

**CHARTER TOWNSHIP OF ELMWOOD
REGULAR BOARD MEETING
AUGUST 12, 2024
IN THE TOWNSHIP HALL**

Call to Order

Supervisor Shaw called the meeting to order at 6:00 p.m.

Pledge of Allegiance

Supervisor Shaw led the Pledge of Allegiance.

Roll Call

Present: Chris Mikowski, Terry Lautner, Dave Darga, Kyle Trevas, Jeff Shaw, Jordan Gallagher, and Connie Preston

Excused: None

Declaration of Conflict of Interest

None

Public Hearing Zoning Ordinance Amendment 2024-03, Alcohol Regulation

The public hearing was opened at 6:02 p.m.

Chris Fredrickson, Owner/Operator of TC Whiskey said, we have been working together for the past six years trying to create a process for distilleries like ours, to both be planned and executed on that planning. In six years we have developed a project that we believe will benefit our company and community and have been operating under our understandings with the Township. We believe that TC Whiskey is a brand the community can be proud of and proud to have Elmwood Township as our home. We've had a chance to review the proposed changes and it seems that they are designed to discourage and target businesses like ours. We do not believe that they apply to us. We have spent millions of dollars and years in construction upon a different set of rules and those rules cannot be changed as they pertain to us but to any other businesses like ours these new restrictions will make it impossible to operate a successful vineyard or distillery. It certainly would do that to ours and force us into an uncomfortable choice if these restrictions were attempted to be imposed on us, TC Whiskey. Before approving this, we ask that you evaluate the actual goal, as an example, if we're going through this exercise to tighten some boundaries with craft breweries or breweries alike. If you want distilleries and vineyards, you do not want these new restrictions, thank you.

The public hearing was closed at 6:04 p.m.

Public Comment

None

Consent Calendar:

Department Reports:

Treasurer
Planning/Zoning
Fire Chief Report

Committee Reports:

Minutes:

7-8-24
7-23-24

Post Audit Invoices 7-1-24 through 7-31-24

MOTION BY TRUSTEE DARGA, SECONDED BY CLERK PRESTON TO APPROVE THE CONSENT CALENDAR AS PRESENTED. The motion passed unanimously by a voice vote.

Agenda approval

MOTION BY TRUSTEE DARGA, SECONDED BY TRUSTEE GALLAGHER TO APPROVE THE AGENDA AS PRESENTED. Motion passed unanimously by a voice vote.

Supervisor Remarks

Supervisor Shaw submitted a written report and added that he will be attending a Michigan Natural Resources Trust Fund Tour

Trustee Remarks

None

Engineer's Report

None

Other Officer Remarks

None

Communications from the Clerk

Clerk Preston stated that our voter turnout was 28%.

Old Business

None

New Business

Consideration of Text Amendment 2024-03/Alcohol Regulations

Planner Sarah Clarren stated that this the third month the Board has been talking about this. This is the second public hearing before the Board. She created a new document to try to show and visualize a different way to show that the Township is not reinventing the wheel with this text amendment. Clarren relayed that when she met with Fredrickson on Friday only two concerns of the text were made, the first being a definition which was from the State and the second being planting requirements. Clarren indicated that anyone can seek a variance from any dimensional requirement in the Ordinance and noted that in the proposed text, an increase in the lot coverage requirement can be approved by the Planning Commission. She relayed that the proposed text is more lenient in certain things. The size of a tasting room is increased from 2000 sq. feet to 2500 sq. feet and allows seating indoors and outdoors where the current is only indoors. She stated that the current text has no requirements for planted crops for breweries and distilleries. This text would align all the uses.

The Board discussed potential impact on TC Whiskey's project. Clarren indicated that she still has not been provided with an adequate document regarding work done on the 2022 approval for the addition to the distillery (use approved in 2018 as a change of use), the tasting room, offices, and visitor's center. Discussion ensued on substantial construction and what variances would be necessary for the project if the text amendment passed and substantial construction had not been reached on the 2022 approval.

