

VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 02-14-24

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: Niemzyk, Kramer, Thomas, Hinman, Jones, Wojtczak, Smith Present: 7 Absent: 0

ADDITIONS/DELETIONS: Village Manager, Faulkner said he had one request for a deletion to the agenda, item #8 Southeast Alley Project - \$44,000. **Village President, Smith** requested to move item #7 DDA- Northeast Alley Project – Resolution #____ to top of New Business.

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, Angela Reichert wanted to comment on agenda item #6, and #7. **Audience Member, Gottfried Hart** wanted to introduce himself and answer any questions on item # 12. **Audience Member, Jodie Haughey** wanted to comment on agenda item #5.

CORRESPONDENCE: Village Manager, Dan Faulkner said he received 4 letters for correspondence. 6 E. Linden Sanitary Sewer Connection, Three Oaks Ford name change to Three Oaks Pre -Owned Sales and Service LLC., HCC requesting delivery in the Village for Marihuana, and a Short-Term-Rental request to move a current registration to another home within the Village. **Council Member, Kramer** asked if that is allowed. **Council Member, Thomas** said it is not. **Police Chief Krause**, commented on his report that the year-to-date calls added up are incorrect. The total needs to be changed from 59 to 58.

APPROVAL of the CONSENT AGENDA to INCLUDE: Approval of the Minutes of the Regular Council Meeting held on 01/10/24. Approval of Invoices paid in January 2024 (\$78,132.55), and Approval of Payroll as paid for January 2024. Approval of Invoices to be paid for February, 2024 (\$75,769.83). Approval of the Police Department and Building Inspector's Reports. **A Motion was made to approve the Consent Agenda as presented by Village Manager, Faulkner. Moved: Hinman Supported: Thomas Aye: 7 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**

4. JODIE HAUGHEY – REQUEST FOR REFUND SANITARY SEWER CONNECTION (ALLEY): Audience Member, Jodie Haughey asked if there were any questions. **Village President, Smith** stated that after discussion with our Village Attorney, staff, and Council Members, the Village will reimburse \$1,800 for the tap in fee as long as any additional claims are dismissed. **Haughey**, said that that's not what she asked for. She asked if we have what shows where she was hooked up. **Smith**, said he did have that information. **Haughey**, said the dye did not show up in the system according to DPW. She believes our report has false information in it, nothing shows she was connected. Council Member, Kramer said they use difference color dyes. **Council Member, Niemzyk** said it was inspected and connected in the front per the documentation, that the homeowner is responsible from the tap in to the property. **Haughey** said that there is supposed to be a clean out, but there is not. **Niemzyk**, said the inspection report would state that. **Council Member, Kramer** said he assumes it came out the back and it has to go someplace. **Smith**, said the inspection form/dye test shows Linden and S. Elm for discharge. **Haughey**, asked why she would have sewage then. **Kramer**, said it possibly went around the side and connected to the front. **Smith**, stated again that based on Council's approval the Village is willing to reimburse \$1,800 for the tap in fee as long as any additional claims are dismissed. **Haughey**, said she did not agree with that reimbursement amount, and will not accept that reimbursement. **Smith**, stated the Village is not at liberty to make any additional concessions, and again offered a reimbursement of \$1,800 for the Sanitary Sewer fee

with conditions that no other claims will be levied against the Village. **Haughey**, replied no thank you.

5. ATTORNEY DERBY – MARIHUANA ZONING ORDINANCE AMENDMENT: **Audience Member, Haughey** said per the last meeting with licenses unlimited, and a 500 ft. ordinance, she would like to see the footage removed. Restaurants/bars are next to each other, why would Marihuana be any different? **Council Member, Hinman** questioned the verbiage on C.3, the 500 ft. between businesses. He asked what if two apply, both within the 500 ft., could we end up in a situation to have to choose. **Council Member, Kramer** said he didn't believe we would have a problem. **Hinman**, suggested approving the Ordinance and removing the footage. **Village Manager, Faulkner** asked if the Village wants Marihuana businesses on top of each other. **Council Member, Jones** said that there are restrictions to signage etc. **Council Member, Thomas** questioned who would want to open a business that close next to each other. **Hinman**, said that there is still a potential for a bidding war. **Village President, Smith** said he doesn't believe it would be right for the town, to remove the 500 ft. between establishments. **Thomas**, also did not agree with removing the 500 ft. **A motion was made to approve the Marihuana Zoning Ordinance Amendment. Moved: Thomas Support: Jones Roll Call: Niemzyk, Kramer, Thomas, Hinman, Jones, Wojtczak, Smith Present: 7 Absent: 0 Abstain: 0 MOTION CARRIED.**

