

PENINSULA TOWNSHIP

13235 Center Road, Traverse City
MI 49686

www.peninsulatownship.com

Township Board Special Meeting

June 6, 2022, 8:00 a.m.

Township Hall

Minutes

1. **Call to Order** by Manigold at 8:05 a.m.

2. **Pledge**

3. **Roll Call**

Present: Manigold, Achorn, Wahl (present by phone), Sanger, Wunsch, Chown, Shanafelt

4. **Brief Citizen Comments (for agenda items only):**

Manigold: because we're going into closed session to talk about the ramifications of the lawsuit, we'll try to keep comments to three minutes.

Mark Nadolski, 10 McKinley Road: speaking as president of Protect the Peninsula. Gave a prepared statement (see attachment to minutes).

Louis Santucci, 12602 Center Road: read a prepared statement (see attachment to minutes).

Jim Grove, Upper Birch Drive: read Judge Maloney's entire opinion. Was disappointed but not in what the opinion said. Disappointed that on October 6, there was an agreement in place to resolve this matter and I think the board wasn't listening and didn't settle. Thinks the township board has been listening to the wrong voices. Urges the board to get back into mediation and get it resolved. Getting this decision reversed on appeal won't be easy and will be wildly expensive. There is probably still an opportunity to resolve it. Doesn't think it will cost 203 million but it will be something. None of the residents need that and you guys don't need it.

Bern Kroupa, 3183 Shorewood Drive: came back to the farm 27 years ago on a full-time basis vowing never to get involved in township politics. That lasted about 45 days. Then there was a special use hearing that was raucous and one of the wineries was being pounded on. Has no interest in wineries but didn't think it was good for agriculture in general. Today, is saying enough. It's 27 years later, and we're still at some of this. Bring these guys back in and settle this in a business-like fashion. If you need some of us non-grape growers to get involved, let's do it. Managing agriculture in this fashion doesn't bode well for the next generation, so enough.

Dave Edmondson, 12414 Center Road: concurs with the ag community. Has participated in many meetings prior to the lawsuit and the wineries couldn't get anything done. That's what started the lawsuit. That boils down to leadership and legal counsel. Where have they been to help us along with getting the job done? Now we're in this situation. Attorney said a month ago we'll appeal it

and this will go on for five or six more years. That's good for him but not the rest of us. Doesn't think we should appeal this decision. We have property rights. We should be able to use our property and come in and amend our SUPs. Our board and staff should get the job done. Why don't we get our staff to show up? Rob, you said this is a billion-dollar community. Everybody is being paid handsomely. They need to show up for the four days we're open. Maybe we should go to a five-day week so we can get the job done. We don't have the rewrite done or purchase of development rights done. Nothing's done. Now we're liable for a lot of money. Maybe some things will happen that we don't like, but we have the right to use our property.

Recently received a letter [from planning and zoning] that tells him he needs an SUP to put up a tent.

Manigold: objected. That's not what the letter says.

Edmondson: yes, it is. People are getting fines and cease and desist letters for being farmers. Stop it.

5. Approve Agenda

Wunsch moved to approve the agenda [as presented] with a second by Chown. Motion approved by consensus

6. Conflict of Interest: none

7. Consent Agenda: none

8. Business:

1. Enter closed session pursuant to MCL 15.268(e) to discuss the winery lawsuit

Wunsch moved to enter closed session pursuant to MCL 15.268(e) to discuss the winery lawsuit with a second by Shanafelt.

Roll call vote: Sanger, Wunsch, Shanafelt, Chown, Manigold, Achorn approved unan

Manigold: we will go next door. Probably going to be two to three hours. Think what this lawsuit may have turned into is something that will affect agriculture throughout the state of Michigan. How can you put a restaurant on ag land, especially on deed-restricted land? That belongs in the commercial district. We've been under so much scrutiny, I can understand why you have questions. Our negotiating team believes people should eat something while they eat. It's only normal. A lot of these things may be happening inside. All our complaints are amplified music outside or trespassing. The outside arenas are an issue.

Meihn: stopped Manigold and asked him to save his comments for after closed session.

Manigold: did I go too far?

Meihn: it's better and safer not to make these comments now.

Manigold: there are so many rules we have to follow that I hope I didn't go too far. You're going to hear a lot more from us. MTA will be joining us I believe and American Farmland Trust will be in. There's a lot more to this story than what you've heard so far.

Wunsch: has heard some concern about the settlement proposal presented to us in October. Is sorry we're not at liberty to discuss that. To the residents, you do not know if it was better aligned or less aligned than the decision that's been handed down by the judge. We ask you to trust that the township is attempting to make the best decisions possible for the community. If a good proposal were presented to us, we would be willing to consider it.

Return to open session pursuant to MCL 15.261

Shanafelt moved to return to open session with a second by Sanger.

Roll call vote: Achorn, Sanger, Wunsch, Shanafelt, Chown, Manigold **approved unan**

Achorn: moved to authorize the township board to decide on legal next steps in concert with the insurance companies with a second by Wunsch.

Roll call: Wunsch, Shanafelt, Chown, Manigold, Achorn, Sanger **approved unan**

9. Citizen Comments:

Brit Eaton, 1465 Nehtawanta Road: gave a prepared statement (see attachment to minutes)

Nadolski: didn't hear the total motion that you passed. Please repeat.

Achorn: repeated her motion.

10. Board Comments: none

11. Adjournment

Wunsch moved to adjourn the meeting with a second by Sanger. **Motion approved**
by consensus.

Meeting adjourned at 11:22 a.m.