

VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 04-13-22

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: Graziano, Thomas, Hinman, Newquist, Ream, Smith

Absent: Kramer

A Motion was made to approve the agenda as presented by Village Manager, Dan Faulkner with (1) one change. Mary Nykamp from Wightman will be added to the agenda prior to Agenda Item #5 under “old business”. Moved: Hinman Supported: Newquist Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

PUBLIC COMMENT: Audience Member, Colleen Froehlich would like to speak on Agenda item #12 & #13 (zoning ordinances) and Short-term rentals (under Planning Commission report).

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 03-09-22. Approval of the Police Dept’s report. Approval of Invoices to be paid (\$92,408.38). Approval of Disbursements made in March, 2022 (\$93,150.50) and Approval of Payroll as paid for March, 2022 (\$72,000.93). **A Motion was made to approve the Consent Agenda as presented with (1) one correction to be made as follows. The invoice submitted by Ed Carpenter, (Building Inspector) lists a short-term rental inspection at 702 Chicago Street – it should be 202 Chicago Street. Moved: Newquist Supported: Thomas Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**

- **PRESENTATION by MARY NYKAMP of WIGHTMAN REGARDING RESULTS of the SECOND-ROUND WASTEWATER TESTING PROGRAM:** Mary Nykamp, from Wightman reported that results had just been received regarding the second-round of testing which was conducted in order to determine where the high levels of wastewater were entering the Village’s sewer system. She reported that an “event” was captured at the beginning of the 2nd round of high-strength testing at location #2 which is in an area where the Village does not provide water service, but an area where the sewer system was extended past Kruger Road around 2004 to attach to a building on the west side of South Elm Street/Three Oaks Road. It was a high-volume discharge event. Location #2 has a private well, therefore water is not purchased from the Village, but it appears to have a high sewer discharge. **Attorney Hilmer** stated that State law requires a water and/or sewer connection if the line passes within 200’ of a residence – they are required to connect. Per Mary, an immediate follow-up/discussion needs to be held with the building owner. She said that anything testing over “300” is considered high-strength, non-residential and those results came in considerably higher than that. The State is requiring the Council to get all the users on the system below the “300” limit in order to maintain our “general permit”. There is a phone call scheduled with the State on April 14, 2022. They may request that another round of testing be conducted. She also stated that if the Village has to implement an IPP program, that it may not require a full-time employee. It could be a contracted position, or the Village could hire a person with IPP experience to maintain the IPP program along with Water department duties.
- **INTRODUCTION of NEW ADMINISTRATIVE ASSISTANT/UTILITY BILLING CLERK THERESA SCHMALTZ:** Village Manager, Dan Faulkner introduced the newly hired

Administrative Assistant/Utility Billing Clerk, Theresa Schmaltz. She said that she was really happy to be working for the Village.

- **ORDINANCE #225 – VACATION OF ALLEY:** A Motion was made to adopt Ordinance #225, an Ordinance to provide for the vacating of the alley lying between lots 159 through 166. Moved: Graziano Supported: Hinman Aye: Graziano, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: Kramer Abstain: None **MOTION CARRIED.**
- **ACQUISITION of COUNTY BUILDING LOCATED at 21 N. ELM STREET:** Village Manager, Faulkner reported that he has received some estimates for repairs that are needed at the County building. He has received estimates for repairing the parking lot, gutter drains and the structural issue at the front corner (north-east) side of the building. Estimates still need to be secured for asbestos removal, repairs on the Front door, the area around a concrete pad and tuck-pointing. He stated that the building has not yet been appraised and that will be costly. It was discussed that perhaps a local realtor could provide a “market analysis” of the building to give some indication as to the value of the building. Council Member, Graziano stated that it was a “no-brainer” to purchase the building. He felt that it should be at worth at least \$700,000.00. Council Member, Ream asked where the Village would relocate if we could no longer remain in the building – if the Village didn’t purchase it and the County sold it to someone else. He added that it didn’t feel like we were “under the gun” to make a quick decision on the purchase. Village President, Smith said that currently needed repairs are estimated to be approximately \$100,000.00. He suggested that \$1,000 a month be set aside into capital improvements for the building. He also replied to Ream’s question about where the Village could relocate – Smith stated that he would be interested in moving back to the original location (next to the Police station) if a new location could be found for the American School of Music. Council Member, Thomas said that repairs do not have to be done in just a couple of years – that the repairs could be done over 5 to 10 years spreading out the cost. Council Member, Ream asked for a market analysis to be done on the building before any decision is made. Council directed Village Manager, Faulkner to seek a market analysis, to ask the county to consider making some of the repairs themselves that are necessary on the building, to find out what the “nominal” purchase fee is, and what the County’s intentions are if the Village does not purchase the building.
- **STREET CLOSURE for FLAG DAY PARADE on JUNE 12, 2022:** A Motion was made to approve the closure of North Elm Street and various side streets for the staging of floats and the Flag Day parade itself on Sunday, June 12, 2022 upon approval by Police Chief, Krause. Moved: Ream Supported: Graziano Aye: 6 Nay: 0 Absent: 1 Abstain: 0 **MOTION CARRIED.**
- **EXTEND THE NOISE ORDINANCE FOR SATURDAY, JUNE 11, 2022 –** A Motion was made to extend the noise ordinance by (1) hour until midnight on Saturday, June 11, 2022. Moved: Ream Supported: Graziano Aye: 6 Nay: 0 Absent: 1 Abstain: 0 **MOTION CARRIED.**
- **STREET CLOSURE for the FLAG DAY 5K RUN on SATURDAY, JUNE 11, 2022:** A Motion was made to close the requested streets in the morning of Saturday, June 11, 2022 for the 5K run/walk event upon approval by Police Chief, Krause. Moved: Graziano Supported: Newquist Aye: 6 Nay: 0 Absent: 1 Abstain: None **MOTION CARRIED.**
- **APPROVE THE ARBOR DAY PROCLAMATION RESOLUTION:** A Motion was made to approve the Arbor Day Resolution and declare April 29, 2022 as Arbor Day in the

