

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

www.peninsulatownship.com

Township Board Special Meeting ~~Agenda~~ Minutes

May 12, 2021, 10:00 a.m.

Township Hall

**Corrections made retroactively by the clerk on June 16 and
June 23, 2021**

1. **Call to Order** by Supervisor Manigold at 10:00 a.m.
2. **Pledge**
3. **Roll Call:** Sanger, Achorn, Chown, Manigold, Bickle
Absent: Wahl and Wunsch
Also present by phone: Township Attorney Greg Meihn
4. **Brief Citizen Comments (for agenda items only):** none
5. **Approve Agenda**
Moved by Bickle to approve the agenda as presented, seconded by Chown.
Passed Unan
6. **Conflict of Interest:** none
7. **Consent Agenda:** none
8. **Business:**

1. Request from Marie Chantal-Dalese to address the township board.

Marie Chantel Dalese, 527 Second St.: wants to figure out a way for the wineries to have tents up during the pandemic. The current rules as presented don't work for the needs of the wineries. Is simply asking for different language that specifically addresses only the requirements placed by the health department with regard to sides [of tents] being allowed and social distancing. They are not asking for this to upset neighbors and feel that any issues can be remedied.

Manigold: this request was made today prior to the meeting. We will take the information and have the attorney review the requested changes. We want the wineries to be successful. We are concerned about the complaints we received last year.

Dalese: we are just asking for tents to be placed in our MLCC (Michigan Liquor Control Commission)- approved outdoor space and to be able to have the capacity of the tent with the required social distancing of six feet in the interior area. There is nothing new about having people outdoors. The language that should be changed from the current document is the process and having zoning approve versus the township board and the request for a site plan and the fifty percent indoor capacity and for portable bathrooms to be on site. [Chateau Chantal] has plenty of bathrooms. The outdoor music/amplified noise rules would continue. The wineries would prefer the hours of the establishment instead of the listed time frames. Has seen examples where applications are approved by staff instead of the township board.

Bickle: questioned the availability of tents as this is why the board approved the igloos.

Dalese: many wineries have purchased their own tents and they can also be rented. Tents are more

popular due to COVID. Umbrellas are talked about also in the resolution, and the use of sun umbrellas makes us in poor standing with the township. Jolly Pumpkin currently has a tent up.

Manigold: we tried to get this agreement completed in a timely fashion but we also had to ensure that the residents living next to these facilities are protected. In Marie's situation, it may not make sense for her to have to add additional bathroom facilities. One of the wineries did have issues as they placed the tent next to the adjoining residential property line. Those owners experienced trespassing on their property and it was used as a bathroom. Ninety percent of the complaints were from neighbors calling in on one another. What is presented and written makes sense to the board. This falls on local zoning enforcement. We respect your ability to make a living but we also need to work in harmony with the residents and neighbors.

Dalese: there are guidelines that are established in what [Dalese] is presenting that are enforced by the health department and law enforcement.

Manigold: recently went to the health department and there is no staff working from the office, which is why law enforcement would be contacted next.

Bickle: appreciates Marie's willingness to come before the board and that she is was prepared to make a presentation. This is a better meeting form, which means the board can give more time to the conversation rather than being sidetracked with multiple agenda items.

Mark Nadolski, 10 McKinley Rd., president of PTP: asked if the changes or the requested use will become permanent or if this a temporary resolution due to the virus; also asked how this allowance affects the relationship/lawsuit between the wineries and the township.

Meihn: would prefer not to respond to the question due to the pending litigation. Will provide a written response. (At the June 15, 2021, special board meeting, Meihn clarified that he did not provide a written response but directed Mr. Nadolski to speak to PTP's attorney.)

Manigold: township zoning does not allow tent structures; therefore, these would only be allowed until the restrictions from COVID are lifted.

Bickle: requested that Attorney Meihn provide the board with guidance so that everyone is aware of what can be done and where tents should be located on the premises.

Manigold: this should also be tied to occupancy.

Nadolski: rules and regulations should be established so that everyone is comfortable with the agreement.

Alex Lagina, 8175 Center Rd.: echoed Marie. Wineries do not want to be a nuisance to the neighbors. Addressed items in the proposed agreement he disagrees with. Sun sails and umbrellas are only mentioned once and awnings aren't mentioned. Requested that all these things are waived. Is not comfortable giving up his rights and wants to maximize the safety of guests. The only recourse is to call the police, which is a no-win situation. Wants to follow procedures set forth but wants it to make sense.

Chris Baldyga, 9707 Montague Rd.: good idea to have the tents placed within the property lines. Questioned the restrictions on the occupancy of the tents, outdoor service, restrooms, parking, and limiting the outside capacity. He can see not wanting the tents to become a bigger issue. Believes capacity should not be tied to indoor brick and mortar capacity but rather to the state mandate.

