

PENINSULA TOWNSHIP

13235 Center Road, Traverse City
MI 49686

www.peninsulatownship.com

Township Board Regular Meeting

June 14, 2022, 7:00 p.m.

Township Hall

Minutes

1. **Call to Order** by Chown at 7:00 p.m.

2. **Pledge**

3. **Roll Call**

Present: Achorn, Sanger, Wunsch, Shanafelt, Chown

Absent: Wahl, Manigold

Also present: Township Planner Jenn Cram and Attorney Bill Fahey via phone

4. **Citizen Comments**

Chown: Anyone who would like to make a comment on an item on the agenda is welcome to come to the podium at this time, with one exception: if you are here to speak about the Meeker addition to the Pelizzari Natural Area, please save your comments for that item.

Monnie Peters, 1425 Neahtawanta Road: I have come before the board a lot, and I bet you can guess what I'm going to speak about, yet again: passing the zoning ordinance. I want to remind the audience and the new people that we began work on it because the planner at that point, Michele Reardon, said the old code was really bad and we needed to work on it. This was the fall of 2015. We were never supposed to solve the problems and rewrite the code; the purpose was to create a document that could be easily amended, could be up to date, and meet all of the state statutes because at that point we were not in compliance, which means I suspect we still are not in compliance. We worked on it, and then we decided we needed a sub-committee. The planning commission created a sub-committee of three of us, Laura Serocki, Al Couture, and myself. We had seventy meetings and went through all of it and helped create, with the help of a very excellent consultant, McKenna, so that process was done the end of 2018, beginning of 2019. Our former planner, that was not his forte. He wanted to do the survey, he wanted to do the master plan, both of which were good, but that didn't get the zoning ordinance done. So, finally, the planning commission indeed did pass it, last spring, I believe, and in fact I believe the planning commission has passed the ordinance twice, and it came up in front of the town board in July of last year, and I started coming. I didn't come to the August meeting but I came every other meeting and said get it passed. And Rob promised me we will get it passed by the end of the year. But we are not there; we haven't passed it. And I want to ask the board members, do you really like the old code? Is that a good document to be

working under? You've got your wonderful new planner, who is working on lots of little fixes, but we knew there were going to be lots of little fixes. You can't pass it tonight because it's not on the agenda to do it. I think I've heard that it's going to be passed maybe in another meeting shortly, but I really believe what you are doing is being extremely inefficient and I bet it is costing you money by not finally passing it, now that we are six and a half years after we began. Thank you, and good luck. Jenn, get it done.

John Jacobs, 5290 Forest Ave: First of all, I wish Rob were here so he could hear this too, but I want to thank all of you board members. This has been a tough year, there have been a lot of big issues, you've taken quite a bit of abuse, and you've handled it all skillfully and with great grace. Thank you; we are all in your debt. Thank you for being in these seats. Second point, thank you in particular for standing tough on the winery lawsuit. I urge you to continue to do so and to use all the tools at your disposal to continue that fight.

Harold David Edmondson, 12414 Center Road: First of all, I would like to speak to the way that you hired our new legal staff; I believe that was all done in closed session. That seems a little peculiar; that seems like it should have been put out for bids. And more than anything I wish we would have a local lawyer rather than these guys downstate who certainly aren't efficient. I think that we have some big problems here but I think really if you just follow the ordinance that you had originally, and yeah we're moving forward hopefully to the new one that should make life easier, that would be great, but the deviation from the ordinance from my perspective has caused a lot of problems. The other issue is it sounds like you are going to appoint a supervisor this evening. Again I would say why wouldn't you open it up like you have to the other positions that have been vacated to allow maybe fresh blood to that seat, that can maybe come with fresh perspective and give an objective view? I think that would be really important.

Brit Eaton, 1465 Nehtawanta Road: As a peninsula resident, our greatest fear is that the peninsula will become a mecca of commercial activities on agricultural land, with tens of thousands of people, cars, and vans flocking to the peninsula. I also believe that the other farm facilities on the peninsula want parity with the special use commercial activities that the wineries now have because of the court ruling. The citizens' agricultural committee is our best effort to bring parity and quality and recognition of the agricultural use and agricultural tourism. But the court ruling has put that balance in a very precarious position. We must explore all means necessary to enable the township to maintain the ability to mitigate the effects of so much commercial activity on the peninsula in order to retain that unique rural character that brings so many people to the peninsula. If we don't, we'll lose it. Thank you for your consideration.

Lew Seibold, 3297 Cherry Hill Road: I am a member of the agricultural advisory committee; whatever form it will take in the future, we'll see. But I think it has done some good work and I hope it continues. First of all I would like to give some appreciation for the many years of effort Rob Manigold has given to the township and to the township board, as well for the efforts that they put forward. I just want to remind us of a couple things. One is the physical uniqueness of Old Mission Peninsula; there isn't much that can compare to it. I value every day that I live here, and I know that many of you do as well. When I'm out there in the orchard and I look up and I see the bays, sometimes on each side, there's just nothing like it. So it's a very unique

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place and we all recognize that and I hope that we remember that as we go forward. The summary judgement, it generalizes about some of the things that we need to deal with, certainly, but the things that are particular to this place...Other places in the country, you can be in a township, and if you don't like the township you can move across the street. You can't do that here. So we all have a unique responsibility to work together to really accomplish what we all want to accomplish. There are boundaries and there are corridors of movement and infrastructure that are constrained by its geography; there is nothing like it that I know of. More than any rural place, we need a set of ordinances. Because of these particular conditions, we can't live without an ordinance. Those of you who may have an ideological sense of libertarianism or whatever, that's fine; I appreciate that. But we have particular problems that we have to focus on here on the Old Mission Peninsula. We need to set some of those things aside and really cooperate together. The next thing is economics: there needs to be parity, equality of opportunity, not equality of outcomes, but of opportunity amongst all agricultural producers, no matter what crop they grow or animals they are caring for. I'd like to see an ordinance that actually did not say anything about growing grapes, wineries, cherries, kiwis, whatever it is that you grow, because we all need to be treated equally, not differently, and we need to have the same chance and opportunity. I would like to see a reevaluation of the PDR program, quite frankly. I'm not against it, but I'm not for continuing it until we are aware of all the consequences of the program. Are the citizens of the peninsula really getting some return for their investment, and at this point you really have to ask yourself, would you rather be living next to a winery or next to a development? In my mind it's not a given anymore. And then fourth, values. I'm not advocating for any absolute moral dogma but some questions arise. Thirty years ago when we moved to this peninsula, when I saw a bus going down the road, I assumed it was children going to school. I can't assume that anymore. Now, people say, things have changed. Yes, they have. Things have changed, but what does that say about us, what does that say about you, what does it say about everyone? What do busses carry now? With a notable exception or two, I used to see many families with children enjoying our beautiful peninsula. Where are the children and the families, and can they participate in all of the activities that are common? What kind of place is this and what do you want?

