

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI
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**Joint Township Board and Planning Commission Special Meeting
Shoreline Regulation Education Session
April 24, 2025, 7:00 p.m.
St. Joseph Catholic Church Community Room
Minutes**

1. Call to Order by Sanders at 7:00 p.m.
2. Pledge
3. Roll Call – Township Board, Present: Chown, Clark, Sanders, Sanger; Excused/Absent: Alexander, Milliken, Wunsch; Planning Commission, Present: Kevin Beard, Larry Dloski, Randy Hall, Donna Hornberger, Susan Shipman; Excused/Absent: Alexander, Shanafelt; Township Planner: Elise Loud
4. Brief Citizen Comments (for non-agenda items only): none
5. Approve Agenda

Motion by Chown to approve agenda as written, seconded by Sanger.
Motion by Shipman to approve agenda as written, seconded by Hall.

Motion Passed.
Motion Passed.

6. Conflict of Interest: none
7. Business:

A. **Public Education Session for Peninsula Township Shoreline Regulations (Loud)**

Peninsula Township Planner Elise Loud: The purpose of this session is to provide education and gather feedback on shoreline regulations in Peninsula Township. Presented an overview of current local shoreline zoning, highlighting common questions regarding docks, hoists, shared waterfront use, retaining walls, tree removal, and non-conforming structures. Presentations will be given by state and federal experts on regulatory roles, coastal resiliency, and best practices from other communities. The event stems from the 2024 Shoreline Study Group’s work, which identified the need for broader public engagement before considering regulatory changes. Questions will be taken from board members, the public, and a feedback board is available for written input.

Panel Participants:

Jack Racignol, Michigan Department of Environment, Great Lakes, and Energy (EGLE) with Jeff Fritsma, U.S. Army Corps of Engineers: the men jointly presented on state and federal regulations governing shoreline development along the Great Lakes. They emphasized shared jurisdiction, requiring separate reviews under one joint permit application. EGLE’s authority begins below the ordinary high-water mark (580.5 feet), while USACE uses a higher elevation threshold. Regulated activities include dredging, filling, shoreline construction, marina expansion, and other work on Great Lakes bottomlands. Commonly permitted projects include riprap, docks, and small-scale dredging. Exemptions—such as for seasonal docks or certain maintenance—apply under state law but may still require federal permits. Residents were encouraged to consult both agencies early in project planning. EGLE staff provided an overview of Part 323 (High-Risk Erosion Areas), noting that while critical dune regulations (Part 353) do not apply in Peninsula Township, two small high-risk erosion areas are present—one near Bowers Harbor and one east of Haserot Beach. These areas are identified by property ID and involve construction setbacks from the erosion hazard line. Permits are required for new structures, additions, garages,

covered decks, and septic systems. Uncovered decks, vegetation removal, and minor grade changes are exempt. Jeff Fritsma noted that the U.S.

Army Corps of Engineers' authority over Lake Michigan falls under Section 10 jurisdiction. Any activity along the Lake Michigan shoreline may require a Corps permit. Residents are encouraged to speak directly with him after the presentation to discuss individual properties and permitting needs.

Dave Schuberg, Coastal Habitat Coordinator, Michigan Coastal Management Program (MCMP/EGLE): provided an overview of the Michigan Coastal Management Program, which is federally funded through NOAA and has supported shoreline planning and resilience efforts since 1978. Highlighted regional projects—such as the US 31 coastal corridor plan in East Bay Township—and emphasized the importance of long-term planning in response to water level fluctuations and erosion risks. Current initiatives include educational tools, coastal leadership training, and a forthcoming resilience toolkit featuring best practices for shoreline protection and stormwater control. Schuberg encouraged communities to explore available grant funding for planning, engineering, and implementation of coastal projects.

Baykeeper Heather Smith, The Watershed Center Grand Traverse Bay: discussed the importance of shoreline protection and best practices for local regulation. Representing The Watershed Center, a nonprofit focused on clean water advocacy, she highlighted Peninsula Township's unique role—holding nearly one-third of the bay's coastline—and emphasized the ecological and economic value of protecting its dynamic shoreline. Smith outlined regulatory tools available to townships, including shoreline setbacks, wetland buffers, impervious surface limits, and native vegetation requirements. She also shared examples of effective policies from neighboring communities and offered the Watershed Center's support as a resource for developing protective zoning and ordinances in Peninsula Township.