6. ATTORNEY DERBY – MARIHUANA ORDINANCE UNLIMITED: **Audience Member, Angela Rykert** said she did not understand why it was not awarded to remove the 500 and 400 ft. from parks etc., because it excludes people from selling their properties. She would like to see an expansion of the park footage from 400 ft. **Council Member, Jones** said the verbiage for Watkins Park has been changed to "any public park." **Rykert** questioned the Legion, specifically the ballpark. **Council Member, Niemzyk** said it is owned and operated by the Legion. **Audience Member, Jodie Haughey** asked if the Legion was leased and paid for by the Village, specifically the Port-a-pots, lights, and mowing. **Niemzyk**, said the lease expired in October 2023 and they did not sign another agreement, the Legion is paying for all of it and the Legion did not sign another lease, they are the owner's and operators of the property. **Jones**, said that the prior statements to Section F., are not correct, and need to be corrected before it is approved. **Village President, Smith** scheduled a Special Meeting for Wednesday, February 28th at 6:00 pm.

7. SEWER TAP FEE – RESOLUTION #: Tabled until next month to wait for rate study.

8. COUNCIL – DRAFT GOLD CART ORDINANCE: Tabled until next month.

9. SIDEWALKS – REPORT FROM LOIS JONES: **Council Member, Jones** said that the Village will be fixing sidewalks, and a figure of \$150,000-\$175,000k will be put away every year to repair/replace/remove current sidewalks, beginning with 2024 season.

10. DDA – NORTHEAST ALLEY PROJECT – RESOLUTION #: **Council Member, Hinman** said the Northeast alley between Maple and behind Nelson's will be repaved, as well as storm sewer work. The resolution is for a grant for engineering, and 100% covered. The resolution needs to be in by the end of the month. **Council Member, Thomas** asked if it includes paving the lot. **Hinman**, said it is privately owned. **A motion was made to apply for a grant for the DDA Northeast Alley Project not to exceed \$97,850. Moved: Jones Support: Niemzyk Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**

11. 6 LINDEN TASTING ROOM APPROVAL: **Council Member, Jones** asked if it requires a liquor license. **Village Manager, Faulkner** said it give them the opportunity to apply for a liquor license. **Council Member, Hinman** said he feels it would be great for the Village, Mr. Hart is an excellent wine maker. **Village Manager, Faulkner** said there will be an entrance near Carver Park, and they have been working with our Building Inspector. **Audience Member, Gottfried Hart** said there will be two separate entrances, where on one side they will have

produce/meats/charcutier/wine, open Thursday – Saturday with private tastings available. It will be a small operation by appointment of reservation.

12. WIGHTMAN HICKORY STREET EASEMENT ACQUISITION - \$4,500: Audience Member, Andrew Rudd said the additional \$4,500 would be for the Hickory Street Bridge Project. They would raise the road and flatten it out. The fee would go towards the ROW Consultant. It would require a 20 ft. temporary easement. **A motion was made to approve the additional \$4,500 contract change request required by MDOT. Moved: Jones Support: Hinman Roll Call: Niemzyk, Kramer, Thomas, Hinman, Jones, Wojtczak, Smith Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**

13. PARKS & RECREATION – PORT-A-POT SURROUND NOT TO EXCEED \$2,500: Council Member, Wojtczak said they are looking to put a barrier around the port-a-pot on the SW corner of Dewey Cannon Park, not to exceed \$2,500. They would also like to put a seasonal barricade, something easy to put in and out to protect the park. **Village President, Smith** recommend to work with Harbor Arts with suggestions on a separate entrance for musicians to use. **A motion was made to for a temporary restroom enclosure in Dewey Cannon Park not to exceed \$2,500. Moved: Jones Support: Niemzyk Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED**

14. AED - \$5,692: Chief, Krause received a quote for three AED's. One for Village Hall in a cabinet, and one for each squad car. It has an 8-year warranty, and 4-year warranty on the battery. We could trade an old one in, but it is outliving its life cycle. **Council Member, Jones** said someone would have to be trained. **Krause**, said it is the same model as the Fire Department and Ambulance. Jones, asked if the Police Department received the portable radios yet. Krause, said it will probably be around June 2024. **A motion was made to purchase three AED's. Moved: Hinman Support: Thomas Roll Call: Niemzyk, Kramer, Thomas, Hinman, Jones, Wojtczak, Smith Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**

15. WIGHTMAN – DISCUSSION, WATER MAIN REPLACEMENT EAST ASH AND TULIP: Village Manager, Faulkner said that there is a water main on Hickory to Tulip and North on Tulip that has had leaks as well as a valve that is broken. We have already replaced underneath U.S. 12 and have replaced a hydrant and valve. **Audience Member, Andrew Rudd** said he walked the site and the solution is to replace it, and it would only impact driveways. The DWAM grant will start next week. **Faulkner**, asked if we needed engineering approval. **Rudd**, said it could take a month if we have approval today. Item is tabled until next month.