Peter Cohl, 9466 Rolling Ridge: Well, you have certainly have been under a lot of stress lately. I've been on the peninsula about thirteen years now, and I'm here to talk about the winery lawsuit. I happen to be an attorney with forty years of experience in municipal law; that's all we do. Our firm represents statewide a lot of municipalities. Based upon my many years of experience, I must say I was disappointed by the trial court's ruling in the winery case. Unfortunately, I believe the court did not receive briefing on all the available legal theories that would have been beneficial to the township. There is no question in my mind about that. Also, there are some facts that were not presented to the court, for whatever reason, and I strongly believe that when more legal theories are brought before the court, you would potentially have a different outcome. Now I'll give you some examples of what I think is beneficial to the township, and I would urge you to go forward with it. You had a partial summary judgment, not the whole case. Summary judgments are oftentimes appealed. I've done that I don't know how many times in the course of my career. And there have been times, many times, when the court, the lower court, has been reversed.

And I feel strongly in this case the court missed some legal arguments that otherwise could have changed the outcome. Now you also have PTP, which has tried to intervene in this lawsuit and was denied by the lower court. An argument was made last week in the sixth circuit court of appeals, where the lower court is appealed to, and I believe that if PTP is allowed into the lawsuit, it will be a game changer. There is no question in my mind about that. Because what would happen is they would be allowed to bring forth additional legal theories that would be helpful to the township. It would also be permitted to bring more factual information to the court, which I also think would be beneficial to the township. And I think there's an excellent possibility that the court, the appeal court, will reverse and allow PTP to intervene. I don't know for sure, obviously, but we'll find out soon enough. Another thing that is beneficial to the township in this lawsuit, I am thoroughly convinced, is that the Michigan Township Association will at some point get involved. I think at some point they will file what is called an amicus brief, where they will try to support your position because that court ruling will affect every single township in Michigan. It's a very important case. So I think at some point they'll get involved. And I would hope that at some point, your counsel will file a motion to stay the injunction that has been ruled by the lower court. There's no stay by the lower court and I would hope at some point there would be an appeal to the sixth circuit court of appeals that would stay this pending the final outcome of the suit. It's been tough on you, and I commend you, I really do; this is a tough one. You've been beaten up all over the place, by all sides; you've got all kinds of issues. I can't say I understand them all; I certainly don't, but I understand the ordinance aspect of this, the winery case. And I think, strongly, that you ultimately are going to prevail. You've got to hang in there. Litigation is time consuming, it's a pain in the neck, it's stressful, but in this case I think you have a very good case, especially on appeal. So I urge you to continue it, and I thank you for your fortitude, thank you for protecting the residents of the township, and I greatly appreciate all you've done.

Mark Nadolski, 10 McKinley Road: I intended this statement to be for Rob and the board, and I'm disappointed Rob isn't here, but I'll go ahead and make my statement anyway. As president of Protect the Peninsula, it's been a pleasure to work with Rob for approximately twenty-two years, starting with his first election in 1988. Rob and PTP had the same goal in mind, and that was to look out for the well-being of the entire Old Mission community. Rob and the board that was elected with him in 1988 understood that in order to keep Old Mission Peninsula a thriving agricultural community, it needed to find out what their priorities were. He agreed that surveying the residents and farming community was critical to creating the ordinances that worked for all. He brought on board a planner who could initiate the steps that would accomplish that. Nothing in life comes easy, but through persistence and hard work and a true dedication to the residents and the farming community, I believe that Rob and the Peninsula Township officials have succeeded in making our township the most desirable place in Michigan and the entire Midwest. Congratulations to Rob and all the town board members, planning commission members, park board members, and citizens who dedicated themselves to our beautiful Old Mission Peninsula. Thank you.

David Taft, 952 Nehtawanta Road: I've been a resident here, semi resident, for more than sixty years. I think you've seen tonight the fiber of this township. The residents, they

really support you. I was going to come and say some nice words about Rob. Rob volunteered again to run for office here. He didn't have to do that; he has a full-time farming job, but he chose to. Some of us could say he could have done a better job; some of us can say he did a great job. The fact is, he committed a huge amount of time on this township board, and all of you are doing the same, and you should know the residents respect you. I've come up and said that before and I want to say that again tonight to you. Now I'm going to move to some agenda items. I want you to extend the moratorium on SUPs. We've got a lot of chaos and confusion in the township, so let's work through that first before we take on new SUPs from wineries, other people, etc. I agree with Monnie; she's beginning to sound like a broken record, but she's right: we spent a lot of money, and a lot of volunteers, a lot of consultants, and a lot of good work on a new zoning ordinance. And it's a good ordinance. We excluded working on the winery paragraphs. Now with the citizens' committee work, which has been really good because it's brought quality to the farm stand concept as well as the wineries, we should look at ways to bring that into the zoning ordinance that is before you after you approve that zoning ordinance. I agree with Monnie it should be approved. Most of all, you shouldn't be intimidated by the chaos and confusion of this community. Mr. Infante has encouraged that; Mr. Santucci has lobbied that. We are not the aggressors, and you are doing a good job. Realize that most of the residents don't come here but they all commend you for what you do. The backbone of this community is behind you, and you are in a transition. What a wonderful time to examine things and really get to the basics. And you are capable of doing it. You've had a lot of volunteers in this community who have spoken on the citizens' committee in the last year and want you to do it, and expect you to do it, and we know you will do it. We don't want the chaos that would lead to Napa, Sonoma, Paso Robles, with crime, congestion, traffic. You have the former mayor of Traverse City, he put something in the packet, this community cannot modify the geography to build more highways to feed people into large events, to weddings, restaurants, etc. We enjoy the rural ambiance. And we have a zoning ordinance and a master plan that says that. So step up and follow it and know you have the backbone of this community behind you. Thank you.