8. Members of the Town Board and Planning Commission Q & A

Hall: asked whether The Watershed Center offers consulting services to review township zoning ordinances and provide recommendations.

Smith: responded that the center is available for an initial consultation at no cost and is open to further discussions if more in-depth review or ordinance drafting is desired.

Beard: inquired whether the eroding section of Bluff Road could be designated a high-risk erosion area.

Racignol explained that such areas must show an average shoreline loss of a certain amount. **Schuberg** clarified the threshold as at least one foot per year and noted that reassessment timing varies. While entire counties are typically remapped at once, property owners can request a site-specific review. Erosion rates are calculated using historical aerial imagery, some dating back to the 1930s.

Hall: asked about whether township staff can determine if shoreline improvements require permits from EGLE or the Army Corps.

Loud: explained that in some cases, the zoning ordinance clearly indicates when state or federal permits are required, prompting direct referrals to EGLE or the Army Corps. In more complex situations, staff coordinate with applicants and may consult with the township's stormwater permit consultant to identify when additional agency review is needed.

Hall: asks what happens when a property owner starts a project that requires a state-level permit but fails to obtain one. What body monitors/enforces?

Racignol explained that violations are typically investigated following complaints, which may lead to actions ranging from warnings to restoration orders or, in severe cases, fines or criminal charges. Complaints can be submitted anonymously through the MiEnviro portal or received via local agencies. **Fritsma:** noted a similar process, with anonymity possible though there is need for follow-up contact information. **Schuberg:** clarified that only EGLE or the Army Corps can determine permit requirements, though some counties use GIS tools to help screen projects. **Loud:** added that from the township's perspective, enforcement is approached collaboratively, with the goal of helping property owners come into compliance rather than penalizing them.

Susan Shipman: asked about support and permitting for removing legacy shoreline hardening (e.g., riprap) in favor of more natural restoration.

Racignol: confirmed that such projects are encouraged and fall under existing permit categories—typically as dredging—which help expedite the process. He noted key considerations include ensuring no critical structures are left unprotected and that stabilization plans are in place. **Fritsma:** added that the Corps has a similar minor permit category, though such applications are less common.

9. Members of the Public Q & A

Jim Long, 11415 Bluff: questioned EGLE on approach to invasive carp, why reopening Bluff Road is not a higher priority, as it is a BATA route, and how the EGLE/Army Corps can identify areas of conflict/overlap to make processes easier for residents.

Fritsma: on the Asian carp issue referred attendees to the Corps' website and Public Affairs Office for more information. Regarding Bluff Road, clarified that the Corps is awaiting an application—likely from the county road commission. Once submitted, it would be treated as a priority due to local interest. He also emphasized that the Corps offers regional permit categories similar to the state's minor permits and that agencies coordinate closely with applicants to streamline the review process.

Rose Sickle, 9449 Center Road: inquired into the recommendations from the Shoreline Study Group and requested a timeline for implementation.

Loud: noted that this was her first opportunity as planner to visit the Shoreline Study Group's recommendations with the planning commission. Public feedback from the meeting will help inform next steps. A number of existing standards – such as maintaining flexible dock length—are well supported, others, like increasing the number of allowed hoists, will require further discussion. The planning commission will consider these items at a future public meeting as part of its 2025 priorities.

Jim Raphael, 14826 Mallard Drive: as a former member of a township committee formed to address the Bluff Road issue, offered a brief historical perspective. Said the project is stalled due to lack of funding and a seeming lack of interest by the county road commission.

Will Ammerman, 13415 Bluff Road: raised concern about the potential impacts of allowing a higher density of boats and hoists along the shoreline. Specifically, increased waterfront infrastructure may reduce safe swimming areas—particularly for children—and negatively affect adjacent properties by obstructing views and increasing overall shoreline congestion.

Hall: encouraged residents to attend study groups and planning commission meetings, emphasizing that detailed public input is essential and welcomed throughout the decision-making process.

Jordan Valdmanis, 16330 Peninsula Drive: shared that obtaining permits from the Army Corps, EGLE, and Grand Traverse County is generally straightforward, but navigating requirements at the township level tends to be more difficult. Requested clarification on the difference between floodplain regulations and the ordinary high-water mark.

