

**VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 01-11-23**

**Village Council President, Richard Smith, called the (in-person) Regular Village Council Meeting, to order at 7:00 PM. This meeting was held at Village Hall at 21 N. Elm Street.**

**Pledge of Allegiance: Yes**

**Roll Call: Present: Niemzyk, Kramer, Thomas, Hinman, Jones, Ream, Smith**

**Absent: None**

**A Motion was made to approve the agenda as presented by Village Manager, Dan Faulkner. Moved: Thomas Supported: Kramer Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**

**PUBLIC COMMENT: None**

**CORRESPONDENCE: No correspondence was received per Village Manager, Dan Faulkner.**

**Approval of the Consent Agenda to include: Approval of the Minutes of the Regular Council Meeting held on 12-14-22. Approval of the Police Dept's report and the Building Inspector's report for December, 2022. Approval of Invoices to be paid in January (\$74,174.14). Approval of Disbursements made in December, 2022 (\$217,687.38) and Approval of Payroll as paid for December, 2022 (\$50,625.85). A Motion was made to approve the Consent Agenda as presented. Moved: Kramer Supported: Thomas Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**

- **PURCHASE AGREEMENT for 21 NORTH ELM STREET: Village Manager, Faulkner** reported that the purchase agreement has been submitted to the Village by Berrien County showing a clear title to the property at 21 N. Elm and a purchase price of \$1.00. He pointed out that there is an "anti-flip" clause in the agreement which stipulates that the property cannot be sold or transferred sooner than 60 months (5-years) after the closing date without breaching the "anti-flip" clause which would require a payment for damages of \$500,000.00. Council discussed the ramifications of this clause but determined that there are few other options for Village Hall to relocate to if they did not go ahead with the purchase. They have already been in the building for 8 to 9 years, are in a prime downtown location and have no intentions of moving anyhow, so this clause will not really affect the Village's decision to purchase the building. There was discussion about the numerous projects that need to be done at an estimated cost of about \$100,000.00. The projects (and their costs) can be spread out over several years. There will be additional monthly costs incurred in owning the building such as heat/electric/water/sewer/insurance fees, but the Village will saving money by no longer paying rent, and they will be collecting rent money from State Farm. There should be little to no increase in monthly costs to the Village by purchasing the building. **A Motion was made to approve the purchase of 21 N. Elm Street, Three Oaks, MI for \$1.00 from Berrien County. Moved: Kramer Supported: Thomas Aye: Niemzyk, Kramer, Thomas, Hinman, Jones, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **SHORT TERM RENTAL FEE COMMITTEE UPDATE: Council President, Smith** reported that the short-term rental committee met on December 28<sup>th</sup> and that the Public is invited to attend the meetings which are held on the last Wednesday of the month. Discussion is still on-going about establishing new rental/inspection fees. A higher fee would cover the inspection fee, policing costs and an ordinance officer. **Smith** encouraged residents to participate in a survey regarding short-term rentals in order to gather more input and ideas before making any final decisions. He intends to run the survey for a couple of weeks, tabulate the results and bring the results to the February Short-Term Rental Committee

meeting and then report their findings and recommendations to the Council at their March meeting. There was discussion about limiting the number of short-term rentals in the R-1 residential district to 10% of the total homes. The current facts show that the Village is at or very nearly at that level already.

