

# PENINSULA TOWNSHIP

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## Township Board Special Meeting December 16, 2024, 6:00 p.m. Township Hall Minutes

1. **Call to Order** by Sanders at 6:00 p.m.

2. **Pledge**

3. **Roll Call**

Present: Sanders, Clark, Alexander, Wunsch, Sanger, Chown

Excused absent: Milliken

4. **Citizen Comments:** none

5. **Governmental Updates:** none

6. **Approve Agenda**

**Wunsch moved to approve the agenda with a second by Chown. Motion passed by consensus**

7. **Conflict of Interest:** none

8. **Consent Agenda:** none

9. **Business:**

1. Interviews for Opening on Planning Commission

**Chown:** we typically ask candidates to tell us about themselves and their interest in serving on this committee.

**Wes Cowan, 2849 Shorewood Drive:** I moved here in 2019. In 2017, we built the house. Trapped here by COVID, we decided we would move here permanently from Cincinnati. Prior to that, Shelley, my wife, and my family had been coming up here for almost 30 years, probably illegally renting, which we didn't know at the time. I was at the meeting at the church three years ago when the brouhaha was erupting over the wineries. During citizen comments, people were talking about taxes and so on, and I got up and said to the board, "If you want to spend money, you have to tell us what you want to spend it on, why you want to spend it." And the result was the formation of a committee to study the potential change in township government. I raised my hand and was on the committee that resulted in the Maner Costerisan report. A little bit later, a zoning board of appeals [ZBA] slot was open. I raised my hand again. Now I'm on the ZBA. Along the way, I have discovered that most people don't understand how our government works. Maybe most people don't want to know how it works, but they should. I'm a strong believer in communicating to everybody I know how our government works and why they should get involved.

I'm coming off a six-year consulting agreement with the company that purchased my company in 2019. I am becoming more and more committed to doing things that will help our community. I see that the planning committee [PC] has a lot of important things on its plate in the coming years. I think I can be a good listener, a good contributor, and a good communicator to the public about what the PC is doing and why. I think that's really important. I don't think we do a good job as a township telling our citizens why we do the things we do and how we spend their money. In many

senses, that's why people don't like our government. They don't trust us.

I think the more I embed myself in these various committees and understand how things operate, the more I can communicate that to our citizens and perhaps smooth over some of the rough spots. We've got a lot on our plate, not the least of which is looking over the zoning ordinances. We're going to be looking at new SUPs in the future, all of which fall under the PC's umbrella, and I think I can contribute to that.

I have a PhD in anthropology. I taught at Ohio State University for three years. Was a museum curator in Cincinnati for 11 years. Started an auction company in 1996 and had it for 20-something years. That's my background. I formed a company that had 50 employees, and we were doing \$17 million in sales annually. I understand how businesses work too. In a nutshell, those are my qualifications. Thank you. Any questions?

**Chown:** can you please give an example or two of ordinances or aspects of our zoning ordinance that you think need updating?

**Cowan:** that's a good question. I have heard horror stories about our ordinances in general, from the standpoint of, if it's written into the ordinance, then we have to abide by that ordinance. If it's not written into the ordinance, then it's a use by right or we have to then change the ordinance. The ZBA has shown me how that works, and I know the chair and some members of the ZBA are very cognizant of, "It's written here, so we can't do this." On the other hand, there have been several times when I have been sitting in a meeting and saying, "That doesn't make sense. Why couldn't they do that?" And it's because it's written in the ordinance. For example, we reviewed an appeal where the owner had a house that was built in the 1950s and they wanted to add a second story. The house was non-conforming to start with. It was closer than the setback required, but that's the way it was built before there was any ordinance. Now they wanted to put a second story on it, and that would be also non-conforming. The neighbor said, "This is okay. We don't object." But we had to reject it simply because it was written into the ordinance. It was really tough. We all struggled with that. I don't know if the ordinance should be rewritten, but that's an example of, these people had a house up here for 40 years. It was non-conforming. Now they wanted to expand and they couldn't unless they moved their plans three feet over to change the profile of the house, which didn't make sense to them.

**Chown:** thank you. Are you willing to serve on both the ZBA and the PC simultaneously? Is that allowed? Does anyone know?

**Sanger:** there's a representative from the PC –

**Alexander:** on the ZBA.

**Chown:** it's not a conflict? He could do both?

**Jenn Cram, township planner:** we currently have a planning commissioner who does that who was approved by the board. Recently, Larry Dloski's term was up for both the PC and ZBA. The board reappointed him to the PC and the ZBA as the PC representative to the ZBA. But [for Cowan] we would need to ask legal counsel. I'm not sure.