Village of Three Oaks. Moved: Newquist Supported: Graziano Aye: 6 Nay: 0 Absent: 1 Abstain: None MOTION CARRIED.

- **PRESENTATION by POLICE CHIEF, KRAUSE for REQUEST to PURCHASE NEW FIREARMS:** Per Police Chief Krause, his department is in need of new firearms and ammunition. He reported that the State has discontinued their firearm program that had been in place for many years and he reached out to Kiesler Police Supply for a quote. They gave the Village a trade-in allowance for most of its firearms and ammunition bringing the total cost to under \$1,000.00 for all new equipment. This includes (5) 9mm Glock 17 handguns, (4) holsters, (4) tactical lights, and (2) cases of ammunition. **A Motion was made to approve the purchase of firearms and ammunition (as detailed above) from Kiesler Police Supply (including trade-in allowance) for a cost not to exceed \$1,000.00 for the Police department. Moved: Graziano Supported: Hinman Aye: Graziano, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: Kramer Abstain: None MOTION CARRIED.**
- **PERFORMANCE RESOLUTION FOR MUNICIPALITIES:** A Motion was made to approve the Performance Resolution for Municipalities that is required by the Michigan Department of Transportation (MDOT) on an annual basis. Moved: Newquist Supported: Hinman Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.
- **ORDINANCE #226 – AN ORDINANCE to AMEND ORDINANCE #211 TO ESTABLISH COMPREHENSIVE ZONING REGULATIONS:** A Motion was made to adopt Ordinance #226 (an Ordinance to amend Ordinance #211) which establishes comprehensive Zoning regulations - Section 1, Chapter 2.2; Section 2, Chapter 6.5 and Section 3, Chapter 7.1 have been amended. Moved Newquist Supported: Hinman Aye: Graziano, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: Kramer Abstain: None MOTION CARRIED.
- **PROPOSAL FROM RIETH-RILEY TO MILL and PAVE a SECTION of CHERRY STREET, NELLS DRIVE and EXTEND TULIP DRIVE:** A Motion was made to approve the proposal from Rieth-Riley for the cost of \$64,866.50 to mill and pave the section of Cherry Street (between Buckeye & Butternut); mill and pave Nells Drive and extend the “dead-end” part of Tulip Drive to the last house on the left. Moved Graziano Supported: Newquist Aye: Graziano, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: Kramer Abstain: None MOTION CARRIED.
- **APPROVE DISPLAY of MILITARY BANNERS for VETERANS in DOWNTOWN THREE OAKS:** Council Member and DDA Member, Hinman reported that the DDA worked in conjunction with the Three Oaks Legion on a project spearheaded by Dyane Thomas Niemzyk to get pictures of veterans on banners that could then be displayed on light poles in downtown Three Oaks. The response was overwhelming, resulting in the need to have the banners double-sided. There will be 50 banners for a total of 100 veterans proudly displayed. This project was entirely funded by generous donations from veterans, their families and residents. Harrington Photography took all the pictures submitted and placed them and printed them on the banners for a wonderful result. The anticipated display dates of the banners are from June 3rd thru June 13th, and then again in November over a time period including Veterans Day. **A Motion was made to approve the display of (50) (2-sided) military banners for Veterans in the downtown area from June 3 to June 13 and again in November over the Veterans Day holiday period. Moved: Graziano Supported: Thomas Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**
- **ADDITION of (2) TWO HOLIDAYS to the EMPLOYEE’S HANDBOOK:** Village Manager, Faulkner made the recommendation to add (2) two holidays to the holiday schedule for