Bernie Kroupa, 1704 Center Road: I'm still not comfortable with the position of being a farmer and being in the crosshairs, but here we still are. Twenty-one years ago we came into this room with the planning commission, Dave Sanger was here, and the town board, and we delivered a white paper on agriculture. We tried to talk about what agriculture is, where it's been, where it's going. It was about a ten-year look. Most of that was pretty accurate, with the exception of its demographics, because some of us are still farming. I guess at fifty-five we thought we wouldn't be here anymore, but we are. But in those twenty years, a lot of good things have happened. We've had a lot of entrepreneurialism, had a lot of investment, planted a lot of ground. We've made great alliances, partnerships, lots of investments, not handouts but investments, and a lot of things have thrived. But the pace of change, and I'm not talking about the negative pace of change via the wineries – frankly I don't view them as a negative – but the change of the traditional tree fruit. It is going to be so fast that trying to cling to the rural circa 1958 is going to be very difficult. There are some bright spots here and there but things are changing and it doesn't have anything to do with Peninsula Township. You know the mayor; I always deemed him as one of our

biggest enemies because of what Traverse City was doing to squeeze our transportation. Years ago, and I agree with Monnie Peters, things don't move quickly around here, you know, working on the master plan, the glacier formed most of the peninsula during that time. But you know, we work on it, we try to make it work, but things are changing. Back to my Traverse City comment, we identified three major things needed for more traditional agriculture: water, power, transportation. We're not shipping from Old Mission Harbor any more, we're not shipping from Neahtawanta, only David Taft is old enough to realize when we did that, but Center Road, thank God for Center Road. All of the deputies are going to have a challenge now with speed. We approached the city of Traverse City twenty years ago and said this isn't right what you've done to the Peninsula Drive section. But they ignored it and if anything made it worse. So that's one problem, but as they say, the agriculture world is changing quickly. Unfortunately, some of the work that's been done here is kind of done in a void, not paying attention to what's going on down the road, and what's going on beyond the peninsula. It's almost hyper speed now that's going to change the traditional tree fruit industry. We've got to think about it a little more deeply. I heard that use by rights are being clustered in with moratoriums; I'd really be unhappy about that. You know we worked hard and long and well intentioned on that, twenty plus years ago. Special use permits...I always said if I needed a special use permit to do business, I'd probably cancel the business model, but that's it. Thanks so much.

Mark Santucci, 1179 Center Road: Originally I was going to talk about the constitution, a little civics lesson, how the court case effects that and everything, but having sat and listened to a couple of the comments, I changed what I'm going to talk about. This was a rural community, years ago. I bought my farm in 1987 and have been farming it ever since. I probably am not going to farm much longer because the community has changed, the attitude to farming has changed. So we're going to have probably another seven or eight houses built on my property because of things like what's going on here. Everyone talks about the wineries affecting traffic and affecting the quality of life. Well, I live within a quarter mile of three wineries and it doesn't affect my lifestyle at all. Once in a while I hear some laughing and giggling but to me that's better than dogs barking. We now have a little more than six thousand people on the peninsula, and we have a couple of postage stamps for commercially zoned property. I'm willing to bet anyone here that if we did a traffic study before five-dollar gas, the number of trips the six thousand residents take back and forth to town to go to the doctor, go to the lawyers, go to the store, go to the accountants, go wherever they have to go into town, is well more than the trips people take to get to the wineries. First of all there are eleven wineries; there aren't eleven people going to eleven different wineries. There is an individual or a group who will go to one, two, three, four, maybe they go to all eleven, but it's that one car that's moving along the peninsula; it's not taking eleven trips back and forth. The traffic problem as I see it is in the morning and the evening, rush hour. The wineries have no impact on that. And yet they're being blamed for that type of stuff. So I think we need to have our facts, whatever they are, and then we go with the facts. Maybe they're against what I just said, but when I have my pick-your-own operation I see the cars going by, I see how many go in to Bonobo and I see how many go right by and I would bet the lighthouse gets the preponderance of tourist traffic that goes here, and unless you want to knock down the

lighthouse, it's going to continue to be that way. Thank you, and I'll save my constitutional talk for later.

Louis Santucci, 12602 Center Road: I want to talk about the SUP moratorium. Once again we see something that, again, when we talk about unintended consequences, this will be detrimental to agriculture. First of all, the moratorium ordinance was not published to my knowledge in the *Record Eagle* giving everybody two weeks' notice. Best I can find out, at midnight the other night, we got notice that this moratorium was going to be discussed tonight. The rationale put forward for the moratorium is not sufficient. Under the zoning enabling act, the town board can make the changes itself. I could do it in half an hour; all you have to do is strike the sections the court found invalid. To claim that six months is needed to make those changes is, in the words of another, malarkey. While moratoriums have their place, they must be reasonable and without bad faith. I would say neither test is met. A moratorium has already been in place for six months, and extending it another six months is an unreasonable burden on anyone who had or has plans for activities that require an SUP. It also discriminates against uses that are a matter of right by basically applying to processing. In addition, for example, it would not allow a farmer who wanted to build a storage facility for his agricultural products because that's one of the special use provisions. So you see it could really end up hurting a farmer who wanted to build an agricultural storage facility. And in addition, it would appear the real reason for the SUP is to deny opportunities to those who may want to set up a processing facility. This smacks of massive retaliation from losing the lawsuit. I would tread very carefully here or the township may find itself on the end of another lawsuit. The judge admonished the township for not seeking less restrictive ways of accomplishing its goals. Has that been done here? I don't believe so. Finally, the rationale that more time is needed to make adjustments and therefore need to put the moratorium in place again holds no water. If this were true, why not impose a moratorium across the board in all districts? Why have you just singled out the ag district? I think that in itself could cause some problems if this ends up in court because you are discriminating against one district and you're using a rationale that theoretically should apply across the board. So once again I think this moratorium on SUPs tonight should not go forward. Thank you.

