

**Packet**  
**November 2, 2021,**  
**Special Citizens' Committee**  
**to Address Winery Lawsuit**

**Minutes from October 27, 2021,  
Citizens' Committee Meeting  
to Address Winery Lawsuit**

# PENINSULA TOWNSHIP

13235 Center Road, Traverse City MI 49686  
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## 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.

**Rudolph:** it is important, as a committee, to keep the expressed concerns of our fellow citizens in mind during this process.

Volunteered to summarize the citizens' concerns with the help of Jacobs and I. Wunsch.

**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 Neahtawanta: 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.

# Correspondence

## Rebecca Chown

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**From:** David D Taft <ddtaft@mac.com>  
**Sent:** Thursday, October 28, 2021 2:31 PM  
**To:** Rebecca Chown  
**Subject:** Comments - Per your request  
**Attachments:** PeninsulaTownship.Winery.Presentation.10.25.2021.pptx

At the meeting on Wednesday, you/Rob asked that any suggestions/comments from residents should be forwarded to you by Monday to be available to Citizens Committee for review.

I had asked for in my earlier letter in response to seeking volunteers to be able to speak to this committee for an hour. As I live elsewhere in winter, I could not volunteer to serve on this committee. Selfish of me to ask for an hour—in view of the valuable time spent by this committee on this issue.

I did comment to Rob that I can give my presentation in 10 minutes—and may take longer if questions arise from the committee.

I have attached a PowerPoint stack of 6 slides that addresses the zoning ordinance re-write issue.

As I said in public comment at the meeting on Wednesday, I believe the committee must address “What Matters Most” on this zoning issue to the residents—as commented on recently at the October 6 Public Meeting and what has been updated in the Draft Master Plan. Once, understanding what is important to the residents, the committee can examine the winery ZO sections and determine areas of possible negotiation/compromise rather than address issue-by-issue the winery demand list. I think the two lawyers who commented at public comment more eloquently than I did said it well. The focus of the committee should be on what the residents want and how to address the winery ZO and not be threatened by the lawsuit and the demand issue list with potential court related deadlines as presented by the Township Attorney.

My hope is the committee can work independently on What Matters Most to the residents to determine how to modify the current ZO and potentially reach some compromise on issues.

I have spent hours and days on this issue in the last year and have condensed my suggestions in the attached slides. I also have developed a “Strawman” re-draft of the existing winery ZO sections as a starting suggestion to encourage this approach towards compromise.

Most importantly, I want to commend the volunteers and the Township Supervisor and Trustee for their willingness to serve on this important and unique committee. And to the Township staff that will assist this committee in their meetings. I inherently believe that a grounds up—citizens/residents— approach to trying to resolve this issue will lead to potential resolution-- outside of the confidential negotiation conducted by the two attorneys and township staff from which the residents have been excluded to-date.

Again, thank you!

David Taft

## **Peninsula Township Zoning Ordinance: Wineries**

Three Sections:

- Winery/Farm Processing Facilities
- Winery, Remote Tasting Rooms
- Winery Chateaus

Historically, three sections introduced by three early wineries:

Conflicts & inconsistencies across 3 section → Confusion

Performance measurements -- difficult & time-consuming to measure

Consultant hired to help -- dodged re-write of winery ordinance



## **Peninsula Township Zoning Ordinance: Wineries**

### **Beliefs:**

- **Residents** – Want a rural community and enjoy ambiance of peninsula.
- **Farmers/Growers** – Want to grow crops, successfully harvest them and sell them on and off the peninsula.
- **Wineries** – Want to grow new opportunities that their present SUPS restrict them from doing.

### **Symbiotic relationship hoped for in ZO:**

- Working together:

Grapes grown by peninsula farmers, processed by peninsula wineries and sold at wineries/tasting rooms on the peninsula and to individuals, wholesalers, retail outlets off the peninsula.

## Peninsula Township Zoning Ordinance: Wineries

### Wineries:

Expand their SUPs  
5 acre wineries

More events:

weddings  
office parties, etc.  
dinners

Restaurants/Catering

Wines + mixed drinks

Expanded hours-Later nights

Amplified music

Process grapes from outside

Expand retail sales

### **A DILEMMA**

### Residents:

Oppose expansion

Maintain rural quality

Follow Master Plan

Reduce traffic

Safety concerns: DUIs

No weddings, parties

No amplified music

Keep current hours

Keep current acreage standards

Wineries not bars

## Peninsula Township Zoning Ordinance: Wineries

### Challenges:

- Compromise - Existing wineries are our neighbors with SUP rights. Are there areas of compromise and negotiation to resolve the dilemma?
- Simplify - Re-write and modify existing Wineries ZO to remove conflicts, inconsistencies and confusion.
- Measure - Replace difficult to measure performance with easier reporting requirements and easier to follow by the township.
- Common Sense - Add activities not allowed by present ZO but practiced by the wineries---i.e.---small plates.

## Peninsula Township Zoning Ordinance: Wineries

### Suggestions:

1. Rewrite existing sections—Difficult to start over and preserve all allowable practices of existing ZO.
2. Parallel sections – Remove conflicts, inconsistencies and confusion in existing ZO winery sections.
3. Simple measurements – Simple measurements for wineries to do and township office to monitor.
4. Emphasize cooperation – Farmers grow quality grapes and wineries buy them to make wine. Good for both!
5. Use capacity - Once local production absorbed, wineries should be able to produce wine from grapes outside the peninsula. No resale of imported wines and shiners/labeled and sold on peninsula.
6. Common sense – Recognize practices now conducted – Small plates, bottles for on-site consumption.
7. Retail sales – Let wineries sell what they want: Logo caps, T-shirts etc., photos, etc. but not services—massages, manicures, lingerie, cosmetics, etc. These are wineries, not department stores.
8. Sell and promote OMP wines—Not mixed drinks and other products. SUPs for wineries, not bars.
9. Amplified music—OK inside but not outside. No amplified or speakers outside.
10. Restaurants - Wineries are wineries not restaurants. Small plates and wine themed event dinners. Food service is subordinate to the sale of wine.
11. Events -- Wineries are not event centers. No weddings, large office parties, major events.
12. Catering -- Can wineries cater to private owner-present resident weddings? But, not VRBO, Airbnb parties!
13. Acreage – Maintain current acreage requirements. OMP cannot handle more traffic, congestion, noise.

## **Peninsula Township Zoning Ordinance: Wineries**

- **Paso Robles Anecdote:**

How many wineries in Paso Robles, California in 1990?

How many wineries today?

- **“Strawman” – A re-write draft**

Highest priority – Acreage. We are a peninsula with limited access.

Wineries are wineries—Not restaurants, bars, event centers, department stores.

Control traffic, noise and events.

Rural ambiance – the Master Plan.