

**VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 07-14-21**

Village Council President, Richard Smith, called the (in-person) Regular Village Council Meeting, to order at 7:03 PM. This meeting was held in the upper level of Froehlich's Event Center at 19 N. Elm Street (next-door) to Village Hall.

Pledge of Allegiance: Yes

Roll Call: Present: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith

Absent: None

Approval of the Agenda as presented by Village President, Richard Smith. Moved: Thomas Supported: Kramer Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.

PUBLIC COMMENT: Lilly King, Chuck Sittig, Nancy Hertel, Tom Pauly, Jason Milovich, Suzanna Bierwirth, Ray Barskus, Peg Zechel, Rachel Vangenneb, Tom Balich would like to speak on Agenda Item #08 (Journeyman Conditional Zoning Request), Carolyn Drier-Agenda Item #06 (Wurstfest Festival).

CORRESPONDENCE: Multiple letters received regarding the Journeyman Conditional Zoning Request.

Approval of the Consent Agenda to include: Approval of the Public Hearing and the Regular Council Meeting Minutes from 06-09-21. Approval of the Police Dept's report. Approval of Invoices to be paid (\$73,600.89), Disbursements made in June, 2021 (\$65,991.52, and Approval of Payroll as paid for June, 2021 (\$56,412.36). There was no Fire or Building Inspector's report received (not included in Consent Agenda approval). Moved: Newquist Supported: Ream Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.

- **PRESENTATION FROM RIVER VALLEY SCHOOL'S INTERIM SUPERINTENDENT, ANDREA van der LAAN:** Andrea van der Laan, the interim superintendent for River Valley Schools presented an overview of the direction that the school is considering for the future. Three options that are being considered are "Carry on - status quo" / "Combine with another school district" or "Consolidate the three (3) buildings into one (1). An architect and construction manager have been hired to determine the logistics and costs of option #3 in order to provide the school board with the information needed to make a decision. The school system is seeking input from their students and residents.
- **WURSTFEST STREET CLOSURE and LIQUOR LICENSE REQUEST for SEPTEMBER 18, 2021:** "TOMAMA" (The Three Oaks Makers and Merchants Association) is sponsoring Wurstfest this year scheduled to be held on September 18, 2021. Carolyn Drier, owner of Drier's Meat Market and a member of the DDA and TOMAMA said that Wurstfest will be scaled down from previous years and be more like a block party for area residents. On behalf of TOMAMA she requested approval for closing Elm Street from S. Central to Linden Street from Noon until 7:00 pm on Saturday, September 18, 2021, and approval to submit a request to the State for a Liquor License for that date. **A Motion was made to approve the closure of Elm Street from S. Central to Linden from Noon until 7:00 pm on Saturday, September 18, 2021 and a request for a Liquor License, pending approval of Police Chief, Carl Krause for September 18, 2021. Moved: Graziano Supported: Ream Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- **FRIENDS of BERRIEN COUNTY TRAILS REQUEST for \$2,000.00:** The Friends of Berrien County is seeking support for funds to develop a comprehensive county-wide Master Plan for analyzing the existing and planned trail routes and promote trail connectivity while

ensuring safety and recreational opportunities. They are seeking to connect biking and walking and hiking paths to connect all communities. Several adjoining communities have already pledged their support and the Village of Three Oaks has been asked for their support. **A Motion was made to approve the request of \$2,000.00 for the creation of a Master Plan for the Friends of Berrien County Trails. Moved: Newquist Supported: Hinman.** After the motion was made, Council Member, Graziano raised the question of a great deal of money spent about 5 years ago for a similar project that has seemed to go nowhere. He would like some research to be done into this previous project before allocating additional funds for this project. **A Motion was made to table the previous motion to approve the \$2,000.00 to the Friends of Berrien County Trails until next month's Council meeting. Moved: Ream Supported: Graziano Aye: 7 Nay 0 Absent: 0 Abstain: 0 MOTION CARRIED.**

