

VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 02-09-22

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: Graziano, Kramer, Thomas, Hinman, Newquist, 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: Audience member, Kim Weber will speak on Agenda Item #7, Audience member, Tom Rosenbluth will speak on Agenda item #11, and Audience member, John Balich will present a general comment (not an agenda item).

CORRESPONDENCE: No correspondence per Village Manager, Dan Faulkner.

Approval of the Consent Agenda to include: Approval of the Minutes of the Regular Council Meeting held on 01-12-22. Approval of the Police Dept's report. Approval of Invoices to be paid (\$74,560.97). Approval of Disbursements made in January, 2022 (\$98,306.90) and Approval of Payroll as paid for January, 2022 (\$59,150.65). It was noted that the 01-12-22 Council Meeting Minutes are not yet available and will need to be removed from the Consent Agenda. A Motion was made to approve the Consent Agenda with the exception of the 01-12-22 Council Meeting Minutes which are not yet available. Moved: Thomas Supported: Hinman Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.

- **UPDATE ON THE STATUS of the ADMINISTRATIVE ASSISTANT/UTILITY BILLING CLERK POSITION:** There were numerous resumes received and three (3) interviews were scheduled, however, only one (1) took place as the other two (2) candidates dropped out prior to their interview. The candidate that was interviewed was an excellent fit, but she indicated that she was hopeful that a Monday thru Thursday schedule would be available. **Village Manager, Faulkner** intended to extend an offer letter to her, but was out of the office due to Covid-19. He will meet with her again next week to finalize the offer and review expectations and job duties with her.
- **COVID-19 PAY POLICY: Village President, Smith** asked what the policy should be? The current CDC requirements state that there must be five (5) days of quarantine after contacting it, and feels that the Village should pay an employee that is mandated to be out of work. However, he stated that further research needs to be done and a comprehensive study of how surrounding municipalities are handling the issue should be done before presenting a policy. This issue will be tabled.
- **ACQUISITION of 21 NORTH ELM STREET BUILDING: Audience Member, Kim Weber** read from a list of many concerns regarding the purchase of the building from the County. He asked Council if they really wanted to get into a landlord situation. He asked about the asbestos in the basement and the condition of the basement – is the building up-to-code-what kind of insulation is there – are the current bathrooms handicapped accessible, what will be the monthly cost of utilities and repairs and maintenance - what is the cost of repairing the parking lot. He wanted to know what the advantage is of owning the building? **Audience Member, Tom Pauly**, asked that if the building were to be purchased, could Village Hall offices be moved to the school – could the current space be used for business rentals? However, he acknowledged that the Village would then be in a “landlord management” position. **Council Member, Ream** stated that Berrien County wants to sell the building for a nominal fee, but that asbestos has been located in the basement and it would cost a minimum of \$36,500.00 to remove it. **Council Member, Newquist** asked if the Village

wants to be a landlord. **Village Manager, Faulkner** suggested finding a doctor or dentist to take over the space that was previously occupied by the Health department. **Audience Member, Marco Chavarry** asked that if the Village doesn't purchase it, will the county then market it? **Council Member, Ream** said that this is a historical building, but a building inspection should be conducted to have pertinent information available before making a decision. **Council Member, Graziano** asked Faulkner to reach out to the County to clarify what their intentions are. He suggested that this issue should be tabled until more information can be gathered. Council agreed and it was tabled.

