

VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 04-12-23

Village Council President, Richard Smith, called the (in-person) Regular Village Council Meeting, to order at 7:02 PM. This meeting was held at Village Hall at 21 N. Elm Street.

Pledge of Allegiance: Yes

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

Absent: Kramer

A Motion was made to approve the agenda as presented by Village Manager, Dan Faulkner. Moved: Thomas Supported: Jones Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

Village Manager, Dan Faulkner then asked Council if the discussion of his manager's contract (agenda item #15) could be held in a closed session and moved to the end of the agenda. A Motion was made to move the discussion of the manager's contract into a closed session at the end of the meeting. Moved: Jones Supported: Thomas Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

PUBLIC COMMENT: Audience Member, Tom Pauly would like to comment on Agenda item #10 – proposed lot purchase. Audience Member, Colleen Froehlich would like to comment on Agenda item #6 – proposed social district within downtown area and item #11 – purchase of furnace for Police department.

CORRESPONDENCE: There were (3) pieces of correspondence received per Village Manager, Dan Faulkner. #1 – a letter from James & Christa Nimmer, owners of 602 Hickory Street requesting an exemption to allow a S-T-R (short-term-rental) for their property and also stating their concerns and objections about how the notification of the Ordinance #228 amendment (a cap to rentals) was handled. #2 – an email from Marco Chavarry, (DDA member, resident and business owner) notifying the Village of the 2023 Spring Stroll being held by the downtown merchants during Memorial Day weekend. #3 – an email from Darlene Heemstra, (former Planning Commission member and resident) asking the Village to consider using the income generated from the retail sales of marijuana (an annual payment from the State) to be used towards sidewalk repairs. A question was asked if the Village was keeping a waiting list of homeowners who are interested in securing a permit for a S-T-R. Attorney Hilmer replied that he felt it would be cumbersome for the staff to keep such a list. Council members felt that such a list should be kept. The S-T-R committee is meeting at the end of April and again in May and a decision will be reached at that time.

APPROVAL of the CONSENT AGENDA to INCLUDE: Approval of the Minutes of the Regular Council Meeting held on 03-08-23. Approval of the Police Dept's report and the Building Inspector's report for March, 2023. Approval of Invoices to be paid in April (\$66,644.43). Approval of Disbursements made in March, 2023 (\$67,277.92) and Approval of Payroll as paid for March, 2023 (\$70,427.14). A Motion was made to approve the Consent Agenda as presented by Village Manager, Faulkner. Moved: Thomas Supported: Hinman Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

- **UPDATE on ACQUISITION of 21 N. ELM STREET: Village Manager, Faulkner reported that the "Phase 1" study has been completed and no issues were discovered. Just awaiting further word from the County on a closing date for the purchase.**
- **DDA – DISCUSSION of PROPOSED SOCIAL DISTRICT: Council Member, Hinman, (DDA liaison) reported that there was no update yet on the social district. They have not yet been able to schedule a meeting with Bridgman city manager, Juan Ganum to get information from him on how their social district was created and monitored. Audience Member, Froehlich said that a social district required management plans and participating**

businesses must be contiguous to establishments that already hold licenses. Strict controls must be in place for this to be properly enforced.