- **JOURNEYMAN CONDITIONAL ZONING REQUEST:** Journeyman Distillery has submitted a request for the conditional rezoning of 18.25 acres adjacent to their location at 109 Generations Drive for building a “Rickhouse”, an event space, tasting room and a bottling and distribution building along with the creation of recreational amenities. The Three Oaks Planning Commission, at their special meeting held on June 16, 2021 recommended that the Village Council approve this request with the exception of the “hours of operation” and “access via an easement” clauses. These two (2) items were not accepted and are not included in this rezoning recommendation from the Planning Commission. There were many public comments made prior to the Council’s discussion of this request: **Nancy Hertel** stated that she is concerned about the impact on traffic, noise, parking and safety issues along with the impact on the Sewer lagoon systems. She is not against the project, but feels that more study should be given to these issues prior to Council’s approval. **Tom Pauly** stated that this would be very good for the community. He would like to see a walking path leading to the downtown area, questioned how the traffic would enter the new (proposed) facilities, said that the parking areas proposed are not owned by the Village, but rather by private parties, so who is paying for the additional parking lots that will be required. **Jason Milovich** is in agreement with the expansion and said that it will be good for the downtown area. He is happy to see the turn-around of the Village from about 13 years ago. **Suzanna Bierwirth** thanked the Council and said she understood that a tough decision would need to be made tonight. She wants the Village and Journeyman to work together to unite the Village and not divide it. **Ray Barskus** thanked Council members for their hard work. He stated that he has been a resident for 6 years and remembers when the town was on the verge of bankruptcy. He expressed concerns about increased traffic and parking availability. **Peggy Zechel** said that she supports the proposal – that she is a 25-year resident and that Journeyman helped “bring back the Village”. She noted that change is difficult, but that due diligence has been done. **Rachel Van** is happy for new job opportunities. **Tom Balich** is a 9-year employee of Journeyman is very excited for the new Rickhouse which will make his job much more efficient. **Lily King** thanked everyone attending tonight and said that Journeyman brings a quality experience to Three Oaks. **Chuck Sittig**, speaking as president of the Region of Three Oaks Museum, said that they support the expansion, but has concerns that need to be addressed about parking, street design, sidewalks and walkability. **James Straub**, attorney for Journeyman, stated that conditional re-zoning is a fairly new concept, and that Rebecca Harvey (the Village’s Planner) is well-known and highly respected as a planner. He said that the focus should be on zoning, the “concept”. **Greg Kilmer**, architect for Journeyman, said that the Rickhouse, the bottling building and event center will have connectivity to the downtown area with safety being foremost. This would

be the 1<sup>st</sup> Rickhouse in Michigan – most of them are located in Kentucky. The event center and tasting room will be tied to the Rickhouse, with large truck traffic entering from Central Avenue. **Bill Welter**, owner of Journeyman Distillery spoke and said that he and his wife have worked non-stop for the last 10 years and have put their heart and soul into the business. In 2020, they increased the number of states that their product is distributed in from 19 to 30. They want to have the Three Oaks name known around the country and around the world. They are very proud of the Village of Three Oaks, and he thanked Council for working with them. After the Public Comments were closed, **Council Member, Graziano** asked what the process actually is for addressing the traffic and parking concerns. What is Council supposed to be deciding tonight – just the zoning issue? **Council Member, Newquist** said that the Planning Commission had referred it to the council. **Attorney Hilmer** said that those issues will be addressed during the site plan review – those concerns will not come back to the Council. Tonight’s decision is only to consider the rezoning from the approximate 17 acres from R-1 Single Family Residential to MU-2 General Mixed Use and the remaining approximate 1.265 acres from R-1 Single Family Residential to I-1 zoning use. **Council Member, Ream** said that under Section F there is no preliminary site plan review – only a “final” review – says it is confusing. **Council Member, Newquist** asked why the Village Planner, Becky Harvey was not in attendance to be able to answer questions tonight. **Council Member, Ream** - asked where the updated, revised conditional re-zoning agreement was. Attorney Straub indicated that it was sent to Attorney Hilmer, Village Manager, Dan Faulkner and Planning Commission members prior to the Planning Commission’s June 16<sup>th</sup> meeting. That agreement should be available to Council members. **Ream** then said that the Planning Commission recommendation says that preliminary and final site plan reviews will be done. **Council Member, Newquist** asked when the easement issue would be addressed. **Council Member, Ream** stated that Council members should have the revised conditional re-zoning agreement in front of them tonight. **A Motion was made to approve the conditional re-zoning agreement which allows the total of 18.25 acres adjacent to Journeyman Distillery at 109 Generations Drive to be rezoned. (approx. 17 acres) from R-1 Single Family Residential to MU-2 General Mixed Use and (approx. 1.265 acres) from R-1 Single Family Residential to I-1. The rezoning of the entire 18.25 acres will allow for the building of a whiskey barrel storage and aging facility (Rickhouse), an event space, a tasting room, a bottling and distribution building and additional recreational amenities such as walking paths, pickleball and bocce courts. The conditional rezoning agreement allows for hours of operation subject to the Village’s Noise ordinance, and the requested easement from Central Avenue is not approved or included. Moved: Hinman Supported: Newquist Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.** **Council Member, Ream** asked that communications between all parties be kept keep open during this project.

