

APPROVED MINUTES
MANCHESTER VILLAGE COUNCIL
OCTOBER 18th, 2021
COUNCIL CHAMBERS-VILLAGE HALL
7:00 PM

President Vaillencourt called the regular meeting of the Manchester Village Council to order at 7:00pm with the Pledge of Allegiance to the Flag. Council members present: Chartrand, Way, Dresch, Vaillencourt, Woods and DuRussel. Council members absent: Andrews. Also present were: Manager Wallace; Clerk Schaible; Susan Way; Herb Mahony; Sarah Simmons; Denise Collins; Jessica Bushaw; Chris Moyle; Liz Polk; Krista Jarvis; Shannon Beeman; Kathleen Gould; Jack Gould; Sgt. Joel Gebauer (WCSD); Rhonda Schuman; Fred Schuman; Ken Heers; Evan Blumenstein; David Denby; Glennica Magee; Cynthia Every; and Kevin Sharp.

The minutes of the October 4th, 2021 regular meeting were approved on a motion by Chartrand, seconded by Dresch. Vaillencourt abstained.

AGENDA – The agenda was approved as amended: deleting Old Business and Committee Reports: B) Parks; C) Planning Commission; D) DDA; E) Healthy Communities/Wellness Coalition; F) Manchester Community Joint Planning Commission; G) Building; H) Personnel Committee; and I) Finance Committee on a motion by Dresch, seconded by Woods.

PUBLIC PARTICIPATION- None

SPECIAL SESSION CITY-STATUS- Vaillencourt reminded those present that the State Boundary Commission had found the cityhood documents to be legally sufficient. The official letter from LARA will set the 45-day referendum period. A charter commission will be elected, the charter voted on and if passed, a city commission elected.

OLD BUSINESS- None

NEW BUSINESS-

CONDITIONAL USE APPLICATION-LENAWEE FUELS- Vaillencourt explained that the public will be recognized individually during the hearing and limited to 3 minutes, then 2 minutes for a second comment after everyone has had a chance to speak. She gave background information regarding the Village Zoning Ordinance and DDA Liquor Licenses. Andrews entered at this time.

Ken Heers, CEO of Lenawee Fuels, presented the request for a Conditional Land Use Permit and DDA Class C Liquor License at 455 W. Main Street. He explained that beer and wine sales are a significant part of a successful grocery business. They purchased the building with the hope to obtain a SDM license but were not able to. Heers reviewed the interior site plan and noted that alcohol service would cease when Acorn is closed. He reported that entertainment would be part of an annual plan and be inside the building to satisfy the requirement of the DDA Liquor License.

Vaillencourt opened the **Public Hearing**.

Denise Collins, resident and owner of Frank's Place, welcomed Heers and the Manchester Market to Manchester. She thanked Heers for investing and bringing more people into the community. Collins indicated her support for approving the Conditional Use Permit. Jessica Bushaw, also from Frank's Place, noted that Saturday she served two tables of patrons at Frank's Place that were from out of town and were there to attend the Market's open house. She indicated that established and new businesses could all be Manchester together. Krista Jarvis, of River Raisin Distillery, welcomed the Manchester Market and related the amazing experience of having all new people at their establishment during the Market open house. Sarah Simmons, from Over the Edge, welcomed Heers and the Market. She reported on SDM license regulations and escrows available for sale. She opposed the special seating and suggested that the Market wait for other avenues to be able to sell packaged beer and wine. Shannon Beeman, Washtenaw County Commissioner, welcomed Heers and noted her experience with small businesses. She advised on the small margins in grocery expendables and the much higher margins on beverages and alcohol. She confirmed her support of the Manchester Markets effort and the whole community's business successes. Kevin Sharp, of Sharon Township, expressed his excitement of having the Market in town and the unique and fresh atmosphere it brings. Rhonda Schuman expressed her concerns from the stand-point of being a neighbor to the Market. She would like there to be consideration given to the increased nuisance, traffic, lights and cooking smoke. Schuman asked for the courtesy of keeping a quiet neighborhood and turn down or off the outdoor speakers that pipe music that is audible in her home. She also asked that there be no outdoor alcohol consumption. Fred Schuman referred to the conditions recommended by the Planning Commission and noted that his main concern is outside noise. Heers said he would look into the music and outside speakers. Susan Way shared that good entertainment and social drinking has attracted and kept her and her friends in retail businesses. Cynthia Every indicated that she is thrilled for the Market and excited for the good things to come. She said she is glad the plan is to be inside and asked that there be no outside events. Liz Polk informed that she lives next to the Gotta Scrap Inn and had attended village meetings with concerns regarding the conditional use permit when they first opened the bed and breakfast. She reported that as neighbors they have been great and any problems have been addressed immediately. Polk feels the Market wants to fit into the community and neighbors will have a similar experience with them. Herb Mahony expressed his support for the Planning Commission recommendation and noted that the suggested conditions are reasonable and appropriate.