Grant Parsons, 6936 Mission Ridge: I could admire and agree with something out of everyone's voice tonight. I've gotten the best education in this township since I've been sitting with Isaiah, Dave, and everybody on this agricultural committee, and I've met people like Lew and other farmers I didn't know like Elise Holman till I heard her comment. There has been more good thinking done under Jenn Cram's leadership and organization, and I want to address one simple issue. If people think we're in chaos, if people think we're spinning...I don't mean to, would not dare cross Monnie, I do want to focus on one thing, and that's a little story. When my good friend Bob Russell was very close to death, you guys know he lived out on the peninsula; he was a public servant. When he was close to death, we rented a hot air balloon, and Bob had to be lifted into the basket in the balloon, and we took off at some point on the peninsula, and the whole point was to show Bob what he had done with a life. He hadn't built tall buildings, he hadn't built bridges, he hadn't built business, but he had built a respect for the greatest asset, greatest

moneymaker, the greatest reason we live here. When we look around, it's still there. In large part, I don't think it's going away because of what you have done and what you are doing. So when you start to feel like you're losing balance, spinning, or we're chaotic, go back to the surveys, go back to the people, just get your balance; you're doing great. We have time, because we have a glacial gift, and you've done a marvelous job of preserving it. We're not in chaos; we're in a thinking period. Thank you very much.

Susie Shipman, 14735 Shipman Road: I am currently a planning commissioner, I am here as a resident, I am not speaking on behalf of the planning commission tonight. I am here to just briefly say I am fully in support of the resolution regarding the Pelizzari Natural Area expansion, and I say that as a lover of that park. I've been seeing how much use it's been getting and think it would be a great addition to our peninsula. I want to take a minute as well to acknowledge Rob. He was the first official I had a conversation with when I came back here where my husband grew up eleven years ago. He really made me feel like this is a place where my voice mattered. He made me feel like this is a community worth protecting, and being a part of and really being a participant, and here we all are. I think he reflected that feeling about our community very accurately and he did that in our very first conversation. I just want to thank him for his service, and thank you for your service. It's not an easy place to be. I look forward to what's next.

John Wunsch, 17881 Center Road: First I do want to recognize Rob again. The dedication, the care he had for this community, is unparalleled. I appreciate his service, I hope his health improves, I hope he does well. I want to commend the board and the staff for the difficult jobs they have had the last several years. Thank you for doing that, thank you for being there. As it has been said, so much of this community is behind you and appreciates that. And I want to agree with Bern that, yes, things are changing, and no, wineries are not all bad. There are circumstances now that are out of balance. We need to thoughtfully proceed, we need to resolve some of the differences that were expressed on the agricultural committee, and we need to find a path forward together. Evolution...Bern's right: the cherry industry of 1955 is not going to survive. That was all tart cherries. You have to adapt, like my family has. Do you see any tarts on my farm? We made a pivot, we made the effort, we made the investment. High density apples, sweet cherries, better mechanisms to sort those cherries...There are viable alternatives besides wineries. Yes, wineries are an addition to the ecosystem, they bring more diversity to the time of year when labor can be used, so it's smoothed up our ability to have labor here. It's been a contributing factor. We need that diversity, we need to figure out ways to work together. This lawsuit, this summary judgment, is not final; it is not the end. I urge you to pursue all legal means to continue this process in the courts as well as us to continue the process with the agricultural committee once we have good guidance from our new attorneys. I think we'll be able to put it all together and move forward, so let's not completely blow apart, let's not assume wineries are all bad, let's not assume the tree fruit is a dead industry because it's not. Let's see a path to a positive future. Thank you.

Chris Baldaga, 19707 Montague Road: I just want to speak briefly about the moratorium. The six-month moratorium, I totally agree with. It was good to put it on pause, but to put it on pause again and not just the SUP holders, the wineries that do remote tasting rooms,

but the use-by-right farmers as well, you're putting agriculture on pause. At the last citizen advisory committee meeting, a gentleman sat out there and asked, "You're not going to tell us how to farm, are you?" and you very clearly said no. But this is exactly what this is. It's not telling us how to farm, it's telling you that you can't farm. It's telling you the type of farming that people would like to do, whether it's farm processing, making honey, making ice cream, making lavender, wine, cider, whatever falls into that category, that you're putting them all on pause. But the thing that competes with all the above, cherries, apples, grapes, hay, everything that's out here now, is homes. We're watching homes endlessly creep up the peninsula. That residential creep is relentless. Developers plant houses like I wish I could plant vines. Don't do this moratorium, don't put agriculture on hold. That's what you're doing, please don't do it. That's all. Thank you.

5. Approve Agenda

Sanger: I would like to pull item 6 under reports, directive to Peninsula Township Zoning Administrator Christina Deeren from Supervisor Rob Manigold dated June the 6th, 2022.

Chown: I will place that on the business agenda as item number 5 and bump everything else down a notch. I will entertain a motion to approve the agenda as amended.

Sanger moved to approve the agenda as amended with a second by Achorn. Motion passed by consensus

6. Conflict of Interest

Chown: I have a conflict of interest and will recuse myself when we get to Pelizzari Natural Area – Meeker Addition.

7. Consent Agenda:

1. Invoices (recommend approval)
2. Reports
 - A. Grand Traverse County Sheriff Daily Officer Summary for May 2022
 - B. Cash Summary by Fund for May 2022
 - C. Peninsula Township Fire Department for May 2022
 - D. Peninsula Township Ordinance Enforcement Officer for April and May 2022
 - E. Grand Traverse Sheriff's Office Citation, Accident & Arrest Statistics for May 2022
 - F. Peninsula Community Library for June 2022
 - G. Peninsula Township Non-Motorized Committee
 - H. Peninsula Township Parks Committee
3. Consumers Energy press release
4. Old Mission Peninsula United Methodist Church Chicken Barbeque tent request
5. Minutes from March 30, 2022, Township Board Special Meeting; May 5, 2022, Township Board Special Meeting; May 9, 2022, Township Board Special Meeting; and May 10, 2022, Township Board Regular Meeting
6. June 6, 2022, directive to Peninsula Township Zoning Administrator Christina Deeren from Supervisor Rob Manigold
7. Request to Install Life Jacket Library at Haserot Beach (recommended by parks committee)
8. Correspondence
 - A. William Rudolph
 - B. Brit Eaton
 - C. Dave Murphy
 - D. Laura Johnson

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- E. William and Cary Harrod
- F. Joann Weisell
- G. Paul Shirilla
- H. Jennifer Tang-Anderson
- I. Katie Grier
- J. John A. Wunsch
- K. Eric and Kathleen Dreier
- L. Michael and Alice Rhyner
- M. Liz VerSchure
- N. Pamela Miller
- O. Neal Johnson
- P. Jed Hemming
- Q. Dave Edmondson and Jo Westphal

Chown: Would anyone like any of these items taken off the consent agenda and moved elsewhere for full discussion?