15. APPOINT MIKE SPRINGER TO PLANNING COMMISSION: Village President, Smith said that with Dennis Wojtczak joining the Village Council, Mike Springer will be appointed for the open Planning Commission seat. Mike has owned a small business in Three Oaks, and is a prior DDA member. **A motion was made to appoint Mike Springer to the open Planning Commission seat. Moved: Thomas Support: Jones Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**

16. CLERK/TREASURER – RESIGNATION LETTER: Village Manager, Faulkner stated that when Cindi resigned as Clerk, Theresa Schmaltz took over the Clerk position as well as continuing to do Treasurer. She was compensated an additional \$1.50. Council can decide if they want to accept the resignation. **Council Member, Thomas** said it would take two people to fill the positions, and they have not been able to find anyone within two weeks. **Council Member, Jones** said Theresa has already accepted another position. **Village Clerk/Treasurer Schmaltz**, said that she has, and will start full time March 1, but has discussed with Dan to remain part time to help train and assist with payroll/check runs etc. **Faulkner**, said Tracy has been doing Utility Billing for 7-8 months, and we can start giving her more Treasurer responsibilities. **Thomas**, asked if Tracy is willing to do that – to step into the Treasurer's role or stay where she is at. Faulkner, said per Village policy, we need to advertise. Tracy is willing to

do more, but it can take time to learn. **Jones**, said Theresa has already accepted another position, and she would think in good conscious she could not back out. **Faulkner**, said we have discussed wages, Theresa helping out for training etc., and we have all our eggs in one basket. **Council Member, Kramer** asked if they offered a legitimate wage, if Theresa would stay, or if she has already started at her new position. **Schmaltz**, said she has already started two days, and has additional days already scheduled. She has paid time off that she was planning on using at the Village to start employment at the new position. She stated she would consider a wage increase, and doesn't want to leave the Village. **Council Member, Hinman** said he did not want Theresa to leave. He thinks she does a great job. **Kramer**, asked if they paid an acceptable wage for the Clerk/Treasurer position now, and found someone to do one or the other position, would you accept a decrease in wage. **Schmaltz**, said she is just under where she was when she left the position as Deputy Treasurer at City of St. Joseph. With almost 4 years of Government knowledge and experience, she is still learning, and feels she is at a fair wage for one full time position. She did a wage study prior to getting the Clerk position and said Village of Grand Beach as a Clerk/Treasurer is receiving just under \$31.00/hr., and was hired in as Deputy Clerk, and is receiving the same wage. **Schmaltz**, stated she has extensive knowledge of BS&A, property taxes, and am learning the Clerk position. **Schmaltz**, said she wasn't interested in a decrease in wages, as she would have to onboard, and train someone, and believes Three Oaks isn't necessarily a sought-after work place for Government positions. **Kramer**, said if they were to increase the wage to an acceptable rate, as Clerk/Treasurer and hire someone in for one position or the other would you be willing to stay, what rate would it take to keep you. **Schmaltz**, said she would like to be at the \$30.00/hr. rate. She ran some numbers, and believes to hire a full time Treasurer and a full time Clerk based off of what we budgeted for, to split the positions 50/50 it would breakdown to \$15.00/hr. in the budget. If you bring in a full time Treasurer and/or full time Clerk you would be paying substantially more benefits/insurance. The wage is just below Village of Grand Beach, where they don't have Water/Sewer and less than 300 residents. She would be willing to stay, to be close to the wage and cross train Tracy to be able to take vacation time etc., and not worry about limiting time off requests. As of right now, she stated she is limited on what she can take off, due to workload. **Kramer**, asked if Schmaltz and Tracy could do the jobs between themselves. **Schmaltz**, said she believes Tracy is willing to learn, which is a big piece of the position, but it would be a conversation that would need to be had with Tracy, and the Treasurer should be present full time, where Tracy is four days a week. **Faulkner**, said he spoke with Tracy and she would like to remain part-time. We had hours of Monday – Thursday, and is present those days. She is willing and needs to be taught. She knows Utility Billing well, at about 90%. Ultimately, we would still have to post for two positions. **Kramer**, asked if we have to advertise for both positions, we would need to list the wage. What would the wage be? **Faulkner**, asked Jones. **Jones**, said she made \$19.00/hr. when she was Treasurer. **Faulkner**, said we need to be competitive. **Schmaltz**, said she was hired in at \$19.00/hr. and came from \$26.00/hr. as Deputy Treasurer, and took a pay decrease to come to the Village and was able to do that at the time, but the situation has since changed. We hired Tracy in at \$20.00/hr., and she received the raise in October and is now at \$21.00/hr. with 7 months of experience. **Thomas**, said so we are looking at two full time employees at \$42,000 - \$58,000. **Faulkner**, said there is not enough work for three people. **Thomas**, said we are not a small Village anymore. We are not going to decrease visitor's etc. If Theresa cannot sustain at the Village, and the Village is not willing to give a raise, we will need to look for two people, and it will cost more money. Tracy will need to do more so Theresa can take time off. We need to know Tracy is on board to do more. **Faulkner**, said it Theresa is done at the end of the month, Tracy will have to step up and do more until positions are filled. **Hinman**, asked Theresa if the wage

