

PENINSULA TOWNSHIP

13235 Center Road, Traverse City
MI 49686

www.peninsulatownship.com

Township Board Special Meeting

July 12, 2022, 11:00 a.m.

Township Hall

Minutes

1. **Call to Order** by Wunsch at 11:01
2. **Pledge**
3. **Roll Call**

Present: Wunsch, Achorn, Sanger, Chown
Excused absent: Wahl, Shanafelt

4. **Citizen Comments**

John Jacobs, 5290 Forest Ave: I hear some candidates have dropped out, but it's heartening to see how many well qualified people want to sit on this board. I'm here to talk about one candidate, Rudy Rudolph. I've known Rudy for 20 years, though not in a context that is necessarily relevant to what you're addressing today, but I've spent the last year serving with him on the [citizens'] agricultural committee and been very impressed. He's got an engineer's mind and is a crisp thinker. Unlike a lot of engineers, he's very articulate and has the soul of an artist and a lot of humanity. He has an unusual quality of being able to see all sides of an issue, and he tries to be fair to everybody. I think that's a quality we need on the township board now, so I'm just here to say I think he would be an excellent candidate. Thank you.

5. **Approve Agenda**

Sanger moved to approve agenda with a second by Chown **Motion approved by consensus**

6. **Conflict of Interest:**

Wunsch: Frederic Dohm, one of the candidates in front of us, is my uncle. I will not vote for or against him.

7. **Consent Agenda**

8. **Business**

Wunsch: we have one agenda item: interviewing for the vacancy on the township board. How do we want to move through those?

Chown: let's interview the candidates in the order they appear in the packet. I put them in the order I received them rather than in alphabetical order. For the record, three individuals have asked to have their names removed from consideration: Michael Skurski, Michael Dunn, and Ronessa Butler. Butler wanted to clarify that she is still very interested in serving on the parks committee, so we'll contact her down the road about that.

Wunsch: Jeremiah, you're up first.

Jeremiah Warren, 2677 Island View Road: good morning. Some of you know me; some of you do not. I am a fifth generation farmer on the peninsula. We grow cherries, apples, those are our big crops, nectarines, peaches, plums. It's an agricultural community and it's a seven-member board, and I'd like to see a little more agricultural representation on the board. That's why I submitted my name.

Wunsch: any questions?

Sanger: we sat here with Jeremiah about three weeks ago and had an opportunity at that time to ask him questions. I'm okay in terms of my recollection from last time. If there's something you didn't bring up the last time, please feel free.

Warren: I just feel we need more, not necessarily better but more, representation in a community of agriculture. A younger mind might do a little bit more, as far as being able to accept some changes and steer us in the right direction.

Chown: what do you see as the right direction? What specifically are you interested in helping to improve or change?

Warren: there's a fine line here with development and nature and the agricultural community, and I feel that we need to balance that. The PDR stuff is coming up. I don't necessarily think it's a bad thing, but there's some changes that could be made for the better. It's another tool in the farmers' box, if for some reason things go south, and things aren't looking real great now in the agriculture community as far as cherries go. If things happen and we do have to sell, I don't know exactly what the right direction is other than we need to concentrate on protecting agricultural land.

Wunsch: the question I'll ask everyone who interviews relates to the ongoing litigation. First, do you have time and availability to go down to Grand Rapids and Kalamazoo on a fairly regular basis?

Warren: if need be. We started harvest this morning, and I've got a machine down right now that I stepped away from so I could come here.

Wunsch: you are good with having to maintain confidentiality with all of the attorney discussions and the closed door mediation?

Warner: for sure.

Wunsch: I know you're here year round; that's the question Rob [Manigold, the former supervisor] always asks.

Warner: I don't go anywhere. I'm never very far away, and my plans can be changed easily enough.

Walter William Rudolph, 4784 Forest Avenue: thank you for the opportunity to put my name in the hat for the trustee position. I'm interested in serving on the board primarily because our family has a long history with Old Mission Peninsula. Patty's father bought property in Old Mission back in 1893, so my grandson is now the fifth generation. It's an amazing community. You have a township that's basically 29 square miles; most townships are six by six, or 36 square miles. Not only is it smaller than a normal township, but it has more shoreline and more recreational facilities or opportunities than probably any other township in the state of Michigan. It's a very unique place, and it's also a very unique place

from a community standpoint. You have both an agricultural community and a residential community here, and the residential community has deep roots, as does the ag community. There has to be a balance between the two. When my wife and I were deciding where we wanted to live out the last part of our lives, Patty had been coming to Old Mission Peninsula since the time she was four years old. She has deep deep commitments here, and that's why we ended up coming here and building a winter home. Where most people go to Florida to escape the Michigan winter, we actually decided to stay up here. You have my curriculum vitae. If you have any questions, we'll go from there.

