

**VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 02-08-23**

**Village Council President, Richard Smith, called the (in-person) Regular Village Council Meeting, to order at 7:01 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 with (1) addition. Agenda will be amended to add #6A-Snowmobile discussion. Moved: Kramer Supported: Thomas Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**

**PUBLIC COMMENT: Mike Holfels will speak on Item #6 – Short-term rentals.**

**CORRESPONDENCE: Village Manager, Dan Faulkner** read an email that was received from Sherry Trucks of 19 W. Linden Street regarding an ongoing issue of snowmobiles in the town.

**Approval of the Consent Agenda to include:** Approval of the Minutes of the Regular Council Meeting held on 01-11-23. Approval of the Police Dept’s report and the Building Inspector’s report for January, 2023. Approval of Invoices to be paid in February (\$65,664.86). Approval of Disbursements made in January, 2023 (\$81,408.91) and Approval of Payroll as paid for January, 2023 (\$49,462.47). **Council Member, Jones** asked that the Cintas bill be removed from the list of invoices to pay until the uniform shirts are returned from former employee Wittenburg and the invoice \$ amount can be adjusted. She also asked that the Village consider increasing the “tap-in” fees for sewer and water since the cost to install them (as evidenced by the Versaw bill) is greater than what is collected from the homeowner. She also asked about the time period commitment on the service contract for the new SHARP copier. **A Motion was made to approve the Consent Agenda after removing the Cintas invoice. Moved: Hinman 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 closing date for the purchase of 21 N. Elm Street has not yet been determined.
- **SHORT TERM RENTAL FEE COMMITTEE UPDATE: Council President, Smith** reported that so far there have been 129 responses received from the short-term rental survey. The survey will be kept open until the end of February at which time the results will be tabulated and then shared with Council at the March 8<sup>th</sup> meeting. Section #2 of proposed Ordinance #228 needs to be revised. It will be tabled and presented with the updated wording at the March 8<sup>th</sup> Council meeting. There will not be a short-term rental committee meeting in February, but (2) of them will be held in March on the 9<sup>th</sup> and 29<sup>th</sup>.
- **UPDATE on SNOWMOBILES in the VILLAGE: Police Chief Krause** said “let’s not ignore the issue” of snowmobiles operating in town. He and **Council member, Hinman** will work together to pull information together in order to draft an ordinance clarifying where the snowmobiles can operate in the Village.
- **DDA – DISCUSSION about CREATING a SOCIAL DISTRICT in DOWNTOWN AREA: Council Member, Hinman** reported that the DDA is discussing the pros and cons of creating a “Social District” in the downtown area that would allow alcohol on the streets. This alcohol would be sold in special cups that are easily identified and dated & timed stamped. This could be modeled after Bridgman’s social district which has successfully operated for a couple of years now. **Village Manager, Faulkner** said that people have asked him if the American Legion could be included in the “downtown social district”. Both **Council member**

**Thomas** and **Hinman** feel that it is worthwhile to look into further, by gathering information and bringing the info and concept back to Council for further discussion.