Harold David Edmondson: I would like the letter I submitted moved elsewhere.

Chown: I will move it to the last item on the agenda before we enter closed session.

Wunsch moved to approve the consent agenda as amended with a second by Sanger.

Roll call vote: Sanger, Wunsch, Shanafelt (with caveat that he cannot approve minutes prior to May 10), Chown, Achorn **Passed unan**

8. Business:

1. Accept resignation of current township supervisor and appoint new township supervisor

Chown: As all of you know, our long time supervisor Rob Manigold announced his resignation late last week due to recent health concerns. We thank him from the bottom of our hearts for his service to Peninsula Township over many decades and wish him great health and happiness in the years ahead. Rob, a fourth generation peninsula farmer, has worked tirelessly for decades as many of you pointed out tonight to preserve the peninsula's unique natural resources and agricultural heritage. His efforts have helped preserve literally thousands of acres. Everything from the Old Mission State Park to Kelley Park to Pelizzari Natural Area to the Bower Harbor expansion and many many acres of farmland. His legacy will benefit this beloved place we all call home for every generation to come. I would ask all of you to join me in a round of applause for Rob.

Achorn moved to accept the resignation of Rob Manigold as supervisor with a second by Shanafelt

Roll Call Vote: yes - Wunsch, Shanafelt, Chown, Achorn, Sanger **Passed unan**

Chown: by way of background, because fewer than two years remain before township officers would run for election, the township board has the authority to appoint a supervisor. Township board members, what is your pleasure?

Sanger moved to nominate Isaiah Wunsch as supervisor with a second by Achorn

Chown: After working with Isaiah for the three and half years that I've been on this board, working closely with him on the citizens' agriculture committee, and watching his ceaseless efforts – he is a sixth generation peninsula farmer – I think it's very fitting to

pass the baton to him to have him lead us forward in our land preservation efforts and ethic on this peninsula.

Roll Call Vote: Yes - Shanafelt, Chown, Achorn, Sanger **Passed unan**
Abstained - Wunsch

Wunsch: asked for motion to recuse Chown for discussion of Pelizzari Natural Area expansion.

Acorn moved to recuse Chown with a second from Sanger.

Roll Call Vote: Yes - Achorn, Sanger, Shanafelt, Wunsch **Passed unan**
Abstained – Chown

2. Resolution 2022-16-14 #1 Land Acquisition Resolution - Pelizzari Natural Area Meeker Addition

Wunsch: Dave, if you would like to, introduce us to the project.

Dave Murphy, 6943 Shore Road: Wow, when I invited some folks to come a few weeks ago, we talked about being the first item on the agenda. I hope everyone who has come for the Pelizzari resolution has been entertained. Claire Herman, land protection specialist with the conservancy, and I are here tonight to discuss the Pelizzari Natural Area resolution before you, hereafter referred to as PNA. I’m going to read the first page of my notes because I want to make sure I get it right. From the onset, and that takes us back to 1995, PNA was a citizen-led effort. It wasn’t until the conservancy became involved in the 2000s that we really gained traction. A lot of terrific people stepped up in key times and contributed in different ways, and I want to mention some of those names: Grant Parsons, Mary Van Valen, Jeff Graft, Mary Beth Milliken, Sue and Jim Woodburn, Pam and Scott Phillips, Laura and Bill Serocki, Josh and Barb Wunsch. There are dozen of others but those are some of the folks who were there early. With the millage election in 2008, we secured the first sixty-two acres that otherwise would have been a sizable development with keyholing into two separate East Bay locations. When soil remediation was deemed necessary after that millage election, Glen Chown took on the task of fundraising that part of the project through the conservancy and that was a truly enormous contribution to this community. Through all of the private efforts outside of the millage, roughly half a million dollars were contributed to PNA, not to mention thousands of volunteer hours to build trails, fence borders, create and install signage, plant trees, and more. With this expansion opportunity, we’ve gone about it quietly for nearly three years, and it’s been a significant workload to bring it to this point. The reason we did it quietly is because neighbors are sensitive to what’s going on with their properties. We never did it secretively; we had routine updates at the parks committee level and a few updates at the town board level, but it’s been a three-year process to bring it to this point. This meeting and public input isn’t exclusively for this board; it’s also to inform the conservancy’s board about the township and residents’ interests if they’re going to take on the fundraising task. You have many letters in your packet, and I’d like to encourage folks who came here tonight to speak. I’ll defer to Isaiah regarding when to come up, and I’ll ask that comments be kept brief. I hope we are all largely on the same page but it’s very important not just for this board but the conservancy to know there’s a groundswell of support for this expansion. So now just a few other points about the resolution. The parcel of land under consideration