- **ADOPT the 2018 PLUMBING CODE: Mechanical Inspector, John Dobberteen** asked that the Village adopt the 2018 State plumbing code at the February meeting. Per Attorney Hilmer, that is not necessary because Ordinance #193 automatically covers any updates that the State may make to the Plumbing Code.
- **REAPPOINT CYNTHIA MOYNIHAN as the VILLAGE CLERK– RESOLUTION #02-2022-1: A Motion was made to adopt Resolution #02-2022-1, a resolution to reappoint Cynthia Moynihan as the Village Clerk. Moved: Newquist Supported: Hinman Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **UPDATE to the EMPLOYEE HANDBOOK's VACATION SCHEDULE: Village Manager, Faulkner** recommended that the vacation schedule be revised as an additional benefit and incentive for employees. After 20 years of service, an additional 40 hours of vacation (a total of 5 weeks) is now provided. Additionally, the chart showing the vacation hours allowed after "years of service completed" has been updated which shortens the time frame for reaching extra hours of vacation. The vacation chart has also been adjusted in the same manner for the Clerk and Treasurer, but at 50% of the hours allowed for full-time employees. **A Motion was made to revise the Vacation allowed chart with a new "range of years completed" and an additional 40 hours of vacation for 20+ years of service. Moved: Ream Supported: Newquist Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **FUTURE of the THREE OAKS ELEMENTARY SCHOOL: Tom Rosenbluth**, (president of the Rotary Club) reported that a survey was done to see what could be done with the school building once it is vacated by the school system. Many organizations are concerned and involved, such as Neighbor by Neighbor, Lions Club, the Pokagon Fund. He has asked that the Village provide input and suggest ideas for the use of the school. **Council Member, Graziano** stated that he doesn't see why the Village should be involved. It is not their property – it just happens to be located within the Village limits. The Village does not try to seek uses for other buildings that may become vacant in the Village. **Council Member, Newquist** wants to be an influencer – she feels that the Village should be a part of the decision of what to do with the school building. She would like to invite River Valley's school superintendent, Dr. Disney to speak at the next Council meeting.
- **PLANNING COMMISSION UPDATES: Council Member, Newquist** said that there was a Public Hearing held on February 1st to consider a Special Land Use (SLU) permit for a marijuana grow facility. The Public Hearing is to be continued on February 25th once additional information is received from the applicant. She also reported that there was discussion of "vacating" alleys. The Village can give up its interest, but the adjacent property owners must also give up their interest. An ordinance would need to be drafted in order to vacate the alleys if this was approved. Planning Commission also reviewed changes to the zoning ordinance.

- **PARKS & RECREATION BOARD:** **Council Member, Ream** said that they are working on updating the Parks & Rec Master Plan since they can't apply for grants until this is done. Discussions are continuing about upgrades to Dewey Cannon Park and about new signage for all of the parks.
- **DDA BOARD:** **Council Member, Hinman reported** that the new name for the Farmers Market is officially the "Three Oaks Market: It will be held on Thursdays from 4 to 8 pm beginning on June 2nd and last into October. They are hoping to secure 20 to 30 vendors. The Acorn Theatre has agreed to provide music each week – they are working with Cathy Rogers to pull this all together.
- **PUBLIC SERVICE COMMITTEE:** **Village President, Smith** said that there was no meeting held in February.
- **RE-DEVELOPMENT READY COMMITTEE (RRC):** **Council Member, Newquist** said that she and Council Member, Hinman will be trained on the new website, but there is no "go live" date set yet.
- **GATEWAY COMMITTEE:** No update on the "gateway signs" to the Village.
- **ZONING BOARD of APPEALS (ZBA) MEETING:** **Council member, Kramer** reported that a ZBA Public Hearing/Special Meeting was held on January 26th to consider a height variance and a set-back variance that was requested by Bill Welter/Journeyman Distillery for the construction of their new Rickhouse. Both variances were granted by the ZBA. **Village Manager, Faulkner** said that the next step is to schedule a Construction Board of Appeals Public Hearing/Special Meeting to approve a variance in order to permit the design to utilize provisions in the 2021 International Building Code and Fire Code relative to the design of the Rickhouse.
- **VILLAGE MANAGER'S REPORT:** **Village Manager, Faulkner** reported that the Village was notified that grant money has been awarded for the N. and S. Elm Street road projects to be completed during the years of 2024 to 2026. He reported that Alex Keen has accepted another job with New Buffalo Township, but that he has a potential candidate to replace him. Wightman has placed composite samplers in several manholes in order to identify the high strength waste users. There is also grant money available under the Drinking Water Asset Management grant (DWAM). EGLE (State of MI) sent an email informing the Village that there are extra DWAM funds and we are next in line if we revise and resubmit the application. The funds should be available by the end of 2022.
- **VILLAGE PRESIDENT'S REPORT:** **Village President, Smith** said that by celebrating Black History month, it promotes diversity and bring us together – that this connection unites us. He congratulated the new Miss Three Oaks/River Valley, Maura Killips, Little Miss Three Oaks/River Valley, Carlie Przybylinski and Mr. Three Oaks/River Valley, Sebastian Kirk and their courts. He reported that there is no update on the marijuana lawsuit by LUME, no new hearing date has been scheduled yet.
- **COUNCIL REMARKS:** **Council Member, Newquist** asked why the Village has not applied for any grants through the Pokagon Fund.
- **PUBLIC COMMENTS:** **Audience Member, John Balich** expressed frustration that no Council minutes had been posted since May to the Village's website. All copies will be made available to him tomorrow at Village Hall.

- **MEETING ADJOURNED AT: 8:25 pm**

Submitted by:

Cynthia E. Moynihan
Three Oaks Village Clerk
Minutes for the 02-09-22 Council Meeting
Were **APPROVED** at the 03-09-22 Council Meeting