Achorn: I noticed you were a trustee of a fire protection district that was funded by two different townships. You did this for 18 years and were president for 12.

Rudolph: that is correct. It was the only fire protection district in the state of Illinois that had two different townships funding the same fire protection agency. The equalized assessed value of the two townships wasn't the same, and we had to figure out how to finance the fire department that served both communities. It took a lot planning and calculations to do that. One of the districts was about 70 percent and the other was about 30 percent of the equalized assessed evaluation, so we had to make sure our tax assessments matched that 70/30. As development came in, those valuations tended to float a little bit in one direction or the other, so we had to continually assess where we were and make adjustments in order to maintain the balance between the two.

Achorn: and how did you deal with the contradicting demands of these two townships?

Rudolph: we didn't have a lot of conflict that way. The people on the two boards were appointed by the townships. Each township appointed three members, and we were able to work very well together. There was some push, early on, to borrow money to upgrade our fire equipment. We were able to convince them that was not the right way to go about it. We set up a separate capital fund between the two townships, and over the course of about three years we approved the money that we needed to buy the fire truck directly so we didn't have to borrow money from a bank somewhere and put ourselves in dept.

Chown: Rudy, I served with you on the citizen's agriculture committee, and I appreciated your input and participation very much. As we all know, we are at a great crossroads in this community regarding the preservation of agriculture versus the commercialization of our agricultural zone. I am wondering if you have any brief thoughts on how you think we might go about achieving the proper balance.

Rudolph: for one thing, I hope the agricultural committee can start up again because I think it was doing some very good work. One of the things that put us out of balance is the emphasis in the agricultural zoning ordinance on wineries. And that was pushed because the township was trying to accommodate what the wineries wanted early on and saw them as good agricultural partners out here. My own feeling is that the wineries have proven not to be such good stewards of the agricultural part of the peninsula; they've become more driven by commercialization of tourism. I don't think that's really good for us. That's my opinion, although I'm open to hearing arguments against that. I do think that one of the most important things facing this township right now is the summary judgement made against us by Judge Maloney. I think he is very incorrect in what he has

done, and I think that will be proven later on. One of the things he has based his assessment on is the consideration that special use permits are not in fact contracts. I think that is incorrect. I think there was a lot of give and take between the townships and the residents and the wineries in establishing those ordinances in the first place. The ordinances clearly reflect the fact that the township was trying to promote agricultural use and not commercial use of the agricultural property. It's unfortunate to the township and the citizens of the township that the wineries have chosen to attack the citizens through federal court, because one of the things that act has done is expand this beyond Peninsula Township. The attack by the wineries is on the ability of a local segment of government to conduct planning and zoning of the property within its area of jurisdiction and to place limits on the use based on the zoning that has been established. This lawsuit attacks that directly, and it affects every single township, municipality, and entity that's doing zoning and planning in the whole country because this now becomes a precedent-setting lawsuit. Unfortunately, it's fallen to Peninsula Township to bear the brunt of this. This is a very important issue; it's not trivial.

Wunsch: how do you feel about the requirement to go down to Kalamazoo and Grand Rapids?

Rudolf: if something can actually happen by going to Grand Rapids or Kalamazoo, I don't have any problem with it. I've already been to a couple of the meetings because we are very interested in what's going on.

Wunsch: what is your comfort level with maintaining the confidentiality of the attorney-client-privileged conversations?

Rudolph: absolutely no problem.

Wunsch: and you're here year round?

Rudolph: we are retired here; this is where we live.

Chown: our next applicant is Randall Hall. He is ill and will participate by phone.

Randall Hall: as all of you know, I've been on the planning commission for a couple of years. My wife and I moved to Peninsula Township in December of 2017. I've been following the township with great interest because of how much we love life here. I attended the University of Michigan for both undergrad and law school, and then I practiced commercial real estate law and banking for 40-plus years. I was with a large law firm, Plunkett Cooney, that does a lot of insurance defense work, although I headed up the business department the last five or six years. Upon moving to Traverse City, I formed Hall Real Estate Law, a part-time law practice representing clients on real estate transactions locally. I have experience serving on boards of directors of small, privately held corporations and am an ex-officio-type member of the board of directors of Plunkett Cooney. I'm very familiar with the kinds of strategic planning issues, personal issues, financial issues, that boards deal with. In my legal practice, I have a lot of experience with disputes, helping clients understand their options, and then formulating plans to try to resolve things or, where necessary, mounting a vigorous defense. I believe the township is at a critical point in its history. Given my experience, I think I can help, and I'd like to help.