increase was accepted, and duties were segregated, if she would stay. **Schmaltz**, said Tracy is willing to take on more things, and it is important to have cross training. **Hinman**, said he would like to keep Theresa, but understands she needs to do what is necessary, but would support keeping her. **Kramer**, asked to hear from more Council. **Smith**, said Theresa is extremely beneficial to the Village, and doesn't want to go through the process again. **Thomas**, said we have done this 3-4 times already. Niemzyk, said he agrees with Hinman. Jones, said in her mind Theresa has accepted another position, and she would abstain. Wojtczak, said he agrees, another position has been accepted, and moved forward. If she wanted to leave originally, will the same issue happen again later? **Thomas**, asked Theresa if it will happen again later. **Schmaltz**, said she is a single mom with two kids. There were other issues that were addressed, and have since gotten better. She stated she genuinely wants to be here, and at that wage she could support her children. **Smith**, stated they have a decision, to accept the resignation, or decline and address the wage increase. **Attorney Hilmer**, said we could address on February 28th. **Kramer**, said if we approve, we will have to address with other employees. **A motion was made to decline Theresa Schmaltz's letter of resignation. Moved: Thomas Support: Niemzyk Motion Carried.**

PLANNING COMMISSION UPDATES: Council Member, Jones said that they had a special meeting on 1/30/24 regarding Zoning Ordinance Amendments.

PARKS & RECREATION BOARD: Council Member, Wojtczak said that it is the 125th Dewey Cannon celebration, and they are working with Chuck Sittig to coordinate the celebration. Council Member, Thomas asked about the barricades. Village President Smith, said it is to prevent parking on the grass.

DDA BOARD: Council Member, Hinman reported they discussed Flag Day and a documentary.

PUBLIC SERVICE COMMITTEE: Village Manager, Faulkner said they discussed 6 Linden with being reimbursed. He reached out to SEMCO Gas company because they ran their gas line through our sanitary line. DPW, and Water/Sewer discussed floating sanitary sewer lines. Ash/Tulip water updates. Fence on Well #5, thank you for approving the buffer zone. Seeking quotes for repair on the fence. Chief Krause, conducted three interviews for a Police Officer and no candidate has been selected. Streets – Ceder/Spruce complaint is still in attorney's hands. DPW new truck was struck by a deer. Derek Hall our auditor was here and salt inventory was discussed. Normally the inventory is put on equipment sheets. It should be dispersed between Major/Local streets. The salt barn is half full. Lead Lines – Audience Member, Andrew Rudd thanked us for half the phone numbers collected.

ZONING BOARD of APPEALS (ZBA): No meeting, no report.

VILLAGE MANAGER's REPORT: Village Manager, Faulkner said 4 W. Linden Chris Ranzenberger has offered his property to the Village at the price of \$120,000. He is giving the Village first rights. The building needs to be demoed, and could be used as parking. Big C was offered the property at \$175,000. Audience Member, Chris Ranzenberger said the building needs a lot of repairs. Big C did not purchase because Drier's would not sell the building next door. It would be great for parking. He is invested in the Village and that is why he is offering it to the Village. Village President, Smith said AEP has worked out an arrangement to bypass the Village on the North side of town. They would come in on Three Oaks Rd., turn left on Pine, to the field. One mile of line is changed.

VILLAGE PRESIDENT's REPORT: Village President, Smith said thank you for the hard work.

COUNCIL REMARKS: None

AUDIENCE REMARKS: Audience Member, Jodie Haughey asked if there will need to be a new liquor license, if one would need to be approved. Council Member, Jones said the Village

has nothing to do with control of liquor licenses, it is just a recommendation. **Attorney Hilmer**, said licenses are based on population, he doesn't know how the tasting room license works. **Audience Member, Chris Ranzenberger** said without the 500 ft. there are only 10 properties in town eligible. Is there a guideline on bars that have to be 500ft. apart? With the unlimited, he believes in the next 1-2 years it will weed out the smaller businesses.

MEETING ADJOURNED AT: 8:49 pm Moved: Jones Supported: Niemzyk

Submitted by:

Theresa Schmaltz

Three Oaks Village Clerk/Treasurer

Minutes for the 01-10-24 Council Meeting Were **APPROVED** at the 02-14-24 Council Meeting