Board members voiced support over tying growing to uses in the agricultural district, but also concern over impact to long-term projects. Clarren indicated that putting the proposed text amendment aside, if substantial construction has not occurred onsite, then the approval would expire as approvals are not valid indefinitely. Approvals are valid indefinitely if substantial construction has been reached; any modifications would need to meet the requirements in effect at the time of approval. Clarren relayed that these sections in the Ordinance have been flagged as major issues for some time and staff had time to look at it over the winter; the Board can base their decision on the text amendment on anything but the proposed text closes many gaps in our Ordinance.

The Board discussed how the proposed planting requirement could be met in winter. Trustee Mikowski questioned past zoning of the site, classifications of the site and if it was feasible to have an industrial-agricultural

district; Clarren relayed that could be possible, but the Ordinance would need to be amended. It was added that assessing classifications and zoning districts do not always align. Trustee Darga asked if anything has been planted onsite to which Clarren said she does not believe so; Fredrickson said no, but noted that the land has been tilled. The Board continued to discuss proposed and current planting requirements.

Shaw asked for a motion. Darga made a motion to approve as presented but there was no support. Motion failed. Mikowski offered that the text could go back before the PC and Fredrickson could attend and present his argument of what it is we need to change, and then as a Planning Commission, they can decide if we need to tweak or change anything, then have it come back to the board. Preston would like input from someone else with a distillery. Chris Fredrickson was asked to comment. Fredrickson said there has been several exchanges between Sarah and his team in the last week. Our team has a better understanding of the process here that made it clear to us. He said that under no circumstance would I approve the language as it is written and as a business owner and resident can commit to you to work with Sarah to create a better understanding of words that have been chosen. There are several items that don't make sense for the livelihood of a brewery, distillery, or winery. It is a big lift to help the Township because we are running a business. There a lot of reasons that we are being delayed. What is before you does not make sense as regards to the practical operations of a winery, distillery, or brewery. Preserving the agricultural essence of the properties is there but is not written well. It is written by an attorney not by a practicing professional so there is a way to do this but if you were to take this language and apply it in a literal sense, the practice doesn't make sense. So I would ask and commit to taking time and resources from our company which is not small which is why it's been three months but only in last 45 or 60 days have we understood it more thoroughly, so I would recommend that the way it's written needs to be updated for practical application.

Shaw said we want to make it so someone can make it successful but not just for one but for everybody. We need information from a broader range. Darga would like to see specific terms or we will have the same thing at the Planning Commission.

MOTION BY TREASURER MIKOWSKI, SECONDED BY TRUSTEE GALLAGHER TO SEND IT BACK TO THE PLANNING COMMISSION FOR REEVALUATION. The motion passed 6-1 by a roll call vote with Trustee Darga voting no.

Timberlee Water Updated Cost Estimates

Wade Trim engineer Ken Schwerdt and GT County DPW Director John Divozzo presented the updated cost and plans for the project.

MOTION BY TRUSTEE DARGA, SECONDED BY TRUSTEE GALLAGHER TO APPROVE THE PLANS AS PRESENTED BUT LOOK INTO THE COST OF A PROPANE VS. DIESEL GENERATOR. The motion passed unanimously by a voice vote.

Health Benefits Extension to Dependents

MOTION BY TRUSTEE LAUTNER, SECONDED BY TRUSTEE TREVAS TO AUTHORIZE THE MEMORANDUM OF UNDERSTANDING WITH THE ELMWOOD PROFESSIONAL FIRE FIGHTER'S UNION. The motion passed unanimously by a voice vote.

Schedule Special Meeting

MOTION BY CLERK PRESTON, SECONDED BY TRUSTEE GALLAGHER TO SCHEDULE A SPECIAL BOARD MEETING FOR AUGUST 19, 2024 AT 6:00 P.M. TO DISCUSS A MULTITUDE OF MARINA ITEMS. The motion passed unanimously by a voice vote.

Payment of Invoices

MOTION BY TRUSTEE DARGA, SECONDED BY CLERK PRESTON TO PAY THE INVOICES IN THE AMOUNT OF \$279,095.28. Motion passed unanimously by voice vote.

Extended Public Comment

Jim O'Rourke

Adjournment

Supervisor Shaw adjourned the meeting at 7:29 p.m.