Village employees. He recommended the addition of MLK day and a Spring Holiday day. **A Motion was made to add (2) two holidays to the holiday schedule for Village employees – MLK day and a Spring holiday day. Moved: Ream Supported: Hinman Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**

- **PLANNING COMMISSION UPDATES:** Council Member, Newquist reported that the Planning Commission discussed short-term rentals – a committee had been formed (2) two years ago, but Council never acted on their recommendations. The Planning Commission feels that this needs to be re-addressed and that a new survey should be conducted. Audience Member, Colleen Froehlich stated that the Village has become a vacation destination and that it is an amazing change. Council Member, Thomas is in favor of short-term rentals, but does not want the Village to turn into a “rental” district. She stated the current list of registrations reflect 5.5% of the Village’s homes being rentals. Village Manager, Faulkner said that if an ordinance officer was hired to handle “blight” issues, they could also investigate and monitor short-term rentals. Council Member, Newquist would like to see increased code enforcement and asked how other communities are enforcing and monitoring their short-term rentals. She said that the Planning Commission discussed raising the annual fee and imposing a substantial fine for those who haven’t registered their properties.
- **PARKS & RECREATION BOARD:** Council Member, Ream reported that the Board is continuing work on “building” their own Master Plan without using a Planner, and that they launched a new Parks survey on Monday and have already had a good response to it
- **DDA BOARD:** Council Member, Hinman reported that the Veterans will have banners displayed in the downtown area over Flag Day weekend and again in November over Veterans Day. The DDA also discussed the Farmers Market and the new Art Attack brochure that is available for the big weekend at the end of April.
- **PUBLIC SERVICE COMMITTEE:** Village Manager, Faulkner reported that at their meeting they discussed the sections of Cherry & Nells Street that will be resurfaced, the load rating on the Hickory Street Bridge, the acquisition of the County building at 21 N. Elm Street, the firearms purchase for the Police department, the ACO Consent order and the electric car charging station that is now operable.
- **RE-DEVELOPMENT READY COMMITTEE (RRC):** Council Member, Newquist said that the new website is “almost” ready.
- **GATEWAY COMMITTEE:** Council Member and Gateway Committee Member, Newquist asked what needs to be done in order to get these signs up? Can Dan direct the DPW to get them installed ASAP?
- **ZONING BOARD of APPEALS (ZBA) MEETING:** A Public Hearing and Meeting is scheduled for 6 pm on Thursday, April 28th to consider a variance request for the landscaped area requirements asking for a variance of 8 feet instead of the required 10 feet for Mellow Valley, a proposed Class C Grow Facility to be located at 6936 W. U.S. Highway 12, Three Oaks.
- **VILLAGE MANAGER’S REPORT:** Village Manager, Faulkner reported that May is “Poppy” month for the American Legion Auxiliary. They would like to solicit donations on May 20 and 21 and 22 on the sidewalks of downtown Three Oaks. There is no update on the Marijuana lawsuit. The Village received a \$236,000.00 grant to identify (20) twenty percent of the water service lines in the Village and the 2021 Tree City USA application has been approved by the Michigan DNR and the Arbor Day Foundation. He stated that he has (2) two candidates for the Water/Sewer department. One candidate has extensive experience in Water with licenses, and the second candidate has experience with IPP’s, and

water and is willing to test for his water licenses. Dan reported that Steve Olson accepted the part-time position in the DPW department and that the electric car-charging station is up and running now. It will be “free” for a least a month as people get used to using them, then after the breaking-in period there will be a fee for their use.

- **VILLAGE PRESIDENT’S REPORT:** **Village President, Smith** hopes for a great weekend for the upcoming Artisan’s weekend.
- **COUNCIL REMARKS:** **Council Member, Ream** asked for input from Police Chief, Krause for wording that he would like to see on the new signs for the Parks and in encouraged everyone to participate and take the Park and Recreation’s survey. **Village Manager, Faulkner** said that the County Commissioners would like to hold one of their meetings here in the Village this summer. A good location needs to be determined.
- **AUDIENCE REMARKS:** **Audience member, Tom Pauly** asked how many commissioners and public members generally attend the meetings in order to determine an appropriate location. Dan said that he will check with Township Supervisor, George Mangold. **Audience Member, Dennis Wojtczak** asked what the historic status was of the County building at 21 N. Elm Street and where the asbestos was located in the building. He asked about the details of the sewer extension that was done on Kruger Road many years ago and wondered if people outside of the Village would be charged for a sewer millage?
- **MEETING ADJOURNED AT: 9:15 pm**

Submitted by:

Cynthia E. Moynihan
Three Oaks Village Clerk
Minutes for the 04-13-22 Council Meeting
Were **APPROVED** at the 05-11-22 Council Meeting