right now is owned by Walt and Meg Meeker. It's fifteen acres with thirteen development rights, and as we've heard, development is a big concern out here. We have an opportunity to extinguish thirteen of those development rights if the fundraising is successful. The land is flat-out gorgeous; it's going to be an outstanding addition if we can pull it off. The parcel is not directly adjacent to the current park, but we've received favorable reactions from enough neighbors that we believe over time we'll be able to connect the pieces back to what is now PNA. Ideally we would start with a parcel adjacent, but those folks are not yet ready. It's a chicken and egg issue. We have the means to make this move forward, we have a willing seller willing to donate significantly to the project, willing to rally other neighbors, so do we let that pass and wait for an adjacent parcel to become available or do we move on this one now? I believe moving on this one now is a wise thing to do. Again, we believe we can ultimately tie it all back together. If we don't take advantage of this opportunity, these folks might move on; they may sell and that land may be developed. The township will not have to raise a penny for this project. There's a fund balance from the original millage that is legally bound to PNA. It cannot be spent anywhere else in the township; it cannot be spent on any other purposes than for acquisition, which was the original millage language. We will not be using any township funds to acquire this land. The way we'll acquire is through a portion of the fund balance, through the donation of the generous landowner willing to sell at a reduced rate, and through the fundraising of the conservancy, which will pay up to sixty-five percent of the parcel's value. If this town board approves the resolution before it, it will next go to the conservancy board. That's why we've got some folks here tonight to show our support. If those two steps are achieved and the conservancy is successful with fundraising, the property will be deeded to the township, the development rights will be extinguished, and we will continue the work to link the other properties so that all of it is contiguous. If the assemblage proceeds as hoped, we will come close to doubling the size of PNA while removing thirty-five to forty development rights. And as we know, some of the top citizen concerns from recent polls are traffic and development. Working on those issues is part of our township master plan, so this acquisition is absolutely in line with that plan. The only risk to the township, and I believe it's a very small risk, is if the links cannot be made back. Then the township will have preserved fifteen acres of land that otherwise would have turned into a thirteen-home subdivision. I absolutely believe we will complete the connections, but even if the worst-case scenario plays out, then we're going to kill thirteen development rights, which is precisely what we're seeking to do through PDR, through our master plan, and so many other efforts out here. I would like Claire to come up and discuss the resolution, but before she does, and I mentioned this at the parks committee too, I like perspective. This whole thing started in 1995 to secure this land. Rob Manigold was my first contact with that project. When we finally brought it to vote in 2008, it was Rob. Many on the town board were not ready to let us have the vote, and Rob said this guy's not leaving unless we give him an answer, and that's how we got the vote on the parkland, and we had a resounding victory. But going back to 1995, just to get perspective, I asked Claire what she was doing in 1995, and she said she was in third grade. So if anyone thinks this project has been rushed, it's been going on for a while.

Claire Herman, 2324 Sandwood Drive: Thank you all for having me here. I'm a land protection specialist for the Grand Traverse Regional Land Conservancy, and thank you, Dave, for giving such a good summary. I don't have a ton to add. What I do want to touch on is some of the ecological advantages of protecting this property. There is a forested corridor north of Pelizzari that's about sixty acres. The park itself right now is sixty-two acres. This would double the amount of protected land in that corridor. This is a finite resource on the peninsula, as many have said; there is a significant amount of development in the area. This forested corridor, if it's protected and there's no obstructions, would aid in the movement of flora and fauna throughout the area. Recent studies have been done by the Nature Conservancy that large protected portions of land are significantly important towards mitigating climate change, so I just want to keep that in mind as well. The conservancy is grateful to Dave who has been such a good partner; he has worked tirelessly and basically has made this happen. I inherited this project from a coworker and Dave has been here all along pushing to protect this property, and I just want to say thank you for that. With the support of the township, the conservancy would like to vote on raising the remainder of the funds for the property. We've gone through different iterations on how to raise the funds. We've looked at grants, we've looked at another millage and several different opportunities, but we feel at this time because we have a willing landowner, and because of the configuration of the parcel, that this is the best-case scenario for this property. For future acquisitions, we may be able to take advantage of grants or millage, that sort of thing. If you have any questions, let me know. Hopefully you'll have some support here tonight with public comments.

Todd Wilson, 782 Neahtawanta: I came here mainly for this, just to support the Pelizzari purchase. With the initial millage, I went door-to-door with my kids to help raise awareness and I think this is an excellent addition, to support everything that's been said before I came up to the podium, just my support.

John Jacobs, 5294 Forest Avenue: You know, expenses get talked a lot about in this room, but not much about investments. The expansion of Pelizzari is an investment that will pay returns for generations to come, and I urge you please to support the acquisition.

Sue Peters, 6943 East Shore Road: I just wanted to voice my support for the land acquisition for Pelizzari Natural Area. I have been involved since the creation of the park. I have given my time for trail building, for working on scout projects for tree planting, and I really can't think of a better use for the funds. I also can't think of a better partner than the conservancy. Thank you.

Kris Thomas, 79 Wild Woods Drive: I came to share that my husband Cecil and I strongly support the appropriation of funds to provide for the purchase of the Meeker area with the hope that someday the Pelizzari park is expanded to include the land. Preserving this land along with land that would join the two parcels would develop an already incredible park into a premier site. It would support the health and well-being of our community. We greatly appreciate all Dave Murphy and others have contributed over many years to both develop the current park and work towards its expansion.

Barb Wunsch, 17017 Peninsula Drive: I strongly support the Pelizzari expansion. I am a PDR recipient and I really do feel that it's all about open space. This a perfect gem to be

able to continue that with.

Gladis McGuire, 140 Wildwood Meadows Drive: I am a very lucky person: I live five minutes from Pelizzari. I can walk there any time of day or night I want to. I love the place, and I strongly support this resolution to acquire the additional property, and also I'm a great supporter of the conservancy and I know they're a great partner in this project. Thank you.

Mark Spencer, 460 Base Drive: I live just down the hill from Pelizzari. I walk my dog there about once a week. He's a scruffy golden-doodle you might see on the trail. To be frank, I didn't think Pelizzari would be used much when it was first announced, and I've lived here my entire life. In retrospect, we can see this is an absolutely essential parcel, and knowing Walt and Meg Meeker quite well, I would say our odds of achieving this goal are very very high. The conservancy has raised on the order of seventy-five million in the last couple of years alone for things like this, so don't doubt their ability to carry forward this goal. I'd highly encourage the board to support Dave Murphy's resolution.

Mark Nadolski, 10 Mckinley Road: I just want to mention that the first time this project came before the township, I was asked to fire up the people on the south end of the peninsula. Going around door to door, I mentioned that we're trying to get a park down there and it was great for the residents down there, and a lady said, "What do I need a park for?" and I said, "It's like having your own park in your own backyard. You can go there anytime you want; you don't have to drive very far." The fact that they were within walking distance made a difference to them. For southenders, it's the only park down there. I think they really appreciate there is a park they can go to without driving twelve miles out to the end of the peninsula. This park needs improvement, and it needs additions, and everything we can do to help it, please do it. Thank you.