**Chown:** it's probably all right, but we don't know for sure. We can't afford to lose you on the ZBA, Wes. I have another question. Would you tell us what you see as the most pressing planning issues facing the community?

**Cowan:** where do I start? I think everybody has said that, until the lawsuit is settled, everything's up in the air. But after that, we probably do need to look at some of the zoning ordinances, like that zoning ordinance I just noted. We need to somehow get our hands around what developers would like to do on this peninsula in terms of housing, to understand what the threat to farming is, if there is a real threat to farming. I think we need to understand how farms actually operate here. How many farmers there really are and how many there aren't. Things are myriad. When you go

through the master plan and look at the recommendations, none are prioritized. I think they need to be prioritized. I think we could look at the PDR program in terms of, it's my understanding, somebody can maybe tell me differently, but there's no priorities in terms of what properties we acquire and where we acquire them. That's something the PC needs to look at. They need to address that issue. Those are just a few of the things I think need to be thought about.

**Chown:** thank you. What is that zone for potential PDR lands that we prioritize?

**Alexander:** the agricultural protection zone?

**Chown:** yeah, the APZ. Farms within that zone are the high priority, Wes.

**Sheila Johnson, 13700 Bluff Road:** I also have a farm at 3625 Swaney that's part of PDR. I own a commercial heating and cooling company of which I'm comptroller. I am slowly retiring, finally. I'm also a trustee for Child and Family Services of Northern Michigan. I raised six children, four grandchildren. I ran for trustee. I don't interview, so if I seem a little nervous, I haven't interviewed since the 1990s I think. But I did run for trustee. I ran non-partisan and lost. It was probably a mistake running non-partisan, but I tried. As far as the PC, I'm just looking to give back to my community. I'm not raising kids anymore; I'm grandma. I do have a farm, and it's difficult. I bought it a year ago. I've been up on Old Mission since 2008. I was a renter, and they were year-long leases, so they were legal. We finally bought in 2020 when our last one graduated and we could move from downstate permanently. So that's kind of my background. If you have questions, [please ask]. I know your time is valuable and it's getting late.

**Sanders:** have you read the master plan?

**Johnson:** yes, that was a big part of running for trustee. People ask that a lot. I'm familiar with it, and I know you worked on it for a long time. It looks good to me. As far as what I read, I didn't have any questions. It was well written, and it looks like you've had a lot of legal counsel with it too. I am somewhat familiar with it.

**Chown:** can you explain your knowledge of the PC's roles and responsibilities and its contribution to Peninsula Township's long-term goals?

**Johnson:** yeah, as far as what we do a lot with the zoning and people looking for special use permits. In general, I think there's a lot of gray area, which is just part of life, right? It's extremely important that the PC understand the gray areas and try to abide by the ordinances that are written and part of the master plan. Doing a lot with special use permits, I know is a huge one, because, like I said, gray areas. So that's part of it, plus, obviously, the general plan for going forward, trying to keep the peninsula looking the way it does and the great characteristics we have here, but also moving forward because change is inevitable. The board and PC in general work together pretty closely, from what I understand. I am not super familiar. I've never had to get a special use permit. I haven't had to appeal anything yet. But as far as I know, everyone's working together and making sure we move forward.

**Alexander:** are there specific areas within the ordinance that you feel need to be addressed?

**Johnson:** I will say I'm concerned a little bit about PDR. The farm I purchased was part of PDR five owners ago. We are struggling to make ends meet with it. In all honesty, we are so heavily restricted on PDR property. I'm hoping maybe the PC can come up with some answers on that. Not looking to do anything crazy with it, like develop it, but trying to make creative ways for the farmers to make money on that, and I do think the PC could have a heavy hand in doing that. I know I'm only one of many that are floundering a little bit right now. Farming is expensive and difficult, and PDR does heavily restrict what you're allowed to do with the land.

**Todd Oosterhouse, 7700 Peninsula Drive:** thank you for [holding these interviews] and opening the position so we can get it filled. My family's been out here since 1976, so we've seen a lot of different things happen on the peninsula. I personally have been back here for 14 years. I own

Bonobo Winery. We built it from Cherry Orchards to where it is now. I think the biggest thing is to look at where we are moving with the township as a whole. The PC does get the first look at a lot of things before they actually go to the township board. Whether in the farming community or shoreline development, I want to look at these things in terms of what are we doing and how is that affecting [the community]?

Growing up, there were no boats, no docks out there. Obviously, now they're up and down everywhere we look. And how do we say to somebody, "You have rights to do this," still understanding how that affects everybody else? There's more activity coming from downtown. There's more activity coming from the other side. And what does that do for our peninsula specifically? We have a lot of action that happens out on the island as well. Not that we can control that, but how do we operate in our community? We have a lot of action that happens on the roads.

