

VILLAGE OF THREE OAKS SPECIAL COUNCIL MEETING – DATE: 02-28-24

Village Council President, Smith, called the (in-person) Special Village Council Meeting to order at 6:03 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, Smith Absent: Wojtczak

A Motion was made to approve the agenda as presented by Village Manager, Faulkner.

Moved: Thomas Supported: Jones Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

PUBLIC COMMENT: Audience Member, Angela Reichert would like to speak on agenda item #4

CORRESPONDENCE: Village Manager, Faulkner, said he received a letter from Tyler Ream. It was not asked to be read at the meeting.

4. ATTORNEY DERBY – MARIHUANA ORDINANCE UNLIMITED: Audience Member, Angela Rykert handed out copies of a ballot initiative that had been passed back in 2020. On #17, Angela pointed out there are several items that needed attention. She spoke with an attorney, and was concerned that the Village is moving in a direction that may be challenged. She felt that in the future awarding a license to a business based on geographical location (500 feet from another company), we are not awarding and licensing based on merit, but discriminating.

At 6:08 pm the meeting was paused for the arrival of another Council Member.

At 6:15 pm the meeting was resumed for the arrival of Council Member Wojtczak.

Council Member, Jones questioned section 5.D, the wording application fees should be removed, just in case we need to increase fees. Village Manager, Faulkner stated that we are bound by statute a maximum of \$5,000. Attorney, Hilmer said we can always amend the Ordinance, should there be a change. Jones, also said section 6.R, Special Land Use stays with the property, but a license does not. The license cannot be transferred, to remove the words “Special Land Use.” Council Member, Thomas asked if it says the business name on the Special Land Use application. Jones, said as long as it is used for the same purpose, it transfers, but the new business would need to apply for a Marihuana license. Thomas, asked what if someone leases? Hilmer, said you cannot lease with a Special Land Use. Jones, also said in section 6, it lists the wording “department” several times. What is that word? Hilmer, said it is defined in section 4 under definitions. A motion was made to approve the Ordinance Amendment with removing the “Special Land Use permit” under section 6.R. Motion: Jones Support: Niemzyk. ROLL CALL: Niemzyk, Kramer, Thomas, Hinman, Jones, Wojtczak. Nay: Smith Aye: 6 Nay: 1 Absent: 0 Abstain: 0 MOTION CARRIED.

5. THERESA SCHMALTZ – OFFER LETTER: Village President, Smith said there is a memo from Village Manager Faulkner, resolution, and offer letter with #14 on the offer letter removed as a typo. Council Member, Jones said with all the responsibility, under FLSA guidelines, it should be a salaried position at \$56,160. Village President, Smith asked if it was one position or combined. Jones, said “whatever the offer letter states.” Jones, asked why we are doing this prior to the Audit being presented to us if it is next month. That is our chance to see what financial condition the Village is in. She doesn’t agree with a 42% increase for the last two years prior to the Audit. Village Manager, Faulkner said the reason is because she currently has another job offer, and that is the reason for the timing. Council Member, Thomas said we discussed at the last meeting. Council Member, Wojtczak asked if the job expectation would be the same for anyone coming in, and if they have been met the job descriptions. Faulkner, said that what’s on the offer letter are the job duties for the Clerk. At one time last year Schmaltz took on both jobs, with hopes of bringing on someone to relieve on of the positions. We hired Tracy as Utility Billing and have been giving her more responsibility, and she has been learning

