

**VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 05-10-23**

**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, Three Oaks, MI.**

**Pledge of Allegiance: Yes**

**Roll Call: Present: Niemzyk, Kramer, Thomas, Jones, Ream, Smith Absent: Hinman Village Manager, Dan Faulkner requested the addition of Item #11a to the agenda - the purchase of a heating/cooling system for the Police department. A Motion was made to add Item #11a (heating/cooling system) to the agenda. Moved: Niemzyk Supported Jones Ayes: 6 Nay: 0 Absent: 1 Abstain: 0 Motion Carried. Council Member, Tyler Ream then asked to place an additional item on the agenda – Item #11b – discussion of changes to the Parks ordinance. Moved: A Motion was made to add Item #11b (Parks ordinance discussion) to the agenda. Moved Thomas Supported: Kramer Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED. A Motion was made to approve the agenda as presented by Village Manager, Faulkner, along with (2) additions, Item #11A & #11B. Moved: Kramer Supported: Thomas Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**

**PUBLIC COMMENT: Audience Member, Vida Giniotis would like to comment on the Sidewalk Appeal letter that she submitted; Audience Member, Colleen Froehlich would like to comment on Item #6 – DDA Social District and a (non-agenda item) – short-term rentals; Audience Member, Pamela Dahms would like to comment on a (non-agenda item) – short-term rentals and Audience Member, David Riggenschach would like to comment on Item #3, the sidewalk appeal letter submitted by Vida Giniotis.**

**CORRESPONDENCE: There was (1) piece of correspondence received per Village Manager, Dan Faulkner. Faulkner read the emailed letter he received from Vida Giniotis regarding the appeal she filed with the ZBA seeking a variance for the requirement of placing a sidewalk at 309 Tulip Drive. Audience Member, Giniotis said that per Section 92.02 in the zoning ordinance she should have been notified that this was required while construction was ongoing. Now that construction is complete, she was told that a sidewalk needed to be constructed. She stated that there are no other sidewalks on either side of Tulip Drive, therefore, her sidewalk would not be connected to anything and would look totally out of place. She asked why she was being singled out and other homeowners did not have to comply. Audience Member, David Riggenschach at 301 Tulip Drive said that he was informed that in order to get an occupancy permit for the home he is currently building at 301 Tulip Drive that he also would have to install a sidewalk. He is in the same situation – there are no other sidewalks on his side of Tulip, therefore the sidewalk would not connect to anything – will he also have to file an appeal with the ZBA?**

**APPROVAL of the CONSENT AGENDA to INCLUDE: Approval of the Minutes of the Regular Council Meeting held on 04-12-23 and the Minutes for the Public Hearing and the Special Meeting held on 04-27-23. Approval of the Police Dept's report and the Building Inspector's report for April, 2023. Approval of Invoices to be paid in May (\$73,777.39). Approval of Disbursements made in April, 2023 (\$132,994.36) and Approval of Payroll as paid for April, 2023 (\$51,652.37). Council Member, Jones asked about the \$650.00 invoice from Siegfried Crandall for bank reconciliation assistance - why was assistance still needed – the audit has been completed. Village Manager, Faulkner responded that he would ask the Treasurer, Theresa. Jones also asked why the monthly payroll reports shows that some employees have more than 160 hours of "regular" pay. Council Member, Thomas asked about the suspicious**

person that showed up on the surveillance camera in Village Hall in April. Was there a way to determine who this was and how they got into Village Hall? **A Motion was made to approve the Consent Agenda (minus the \$650.00 invoice from Siegfried Crandall) as presented by Village Manager, Faulkner. Moved: Jones Supported: Kramer Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**