Vaillencourt asked for any second comments.

Rhonda Schuman asked for a commitment from the owners so that there be no need for repeated calls to the Market to turn down the music. Sarah Simmons asked if the Council considers the State's rules when reviewing these issues. Vaillencourt noted that the State will make sure that their standards are met. Simmons also asked about plans for 26,000 square foot expansion. Vaillencourt explained that the Market would jeopardize their license and permit if any expansion, new building or violation of conditions were not brought before the Council. She also reported that the liquor license cannot be moved to another building. Denise Collins advised that LARA is very thorough in the license process.

Vaillencourt read into the record comments dated October 4, 2021 expressing concerns regarding increased noise, disturbances, headlights, and traffic patterns in the residential areas. There was also concern with the "privileges of a full bar" and what that might mean in the future and for other family-owned businesses and property values. The letter was signed by Tamara Denby, David Denby, Herbert Honer, Christine Honer, Natalie

Gilbreath, Lisa Herpel, Daniel Riesterer, Rhonda Schuman and Fred Schuman.

Vaillencourt read the email and summarized several articles received from Chris Moyle, of Ollies, discussing Heers purchase of additional land, a beer/wine cave and catering.

Vaillencourt also summarized the Sun Times News article mentioning a beer/wine cave and a planned 26,000 square foot expansion submitted by Chris Moyles of Ollies.

Vaillencourt indicated questions received from Moyle regarding beer, wine and liquor sales in space shared with Acorn, a not-for-profit business.

Vaillencourt read an email from Bill and Robin Scully supporting the Market and the conditional use permit but expressing concerns about vehicles, new noise and nighttime bright light levels. The email suggested fencing and landscaping to buffer the nuisances.

Vaillencourt asked if Council or staff had any other public input to present. There was none. Vaillencourt summarized the Carlisle/Wortman review of the proposed Conditional Use Permit recommending approval and the conditions suggested. She also reviewed the Planning Commission recommendation of approval with the following conditions: Maximum seating of 28; only indoor alcohol consumption/entertainment; and entertainment and alcohol consumption within the 7am to 9pm hours of operation.

Vaillencourt asked for Council comments and discussion. Way asked Heers if the restriction on outdoor entertainment would be constraining. Heers replied that there are no plans for loud music but that the State has an option for an add-on outdoor license. He suggested that he would consider it if the demand is there. Council continued to discuss limiting outdoor events. It was suggested that the Market present a proposed schedule of events for Council to consider as other Village establishments do. This way any issues that come up can be addressed and worked though. Council also discussed the maximum seating restriction with the consensus that it is not necessary.

A motion was made by Dresch, seconded by Woods, that the Conditional Land Use Permit at 455 W. Main be approved with the conditions that hours of operation for alcohol service and entertainment be set at 7am to 9pm and that all outdoor events be presented for prior approval from the Village Council. Roll call vote: ayes-all. Motion passed.