I was a member of the PC for over a year. I was a member of the master plan committee that was put together when that first survey was going on. I've seen those different surveys come through. I've seen different plans come out and the community talk about them and what they represent. Just seeing the changes, like I said, from the beginning when I first lived out here as a child to where it is now, the different traffic that happens...There's obviously tons of bikers who come through, tons of tourists. And not to sit there and say that we can control every little aspect, but how do we work that into our community to make it work for us all?

Regarding the PC, you look at it and say, what is its job? What does it take on? Of course, it sees so many first things come through. A lot of times special use permits or solar panels, for example. How do we put those different regulations on so we're still [allowing] people able to do things yet maintain the positivity we're looking for? Also, as we have different committees taking on different things, how do we incorporate those going forward? Because it's not something where we're saying, have a PC for two years, three years, four years. Look at the longevity and where does it affect my kids? What will they see? It's taking that all in and how we work it together. Questions?

**Sanders:** you were on the PC for about a year and a half. Were you appointed or did you finish somebody else's appointment?

**Oosterhouse:** I was appointed. I was asked to be removed when we did the lawsuit.

**Sanders:** okay. Do you feel there's a conflict of interest now?

**Oosterhouse:** I knew that question was going to come up. I can be recused if there are things happening that I can't listen to, but I think it's important to be diverse. Because when we do get through this, there's a lot of things we need to cover and address. Where do we go from that? Someone in the thick of things, so to speak, could say, "Let's look at this area or let's examine this." What does this mean? What does this do to us, not only as farms but as a community? How does that work with everybody?

**Wunsch:** do you think you were doing your job when you failed to raise any of the issues that were raised in the lawsuit? You were sitting on the PC while you were simultaneously working with your colleagues to bring a \$200 million lawsuit against the township based on the ordinances that you were responsible for proposing or amending as a PC member. I sat on the PC with you for 18 months, and you never raised any of the concerns that were raised in the lawsuit. So, do you think you served effectively as a PC member the first time around?

**Oosterhouse:** well, I think if you look at it, I was in those studies before that we were doing separately outside of the PC. So I was sitting there with the planner, I was sitting with the members of the board that came to that as well. So I felt that I was doing that, at that point.

**Chown:** Todd answered my questions in his initial remarks when he talked about the competing interests that are apparent in the community.

**Armen Shanafelt, 7402 East Shore Road:** until recently I was on the PC as the board's representative. I'd like to continue in that role, working with the committee. I think, philosophically, zoning really is what lets all of us play in the same sandbox together. Without effective zoning, we can't do that very well, and it leads to conflicts. One of the questions was, "What's one zoning ordinance that needs to be changed?" Wes said, "Where do we start?" Generally, my goal has been to modernize our zoning ordinances. It's not a wholesale change. It's, let's find a way to make it work with the community. Our community is now more diverse in terms of its demographic makeup, its socio-economic makeup. We need to identify a good zoning structure and good zoning language that allows us to operate effectively so that we can all play together and respect what each and every one of us wants to do. Progress is being made. I think, on the board, I actually did argue to shut down the PC and focus on rewriting the ordinances. Obviously, it's impractical but it would get the job done. My goal is to make sure we keep moving forward in this process of modernizing the zoning ordinances so we can continue to effectively function as a community and for our government to function effectively in the context of what it needs to do for the residents.

We moved here in 2019. I never thought I'd be involved in politics and got sucked very deeply into it. Thank you for those of you who persuaded me. I will say the lawsuit does hang over us. I do say that, regardless of where that goes, and while we're waiting for that to be resolved, if it's appealed, we're still looking at five years. We're going to have to be doing stuff to understand how we allow businesses to function in the context of the residential demands. I think that's the biggest conflict we have. And I say "business" because farming is a business, often with a different framework, and that's where a lot of the very big issues have come from. That doesn't take away from potential individual issues such as shoreline regulations, which are also critical.

**Sanger:** you were a lead on this study from Maner Costerisan. If you're appointed to the PC, what do you see as your involvement and the next steps on this report, as it comes to finalization?