Loud: explained that Peninsula Township strictly regulates floodplain areas. Residential development is prohibited, and only limited low-intensity uses are allowed such as gardens, preserves, boardwalks, paths, open space, and utility access drives. The intent is to protect future development from changing water levels.

Eric Shawbitz, representing Shawbitz Tree & Stone: a contractor working on multiple Peninsula Drive shoreline projects, he expressed frustration that, despite securing EGLE and Army Corps permits, he has been unable to obtain township approval due to FEMA floodplain restrictions prohibiting fill. He noted that most shoreline properties fall within this zone, making it difficult for property owners to protect their land. He has been advocating for ordinance changes for two years to allow protective seawall construction and urged the township to address this issue more directly.

Loud: acknowledged the concerns raised and explained that the purpose of the meeting was to gather public input, not to finalize policy. Noted that conflicting provisions in the ordinance—such as allowing seawalls within

the high water mark setback but restricting fill in FEMA floodplains—may be contributing to resident frustration. Committed to reviewing the ordinance for internal inconsistencies and emphasized the need for the township to clearly define its regulatory stance moving forward.

Adam Whitson, 6307 Hawk View: asked who has authority when a project has received permits from EGLE and the Army Corps but conflicts with the township's ordinance.

Racignol: in cases where state or federal permits conflict with township ordinance, the township's rules prevail, provided they are more restrictive. The state sets a baseline, but local governments may enforce stricter regulations.

Judy Spencer, 6450 Peregrine Court: expressed appreciation for the educational format of the forum but opined that past township study groups lacked transparency and community involvement. She shared her experience as a shared frontage property owner who obtained dock and boat permits from the Army Corps of Engineers based on 2016 township guidance stating the Corps had jurisdiction. Spencer emphasized her family's compliance with permitting requirements and their support for safe, regulated waterfront use. She urged the township to allow more public education and legal clarification—particularly around riparian rights and jurisdiction—before adopting new limits on hoists. She asked whether complaints about properly permitted docks should go to the Army Corps, to which **Fritsma** confirmed that they are welcome to do so.

Randy McClure, 1297 Londolyn Terrace: asked about the elevation difference between the floodplain and the ordinary high-water mark and why floodplain levels vary across the peninsula.

Loud: explained that the ordinary high-water mark is a fixed elevation, while floodplain elevations vary by parcel and are determined using FEMA flood insurance rate maps. The township uses these maps to evaluate floodplain impacts on specific properties during permit review.

Craig Maison, 13334 Blue Shore Drive: as a resident with shared waterfront property (140 ft) for 22 lots, inquired whether a variance could be requested to allow more than permitted number of hoists. Expressed gratitude for the open forum and open-minded approach by planner, Loud.

Loud: explained that the ZBA can issue variances for dimensional standards—such as setbacks—but cannot issue variances for land uses. Since boat hoists may be considered a land use rather than a dimensional issue, a variance may not be possible under existing rules. Committed to researching the issue further.

Kathy Ball, representing TruNorth Landscaping: thanked the township for the forum and raised two questions. First, she asked whether the township plans to modernize its permitting process to avoid in-person drop-offs. Second, she raised concerns that some property buyers may not be informed by realtors about land use restrictions, particularly in floodplain areas.

Loud: confirmed the township is actively exploring digital permitting software and aims to streamline the process for both applicants and staff. **Sanders:** responded that while the Grand Traverse Board of Realtors maintains a repository of township-specific documents, disclosure practices vary. Buyers are ultimately responsible for contacting local zoning offices to verify property regulations.

David Tucker, 16748 Wrightwood Trail: asked which agency has authority to determine the number of boat hoists allowed for shared waterfront access, noting conflicting guidance from EGLE, the Army Corps, and the township.

Loud: clarified that Peninsula Township sets and enforces hoist limits through its zoning ordinance—specifically, one dock and one hoist per parcel, with additional hoists allowed for every 50 feet of frontage. EGLE and the Army Corps do not regulate hoist quantities but may require permits based on structure type and location. EGLE regulates permanent (non-seasonal) structures, while the Army Corps regulates seasonal structures under Section 10 jurisdiction. All agencies agreed that while multiple permits may be needed, only the township determines hoist quantity limits.