Grant Parsons, 6936 Mission Ridge: I live right on the John Spencer section of that park, the hemlock section, and it is so wonderful. We walk in there three or four times a day. When you want to see a return on your investment, during COVID, that park was where a lot of people discovered nature and walking and health. I hope you do it, and thank you very much for doing it.

Phil Wilson, 2570 Phelps Road: Needless to say, Pelizzari is just a magnificent piece of experience, is really how I think of it, and to think of an addition, calling it property, calling it acreage just doesn't do justice. To me, for Pelizzari to become any more magnificent than it already is the conclusive reason to add on to it. Thank you.

Wunsch: We have a prepared resolution in the packet.

Shanafelt: Like many of you said, this proposal fits in exactly with the master plan. Thank you, everybody, for coming and talking about it and your letters. It makes a lot of sense.

Sanger moved that the Peninsula Township Board approve the appropriation of \$200,000 plus customary escrow or closing fees from the Pelizzari Natural Area Fund for the acquisition and execution of a conservation easement with the Grand Traverse Regional Land Conservancy of the Pelizzari Natural Area – Meeker Addition, with a portion of parcel 28-11-030-5155 (Section 30, T28N- R10in W) in Peninsula Township, Grand Traverse County, on June 14, 2022 (resolution read aloud) with a second by Achorn.

Roll Call Vote: yes - Sanger, Shanafelt, Wunsch, Achorn
Abstained - Chown

Passed unan

Sanger moved to bring Chown back to the board with a second by Shanafelt

Motion passed by consensus

3. PDR Ordinance public hearing to be tabled until June 28th, 2022

Cram: The purchase of development rights study committee has been working for several months to update the PDR ordinance #23. This will be the third amendment. We have been working through very technical revisions to address accounting and things of that nature, and I am happy to report that those revisions have been completed and the latest version of the PDR ordinance is posted to the website. We want to allow the community time to review that. We were originally scheduled to adopt it this evening but want to allow additional time so we would like to table that adoption to the June 28 meeting, a special meeting of the township board to adopt the PDR ordinance. **Shanafelt moved to table the PDR Ordinance public hearing for the June 28 meeting with a second by Chown.**

Motion passed by consensus

4. Zoning Ordinance Rewrite Adoption to Update

Cram: Again, we planned to adopt the zoning ordinance rewrite this evening. This has been in the works for many years. It is an approved document that updates the existing ordinance that was passed in 1972, and it will continue to be work in progress. In light of the recent decision issued by Judge Maloney regarding the WOMP lawsuit, the staff and township board believe it is prudent to postpone this. We want to make sure our new legal counsel gets up to speed and that we consider all of those things. Staff would recommend a motion to table the zoning ordinance rewrite adoption to the next regularly scheduled township board meeting on July 12, 2022, or potentially subsequent meetings after that. We are going to continue to work diligently to get the zoning ordinance rewrite adopted in a timely manner.

Chown moved to postpone the zoning ordinance rewrite adoption to the next regularly scheduled township board meeting on July 12, 2022, or a future date, with a second by Achorn.

Motion passed by consensus

5. June 6, 2022, directive to Peninsula Township Zoning Administrator Christina Deeren from Supervisor Rob Manigold

Sanger: I asked that this item be pulled. I would ask our township planner to summarize so the audience has an opportunity to understand what is contained in this directive, please.

Cram: I would echo what has been said earlier this evening, that the citizens' agricultural advisory committee has been doing wonderful work to look at updates to the zoning ordinance that benefit and provide parity for all agricultural operators on the peninsula. We have looked specifically at the roadside stands. We've had representatives from the

Michigan Right to Farm Act come and present to us so that we can understand the nuances with the Michigan Right to Farm GAAMPS for farm markets. We know our zoning ordinance in its existing form adopted in 1972, and the proposed rewrite adoption, contain some inconsistencies with the Right to Farm Act. So we are taking this opportunity to pause the zoning ordinance. We will also be looking at those items to develop consistencies with the Right to Farm Act. With that, the township board will not be enforcing the current zoning ordinance this summer, as we are working to amend section 6.7.2 #8 to be consistent with the Right to Farm Act. Each property may have one roadside stand. The roadside stand may be an outdoor area where transactions take place, a tent, or a structure. We do recommend that any new roadside stands be temporary

in nature so that they don't run the risk of being non-conforming after the zoning ordinance is updated. As such, tents, tables with umbrellas, etc. are all okay this summer. Signage should conform to the zoning ordinance and each roadside stand is currently allowed one sign; that is consistent with the Right Farm Act. We understand that there has been some confusion and frustration in the community. We have heard you, and we are responding, and again we will work diligently to have the zoning ordinance updated as quickly as possible so that it is consistent with the Right to Farm Act. If you have any questions, you are welcome to reach out to me to see what this means to your individual farm because we do want to keep the farmers farming here in Peninsula Township.

6. Citizen Agricultural Advisory Committee update

Cram: I want to say that one of the highlights of my career has been working with the citizens' agricultural committee. I've heard from the citizens as well as the agricultural operators what is important to them, what is unique about the peninsula, where there are issues with the zoning ordinance, or where some things are actually working well. There has been great work done by this committee. Again, in light of the decision by Judge Maloney, and the fact that we're bringing on new legal counsel and looking at the zoning rewrite holistically, we are going to temporarily postpone the work of the citizens' agricultural committee. At the last township board meeting, I asked the township board to approve appointing three new agricultural operators, and we have received wonderful letters of interest. We still intend to appoint three additional agricultural operators when we're ready to move forward. I will be reaching out to all of the current members and will be keeping the community members and the committee up to date when we'll be ready to reconvene. Thank you.

