

PENINSULA TOWNSHIP

13235 Center Road, Traverse City
MI 49686

www.peninsulatownship.com

Township Board Special Meeting

June 28, 2022, 3:00 p.m.

Township Hall

Minutes

1. **Call to Order** by Wunsch at 3:00 p.m.
2. **Pledge**
3. **Roll Call**

Present: Wunsch, Achorn, Sanger, Chown

Absent: Wahl and Shanafelt

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

Mike Dettmer, 7003 Leorie Drive: thanked the board for the current sense of litigation. Read the township's motion for stay of injunction pending the appeal filed by new counsel. It deserves public recognition and a public statement for the record because most people won't read these pleadings. Read a couple of paragraphs from the introduction for the record:

"In contrast to the bustling commercial center of neighboring Traverse City, Peninsula Township has been defined by its status as a farming community since its inception in 1839. The agricultural charm is reflected in the zoning ordinance, which has always treated the plaintiffs' property as farmland first and wineries second, an agreement each plaintiff has assented to. This agricultural lifestyle is further reflected in the elected officials that have administered the Peninsula Township Ordinance in this manner for over 50 years. Plaintiffs' lawsuit is an end around the orderly, democratic process and an attempt to achieve via litigation what they could not accomplish at the ballot box because the local residents are against them. We think before the culture of Old Mission Peninsula is irreparably changed, the appellate process should be allowed to play out and the jurisdiction of the court of appeals should be preserved. The court specifically noted the revolutionary relief plaintiffs were requesting when, in the preliminary injunction he denied, "Plaintiffs seek to completely upset the status quo of Peninsula Township."

I just think this is true, accurate, and should be in the public record in part. The whole brief is great. Thank you very much.

Peter Cohl, 9466 Rolling Ridge: also read the whole opinion and was pleased. As mentioned before, specializes in municipal law. Also very happy to see the motion was filed trying to stay the injunction by the lower court. Is extremely optimistic about PTP intervening in this case. The pleadings that were filed were outstanding. If PTP is allowed to intervene, this will be a game changer. What you'll have is more legal theories brought before the court that were not brought

before the court by your prior counsel, and I guess your counsel now. There will be facts and evidence that weren't previously brought before the trial court by your prior counsel. Is excited that the township hired an excellent lawyer as its corporate counsel. Bill Fahey has many years of experience and represents 70, 80 townships. Most of all, thank all of you for your fortitude and your willingness to fight this.

Brit Eaton, 1465 Neahtawanta Rd.: see statement at end of minutes.

David Taft, 952 Neahtawanta Rd.: it's great to see these lawyers coming forth and giving very strong opinions. They're getting heard but they're not getting heard enough. In the *Old Mission Gazette*, you've got this weed-whacking guy who stands up here before you and gives his opinion piece and he's inaccurate! You're allowed to do what you're doing and meet how you meet but he claims you're not. He also claims that the moratorium would hurt the farmers. Farmers would not be applying for SUPs in the next month because they're getting the fruit off their trees. This isn't an issue and won't be an issue for several months, and you commented that they can do most of the things they want to do without an SUP on their farms, so this is just obfuscation. Finally, you ought to listen to these gentlemen, and I urge them to put their opinion pieces in the *Old Mission Gazette* because she [Jane Boursaw] needs copy, and copy worth reading.

Most of all, I want to compliment you on your new leadership and moving forward and getting things done in this township. You have new legal counsel who will represent you much better than your former legal counsel, and several of us stood up and talked to you about that several times in the past several years. I will in the absence of Monnie Peters urge you to pass the new zoning ordinance that so many of you have worked on tirelessly with consultants, volunteers, residents, and the planning commission. You can pass that without the winery sections without upsetting anybody, and it will greatly simplify your work. Compliments to you for your great leadership and thank you for representing us, all 5,800 of us. Most of us support the non-commercialization of this peninsula. Thank you. [Note: the 2020 census puts the population of Peninsula Township at 6,068.]

Grant Parsons, 6936 Mission Ridge: I neglected to convey at the last hearing my appreciation for Rob Manigold. I understand now that he's no longer in the stressful situation that you are all in that he's doing great. Everybody's thoughts are with him. Second, I echo all the comments I've heard and hope that the new corporate counsel is part of your meetings to discuss the litigation as well as apparently your old litigation counsel. I don't know if you can indicate that somehow but the new counsel is extremely important. Thank you.

Mark Nadolski, 10 McKinley Rd.: is here today to welcome the new attorney and tell him he's joining a great staff and boards that really care about the peninsula. The people serving on the boards formed in this peninsula are doing it because they love the peninsula. It's something we all feel. We don't earn any money doing what we're doing to protect the peninsula. We do it because it's something we feel has to be done, and we appreciate that this board is taking charge and doing it, and hopefully your new attorney will be on board with your thinking. Thank you.

John Wunsch, 17881 Center Rd.: I want to thank you for your previous and ongoing efforts and encourage you to take advantage of the involvement of your excellent new general counsel as an opportunity to continue pursuing all legal means to counter the effort in the courts by the wineries

of Old Mission to undo the wise structures and requirements regarding wineries and activities in our agricultural zone that have been created over decades, with the involvement of citizens and wineries.

5. Approve Agenda

Cram: would like to add a brief update on the draft PDR ordinance to the agenda.

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

6. Conflict of Interest: none

7. Consent Agenda: none

8. Business:

A. Brief update on the draft PDR ordinance (Cram)

Cram: if you are here today to listen to the discussion and adoption for the PDR Ordinance Amendment 23, Amendment 3, that discussion will take place at the July 12 meeting of the township board. That will be a special joint meeting of the township board and planning commission to discuss and adopt the PDR Ordinance. The latest draft is available on the website or you can come to my office during business hours and review a hard copy as well. We will take any comments up to July 5 at noon. You're welcome to call me. We had discussed having that item on the agenda for today, and I don't want anyone to be confused. We hope to see and hear from you on July 12.

B. Enter closed session pursuant to MCL 15.268(1)(e) to discuss upcoming July 5, 2022, court-ordered settlement conference with plaintiffs in the winery lawsuit

Sanger moved to enter closed session pursuant to MCL 15.268(1)(e) to discuss upcoming July 5, 2022, court-ordered settlement conference with plaintiffs in the winery lawsuit with a second by Achorn.

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

Wunsch: we are working with insurance-provided legal counsel as well as our new legal counsel on litigation matters. We feel that the two parties are working well together and with the township.

Chown: we may or may not have a statement when we come out. We don't know yet.

Return to open session pursuant to MCL 15.261

Sanger moved to return to open session pursuant to MCL 15.261 with a second by Chown.

Chown moved that the board, pursuant to Attorney General Opinion No. 7318, authorize and grant a reasonable accommodation under the Americans with Disabilities Act for Treasurer Achorn to attend, participate, and vote by telephone at the special board meetings to be held downstate in the federal court on July 5, 2022, and July 18, 2022, due to health restrictions on her ability to travel such a distance with a second by Sanger.

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

C. **Citizen Comments:** none

D. **Board Comments:** none

E. **Adjournment**

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

Meeting adjourned at 4:57 p.m.