- **ZONING ORDINANCE #222 (re: PARKING REQUIREMENTS):** A proposed Zoning ordinance regarding parking requirements was recommended for approval by the Planning Commission and sent to Council for their review. **Council Member, Newquist** said that this ordinance addresses the limitations of parking spaces and that a business can be approved for “fewer – or – more” parking spaces upon documentation from the applicant that shows that the parking proposed is sufficient for the proposed use of the business. **A Motion was made to approve Zoning Ordinance #222, an ordinance to allow for more or fewer parking spaces for off-street parking and loading as required for businesses. Moved:**

**Thomas Supported: Newquist Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**

- **ORDINANCE #223 – AN ORDINANCE to PROHIBIT DISCRIMINATION:** Prior to last month's (June's) Council meeting a Public Hearing was held to present and discuss the Non-Discrimination Ordinance #223. There was further discussion during the Council meeting itself. At that time, approval of it was tabled until July's meeting in order to allow Attorney Hilmer sufficient time to review it. Upon completion of his review, it is recommended for adoption. **Council Member, Hinman** stated that this was a forward step for the Village and shows protection and transparency by the local government. **A Motion was made to approve Ordinance #223, an ordinance to prohibit discrimination in the Village of Three Oaks. Moved: Hinman Supported: Newquist Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **COMCAST FRANCHISE AGREEMENT: A Motion was made to approve the extension of the Comcast Franchise agreement currently in place with the Village which provides quarterly payments of 5% of their net revenue back to the Village. Moved: Newquist Supported: Hinman Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- **ALEX KEEN – WAGE INCREASE for OBTAINING his L-1 LAGOON LICENSE:** Alex Keen, Water/Sewer department Operator recently received his L-1 Lagoon License from the State. He is now in charge of the lagoon system. **Village Manager, Dan Faulkner** recommended that he be given a \$1.00/hr. raise. **A Motion was made to increase Alex Keen's pay by \$1.00/hr. for obtaining his L-1 lagoon license and assuming additional responsibilities managing the sewer lagoon systems. Moved: Graziano Supported: Kramer Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- **AMERICAN RESCUE PLAN ACT – FUNDS ESTIMATED TO BE RECEIVED BY THE VILLAGE of THREE OAKS - \$161,713.00.** There is an estimated amount of \$161,713.00 to be received by the Village from the American Rescue Plan Act due to the Covid-19 pandemic. **Village Manager, Dan Faulkner** recommended forming a committee to determine the best use of those funds. **Council Member, Newquist** feels that a committee will be effective and asked if there are funds available for low-income families. **Council Member, Hinman** agreed that a small committee should be formed. **Village Manager, Faulkner** said the Village is applying for the money, and when it is received it will need to be spent within two (2) years following the guidelines laid out for it. Faulkner also said that there are various other programs and grants that are or will be available, so it is essential that those grants are carefully researched prior to allocating monies from the American Rescue Plan so that money is not spent from those funds that could be granted from other avenues for Village projects. Faulkner then appointed Thomas, Newquist and Smith to the committee.
- **SET PUBLIC HEARING DATE to CONSIDER PROPOSED INCREASE IN WATER USAGE RATES:** The Michigan Rural Water Association has completed its study of the Village's water rates and made the recommendation that the usage rates be increased in order to keep up with the costs of managing the water system. **Council Member, Newquist** asked how a water rate increase can be justified. She thought that rates had just been raised within the last couple of years. She and the attendees were reminded that it was the Sewer rates that were increased, not the Water rates. The rate methodology to come up with a suggested increase was developed by the Michigan Rural Water Association. **A Motion was made to set a Public Hearing date of Wednesday, August 11, 2021 to consider an**

