

PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686

www.peninsulatownship.com

Citizens' Committee to Address Winery Lawsuit

Minutes

October 27, 2021, 10:00 a.m.

Township Hall

1. Selection of Temporary Chair of Meeting

Meihn: today the committee will select a chair, vice chair, and secretary with Manigold acting as temporary chair to begin the meeting. After the strong showing of citizens at the last two town board meetings, the town board voted to create this citizens' committee. Its purpose is to offer a response to the winery lawsuit through an open and transparent process. [Distributed a document titled "Claims by the Wineries in the Complaint"; see document at the end of the minutes.]

2. Call to Order by Manigold at 10:10 a.m.

3. Pledge

4. Roll Call: Jennifer Venegoni, Rudy Rudolph, Erin Gartland, John Wunsch, Rob Manigold, Brit Eaton, Isaiah Wunsch, John Jacobs; Greg Meihn, township attorney, also present

5. Selection of Chair, Vice Chair, and Secretary for Meetings

Manigold opened the floor for selection of the chair.

J. Wunsch moved to select Manigold as chair with a second by Jacobs.

Manigold moved to close the selection for chair with Manigold nominated as chair.

Roll call vote

Yes: Venegoni, Rudolph, Gartland, J. Wunsch, Manigold, Eaton, I. Wunsch, Jacobs Passed Unan

Manigold: entertained a motion for vice chair.

Jacobs moved to select John Wunsch as vice chair with a second by Eaton.

Manigold moved to close the selection for vice chair with Wunsch nominated as vice chair.

Roll call vote

Yes: Venegoni, Rudolph, Gartland, J. Wunsch, Manigold, Eaton, I. Wunsch, Jacobs Passed Unan

Manigold opened the floor for selection of secretary.

Rudolph offered to be secretary.

Jacobs moved to select Rudolph as secretary with a second by I. Wunsch.

Manigold moved to close the selection for secretary with Rudolph nominated as secretary.

Roll call vote

Yes: Venegoni, Rudolph, Gartland, J. Wunsch, Manigold, Eaton, I. Wunsch, Jacobs Passed Unan

6. Approve Agenda

Eaton moved to approve the agenda as presented with a second by I. Wunsch.

Roll call vote

Yes: Venegoni, Rudolph, Gartland, J. Wunsch, Manigold, Eaton, I. Wunsch, Jacobs Passed Unan

7. Conflict of Interest: none

8. Review of Committee Members

1. Determine that each member wishes to participate

Jennifer Venegoni-yes

Rudy Rudolph-yes

Erin Gartland-yes

John Wunsch-yes

Rob Manigold-yes

Brit Eaton-yes

Isaiah Wunsch-yes

John Jacobs-yes

2. Make decision regarding open seats

I. Wunsch moved to leave the three WOMP seats open and add three additional members of the agriculture community to join the committee with a second by Eaton.

J. Wunsch amended the motion to leave the availability of WOMP seats open indefinitely.

I. Wunsch and J. Wunsch rescinded their motions.

I. Wunsch moved to add three additional seats to the citizens' committee from the agricultural community with a second by Jacobs.

Roll call vote:

Yes: Venegoni, Rudolph, Gartland, J. Wunsch, Manigold, Eaton, I. Wunsch, Jacobs

Passed Unan

9. Topics of Discussion:

1. Review claims in lawsuit

Meihn: read "Claims by the Wineries in the Complaint."

2. Discuss how to address claims and provide proposal

Meihn: will provide anyone who contacts him at gmeihn@foleymansfield.com with his personal tracer number to access the specific court case documents online. A copy of the pleadings in this case will be available for viewing on Monday, November 1, 2021, at the township office. Any item may be discussed except the details of the proposed settlement agreement between the two parties.

Manigold: the meetings are now being live streamed. Any written comments for distribution to the committee need to be into the clerk's office by Monday, November 1, 2021, for the November 2, 2021 meeting.

10. Citizen Comments

David Taft, 952 Nehtawanta: my understanding is this is to be a citizens' meeting and not a legal meeting. This group is to raise the issues made by the citizens of this community and not be so concerned about court proceedings and timing. Let the issues of the people who live here be the focus rather than the wineries.

Peter Cohl, 9466 Rolling Ridge: recommends having public comments at the beginning of the meetings as well as at the end so the committee can hear from citizens before voting on issues. There are no wineries represented here today and WOMP filed a motion with the court after the community meeting on October 6, 2021, to have the proposed settlement agreement enforced. The court did not agree. You are too concerned about losing this lawsuit. Focus on what type of ordinance is beneficial to the citizens and recommend that to the town board. What would be fair for everyone? Hypothetically, say the court rules

against you. A judge cannot rewrite an ordinance; the issue comes back to you. Get in touch with the Michigan Township Association as they have an interest in this case. The decision could potentially affect every township in the state of Michigan.