- **RESOLUTION #05-2023-01- A RESOLUTION AUTHORIZING THE PURCHASE of 21 N. ELM STREET, THREE OAKS, MICHIGAN:** A Motion was made to authorize Village President, Richard J. Smith to execute a purchase agreement in the amount of \$1.00 to acquire the property located at 21 N. Elm Street, Three Oaks, Michigan and sign all closing documents related to the purchase. **Moved: Thomas Supported: Niemzyk Aye: Niemzyk, Kramer, Thomas, Jones, Ream, Smith Nay: None Absent: Hinman Abstain: None MOTION CARRIED.**
- **DDA – SOCIAL DISTRICT – UPDATE:** Council Member, Hinman (DDA liaison) was absent, so no update was available.
- **VILLAGE CLERK – OPEN POSITION – UPDATE:** Council Member, Thomas reported that the Village is still receiving resumes, there may be a few more interviews. There are a couple of strong candidates, but no decision has been made yet on the replacement.
- **PRESENTATION of FINDINGS on the 2021-2022 FISCAL YEAR AUDIT by DERK HALL, AUDITOR for THE TREASURY DEPARTMENT, STATE of MICHIGAN:** Derek Hall, State Auditor reported that the fiscal year ending on 09-30-22 has been audited and closed out and that bank reconciliations have been done through October 31, 2022. He said that the bank reconciliations were not completed in a timely manner and that journal adjustments were not done correctly. He spent a lot of extra time bringing these bank recs up-to-date and making many journal entry corrections. He said that property taxes were not deposited into the correct funds which resulted in several “due to/due from” entries that had multiple incorrect transfers made. He went on to report that the General Fund balance at 09-30-22 was \$1.8 million (an increase from \$1.6 million last fiscal year); that over \$1 million between the (3) Street funds was available for future road projects – these funds are in a healthy condition. The Sewer fund is up by \$107 thousand resulting in a \$3.2 million dollar balance. One of the Sewer bonds is now paid off which will help this fund to increase. The Water Fund essentially broke even – the accounts are in the positive. The tax base for the DDA went up, so they received additional “TIF” monies – an increase to \$129 thousand (from \$98 thousand the previous year). The Rubbish fund is essentially at a “break even” point. The Village is financially on top of things - there is viable money available for multiple projects. He said that this audit was a “trying” year. He gave the Village a “B”.
- **RESOLUTION #05-2023-02-SUPPORT for the BERRIEN COUNTY TRAILS MASTER PLAN:** Berrien County created a Trails Master Plan with a county-wide vision to create a network with all area communities which seeks to provide transportation, exercise, leisure, safety accessibility and recreation benefits for all people. **A Motion was made to approve Resolution #05-2023-02 in support of the “Berrien County Trails Master Plan”.** **Moved: Ream Supported: Thomas Aye: Niemzyk, Kramer, Thomas, Jones, Ream, Smith Nay: None Absent: Hinman Abstain: None MOTION CARRIED.**
- **RESOLUTION #05-2023-03 - a RESOLUTION to INCREASE the RUBBISH ASSESSMENT to \$161.40 ANNUALLY.** The 5-year contract for garbage and recycling services expired and quotes were received last month from (3) different vendors, including our current vendor, Lakeshore Recycling. They presented the lowest quote and Council approved their contract last month. However, the rates have increased slightly so it is necessary to raise the assessment charged to each residential customer. **A Motion was**

made to approve Resolution #05-2023-03, a Resolution to increase the garbage and recycling rates to \$161.40 (from \$156.00) annually for residential customers within the Village of Three Oaks. Moved: Jones Supported: Kramer Aye: Niemzyk, Kramer, Thomas, Jones, Ream, Smith Nay: None Absent: Hinman Abstain: None MOTION CARRIED.

- **PAY to COUNCIL MEMBER, LOIS JONES for ASSISTANCE WITH AUDIT ITEMS:** There was additional help needed by the Treasurer and a request from the State Auditor for assistance with bank reconciliations and journal entries in order to complete the audit for the fiscal year ending 09-30-22. An ordinance restricts payment to a Council member for additional pay unless approved by Council. **Village Manager, Faulkner** asked Council to approve payment (through payroll) for the hours submitted by **Council Member, Jones** for her assistance over a 2-week period. Council Member, Ream supports the payment request and thanked Lois for her help. **Council Member, Thomas** asked if there was going to be further assistance need for this fiscal year. She felt that it should be handled by the Treasurer as it has been in the past. **A Motion was made to approve payment through payroll for 56.5 hours worked by Lois Jones for assistance with bank reconciliations and journal entries related to the audit for fiscal year ending 09-30-22. Moved: Kramer Supported: Niemzyk Aye: Niemzyk, Kramer, Thomas, Ream, Smith Nay: None Absent: Hinman Abstain: Jones MOTION CARRIED.**
- **HEATING/COOLING QUOTES for POLICE DEPARTMENT:** **Police Chief, Krause** secured more detailed quotes from Boelcke Heating Company and Five Star Heating & Air Conditioning for the replacement of the furnace at the Police Station along with the addition of central air conditioning to replace the current window unit. The furnace gave out a couple of months ago and needs to be replaced. The (2) two quotes came in very close in price, but it was felt that the quote from Boelcke Heating Company was a more complete quote detailing exactly what would be covered. **A Motion was made to accept the quote to replace the furnace and add air conditioning to the Police State for a price of \$11,800.00 Moved: Niemzyk Supported: Kramer Aye: Niemzyk, Kramer, Thomas, Jones, Ream, Smith Nay: None Absent: Hinman Abstain: None MOTION CARRIED.**
- **PROPOSED UPDATES to the PARK ORDINANCE:** The Parks & Recreation Committee has proposed several changes to the Parks Ordinance which lists rules for the Parks. It is suggested that the following items be added to the Parks signs. "Prohibit Smoking and Vaping in all Village parks"; "Set opening time of 6:00 am in all village parks unless otherwise authorized by the Village manager"; "Set closing time of 10:00 pm in all Village parks unless otherwise authorized by the Village manager"; "Prohibit all motorized vehicles and snowmobiles in all Village parks except for "Motorized mobility" (in all Village parks unless otherwise authorized by the Village manager". Council gave approval to have **Village Manager, Faulkner** work with Attorney Hilmer to make the necessary changes to the Ordinance. It will be submitted at a future meeting for approval.
- **PLANNING COMMISSION UPDATES:** **Council Member, Jones**, (liaison to the Planning Commission) stated that the short-term rental committee has completed their report and submitted it to the Planning Commission for their review.
- **PARKS & RECREATION BOARD:** **Council Member, Ream** (liaison to the Parks & Recreation committee) reported that they are discussing a memorial tree & bench program, researching available grants for the Parks and moving ahead with the commemorative plaque.
- **PUBLIC SERVICE COMMITTEE:** **Village President, Smith** reported that there was no meeting held this month.