**Shanafelt:** let me talk in general; I think that will answer your question. That report is a broad analysis of where we are as a township and what the township needs to do to operate effectively. It gives a variety of options of doing that. In the context of the PC, I think its role is to help guide the development of and evaluate, in its constructive phase, the future ordinances for the township. Works hand in hand with the type of government we have. But I actually see that the report itself wasn't so focused on how the ordinances were applied or structured but rather on how our local government could be more effectively formulated to operate better. The better we operate at the top, the better we'll operate at the levels of the different committees and commissions. Probably having additional funding will allow other subcommittees to form, which help us understand how we need to change things. If we can increase funding, we can support more effectively the modernization of our ordinances. Because it's time, money, and quality. Pick two. We don't have money right now, so we're focused on quality, and it's taking a long time. If we can put more money into that effort, I think we can get to a more effective zoning structure and written ordinances more quickly, which allows us to improve past these conflicts we get into because of the subtleties in the way ordinances are written and how you can pull stuff out and make stuff up if you want from conflicting ordinances. I want us to get away from that as much as possible. The short answer is, it always gets back to funding. With more funding, we can get to better ordinances more quickly, which will allow us to enforce more effectively, function more effectively, and eliminate more conflicts going forward. That's what the Maner Costerisan report gives us.

**Chown:** in your letter of interest in being appointed to the PC, you commented that serving on both the township board as a trustee and being the township board liaison to the PC had given you

the opportunity to understand and synthesize the different perspectives of these two bodies. Can you briefly explain what you see as those two different perspectives?

**Shanafelt:** I'm still learning, having only been a trustee for two and a half years and on the PC for two years. That's not a lot of time to really understand it. I'll go back to my first exposure to government, serving on the parks committee here. My expectation going into it was that it was going to be similar to the other board work I've done. And it is. Normally we talk about the 100,000-foot level. This is like at the 500,000 foot level. It's similar. It's a group of people trying to get a grasp of how you get things done. It does come back to funding. In the case of the parks committee, the goal was to find someone who can coordinate the efforts of the park committee. It's not a volunteer position, but there's no funding. The board is a government body. How does it work? Things move slowly. The biggest lesson is, it will not happen overnight. There are multiple perspectives to incorporate into how you think about things.

The role of the board is looking out for the community at large. That includes the fire department, police department, parks, cemeteries, the roads, what we do with the new boat launch and the egress [at the DNR East Bay boat launch] for an immediate example. The role of the board is extremely high level and has to be open to perspective but also able to bring it together in a way that works best for the community as a whole. Gets away from individual and special interests as a driver to what is best for the community. Maybe some of those special interests fit into that category. Maybe they don't and the board needs to stand strong.

The PC is kind of an execution body for the board in terms of zoning. I think zoning and enforcement are two of the biggest things local government does. Zoning is really the thing that keeps the community functioning. The PC has this massive role, in an operational way, of ensuring that the zoning laws are properly conveyed and applied but also in our case writing them in a way that works for our changing community. What are we at, 229 amendments? That's a lot since 1972.

Jenn did a great job of consolidating, coordinating, rewriting. The PC gets to play this governance/guidance role, working with the planner and planning office to create this set of ordinances that defines who we are as a community in this operational way. The philosophy of how the board sees the community filtering down to how the PC has to execute on that vision is what that connection is. They are two different roles.

I will say, I voted differently on the PC than I voted at the board level. Part of that was time, understanding better what some of the issues were or formulating different ways of looking at the issues and coming to a more complete answer. Part of it is role, of where the PC is looking and where the board has to look.

**Sanders:** board discussion?

**Sanger:** we have four qualified candidates. It's a tough decision. I want to focus on broad experience and perspective. I would be inclined to take the offer of Armen to continue with his service for our township as a planning commissioner.

**Chown:** I agree. Armen, I think, is the individual who doesn't have anywhere near the learning curve that everyone else will have. Armen has two years under his belt and he's really revved up, engines running. I think he does incredible work. I was really sorry he didn't run for township board trustee, and I would love the opportunity to continue serving with him. I think all four individuals would do a phenomenal job, but Armen is my top choice.

**Alexander:** everybody's a good choice, and it's been interesting hearing from Wes tonight. Your experience at the ZBA, I think, would be helpful. And I know, Todd, you've done this before, so you've been here, but right now we have a lot of really comprehensive, difficult issues, and I think the PC needs to hit the ground running. I'm still going to be on the PC as the board liaison. If Armen

is still there, the transition will be seamless. I feel like that's what we need right now.

**Chown:** I think we're moving into a heck of a year.

**Wunsch moved to appoint Shanafelt to the Planning Commission with a second by Alexander.**

**Roll call vote:** yes – Clark, Alexander, Wunsch, Sanger, Chown, Sanders **Passed unan**

**Sanders:** I want to remind the other [applicants] there is still an opening on the parks committee.

**10. Citizen Comments:** none.

**11. Board Comments:**

**Chown:** thanks, everybody, for throwing your hat in the ring. I'm really grateful.

**12. Adjournment**

**Sanger moved to adjourn with a second by Alexander.**

**Motion approved by consensus**

**Adjourned at 6:42 p.m.**