- **UPDATE on SNOWMOBILES in the VILLAGE:** **Police Chief Krause** said that he had received (1) one complaint from a resident on Linden Street about snowmobiles going thru town. However, because of a lack of snow so far this winter it has not been much of an issue. He stated that there is no specific ordinance that prohibits snowmobiles so it would be difficult to enforce it. Jeff Norris from the Snowbusters Snowmobile Club was not in attendance at the meeting to speak. **Council President, Smith** asked **Krause** to reach out to **Norris** to secure the snowmobile maps. **Smith** would like to have them available to review in order to help decide if an ordinance should be created.
- **QUOTE FROM BEST-ONE FLEET SERVICE to REPLACE ALL (4) TIRES on the FRONT-END LOADER:** **Council President, Smith** reported that all (4) tires on the front-end loader that is used by the DPW/Street department need to be replaced. A quote was received from Best-One Fleet Service out of South Bend, IN for \$5,194.00. **A Motion was made to approve the purchase of (4) four new tires for the front-end loader for \$5,194.00 from Best-One Fleet Service. Moved: Kramer Supported: Jones Aye: Niemzyk, Kramer, Thomas, Hinman, Jones, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **RESOLUTION #01-2023-01 – a RESOLUTION to PAY ACO FEES & COSTS TO EGLE (STATE OF MICHIGAN) for \$69,648.00:** **Council President, Smith** reported that EGLE (State of Michigan) has finalized their determination of the fines and costs that are due to the State because of (6) violations of our sewer discharge permit going back to 2015. The Village has been informed that the assessed costs are non-negotiable and represent the lowest sum that EGLE will accept. **Smith** said that approval and acceptance of these fees will enable the Village to move forward with the finalization of the ACO in order to determine what still needs to be done at the sewer lagoons. **A Motion was made to approve Resolution #01-2023-01, a Resolution to accept and pay the Fees & Costs of \$69,648 to EGLE (State of Michigan) for the Administrative Consent Order (ACO). Moved: Hinman Supported: Jones Aye: Niemzyk, Kramer, Thomas Hinman, Jones, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **RESOLUTION #01-2023-02 – the PARKS & RECREATION 5-YEAR MASTER PLAN (2023-2027), a JOINT PLAN WITH THREE OAKS TOWNSHIP:** By adopting the Parks & Recreation 5-year Master plan it will allow the Village and Township to seek grant money for upgrades to their park systems and various projects. **A Motion was made to approve Resolution #01-2023-02, the Parks & Recreation 5-year Master Plan (2023-2027), a Joint Plan with Three Oaks Township. Moved: Hinman Supported Jones Aye: Niemzyk, Kramer, Thomas, Hinman, Jones, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **RESOLUTION #01-2023-03 – a RESOLUTION TO MODIFY the SIGNERS on the VILLAGE’s BANK ACCOUNTS:** Since Steve Graziano is no longer a Council Member, but was a designated signer on the Village’s bank accounts, he needs to be removed and a new Council Member assigned. **Village President, Smith** recommended that **Hinman** replace **Graziano** as an authorized signer on the bank accounts. **A Motion was made to remove Graziano as an authorized signer from all Village bank accounts and add Hinman as an authorized signer on all Village bank accounts. Moved: Ream Supported: Jones**

**Aye:** Niemzyk, Kramer, Thomas, Hinman, Jones, Ream, Smith **Nay:** None **Absent:** None **Abstain:** None **MOTION CARRIED.**