DDA CLASS C LICENSE-LENAWEE FUELS- A motion was made by Dresch, seconded by Woods, that the Local Government Approval for a DDA Class-C and Specially Designated Merchant license at 455 W. Main St. as requested by Lenawee Fuels, be adopted. Roll call vote: ayes-all. Motion carried.

LEAD/COPPER RULES- Wallace presented Thomas Thompson's memo explaining that lead and copper testing has been done for 20 years with no exceedance of acceptable levels. For this year's testing, the sampling and standards had changed and there were 7 samples that came back as exceeding lead acceptance at the new levels. Copper levels had no violations. He noted that the Village began replacing lead and galvanized service lines in 2019 and have finished 19 replacements of the 108 lines that were identified. The owners of the 108 lead and/or galvanized lines have been notified. Wallace explained that 3 of the 7 lines that tested with exceedance lead levels have been replaced. Wallace stressed that the water supply and quality has not changed. The exceedance triggers an advisory in the newspaper, village website and other postings. Wallace advised that free water filters will be available at the Village office for residents with children or pregnant woman that qualify for WIC and/or Medicaid. He noted that this is the first piece of a long-term plan that will require further public education, notices and stepped-up sampling and

testing. Wallace related that this is an old problem in some older homes' water lines and plumbing. Shannon Beeman, Washtenaw County Commissioner, announced that testing is available from the State through the Washtenaw County Health Department.

TRANSIENT MERCHANT ORDINANCE- Vaillencourt presented the Downtown Development Authority's summary of suggested changes to the Transient Merchant Ordinance that has been in place for at least 20 years. She indicated that the substantive changes are: transient merchants for special events sanctioned by the Village Council no longer be exempt; and that the business owner or organization allowing the vendor ensure that the license has been obtained. Council members discussed private property rights, liability issues, and public safety as it relates to transient merchants. Krista Jarvis, owner of the River Raisin Distillery, noted that food trucks have brought a lot of patrons to their business and that they have had trucks not come because of the license fee. She said that she likes the idea of the fees going to the Village. Vaillencourt indicated that the DDA would review the ordinance at their next meeting concentrating on definitions, taxation and waivers, background checks, liability and efficient implementation.

OPEB CHANGES-Dresch presented the proposed resolution to approve changes to the retiree health care benefit. She reviewed the current benefit, legacy costs, buy-out details and funding sources. Dresch reported that employees and retirees eligible for the lump sum buy-out would then be able to use an insurance exchange to control their benefits and costs. Vaillencourt pointed out that because employees are no longer offered health care insurance in retirement, the buy-out and HCSP contribution would put everyone on the same benefit level. Wallace explained that a consultant from Mercer, the insurance exchange that MERS uses, would work with the retirees to find a tailored insurance plan. A motion was made by Dresch, seconded by Way, that Resolution No.21-1018- Approving Changes to Retiree Health Care, be adopted. Roll call vote: ayes-all. Motion passed.

CORRESPONDENCE- Council acknowledged the following correspondence:

- Manchester Township Board minutes from 09/14/21 and 09/24/21 meetings.

ACCOUNTS PAYABLE – Council reviewed the payables list. A motion was made by Dresch, seconded by Chartrand, to approve for payment the list dated 10/18/2021 totaling \$97,505.07. Roll call vote: ayes-all. Motion carried.

TREASURER'S REPORT- Dresch confirmed that the current interest rate is .010%. The September Treasurer's report was acknowledged.

REPORTS-

SHERIFF- Sgt. Gebauer presented and reviewed the September report. He acknowledged the Village Council's frustration with the lack of deputies to fill shifts.

DPW- Wallace reviewed the report.

MANAGER- Wallace presented his report. He added that the brush chipper will arrive in the next two weeks and he will set up a meeting with the owner of 134 Adrian Street.

There being no further business, Vaillencourt adjourned the meeting at 9:45pm

Respectfully submitted,
Julie Schaible, Village Clerk