- **ZONING BOARD of APPEALS (ZBA): Council Member, Kramer** (liaison to the ZBA board) reported that there was no meeting held this month, but one was scheduled for Monday, June 19<sup>th</sup> to hear requests for (2) appeals.
- **DDA BOARD: Council Member, Hinman** (liaison to DDA) was absent, no report available.
- **VILLAGE MANAGER's REPORT: Village Manager, Faulkner** reported that the Pokagon fund is working with the River Valley School District about possible uses of the elementary school once it is closed and combined with the new K-12 campus that is under construction. He also reported that there are ongoing discussions with area municipalities about combining their public safety services, but a feasibility study would need to be done before proceeding any further. There is no update on the marijuana lawsuit (Attitude Wellness) or from Green Koi about when (or if) they are opening their marijuana retail store. Discussion has begun with Abonmarche for the design phase for sidewalks along US 12 and the resurfacing project for North and South Elm Street. These projects are slated to be done in 2025. Pre-discharge samples have been taken from the Sewer lagoons and once permission is received from EGLE, then the spring discharge can begin. Our DPW employees, Clay and Nate planted over 40 trees this past month. A big thanks to them and the Rotary Club for sponsoring some of the cost of the trees. **Police Chief, Krause** reported that he has an interested candidate for the Police academy – perhaps the Village can bring this person on as an “intern” in the meantime.
- **VILLAGE PRESIDENT's REPORT: Village President, Smith** acknowledged all the mothers in attendance and thanked them for their love and support. He also reminded everyone that Flag-day week-end is coming up quickly.
- **COUNCIL REMARKS: Council Member, Ream** brought up the issue of sidewalks, said that there has been talk about repairs, changing the ordinance (which currently requires the homeowner to maintain and bear the cost for it), ways to fund the costs, etc. for years now with no results. He said that this issue needs to get resolved, it has been an ongoing issue for too many years. He suggested that a fund should be created for the sidewalk projects. **Village Manager, Faulkner** said that he will work on a sidewalk report with **Council Member, Jones**.
- **AUDIENCE REMARKS: Audience Member, Martin Lavine** said that in the past Village workers would cut up trees & remove them for residents – he wants to know what has changed – said that there is now hostility and a lot of unhappy residents because of the changes in how the brush removal is being handled. **Audience Member, Pamela Dahms** asked what the procedure was for someone to transfer their S-T-R rental permit to a new owner. Asked if there was a wait list? **Audience Member, Mike Holfels** expressed concern about the “down-fill” at the sewer lagoons with the discharge starting soon. **Audience Member, Vida Giniotis** expressed her hope that the ZBA will carefully consider her appeal to rescind the requirement for a sidewalk in front of her new house on Tulip Drive. She built in an established neighborhood without any other houses being required to have a sidewalk. **Audience Member, David Riegenbach** said that neighbors on Tulip are not going to build sidewalks by themselves – it should be a community effort for the entire street.
- **MEETING ADJOURNED AT: 8:19 pm**

Submitted by:

*Cynthia E. Moynihan*

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Three Oaks Village Clerk

Minutes for the 05-10-23 Council Meeting

Were **APPROVED** at the 06-14-23 Council Meeting