- **TREE CITY/ARBOR DAY PROCLAMATION:** A Motion was made to proclaim April 28, 2023 as Arbor Day in the Village of Three Oaks. Moved: Ream Supported: Niemzyk Aye: 7 Nay: 0 Absent: 0 Abstain: 0 **MOTION CARRIED.**
- **APPROVAL of the PLANNING COMMISSION's BY-LAWS for 2023:** A Motion was made to approve the Planning Commission's By-laws for 2023 as presented. Moved: Thomas Supported: Jones Aye: Niemzyk, Kramer, Thomas, Hinman, Jones, Ream, Smith Nay: None Absent: None Abstain: None **MOTION CARRIED.**
- **APPROVAL of the COUNCIL RULES of PROCEDURE:** A Motion was made to approve the Village of Three Oaks "Council Rules of Procedure" for 2023. Moved Thomas Supported: Kramer Aye: Niemzyk, Kramer, Thomas, Hinman, Jones, Ream, Smith Nay: None Absent: None Abstain: None **MOTION CARRIED.**
- **SHORT-TERM RENTAL COMMITTEE:** Council President, Smith reported that at the last Short-Term Rental committee meeting on December 28<sup>th</sup> there was discussion about capping the number of rentals allowed in the residential district. Current records show that the limit is already at (or very close to) 10% of the homes in the R-1 residential area. He also said that there was a survey being released to the residents and the public to gather further input about the short-term rental situation. Smith proposed having an ordinance amendment drafted to limit the rentals to 10% of all homes in the R-1 residential area. Council Member, Kramer asked why a survey was being conducted if we were making a decision on capping the rentals at 10% before even seeing the results of the survey. Attorney Hilmer said that a legal document could be prepared and "ready to go" if the results of the survey showed that the majority of residents would like to see a cap. If this ended up being the consensus of the survey participants, then at that Council meeting (either February or March), the ordinance could be acted upon immediately. **A Motion was made to allow Village Manager, Faulkner and Attorney Hilmer to work on drafting documents limiting short-term rentals to a maximum of 10% of the number of homes in the R-1 Residential area.** Moved: Thomas Supported: Jones Aye: 7 Nay: 0 Absent: 0 Abstain: 0 **MOTION CARRIED**
- **PLANNING COMMISSION:** Council Member, Jones reported that there were (2) zoning amendments adopted at the December meeting.
- **PARKS & RECREATION BOARD:** Council Member, Ream said that the application for the Sparks Grant has been submitted, and that after tonight's approval of the 5-year Master Plan that resolution could be submitted to the State. Parks & Recreation members will be helping to inventory all the items in the old Lions Club building, and a decision was made to keep the lighting on the gazebo in Dewey Cannon park up until the end of February.
- **DDA BOARD:** Council Member, Hinman reported that there was no January meeting held.
- **PUBLIC SERVICE COMMITTEE:** Village Manager, Faulkner reported that a meeting was held on Friday, January 6<sup>th</sup>. He expressed thanks to Clay & Nate for all the snowplowing they had to do over the Christmas holiday – they were short-staffed during that very busy holiday weekend but did a great job keeping the streets clear and open. Faulkner said that a stop sign was run over and damaged; that there is some maintenance that needs to be done on the pavilion at Dewey Cannon Park and that the beams on the pavilion at Carver Park need to be power-washed and re-varnished. He reported that the open position for a police officer has not been filled yet, and that the fines and costs for the ACO regarding the sewer lagoons have now been assessed. There will be a proposal presented at the

February meeting by Wightman regarding a water service line identification program under the DWAM grant.

- **ZONING BOARD of APPEALS (ZBA): Council Member, Kramer** – No report – no meeting was held.
- **VILLAGE MANAGER’s REPORT: Village Manager, Faulkner** reported that the Township is considering an addition of (2) two bays to the ambulance barn. **Faulkner** said that the Rubbish & Recycling agreement with Lakeshore Recycling is expiring on May 1<sup>st</sup>, so a RFP needs to go out to solicit bids for this service. There have been numerous complaints about residents not bringing their trash cans back in off the road once the garbage has been picked up. There will be warnings issued and followed up on in order to get more compliance with this ordinance. **Faulkner** cancelled the agreement with Cintas for the uniform work shirts since the employees are not utilizing this service. The (3) year contract for Faulkner’s Village Manager position is coming up in April. Work on a new contract to present to him will begin soon.
- **VILLAGE PRESIDENT’s REPORT: Village President, Smith** said “thank you” to Clay and Nate for keeping the streets clean over the very busy Christmas holiday weekend. **Smith** hoped that everyone enjoyed their holidays and said that there is “lots” to accomplish in 2023.
- **AUDIENCE REMARKS: Audience Member, Police Chief Krause** thanked Theresa Schmaltz, Treasurer for being proactive after receiving a suspicious email directing her to change his direct deposit bank account number. She followed up with him right away and discovered that it was fraudulent.
- **MEETING ADJOURNED AT: 8:28 pm**

Submitted by:

Cynthia E. Moynihan  
Three Oaks Village Clerk  
Minutes for the 01-11-23 Council Meeting  
Were **APPROVED** at the 02-08-23 Council Meeting