- **REQUEST for EXTENSION of CONDITIONAL ZONING APPROVAL for 23 WEST ASH STREET:** **Robert J. Hixon**, new owner of 23 W. Ash Street presented a letter to Council asking that the conditional zoning approval previously granted for this property be extended. The current approval expires on March 10, 2023. This does not allow him enough time to either extensively complete renovations on the current building, or to allow for the demolition of it with a new structure going up in its place. He intends to open a gallery/private art studio at the location. **A Motion was made to grant a 1-year extension of the conditional zoning agreement for 23 W. Ash to March 10, 2024. Moved: Ream Supported: Jones Aye: Niemzyk, Kramer, Thomas, Hinman, Jones, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **PROPOSAL from WIGHTMAN for CIVIL ENGINEERING SERVICES for the LAGOON WORK PLAN (ACO):** **Andrew Rudd from Wightman** presented a proposal to help move the Village along in the fulfilling the requirements of the ACO as requested by EGLE of the State of Michigan. There will be operational requirements, annual reports, collection stations & manholes that need to be established, the sewer ordinance will have to be updated, an asset management plan put into place, and mapping of the entire sewer system. A Capital Improvement plan will need to be put in place with a 20-year time frame beginning in 2024. The sewer rates that are currently being charged will need to be reviewed. The Village will need to decide how the improvements will be paid for – by Cash – or – Bonds – or Grants. **Andrew** said that there is money available from the State’s revolving fund, but the project plan will need to be submitted by May 1<sup>st</sup>. **Council Member, Ream** wanted to clarify that the Village is not operating at capacity at the lagoons – that the systems are being updated for future development. **A Motion was made to approve the proposal from Wightman in the amount of \$119,500.00 for engineering services and assistance with the ACO and associated requirements. Moved: Kramer Supported Niemzyk Aye: Niemzyk, Kramer, Thomas, Hinman, Jones, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **REVISION of PURCHASING POLICY:** There were several proposed changes (increases) on the \$ amounts allowed under the discretion of the Village Manager, and a proposed change to the Petty Cash Fund. It was discussed that the wording needs to be updated for the Petty Cash Fund section of the policy and it was suggested that it be re-worded and all proposed changes brought back at one time to Council at their March 8<sup>th</sup> meeting.
- **RESOLUTION #02-2023-1 – A RESOLUTION to APPOINT the VILLAGE MANAGER as the PRIMARY EMERGENCY MANAGEMENT LIAISON for the VILLAGE of THREE OAKS:** **A Motion was made to adopt Resolution #02-2023-1, a Resolution to appoint Daniel Faulkner, Village Manager as the emergency management liaison for the Village as part of the Berrien County’s emergency operations plan. Moved: Thomas Supported: Hinman Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- **PLANNING COMMISSION:** **Council Member, Jones** reported that there was no meeting held in February.
- **PARKS & RECREATION BOARD:** **Council Member, Ream** reported that the Parks & Recreation 5-year Master Joint Plan has been approved by the State! He also said they are designing a plaque to be displayed in Dewey Cannon Park to commemorate the 50-year anniversary of the Apple Cider Century one-day bicycle tour that is held annually in September. They plan to stay “local” to have the sign made.

- **DDA BOARD: Council Member, Hinman** reported that the DDA is holding discussions about creating a Social District in the downtown area and that they are planning for the 2023 Farmers market with Cathi Rogers who has been hired to run the market again this year.
- **PUBLIC SERVICE COMMITTEE: Village Manager, Faulkner** reported that there were (2) meetings held in January. Discussions included taking down the “turkey” from Chamberlain Path and storing it in the Sewer barn; watering plants in the downtown area; and replacement of the damaged stop sign on Linden Street. The Dewey Cannon gazebo will be evaluated to determine what maintenance needs to be done on it this spring. **Police Chief, Krause** spoke with a potential candidate for the police department. He said that May 19<sup>th</sup> is the deadline for enrolling in the State’s police academy and that LMC is exploring the idea of starting its own police academy here on a local level. **Faulkner** then went on to discuss the DWAM grants, the 2” meters that have now arrived and the open position in the Water/Sewer department. He said that water lines in several individual homes were broken over the very cold Christmas holiday weekend. Wightman attended one of the PSC meetings and covered the lagoon updates with everyone.
- **ZONING BOARD of APPEALS (ZBA): Council Member, Kramer** – No report – no meeting was held.
- **VILLAGE MANAGER’S REPORT: Village Manager, Faulkner** reported that there was discussion about Lake Shore Recycling also doing the yard-waste pick-up, but it was decided that it had been attempted many years ago and the Village ended up bringing it “back in house” with the DPW handling it. He will place an ad for securing proposals for Rubbish and Recycling services since the contract with Lakeshore Recycling (a 5-year contract) expires on May 1, 2023. He also reported that there is a grant available that would help with funding for the expansion of Chamberlain Path, but the time frame is very short to be able to pull info together to submit it before the deadline.
- **VILLAGE PRESIDENT’S REPORT: Village President, Smith** said that this is a super-busy time for Village office staff and asked that Council members limit their time in the office.
- **COUNCIL REMARKS: Council Member, Ream** said “thanks” to everyone in the audience for attending the meetings and keeping abreast of what is happening here in the Village.
- **MEETING ADJOURNED AT: 8:12 pm**

Submitted by:

Cynthia E. Moynihan  
 Three Oaks Village Clerk  
 Minutes for the 02-08-23 Council Meeting  
 Were **APPROVED** at the 03-08-23 Council Meeting