonevineyards.com; info@bowersharbor.com; info@2lwinery.com; info@bonobowinery.com; wine@chateauchantal.com; wine@marivineyards.com; clopez@blackstarfarms.com; john@peninsulacellars.com  
**Subject:** WOMP

Dear Township Board Members,

We support your continued efforts to resolve the WOMP lawsuit through negotiation. The wineries should uphold the agreements that they helped craft and willingly signed at the origins of their agricultural zoned land into winery operations and tasting rooms. These original agreements were created in the spirit of enhancing OMP farming and viticulture opportunities, keeping agricultural zones in production, and respecting the quiet residential needs of our community. Any changes should continue in this same spirit so that all parties can survive, not just the wineries.

We are including WOMP wineries in this email to let them know we have suspended all products, services and event operations until they return to transparent negotiations with the township rather than trying to force their demands on our community through a federal court. We are encouraging our friends and neighbors to do the same. It is only through you, our township representatives, that the local community can have a voice in shaping a satisfactory outcome.

Respectfully yours,

Susan M. Mackay  
13930 Bay View Ave.  
Traverse City, MI 49686

February 9, 2024

To: Peninsula Township Board of Trustees  
Fr: Jim Raphael  
RE: WOMP lawsuit

Unreasonable demands in the WOMP lawsuit against Peninsula Township pose serious threats to the future of our community. I encourage the Board of Trustees to continue its fight against WOMP until a fair and reasonable settlement is reached.

To start with the obvious: The notion that the various wineries behind the WOMP lawsuit have suffered financial damages in the range of \$135 million because of zoning restrictions related to the use of agricultural land is patently absurd. Whoever came up with this bogus estimate ought to be investigated for possibly making fraudulent claims before the court. The fact that lawyers representing WOMP already have adjusted estimated damages downward by \$70 million speaks volumes about the suspect nature of the calculations behind the claims. It shouldn't take expert witnesses for the judge hearing the case to realize something is badly amiss here.

The reality is the combined asset value of all the wineries involved in the lawsuit doesn't come close to the \$135 million in compensation they are seeking. Of course, it doesn't help that the "goodwill" of these businesses, which normally should contribute significantly to their asset value, has been substantially pissed away by the wineries' legal actions. There may be exceptions out there, but I know of no Peninsula residents who now want to recommend, bring visitors, or patronize these establishments because of the lawsuit. Good luck trying to set up a successful restaurant in any of these wineries, if the expectation is that locals are going to be part of their customer base. The blowback will only get worse if WOMP taxpayers are ultimately forced to pay restitution to the winery owners.

The wineries engaged in this lawsuit were built with eyes wide open. The owners knew from existing ordinances that Peninsula Township had restrictions on permitted uses of agricultural land that other townships and counties perhaps did not. No one forced them to start their businesses here. If the winery founders were interested from the outset in developing hybrid enterprises involving winemaking, hospitality facilities, weddings and sponsored events, they could have bought land and located in Leelanau County (as did Blackstar), instead of WOMP. They still can.

While the Township's ordinances regarding wineries may have needed updating over time, the provisions detailing the conditions for approval and what could and could not be done were obvious and transparent at the time these owners applied for Special Use Permits to build their facilities. In going forward with their plans, they agreed contractually to the terms of the SUPs they obtained. They now seek to breach their contractual obligations to the Township via the lawsuit. Acting honorably has given way to greed. Winery owners are conflating their constitutional rights as individuals and/or corporations to pursue certain types of activities with the misguided notion that they should be free to carry out these activities wherever they choose to do so, the long history of local and state land use planning and zoning be damned.

Where do we go from here? Given what is at stake, the Township and its residents should be prepared to appeal of any court decision that awards damages to the wineries anywhere remotely near the numbers currently being discussed. At the same time, the Township ought to be flexible in conceding certain winery demands in trying to reach a reasonable compromise, while also instituting measures to curb possible future abuses of these concessions. Here are some thoughts:

- 1) If existing wineries want to create restaurant facilities in their existing buildings and serve food, let them. One need only to look at how difficult the restaurant business has become in the post-COVID era to realize this would be an expensive gamble few wineries will want to take.
- 2) Let them sell trinkets, t-shirts and caps etc. with their name and logo. Who cares?
- 3) Permit indoor weddings and events that don't create a noise disturbance for nearby residents.

In return for conceding the above, winery facilities, parking lots, and the land on which buildings are located should be reclassified as commercial land, with no agricultural exemption, for property tax purposes.