- **REVISION OF PURCHASING POLICY: Village Manager, Faulkner** asked that this be tabled until further notice.
- **WIGHTMAN – ANDREW RUDD – UPDATE on the ACO: Andrew Rudd**, engineer for Wightman reported that the submittals to EGLE (State of MI) were successful. The State requested that a long-term sampling plan be placed in action which would require quarterly reporting for the wastewater treatment system. He also said that a collection system assessment is due on Friday and the Clean Water Funding application is due on Monday, May 1, 2023. He asked Council to schedule a Public Hearing related to the proposed application to the State. A notification would need to be posted/published 15 days prior to the Public Hearing. **A Motion was made to schedule a Public Hearing and Special meeting at 6:00 pm on Thursday, April 27, 2023 to consider an application to the State for the Clean-Water Revolving Fund which provides low-interest loans and grants for sewer projects. The proposed cost of the Village’s project is estimated at 2.5 million. Moved: Jones Supported: Thomas Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**
- **WIGHTMAN – SUZANNAH DENEAU – UPDATE on GRANT for the HICKORY BRIDGE PROJECT: Suzannah Deneau**, engineer for Wightman informed the Council that the Village had been awarded a Michigan Department of Transportation Critical Bridge Fund grant in the amount of \$1.67 million for the 2025 Hickory Street Bridge superstructure replacement project. This grant covers 95% of the project and the Village will be responsible for the remaining 5% of costs in addition to engineering costs. This was a very competitive grant and the application was originally submitted to the State as a “team of communities” including the City of Niles, the City of Watervliet and the Village of Three Oaks to help obtain funding, however, only Three Oaks was awarded the grant money. Suzannah said that the bridge deck was redone in 2012, however, 10 years later the deterioration rate continued at an unacceptable rate thereby necessitating the need for a complete replacement. **A Motion was made to accept the \$1.67 million grant and commit the Village to the 5% balance and the engineering fees for the 2025 Hickory Street Bridge Repair project. Moved: Thomas Supported: Hinman Aye: Niemzyk, Thomas, Hinman, Jones, Ream, Smith Nay: None Absent: Kramer Abstain: None MOTION CARRIED.**
- **PARKS & RECREATION BOARD – PROPOSED PURCHASE OF LOT ADJACENT TO WATKINS PARK: Council Member, Ream** (liaison to Parks & Rec) reported that the Parks & Recreation Committee has recommended the purchase of a one-half acre lot adjacent to Watkins Park that is for sale for \$40K. This would add to the Village’s property and allow for expansion if desired. Council discussion showed that they possibly would entertain an offer of \$20K to \$25K for the property. The **realtor, Dan Coffey** said that the lot is available, but based on the number of family members involved in the ownership of the property and the assessed value of the property that he is not certain that offers as low as \$20K to \$25K would be acceptable. **Audience Member and Parks & Recreation Committee member, Larry Shawver** said that the lot would be a nice addition to the park, but it is not essential. He believes fixing the sidewalks should be considered before taking on this expense. **Village Manager, Faulkner** suggested that the Village might consider a millage for re-doing the sidewalks. It is currently estimated to cost \$1 million to replace only the “current” sidewalks – it does not include the many areas that do not even have sidewalks (and should). **Audience Member, Tom Pauly** asked if there was an actual need for the one-half acre parcel? He felt that if money was going to be spent it could be spent on beautifying and

upkeeping the Parks areas that we currently have. He also stated that he felt that the sidewalks should take precedent over purchasing the lot. Are there grants available for sidewalks? **Audience Member, Shawver** said that on the original sidewalk report (from several years ago) that when other communities took on the responsibility of paying for the sidewalks (rather than the homeowners), then they all had sidewalks that were rated as “good”. **Audience Member, Froehlich** asked how the one-half acre lot is zoned? Answer=Mixed-Use. **Audience Member, Marco Chavarry** said that he feels families would appreciate safer sidewalks. **Audience Member, Froehlich** stated that “good” sidewalks show that the Village cares – she is in favor of fixing them. **Council Member, Jones** said that the Planning Commission agreed that Ordinance #157 should be enforced – that homeowners are responsible for repairing their own sidewalks.