Hall: highlighted the complexity of shoreline regulation due to overlapping jurisdiction among the Army Corps of Engineers, EGLE, and the township. Explained that the Army Corps focuses on navigability and regulates seasonal structures under federal law, while EGLE oversees bottomlands under the public trust doctrine and requires permits for permanent structures. The township adds a third layer by enforcing more restrictive zoning rules. Hall emphasized that even with a federal permit, compliance with local ordinances is still required, which contributes to public confusion.

Andy Smits, 8458 Peninsula Drive, GT County Drain Commissioner: praised the township's public outreach and emphasized the need for more educational sessions on floodplain regulations. Explained that floodplain management is complex due to evolving FEMA flood maps and differing jurisdictional layers. Noted that while floodplain development is possible with proper analysis and mitigation (e.g., compensatory cut), Peninsula Township's strict zoning adds difficulty compared to surrounding communities. He stressed that FEMA's floodplain rules aim to protect public safety and infrastructure, not natural resources. Smits offered to help coordinate a future workshop involving contractors, township officials, EGLE, and other stakeholders to explore balanced, informed approaches to floodplain use. He also clarified that Bluff Road's failure was primarily due to poor design and drainage—not high lake levels—and warned against blanket policies that ignore site-specific conditions.

Todd Anson, 10876 Bluff Road: expressed appreciation for the forum and its focus on dialogue but raised concerns about the township's approach to shoreline regulation. Described his experience obtaining EGLE and Army Corps permits for a permanent dock and shoreline protection only to face enforcement issues from the township after installation. Argued that the township's interpretation of jurisdiction—especially regarding dock placement beyond the ordinary high-water mark—is overly aggressive and not well aligned with varying property configurations. Called for greater transparency and reflection from the township on how its rules compare to other communities and whether a one-size-fits-all ordinance is appropriate for complex shoreline conditions. While complimentary of state and federal agency support, he found the township's process difficult and urged more thoughtful, flexible governance.

Gordon Hodges, 1331 Lin Dale Drive: expressed support for the proposed three hoists per 50 feet standard and pushed back against earlier claims that increased hoist density compromises safety or property values. Emphasized that their association has self-regulated successfully for over a decade, maintaining designated areas for swimming and boating. Also highlighted the financial burden of unclear or inconsistent regulations and urged the township to clearly define the rules. Additionally, requested more discussion on best practices for shoreline restoration—such as vegetation choices and erosion control methods—following recent high-water impacts.

Dirk Mammen, 10878 Wood View Terrace: an environmental attorney and geologist, emphasized his professional experience with coastal resiliency and affirmed his belief in the legal right to access and use navigable waters in Michigan.

Christopher Radu, 1328 Londolyn Terrace: president of a shared frontage association, he voiced strong opposition to the township's enforcement of current boat hoist limits. He explained that his association has grown from two to 12 boats since 2015 and has self-regulated responsibly. While the proposed three hoists per 50 feet standard would bring many associations into compliance, it would still leave theirs out of compliance, forcing difficult decisions among neighbors. Stated that the township used a survey with less than a 16% (sic) response rate to justify broad regulatory decisions, arguing that such low participation doesn't reflect the desire of residents. Questioned the township's authority to regulate shared waterfront access, criticized reliance on unclear legal precedent, and warned that restrictive enforcement could lower property values and provoke litigation. Urged a more balanced approach that respects property rights and reflects real usage patterns, particularly considering statewide marina shortages and the historical development of some shoreline communities.

Loud: acknowledged the complexity of shoreline regulation and emphasized that two distinct questions have emerged: whether the township can regulate (legally, yes) and how it chooses to regulate. She noted that the latter question—concerning the township’s approach and level of enforcement—requires deeper community discussion. While ultimate decisions rest with township officials, Loud recommended ongoing dialogue to explore the township’s regulatory philosophy, stressing that continued public engagement is essential to avoid ongoing conflict.

Ken Pratt, 12155 Bluff Road: shared a personal experience from a prior home outside Michigan, explaining how FEMA floodplain maps can be inaccurate. After a surge in flood insurance claims in the early 2000s, FEMA redrew flood maps in 2014, placing his previously unaffected property—and others in the subdivision—within a designated floodplain. By hiring a licensed surveyor to perform elevation measurements, seven of nine affected homes were officially removed from the floodplain designation. Encouraged others to pursue professional surveys if they believe their floodplain designation is incorrect, noting that FEMA maps can be flawed and are not always definitive.