Sherri Campbell, 315 Blackstar Farms: supports what the other wineries have stated. They have been short on staff, and money has been spent on tents and picnic tables to keep people outside. They have been gearing up for warmer weather to keep people outdoors and are limited on who they can ask to go outside. Some people are not wearing masks and they have had to make special accommodations for them. Is not happy with the date of September 1, 2021, and asks to be able to use tents until the end of October.

Meihn: clarified that wineries are under no obligation as a business to accommodate people who choose to forgo wearing a mask. Many companies are not following these guidelines, but there are no special accommodations extended to people who refuse to wear a mask.

Nancy R. Heller, 3901 Blue Water Rd.: asked the board and township attorney to give the people who

spoke a firm response to an amendment to this resolution. This should be prioritized with a timeframe.

Bickle: asked Attorney Meihn to guide the board in regard to the feedback from the representatives of the wineries and PTP. How should this be addressed with regard to timing? Need some legal guidance.

Meihn: this resolution did not quite make it to the finish line. Advised the township board to stay away from any of the issues that are being litigated. Suggested they schedule a meeting to write a report that includes the items that effect all interested parties.

Lagina: interested in what Meihn suggested. Feels this resolution needs to be more general. New ordinances could control this if we would like to make this permanent.

Bickle: how do we streamline this so it is done case by case?

Meihn: outlined some additional ideas, such as creating a committee and reviewing changes to the ordinance. Suggested that one to two board members, staff, and representatives of WOMP create a WOMP desire list and merge ideas together to come up with a plan. Would require zoning ordinance additions and changes and forgiveness of enforcement of the ordinance. Would time it to be in line with the next meeting or schedule another special meeting within a week so the board can make a decision.

Manigold: feels this will overcomplicate this process. Wants to get this resolved before June 8. They will take the information and review with staff, but when this is put together, it will be enforced.

Bickle: need a better definitions of do's and don'ts. Each winery has different topography. The rules that are implemented need to be followed.

Achorn: when the request was made, a resolution was drafted quickly. We went through this quickly to respond immediately, trying to work to help all businesses and not just the wineries. We need in writing what each entity needs.

Dalese: did address the information the wineries are requesting in her email. Suggested the zoning administrator review the site plan for setbacks and distance from neighbors. Feels she did provide a solution that will work.

Campbell: the wineries are speaking as one voice. Asked if residential properties are allowed to have tents or just the wineries. WOMP members and the wineries outside of WOMP correspond; Marie has been good at keeping everyone in the loop.

Manigold: this would be a use for any entity within the township. It would include residents, roadside stands, wineries, restaurants, and stores.

Heller: appreciates that the township realizes an immediate resolution should be completed. It has taken years to bring the zoning ordinance rewrite before the board in draft form. What is being asked for is not set in stone but it's realistic to have this amended. The need is only during the pandemic. Important for these businesses to do business in a timely fashion. Appreciates the board listening and understanding the need for adjustments to the proposed resolution. Understands there is a lawsuit but the resolution should be expedited.

Chown: asked if Christina and Randy have time to accomplish this today as there is room to make adjustments and this could be done quickly.

Bickle: look at what was able to be done with the applicant of the Seven Hills development. Various members met and were able to meet and smoothly accomplish their request.

Manigold: need to get a consensus on this and have a group from the board meet with Christina and Randy to move forward.

Achorn: we should have representation from the wineries, residents, and roadside stand owners. The churches may want to participate as well.

Lagina: the indoor capacity is a problem if a sudden storm occurs, as this is where people will congregate until they can disperse, which would be a violation.

Sanger: the land use permit and special use permits are based on capacity for indoor use.

Lagina: state is enforcing the density requirements. Can't allow guests to congregate under a small patio. These issues will go away once the restrictions are lifted; this only needs to be temporary.

Baldyga: what was written was numerous and lengthy and it really is simple. Last year it was simply a suspension of the enforcement, and the consensus is to have is the same as it was last year so the neighbors will not be offended.

Manigold: we understand what you are saying; you want part of this reversed and the resolution streamlined. We will address this with staff and draft a new version and hold a special meeting on Monday but we need a consensus of the board. We will take another shot to re-write this, but there will be enforcement, as the residents should have a good summer as well as the wineries. Tents will not be able to be located on the property lines.

9. Citizen Comments: none

10. Board Comments:

Bickle: glad we had this meeting with the wineries.

Manigold: reminded board members that only three members are able to meet together at the same time.

Sanger: there is light at the end of the tunnel.

11. Adjournment:

Moved by Bickle to adjourn, seconded by Chown.

Passed Unan

Final adjournment: 11:19 a.m.