- **PURCHASE of NEW FURNANCE for the POLICE DEPARTMENT: Police Chief, Krause** stated that the furnace has failed at the Police department and they are in need of a replacement. He got (3) three bids. One of the quotes does not recommend a “mini-split” furnace, but rather a regular furnace, so their quote is much higher than the other (2) two who quoted for “mini-splits”. Council discussed that the quotes need to have further detail on them so that they can be truly compared. They need to be presented as equipment purchased and installed with warranties noted, and removal and disposal of the old equipment. Chief Krause will ask for the companies to prepare new quotes with more details and present them to Council at their May meeting. **Audience Member, Froehlich** felt that the Village was continually repairing and replacing things – she asked if a new Public Safety building would be an option-perhaps combining it with the Township’s ambulance and fire stations.
- **SANITARY SEWER CONNECTION and DISCHARGE AGREEMENT BETWEEN FARNAN FARMS and THE VILLAGE of THREE OAKS: A Motion was made to accept the Sewer Connection and Discharge Agreement between Farnan Farms and the Village of Three Oaks as presented by Village Manager, Dan Faulkner. Moved Hinman Supported: Ream Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**
- **TRASH COLLECTION & RECYCLING RFP RESULTS:** A request for RFP for trash collecting and recycling services was placed in early March with the opening date of the RFP’s on March 30, 2023. There were (3) three RFP’s received, from Borden Recycling, Lakeshore Recycling and Michiana Recycling. The lowest bid came in from Lakeshore Recycling for \$13.45/unit. **A Motion was made to accept the low bid of \$13.45/unit for trash collection and recycling services from Lakeshore Recycling. A contract will need to finalized between Lakeshore Recycling and the Village. Moved: Niemzyk Supported: Hinman Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.:** **Audience member, Tom Pauly** had concerns with how the trash collection was handled by Lakeshore Recycling in the downtown area. He was urged to come to the Public Service Committee meeting on Friday to present and discuss his concerns.
- **PARKS & RECREATION COMMITTEE – COMMEMORATIVE PLAQUE: Council Member, Ream** (liaison to Parks & Rec) reported that the committee had much discussion and did lots of research into securing the best commemorative plaque in order to acknowledge the great commitment by Bryan Volstorf over the past **50 years**. He created, organized and promoted the annual Apple Cider Century bike run which is an annual one-day run in September for Three Oaks and surrounding areas. This event draws in people from across the country and the world who participate in this event which promotes and showcases the Village in its best light. **A Motion was made to allow up to \$3,000.00 for the purchase of a commemorative plaque in recognition of Bryan Volstorf for the 50**

years he has dedicated to the annual one-day Apple Cider Century bike run. This will be a cast bronze 24" x 30" plaque purchased from Artistic Bronze Inc., Ocala, FL and will be installed in Dewey Cannon Park. Moved: Ream Supported: Thomas Aye: Niemzyk, Thomas, Hinman, Jones, Ream, Smith Nay: None Absent: Kramer ABSTAIN: None MOTION CARRIED.

- **PARK & RECREATION COMMITTEE – PURCHASE of POSTS for the COMMEMORATIVE PLAQUE:** Special posts are required for the mounting of the commemorative plaque so that it is consistent with other such plaques in the Village. This is a separate cost from a different company than from which the plaque will be purchased. A Motion was made to allow up to \$1,000.00 for the fabricating and painting of a 29" by 60" (plaque) stand from B.C. Welding, Inc., Granger, IN for the purpose of mounting the commemorative plaque. Moved: Ream supported: Jones Aye: Niemzyk, Thomas, Hinman, Jones, Ream, Smith Nay: None Absent: Kramer Abstain: None MOTION CARRIED.
- **DDA APPOINTMENTS:** A Motion was made to re-appoint Suzanna Bierwirth and Ron Zarantenello to the DDA for (4) year terms expiring in April of 2027. A new appointment of Julie Shaffer (to replace Carolyn Drier who resigned) was also included in the 4-year term expiring in April of 2027. Moved Thomas Supported: Jones Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED. A Motion was made to appoint Bryan Volstorf to fill the opening created by Janet Schuttler's resignation. His term will run through April of 2024. Moved: Thomas Supported: Hinman Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.
- **CLERK/TREASURER JOB DESCRIPTIONS:** The Clerk and Treasurer job descriptions have been revamped somewhat, moving some of the duties around. Village Manager, Faulkner is seeking approval to post the Clerk's position. Council suggested a few revisions that could be made. A Motion was made to post the Clerk's job on-line (with the changes as noted) in order to move forward with seeking a new Clerk. Moved: Thomas Supported: Hinman Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.
- **PLANNING COMMISSION ANNUAL REPORT:** The Planning Commission submitted an annual overview of their work and accomplishments for 2022. A Motion was made to accept the Planning Commission's annual report for 2022. Moved: Thomas Supported: Niemzyk Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.
- **PLANNING COMMISSION UPDATES:** Council Member, Jones, (liaison to the Planning Commission) reported that they discussed the sidewalk assessment study that had been done in the past couple of years. They would like to seek enforcement of Ordinance #157, and said that there should be a resolution to require sidewalks for new construction.
- **PARKS & RECREATION BOARD:** Council Member, Ream reported that discussion was held regarding the new commemorative plaque for Dewey Cannon park; that they are working on documentation to start a "tree & bench" program, and are considering changes in rules & regulations for the Park's ordinance.
- **DDA BOARD:** Council Member, Hinman reported that the DDA discussed the Café seating patios, the Spring Stroll scheduled for Memorial Day weekend, the creation of a Social District in the downtown areas, repairs to the welcome sign in Carver Park and the re-appointment of officers.
- **PUBLIC SERVICE COMMITTEE:** Village Manager, Faulkner reported that no meeting was held in April.