Chown: with your background on the planning commission, if you could change one thing

in our township, including in our zoning code, what would it be and why?

Hall: I suppose it would be clarifying how the wineries are handled and what they are allowed to do. Winery chateau, farm processing, just how the winery operations are allowed to integrate and operate on agricultural properties and with an eye toward the existence in some cases of a conservation easement. I think that's an important area.

Wunsch: are you willing and able to participate in our court-ordered settlement discussions and legal appearances in Kalamazoo and Grand Rapids?

Hall: yes. I am aware of the time that board members have spent traveling to court-ordered appearances, and I am prepared to do that. I think my attendance record at the planning commission indicates that I am a reliable member.

Wunsch: also want to make sure you are committed to maintaining the confidentiality of attorney-client-privileged conversations in closed session and the settlement discussions we've been having with our attorney.

Hall: absolutely. I've spent my entire professional life observing confidentiality obligations.

Wunsch: also want to make sure you are a year-round resident and would be able to participate in meetings in the winter.

Hall: yes. My wife and I own one residence, and it is here on Old Mission Peninsula.

Chown: next we have Fred Dohm.

Fred Dohm, 16625 Center Road: my family has been out here 150 years or so. I've got family members who've been on the town boards and zoning boards all along. I've been interested in township politics forever. I've rarely missed an election. I've never sat on the boards or committees. I think I'd get along all right. If I get on the town board, I will stir things up. I think it's good to have some other thoughts, stuff that's out from the normal curve to discuss. I'm a fruit grower and syrup maker. We have a very unique place here on Old Mission with our ecoclimates. I don't think we realize the capacity or the capabilities of the situation we have here. We've been very good at growing sweet cherries, but that market other than the fresh market isn't that strong anymore, especially with the brine cherry going down and the tart cherries going down. There's other crops, and I don't think we know what those potential crops are. I saw a map awhile back of the wine business, and the only place this wine grows well is here on Old Mission. If you look at the USDA map of growing areas, there's a thin little area here along Lake Michigan, next to the water, and Old Mission is part of that. There's crops we need to explore. We have some people growing lavender. I think elderberries could be grown and some other crops to replace the cherries. But a lot of the marketing has to be done along the side of the road. A lot of these fruit stand operations are ringing the shirrtails of the wineries because the wineries bring in the tourists. A lot of the people that come to my fruit stand are not from around here. I think 90 percent of my sales are from outside the area. It's the tourists, whether to see the lighthouse or the wineries. These farm markets need to go forward for some marketing, and we're going to have some conflicts with zoning over the stuff we sell. Can I go and get some of my sister's flowers and sell them at the fruit stand if I want? Why not? That kind of thing needs to be addressed. With the lawsuit, you need to be careful about bringing in Protect the Peninsula. I think it would be better to bring in the Michigan

Township Association. My concern is that at some point this could get out of hand. You might have to take this to the federal Supreme Court. We're now in the federal appeals court. We had two rulings by the federal Supreme Court two weeks ago that came from really small districts. If we go to the Supreme Court and lose, and whenever you go to court you can lose, we're going to have ramifications nationally on what happens with zoning. As far as Isaiah's questions, I could make those meetings all right. I'd hire a chauffeur. I can't see well to drive over 50 miles from home. I'm not licensed. Any other questions?

Chown: no, thank you, but I appreciate hearing your views on farm stands.

Wunsch: I'll open it up to the rest of you. What is the pleasure of the board?

Achorn: I nominate Rudy Rudolf. His background and resume and activity with the peninsula show that he is committed, and I think his experience and demeanor will be a great asset to this board.

Sanger: I will second that nomination. It's a difficult choice because we have four good candidates today, but I will second that nomination.

Wunsch: further discussion? Other nominations?

Roll call vote: Yes-Achorn, Sanger, Chown, Wunsch

Passed unan

Wunsch: thank you everybody, and congrats to Rudy. I think everybody interviewed well this morning, and I appreciate you all putting the time and energy into the application and being here today.

9. Citizen Comments: none

10. Board Comments

Chown: I want to reiterate my gratitude to all of you for applying for this vacant trustee position. We're very grateful for your participation and hope it will continue at board meetings and as other openings come up.

Wunsch: thank you also for your willingness to serve in the current environment; it's a tough time to be on the township board.

11. Adjournment

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

Meeting adjourned at 11:40 a.m.