Schuberg: noted that while he and Racignol are not coastal floodplain engineers, EGLE does have staff with that expertise. Offered to connect the township with a knowledgeable EGLE engineer for future discussions to help address community questions.

Hall: responded to earlier comments by clarifying the legal and policy foundation for the township’s regulation of docks. Noted that the legal case cited by a previous speaker dealt with inland lakes, which are governed differently from navigable waters like Lake Michigan. Emphasized that the township began regulating docks in response to numerous shoreline disputes—more than 50 complaints were received in one season alone—highlighting the need to prevent conflict and promote safety. Affirmed that Peninsula Township is not unique in regulating dock placement, citing several other Michigan municipalities with similar ordinances, such as Acme Township. While acknowledging the township’s regulations may be more detailed than others, argued they are valid and grounded in both state zoning authority and case law, noting he found no reported court decisions invalidating such local regulations. Reiterated that federal and state permits do not override township zoning requirements and that municipalities have the right to regulate dock use as it relates to land within their jurisdiction.

Todd Sanders, 20202 Center Road: noted that a 20% response rate on a community survey—often cited as low—is actually considered strong by statistical standards. As a trained mathematician, he emphasized that such a rate is commendable for public engagement efforts and encouraged others to view it in proper context.

Lisa Labonte, 4006 Swaney Road: a resident from the Haserot Beach area, she expressed concerns about the lack of representation from their unique section of the peninsula and the challenges posed by increased shoreline use. Noted significant environmental changes since the 1970s and shared frustration over unclear or uneven enforcement of mooring and dock regulations. Raised confusion over riparian rights, flood zone designation, and property use restrictions, citing a neighbor’s fence that blocks natural sand deposits as an example of regulatory inconsistency. Asked if the township’s ordinance makes exceptions for informal, non-commercial shared waterfront access, such as allowing neighbors to use private frontage without charging fees.

Loud: clarified that current zoning regulations do not distinguish between informal sharing and formal associations; all shared waterfront use is subject to the same standards. While acknowledging the resident’s concerns and the community’s unique burden surrounding public access at Haserot Beach and Kelley Park, staff

emphasized that zoning is currently "black and white" but expressed openness to further community dialogue about introducing more nuanced, context-sensitive regulations.

Mike Coffey, 16690 Whispering Pines Trail: asked about the next steps following the shoreline forum, noting strong interest in his subdivision regarding potential changes to the three hoists per 50 feet rule.

Loud: responded that the May 6 planning commission meeting will include a discussion on the event and a broader conversation about shoreline regulations. While she emphasized that any decisions rest with township officials, she recommended continued community dialogue around more nuanced approaches. Future public communication will follow to clarify the direction of the discussion.

Hugh Allerton, 3479 Allerton Drive: expressed support for the current one hoist per 50 feet rule, noting that their subdivision has followed this standard with minimal conflict. Voiced concern about increasing boat density and emphasized the importance of preserving safety and the natural character of the bay for families. Inquired about the potential reactivation of the shoreline study group and how to participate in future discussions.

Loud: responded that the structure for ongoing community engagement—whether through the planning commission, a new study group, or additional public forums—has yet to be determined and will be discussed further.

Radu: responded to earlier remarks by clarifying that his citation of a legal case was not about inland lakes per se but about the broader issue of whether a single township should regulate shared waters bordered by multiple jurisdictions. Referenced case law (Fox and Associates) and pointed to Charlevoix Township's minimal dock regulations as a more balanced approach. Challenged the rationale for new restrictions based on limited public complaints and low survey response rates, arguing that applying strict rules based on input from a small percentage of residents is disproportionate. Noted that legal challenges are rare not because regulations are sound but because most citizens lack the time or resources to pursue litigation. Urged the township to consider more flexible standards—such as rounding frontage totals—to reduce unnecessary conflict and avoid setting a precedent which others have deliberately avoided.

Christine Sickle, 3449 Center Road: expressed concern that earlier recommendations and revisions by the study group of which she was part —developed collaboratively with township staff—may be disregarded under the current process. Noted her active involvement, including submitting written input and reviewing draft changes, and questioned whether the township is starting from scratch. Emphasized the importance of building on prior efforts and hoped the work already done would be preserved as part of the path toward a resolution.