- 4) If the wineries insist on using grapes grown off the Peninsula in amounts that exceed American Vitacultural Area (AVA) standards, the Township should petition the Federal government to discontinue the Old Mission AVA, since there will be no way of knowing if grapes from elsewhere are being mixed improperly with local produce to make wine.
- 5) If the court rules wineries are to be allowed to host outdoor weddings and receptions, the Township should strengthen its noise ordinance to include stiff fines and the right of enforcement officers to shut down events when necessary. Implement a winery event fee for every wedding or group activity to help pay for the personnel needed to enforce the noise ordinance.
- 6) If the court happens to award the wineries major compensation for imaginary non-agricultural business activities that never took place, the Township, in turn, should reclassify the wineries as commercial businesses and retroactively collect the business and commercial property taxes that would have been charged as if they had been engaged in these businesses.
- 7) Depending on how detrimental to the interests of the Township the outcome of the lawsuit ends up, consider setting a date certain—for example, one year from the conclusion of the lawsuit—when no SUPs thereafter will be issued for new wineries. This may become the only way to protect the residents of OMP from the detrimental impacts of ever-growing winery activities in the future.

Sincerely yours,

James Raphael  
14826 Mallard Drive, TC 49686

## Becky Chown

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**From:** PJ Kelley <team.dog.59@gmail.com>  
**Sent:** Sunday, February 11, 2024 2:10 PM  
**To:** Maura Sanders; Becky Chown; Marge Achorn; Isaiah Wunsch; Rudy Rudolph; armen.peninsulatrustee@gmail.com; dave.peninsulatrustee@gmail.com  
**Subject:** Charter Township

Dear Town Board Members,

I will attempt to attend the board meeting this Tuesday, but in case I cannot make it to say two cents in public, please include this email in the packet addition.

I am writing again regarding the charter township agenda item. I see that, based on board discussion at the December meeting, that a Request for Proposal has been published for a consulting firm to assist the township in exploring all options for future financing.

Given that the township is in the process of requesting bids and hiring a consulting firm, I am wondering why the pros/cons of a charter township would still be discussed at this month's town board meeting? The board has not even hired a firm yet and it will be many months before the chosen firm will have their analysis completed for board review. Continued discussions at the town board level before the investigative process has been completed seems redundant at this point and could possibly lead to confusing or contradictory information to the residents if statements are made by the board at this time without the benefit of the final analysis from the consulting firm.

Additionally, you might consider the possibility of renaming your group from Charter Township Study Group to Finance Committee or Finance Study Group. Having the words "Charter Township" in your committee name does not imply that the town board is considering ALL alternative methods of financing and might convey to the residents that a charter township is a foregone conclusion in the minds of the town board. Furthermore:

- It would be helpful to the public to have any notes or minutes taken from the study group included in the town board packet when the study group is listed as an agenda item;
- A designation of "Finance" study group could be invaluable to the town board in researching and/or gathering public opinion on proposed budgeted expenses or other big ticket financial items that may arise during the course of business.

Thank you,  
Paula Kelley

Mary (Monnie) Peters  
1425 Neahtawanta Rd  
Traverse City, MI. 49686

Peninsula Township Trustees  
13235 Center Road  
Traverse City MI 49686

February 8, 2024

Dear Township Trustees:

I send to you my strong support for your efforts to negotiate a settlement with WOMP, the Wineries of Old Mission Peninsula. I do understand the lawsuit and the situation are complicated. However, as long ago as 2017 and continuing for several years, many of these wineries were working with the Township in efforts to create updated zoning with some good draft regulations and language created.

Over the intervening years, the wineries seem to have gone from being a helpful group to demanding changes that oppose regulations they had suggested and helped develop. By joining together and filing a lawsuit in federal court and not working with the Township to modify zoning regulations, the Wineries have demonstrated that they no longer care for the Township and its citizens who historically have been big supporters of these wineries. The change to more "entertainment/event center" activities upset the balance of a peaceful farming area.

I am sorry to see this rift and believe that the wineries should uphold those agreements that they helped craft and signed or at least come back to the table and work to come to mutual agreements that respect all parties: the wineries, the Township, other (non-grape) farmers, and also include the desires and residential needs of township residents. By the way, I and my family have not purchased a WOMP bottle of wine (including Bonobo) because of the dispute for the last two years.

As an aside, because we are on this beautiful peninsula surrounded by water, noise from the wineries and others (especially on a still evening) can be heard miles away across the waters.

Maintaining and supporting local farmers of all types is vital for the farming success on and the beauty of the Peninsula. I do thank you for your efforts as a Town Board and staff to try to resolve this dispute in a way that all parties can move forward and thrive.

Sincerely,

A handwritten signature in cursive script that reads "Mary G. Peters".

Mary G Peters (Monnie)