office procedures over the course of several months. What is shown is just for the Clerk. Faulkner's, recommendation to council was taking the last Clerk wage, and added a COLA to round up – at \$27.00/hr. **Village Clerk/Treasurer, Schmaltz** said she did the math on \$27.00/hr. and asked if in the future we are planning on maintaining a COLA increase. **Faulkner**, said how it is normally done, is at the budget meeting based on the CPI. It is not guaranteed. **Jones**, said there is always a COLA. **Member, Hinman** said he would like to do something the Village employees could rely on. **Faulkner**, said it is something we do in the budget, and a decision made by Council. **Schmaltz**, asked if she could be closer to her request at \$30.00/hr. without a COLA for an extended period of time. **Jones**, said at \$30.00/hr. she would be the second highest paid employee in the Village. **Thomas**, said she believes Schmaltz is worth that amount, but doesn't think that will happen. She believes that there is some learning that still needs to happen, and other employees may request higher wages. She thought to start at \$27.00/hr. and revisit at a later time to justify. **Council Member, Kramer** said he believes our wages at the Village are low and we may need to look into adjusting the wages. **Faulkner**, said we have done well with adjusting over the last three years. **Council Member, Niemzyk** agreed with Thomas that seniority, and experience need to factor in. He believes our Village has becoming a training experience for employees to receive training and then leave for other Municipalities, and that needs to be addressed. **Wojtczak**, asked if there are any education requirements for the position. **Faulkner**, said high school diploma or equivalent. He doesn't believe our last Treasurer of Clerk had any additional credentials. **Wojtczak**, said when he thinks of Treasurer, he thinks of money and there is more involvement. **Faulkner**, said he is moving toward not having all eggs in one basket, and the goal was to train moving forward. **Schmaltz**, asked if with Faulkner's recommendation, to add \$1.00/hr. to the \$27.00/hr. and be relieved as Treasurer, to train Tracy as Treasurer. **Niemzyk**, said that Schmaltz should be able to reach out for help as needed. Schmaltz, said that she is interested in the Clerkacademy next budget year. **Kramer**, asked if she would still be willing to not take the COLA. **Schmaltz**, said she believes COLA's the last FY was based on how long you had been here for as Chief Krause and Cindi received a higher percentage. She would still like to be included. **Wojtczak**, said he would like to see an applicant with training. **Thomas**, said she sat in on interviews, and it sounds easier than it is. Theresa came to the table with Treasurer training from St. Joseph, and has been here for two years. **Hinman**, said he would support \$28.00/hr. with a COLA in the fall. **Faulkner**, asked Council if they agree at \$28.00/hr., that they would consider Theresa for the COLA. **Jones**, asked what the math on the salary was, and asked for it to be a salaried position. **Wojtczak**, asked why she was requesting a salaried position. **Jones**, said under the Fair Labor Standards Act, all of the responsibilities that Theresa would have, she should be salaried. **Schmaltz**, asked why it wasn't salaried before. **Jones**, said because she and Cindi were both part-time. **Faulkner**, asked about switching back to being closed on Fridays. **Thomas**, said we need to be open 5 days a week. **Smith**, asked if Schmaltz would agree to the full-time position being salaried which means no overtime. **Schmaltz**, said she would accept the salaried position at \$58,240 annually. **Niemzyk**, asked if Schmaltz she would come in later meeting days. **Schmaltz**, said she would still come in at 8 am, but leave before the meeting and come back. **Wojtczak**, asked Jones what guidelines needed to be met to be a salaried position. **Jones**, said under the administrative qualifications, the job descriptions all fit. **A motion was made to offer a salaried Clerk Position at \$58,240 annually effective 3/10/24. Motion: Thomas Support: Hinman. ROLL CALL: Niemzyk, Kramer, Thomas, Hinman, Wojtczak. Nay: Jones Aye: 6 Nay: 1 Absent: 0 Abstain: 0 MOTION CARRIED.**

PUBLIC COMMENT: Audience Member, Martin Labine commented that he has children that are in corporate offices and are not salaried, but have contracts. **Audience Member, Ryan Metz** commented that he believes we have to adjust to the market with salaries. His question

regarding Marihuana, was what is the Village's motivation for opening up unlimited? **Smith**, said **Smith**, said there was one license, then there was a ballot initiative that pushed two retail licenses. One business that was issued a license did not open, so discussion was made to revisit the Ordinances. **Audience Member, Ryan Metz** asked if there were concerns about there being 10 now. **Smith**, said he did not because of the Zoning Ordinance, that has footage limitations. **Audience Member, Tom Pauly** asked if a spot becomes available if we would review. **Smith**, said it is a process. **A Motion was made to close the Special Meeting. Moved: Thomas Support: Jones Aye: 7 Nay: 0 Absent: 0 Abstain: 0**

MEETING ADJOURNED AT: 6:55 PM.

Submitted by:

Theresa Schmaltz
Three Oaks Village Clerk