Arman Shanafelt, 7402 East Shore Road: the wineries have chosen not to be part of this group.

Recommends coming up with the right solution for the citizens and not looking at every single point the wineries have raised. [Also submitted an email that is included at the end of the minutes.]

Grant Parsons, 6936 Mission Ridge: there is strong support for this township board. We seem to be hearing how strong WOMP is and not enough about the history of this issue. Seventy percent of this township voted in support of our current ordinances, and the wineries have had 20 years of success. Believe in the strength of our ordinances. Being public and transparent is a novel idea in most places, but not here.

Harold David Edmondson, 12414 Center Road: this entire lawsuit started when the wineries wanted to amend portions of the ordinances. After so many meetings, nothing was getting done and the lawsuit was the answer. We are hemorrhaging time and money on this. The items the wineries are now asking for are significantly more than at the beginning of this process. Perhaps we should just give the wineries what they want and then have a referendum by the citizens on your decision. We just need to get this job done.

11. Setting Next Meeting Date:

The next meeting will be held November 2, 2021, 10:00 a.m., at Peninsula Township Hall.

12. Adjournment:

Venegoni moved to adjourn the meeting with a second by J. Wunsch.

Meeting adjourned at 11:13 a.m.

Claims by the Wineries in the Complaint

***Note that these are the claims in the First Amended Complaint, not necessarily what they have proposed in settlement discussions/negotiations, etc.**

- Hours of operation until 2 a.m.;
- Unlimited use of out-of-Township grape suppliers;
- No restrictions on meetings, events, types and groups included;
- Allow weddings, receptions and other social functions for hire;
- Lifting the requirement that majority of produce for Farm Processing Facility be grown on the specific farming operation owned/operated;
- Lifting of the 85% Old Mission Peninsula growing requirement for Farm Processing Facility;
- Withdrawing the requirement to provide annual data as proof that produce was grown on OMP for purposes of meeting the 85% requirement;
- Changing the parcel size of the facilities for Farm Processing Facility and the allocation of the space relative to the same;
- Unlimited Guest number and activities consistent with other laws;
- Ability to sell merchandise of its choosing without restrictions related to agriculture (e.g., a t-shirt with its logo);
- Changing the parcel size of Winery-Chateaus (increasing from 50 acres);
- Lifting restriction that 75% of Winery-Chateau must be used for active production of crops that can be used for wine production;
- Allow meetings, food and beverage services and facilities uses for those other than Registered Guests;
- Remove restriction of 1.25 tons of grapes for each person participating in Guest Activity;
- Do not require Wineries to promote or advertise Peninsula Township agriculture via food, brochures, maps, tours, etc.
- Allow for Guest Activities without restriction;

- Allow full food and beverage service and catering on site;
- Permit off-site catering with food and drink services;
- Allow music at the Wineries without restriction as to amplification, etc.
- Allow sales of alcohol not produced on site;
- Permit the sale of wine by the bottle on premises;
- Permit full food sales as a tasting room;
- Allow for merchandise sales at a tasting room as well without limitation;

While the First Amended Complaint does not ask for all of these things specifically “without limitation,” it also does not specify to what degree for each request (e.g., it does not specify being open until only 11:30 p.m. or 2 a.m.; it does not propose limitations)

Rebecca Chown

From: AandMC Shanafelt <lesmoogles@gmail.com>
Sent: Tuesday, October 26, 2021 4:43 PM
To: Rob Manigold; Rebecca (Becky) Chown
Subject: Thoughts for agreement towards resolution of WOMP lawsuit

Rob and Becky,
If you would, please forward this on to the Citizen's Committee to address the Winery Lawsuit.
Thanks!

Committee members,

Thank-you for agreeing to serve on this committee. We all look forward to a reasonable solution that meets the needs and expectations of the broader Peninsula Township community and elimination of this lawsuit.

As you know, traffic is a major issue on the OMP, and the wineries (via wine tasting) have been associated with a significant portion of this (anecdotally, a senior OMP winery employee told us that at their winery, on a single Saturday late in September, they had over 1,400 visitors).

We would like to propose for your consideration:

1. Require parking lots at wineries to have a very limited number of personal motor vehicle parking spaces. (which could be reserved, managed, of course, by winery)
2. Require that the bulk of winery visitors utilize a bus/coach, etc transport system to visit the wineries
 1. Ideally, parking to board such originates from off Peninsula
 2. Wineries could coordinate this amongst themselves, and other vendors would likely participate given the magnitude of visitors
3. By limiting the use of personal vehicles, the number of cars on the roads would be reduced significantly while simultaneously reducing the potential for incidents caused by driving under the influence

Thank-you,

Armen and Marie-Claude Shanafelt
7402 E Shore Rd