7. Seven Hills SUP #35, Amendment #1 Minor Modifications

Cram: The Seven Hills development has proposed a minor modification; all of the information has been provided in your packet. After the special use permit was approved, they realized the onsite septic system needed to be enlarged, which resulted in the actual building footprint being reduced. The zoning administrator and I have been working with the applicant to understand what the changes are. The footprint is smaller, all of the uses remain the same, and the capacity for the restaurant remains the same at thirty-two. We brought this to the planning commission at their last meeting on May 16, and the planning commission was comfortable with bringing this to the board. I just want to get your input on if you agree this is a minor modification and allow the application to move forward. All of the original conditions of approval will still apply, and we will enter into a memorandum of understanding with the applicant signed by the township board and the applicant to memorialize this agreement. With that, I would be happy to answer any questions. I have the file with me.

Board discussion.

Shanafelt moved to approve the minor modification with a second by Chown.

Motion passed by consensus

8. Ordinance 2022-06-14

Wunsch: The township has hired new general counsel. We have also hired the same firm as co-counsel in the ongoing litigation with the group known as WOMP. This ordinance establishes a temporary moratorium on the consideration, approval, location, erection, construction, installation, or commencement of any new or expanded farm processing

facility or any new or expanded use permitted by a special use permit within the A1 agricultural district. Basically, we've been advised that given where we are with the ongoing litigation and new counsel, we should impose a moratorium on these types of developments in order to avoid non-conformities. This is a temporary pause for a beneficial outcome.

Cram: I want to respond to earlier comments to be very clear about the extension of the existing moratorium for special use permits and amendments to special permits in the A1 agricultural district. In regards to adding or expanding the moratorium to include use by right, that is only for farm processing facilities; it is specific to section 6.7.2 #19, so all other farming operations are still available. If a farmer wanted to construct a barn, you will still be able to do this. We are pausing the farm processing facility for six months. We are really striving to create parity in the zoning ordinance, and the existing zoning ordinance as a use by right for a farm processing facility is very specific to wineries. We need to change that so that it is an opportunity for all agricultural operations. Peninsula Township supports farming; I want to make that very clear.

Sanger moved to adopt ordinance 2022-06-14 establishing a temporary moratorium on the consideration, approval, location, erection, construction, installation, or commencement of any new or expanded farm processing facility, or any new or expanded use permitted by special use permit within the A1 agricultural district, with a second by Chown.

Board discussion.

Roll Call Vote: yes - Shanafelt, Chown, Wunsch, Achorn, Sanger Passed unan

9. Correspondence submitted by Dave Edmondson and Jo Westphal

Harold David Edmondson, 12414 Center Road: The letter that's in your packet, I hope others got to see it, pertaining to heat stress and things like that out on the farm. What I'm really trying to get to, and Jenn, you kind of took the wind out of my sail here by telling us that tents are going to be okay this year. I just wanted to reinforce that according to OSHA, labor laws, as farmers we have an obligation to protect our labor, and one thing is shade, keeping them out of the sun, same way with our fruit. I think it's just common sense and it sounds like you are going to allow us to do that without too much aggravation. Thank you.

Wunsch: We now have a closed session to discuss the litigation. Does anyone have comments before we go in?

John Jacobs, 5294 Forest Avenue: Do you expect to have any comments coming out of that?

Wunsch: I don't think we'll have any announcements after.

Louis Santucci, 12602 Center Road: You sort of breezed over the fact that you didn't give public notice of the SUP moratorium. I would hope that you would check with your attorneys and see if you were required to give that public notice because as far as I could find in the *Record Eagle*, I didn't see a public notice of it. If that is the case, then basically passing this ordinance was not up to the zoning enabling act, so I'll just leave it at that.

Wunsch: Thank you. Anyone else? Board comments?

Shanafelt: I am new to this, but I found it remarkable going through the packet how much has been accomplished, despite the difficulties in doing it. The laws and rules and

processes governing how a general township operates are profoundly Byzantine. The ability for this township to fulfill the master plan in a way that tries to recognize and take into account the diversity in the community is very impressive. I want to compliment the board, prior to me of course, and really the community, for supporting all of this and making it happen. I would also like to acknowledge Dave Murphy. His work with PNA has been amazing. Thank you.

Chown: There aren't sufficient accolades for the work Dave Murphy puts into improving this township and taking care of the people's park at the south end. Thank you very much, Dave. We appreciate everything you do.

Cram: I just want to address a question of Mr. Jacobs, you will be going into closed session but there will be a public statement and information coming out very soon.

Chown: I think we may have a statement this evening after closed session, a direction at least, or confirmation of what the township's response is.

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

Roll Call Vote: yes - Wunsch, Achorn, Sanger, Shanafelt, Chown Passed unan

Return to open session pursuant to MCL 15.261

Shanafelt moved to leave closed session and return to open session with a second by Chown.

Roll Call Vote: yes - Sanger, Shanafelt, Chown, Wunsch, Achorn Passed unan

Sanger: Mr. Chair, I would like to move that the township authorize legal counsel to file an appeal from Judge Maloney's injunction, file a motion of stay of the injunction, file a motion of stay of the trial, and file a motion for reconsideration with a second by Chown.

Roll Call Vote: yes - Shanafelt, Chown, Wunsch, Achorn, Sanger Passed unan

Sanger moved that the township schedule a special meeting on June 23, 2022, at 11:00 a.m. to discuss plaintiff's settlement demand as ordered by the court with a second by Shanafelt.

Roll Call Vote: yes - Chown, Wunsch, Achorn, Sanger, Shanafelt Passed unan

Sanger moved that the township schedule a special meeting at the court on July 5, 2022, at 1:30 p.m. to participate in a settlement meeting as ordered by the court with a second by Achorn

Roll Call Vote: yes - Wunsch, Achorn, Sanger, Shanafelt, Chown Passed unan

Wunsch moved to authorize the clerk to begin the search for a new township trustee with a second by Achorn Motion approved by consensus

Wunsch: We're going to post the opening and request that applications be submitted by July 5.

Chown: That's accurate. We'll take letters of interest and resumes for the position of trustee until 4:00 p.m. on July 5. Then I'll call another special meeting to interview prospective trustees.

11. Adjournment

Sanger moved to adjourn with a second by Achorn Motion approved by consensus

Peninsula Township
Township Board Regular Meeting
June 14, 2022, 7:00 p.m.
Laura Martin, Recording Secretary
Meeting adjourned at 10:15 p.m.