- **ZONING BOARD of APPEALS (ZBA):** Village Manager, Faulkner – No report – no meeting was held.
- **VILLAGE MANAGER’s REPORT:** Village Manager, Faulkner reported that new “logo” clothing was ordered from Precision Ink and Stitch in Galien for the DPW and Water/Sewer department employees for use this spring and summer. He said that notices are going to residents who are placing yard waste out that is not in compliance with the Village ordinance so that they understand how to comply properly. **Faulkner** reported that there was a water leak on U.S. 12 and Tulip and that while it was being repaired (2) two additional leaks formed on Tulip. Burkholder repaired all three of these. It is recommended that the water line along U.S. 12 be replaced prior to the reconstruction project scheduled for 2025.
- **VILLAGE PRESIDENT’s REPORT:** Village President, Smith stated that he wished more people had attended the S-T-R meetings so that all interested parties remained up to date on the changes made regulating short-term rentals within the Village. He congratulated the Planning Commission and the Short-Term Rental committee for all their work and the comprehensive report they prepared.
- **AUDIENCE REMARKS:** Audience Member, **Dennis Wojtczak** asked if the Village could notify short-term renters of the dates that recycling is picked up. Answer=that is up to the owner of the rentals to make sure that their renters dispose of trash and recyclables on the appropriate day and time. Audience Member, **Marco Chavarry** said that a group of merchants are working on trying to revive previous events that used to be held in the Village. Audience Member, **Lynn Rommel** asked where the notifications are being advertised for short-term rental meetings. Audience Member, **Tom Pauly** said that the DDA Board will be a strong board with the addition of the (2) two new members.
- **A Motion was made at 9:02 pm to close the regular Council meeting and enter into a closed session to discuss the new contract for Village Manager, Dan Faulkner. Moved: Jones Supported: Hinman Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**
- **A Motion was made at 9:40 to close the closed session meeting and reopen the regular Council meeting. Moved: Thomas Supported: Hinman Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**
- **NEW EMPLOYMENT CONTRACT for VILLAGE MANAGER, DAN FAULKNER:** A Motion was made to approve a new contract for \$85,000.00 with a bonus potential of up to \$5,000.00 annually for Village Manager, Dan Faulkner. This contract will run for (2) two years, May 1, 2023 thru April 30, 2025 with a clause requiring a 30-day notice if he leaves earlier than April 30, 2025. Moved: Thomas Supported: Hinman Aye: Niemzyk, Thomas, Hinman, Jones, Ream, Smith Nay: None Absent: Kramer Abstain: None MOTION CARRIED.
- **MEETING ADJOURNED AT: 9:44 pm**

Submitted by:

Cynthia E. Moynihan
 Three Oaks Village Clerk
 Minutes for the 04-12-23 Council Meeting
 Were **APPROVED** at the 05-10-23 Council Meeting