Loud: clarified that prior shoreline study group work is not being discarded and remains well organized and available. However, acknowledged uncertainty about the next steps, noting that input from the planning commission is needed to determine the direction moving forward. Staff emphasized the importance of balancing continued community engagement with respect for the efforts already made, stating that both new input and prior work will be considered as part of an evolving and inclusive process.

Spencer: voiced concern over what she sees as an imbalance of power between citizens and township officials, particularly regarding legal resources. Expressed frustration that the township has unrestricted access to taxpayer-funded legal counsel while residents must hire private attorneys to respond to interpretations of zoning authority. Questioned whether the township is overstepping its jurisdiction by enforcing regulations beyond the ordinary high-water mark, citing the Michigan Zoning Enabling Act. Criticized the shoreline study group process as biased and not representative of the broader community, particularly residents with shared frontage. Called for greater transparency about who participated in the study group and emphasized the need for more balanced education and dialogue to prevent further litigation and reduce legal costs for the township and residents.

David Edmondson, 12414 Center Road: a fourth-generation Peninsula Township farmer with 650 feet of family-owned shoreline, he criticized the regulation limiting his property to one dock, calling it unreasonable and disrespectful of long-standing land investment. Expressed frustration that while some subdivisions exceed dock limits without enforcement, individual property owners face strict restrictions. Urged the township to apply

regulations fairly, reduce overregulation, and return to common-sense policymaking to avoid further legal disputes.

Anson: urged the township to exercise caution when asserting regulatory authority over navigable waters. Disagreed with the interpretation—referenced by Hall—that the township can govern out into the water, noting that most Michigan townships with waterfront do not adopt such controversial dock ordinances. Argued that the township risks overstepping its authority without clear legal precedent and emphasized that true jurisdictional limits may ultimately be determined by the courts.

Clark: asked the panel of professionals whether there is a point at which too many docks in a given area cause environmental harm—such as increased erosion, disruption to the lake bottom, or altered wave patterns—and, if so, whether there is a known limit or threshold.

Schuberg: yes, docks and hoists are impactful to waterways—just as any human activity on the landscape is. While Michigan allows temporary docks without individual permits, that doesn't mean they are without consequence. With the growing number of shoreline users and boats, impacts are increasing, and communities—including state agencies like EGLE—are beginning to ask new questions about those effects, especially as rental and income-generating properties become more common along the shoreline. There's no simple threshold for "too many docks," but Schuberg emphasized it's a conversation that communities like Peninsula Township need to have as pressures grow.

Smith: explained that while open pile docks and hoists (which allow water and sand to flow through) typically don't raise concerns for their organization, high-intensity shoreline use overall does impact the environment. More boats and human activity near the shoreline can affect wildlife and plant life. She emphasized that hardened structures—like granite steps, patios, or permanent docks—are more likely to alter natural shore conditions and should be considered as part of the broader impact on shoreline ecosystems.

Hodges: noted that his subdivision's open-pile hoists allow water to flow through, and emphasized that wildlife frequently use their docks, like ducks and birds. Added that they haven't altered the shoreline in 15 years and are careful not to damage it, especially to protect their own equipment. Affirmed that they care for and maintain their property responsibly and don't want to harm the environment.

Clark: asked if the Army Corps of Engineers would regulate the number of docks or hoists in a given area if the township chose not to regulate them at all. Specifically, whether the Army Corps would limit dock or hoist density if individuals only had to go through that agency for permitting.

Fritsma: applicants are welcome to apply for as many docks or hoists as they feel necessary and each application is reviewed on its own merit. There is no preset limit imposed by the Corps, and no preemptive restriction would be set by the agency.

Sanders: thanked the panel for their participation and expertise, noting this was the first of potentially several educational sessions. Planner Loud is now leading the next steps and will work with the planning commission to carry forward feedback from the event. Additional focus, including a separate discussion on floodplain issues, is planned with input from Andy Smits. Residents are encouraged to stay engaged, and the township invites continued questions via email, promising transparency and updates as decisions unfold.

10. Adjournment

Motion by Clark to adjourn this special meeting of the township board, seconded by Chown. **Motion passed.**

Meeting adjourned at 10:00 p.m.