**increase in the Water Usage rates. Moved: Ream Supported: Thomas Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**

- **SET PUBLIC HEARING DATE for 2021-2022 BUDGET WORKSHOP:** The date of Saturday, August 7, 2021 at 9:00 am was set for review and discussion of the 2021-2022 budget. The public is invited to the workshop.
- **SET PUBLIC HEARING DATE for a MARIHUANA ASSESSMENT WORKSHOP:** The date of Thursday, July 29, 2021 at 7:00 pm was set for the Marihuana Assessment Workshop to be held for Council members to prepare them for their upcoming review of the marihuana license applications that will be received during the bidding period of July 19<sup>th</sup> thru July 29<sup>th</sup>, 2021. The Village's Planner, Becky Harvey will make the presentation and the Village's Marihuana Attorney, Jessica Fette will also be in attendance for legal consultation and questions. The Public is invited, but NO Public Comment will be taken at the workshop.
- **PLANNING COMMISSION UPDATES: Council Member, Colleen Newquist** reported that the Planning Commission had approved nine (9) Special Land Use permits and that a special meeting is scheduled for 7:00 pm on Tuesday, July 27, 2021 for consideration of another one.
- **PARKS & RECREATION BOARD: Council Member, Tyler Ream** said that there was NO quorum present for their meeting on July 12, 2021. There was discussion of a joint committee between the Parks & Rec committee and the DDA to address the project for Dewer Cannon Park, but no business could be conducted.
- **DDA BOARD: Council Member, Joe Hinman** reported that the car-charging station installation is still dependent on AEP, that the pop-up music event was successful, that the by-laws were updated, that a landscape Plan designed by Abonmarche was presented and approved; that there was a discussion of the budget primarily regarding TIF money and that there was a public informational meeting set to be held on Wednesday, July 21st at 5:00 pm.
- **ZONING BOARD of APPEALS:** No Meeting was held this month.
- **PUBLIC SERVICE COMMITTEE:** A Public Service Committee meeting was held on July 9, 2021. **Village Manager, Faulkner** reported said that there have been monthly meetings with EGLE regarding the ACO Consent order from the State; that work should begin on the raising the manholes along US 12; that there was a pre-construction meeting today (July 14<sup>th</sup>) regarding the upcoming Michigan Street project; that there are weeds growing in Pond 3 and that hydrant flushing will be done in the fall in both the North and South end of the Village.
- **RE-DEVELOPMENT READY COMMITTEE (RRC): Council Member, Newquist** reported that they had decided to stay with Revize for the updating of the Village's website.
- **VILLAGE MANAGER'S REPORT: Dan Faulkner** reported that the Village has an estimated \$161,713 coming in from the federal American Rescue Plan Act; that Alex Keen passed his L-1 Lagoon test and now has his license; that the Village is waiting on GRSD's engineering review regarding the possibility of hooking up to their system, and that the Marihuana bidding period begins next week on Monday.
- **VILLAGE PRESIDENT REMARKS: Richard Smith** reminded everyone that the Marihuana bidding period begins at 8:00 am on Monday, July 19<sup>th</sup> and runs thru 4:00 pm on Thursday, July, 29, 2021. He thanked the Public, and the Applicants for their patience.
- **COUNCIL COMMENTS: Council member, Graziano** asked that we make sure that we have our experts in the meeting when we need to make a decision - it is essential. **Council Member, Newquist** thanked Colleen Froehlich for allowing the Village to hold their meetings in her event space. The August council meeting will also be held there.

- **PUBLIC COMMENTS:** **Audience Member, Tom Pauly** thanked the Council for adopting the Non-Discrimination Ordinance. **Audience Member, Devin Loker** hopes to be one of the businesses approved for a Marihuana license; **Audience Members, James Hermes (and Joe Calandra)** are looking forward to being a part of the Village.
- **MEETING ADJOURNED AT: 8:52 pm**

Submitted by:

Cynthia E. Moynihan  
Three Oaks Village Clerk  
Minutes for the 07-14-21 Council Meeting  
Were **APPROVED** at the 09-08-21 Council Meeting