

**VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 05-11-22**

**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: Present: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith**

**Absent: None**

**A Motion was made to approve the agenda as presented by Village Manager, Dan Faulkner. Moved: Kramer Supported: Graziano Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**

**PUBLIC COMMENT: Audience Member, Tom Pauly will speak on Agenda Item #9, and Audience member, Marco Chavarry will speak on Agenda Item #7.**

**CORRESPONDENCE: There are (2) items of correspondence from Colleen Froehlich and Horizon Bank per Village Manager, Dan Faulkner.**

**Approval of the Consent Agenda to include: Approval of the Minutes of the Regular Council Meeting held on 04-13-22. Approval of the Police Dept's report. Approval of Invoices to be paid (\$59,234.94). Approval of Disbursements made in April, 2022 (\$71,921.34) and Approval of Payroll as paid for April, 2022 (\$51,295.20). A Motion was made to approve the Consent Agenda as presented. Moved: Hinman Supported: Thomas Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**

- **UPDATE of ACQUISITION of COUNTY BUILDING at 21 N. ELM STREET: Village Manager, Faulkner reported that (1) market analysis on the building has been done and it came in at an estimated value of \$720,000.00. Council has asked for another one to be done for comparison purposes. Council Member, Newquist asked what the County considers a "nominal fee" for the purchase of the building - \$1 - \$100? She asked Dan to clarify that with the County. She also asked if the environmental issues identified for the building could be updated/recertified. Newquist also asked for confirmation that there were no deed restrictions on the building and its property – Attorney Hilmer replied that there wasn't. Council Member, Ream stated that since the Village has the option to sell the building (after purchase), what would be the cost of all repairs prior to selling? Council Member, Graziano asked if purchasing the building was the best use of the taxpayer's money? He said that the building is not historically designated. Council further discussed the pros and cons of the purchase of 21 N. Elm Street. There will be closing costs, title insurance and recertification of environmental issues for example. A Motion was made to direct Village Manager, Faulkner to work with Attorney Hilmer to draft an agreement to purchase 21 N. Elm Street from Berrien County. Moved: Graziano Supported: Kramer Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- **OPEN TREASURER'S POSITION: Village Manager, Dan Faulkner reported that Theresa Schmaltz, (Utility Billing Clerk and Administrative Assistant) is ready to assume the Treasurer duties from Interim Treasurer, Lois Jones. He proposed a 30-day transition period to move duties from the Interim Treasurer to the Treasurer. A Motion was made to grant approval to move Theresa Schmaltz into the Treasurer's position effective June 13, 2022. Moved: Thomas Supported: Hinman Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- **FARMERS MARKET AGREEMENT with "BLACK BOOK CONNECTION" and RESERVING PARKING LOT for the MARKET: Audience Member, DDA Member, and Business Owner, Marco Chavarry said that he is very excited about the direction the**

Farmers Market is going towards. He said that the parking lot across the street from Big C is a great location for the market. He reported that there has been great financial support coming in from many sponsorships of area businesses. **Village Manager, Faulkner** reported that he and Cathy Rogers (Black Book) will meet with the manager of Big C Lumber to facilitate the closing of the parking lot from (approximately) 1:00 pm to 8:00 pm on Thursdays. There will be signage in place for the parking restrictions each Thursday. **Council Member, Graziano** asked if closing the side street (Oak Street) would be easier than closing the parking lot across from Big C? The answer is “No” – there is an agreement in place for the electric car charging station that states it has to be available 24/hours a day. **Police Chief, Krause** suggested using the parking lot by the dentist office or Carver Park which has plenty of parking and space available. **Council Member, Thomas** asked if locating the Farmers Market at Carver Park hadn’t been previously discussed and it was determined to not be conducive since it is not ADA accessible. **Cathy Rogers** (Black Book) said that she would take responsibility for any parking issues that may come up by using the parking lot across from Big C Lumber. **A Motion was made to approve the blocking of the municipal parking lot across from Big C Lumber on Thursdays from Noon to 10:00 pm for the Farmer’s Market beginning on June 2, 2022 for 18 consecutive weeks. Moved: Newquist Supported: Hinman Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**

- **NEW TUBE HEATED FURNANCE for the WATER FILTRATION PLANT:** **Village Manager, Faulkner** reported that the furnace needs to be replaced at the Water plant. He got (2) quotes as follows: Don Hatfield Heating & Cooling - \$5,640.00 and Boelcke Heating Company - \$4,870.00. It was agreed that the Village should go with the lowest bid – providing that the warranties with Boelcke are the same as Don Hatfield’s. **Faulkner** will confirm this prior to placing the order. **Moved Graziano Supported: Ream Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith MOTION CARRIED.**
- **DDA ORDINANCE #227 – AN ORDINANCE TO INCREASE the NUMBER OF BOARD MEMBERS:** There was discussion about increasing the number of members on the DDA board and an Ordinance was drafted for this purpose to be presented tonight. However, it was determined that this was premature since the DDA has not even voted on this matter. **Council Member, Graziano** said that if the DDA hasn’t even discussed this and voted on it, why did this ordinance even get created and brought to the Council for a vote – why was it placed on the agenda, who authorized moving forward with it? **Council Member, Newquist** stated that DDA should not add members to the board just because additional business owners requested it. **Council Member, Hinman** said several months ago the DDA had talked about it but he agreed that it had not been directed by a vote of the DDA to move forward with an Ordinance to make the change. **Audience member, Pauly** said that this is not something that should have been on the agenda and discussed tonight. He did not understand how this even happened. **A Motion was made to table the approval of DDA Ordinance #227. Moved: Hinman Supported: Thomas Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- **APPROVAL for the PURCHASE of TWO (2) COMPOSITE SAMPLERS:** At last month’s meeting it was reported that the results of a second-round of wastewater testing revealed that a potential release involved some high volume that might have surcharged areas of the sewer. This was determined to be in a location just north of Kruger Road. **Village Manager, Faulkner** reported that upon further investigation of that building that no drains were located, and no leakage was seen at Location #2. The Village is still trying to determine where the “over limit” waste is coming from. By contracting the testing services out it is very costly.

**Faulkner** would like to have the Village conduct their own sampling tests and therefore recommends purchasing two (2) composite samplers for that purpose. **Council Member, Ream** asked if it is possible to just test an individual user on the system – the answer is “no”. Council would like to try a composite sampler to see if it meets our needs before committing to the purchase of a 2<sup>nd</sup> sampler. **A Motion was made to approve the purchase of one (1) composite sampler and one (1) replacement bottle and battery and charger from HESCO for \$4,024.38. Moved: Graziano Supported: Thomas Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**

- **PLANNING COMMISSION UPDATES:** **Council Member, Newquist** reported that the Planning Commission has one (1) opening on the Board. In their discussions, it was asked if the Village needs to consult with a marijuana attorney to determine if our Ordinance needs to be changed to reflect/match what the State says. Our Ordinance says 150 plants for a micro-business, the State says they can have up to 300 plants. However, a micro-business of either class does have to grow what they sell. She further reported that a small committee is looking over zoning requirements to see how they relate to housing needs in the area and would like to add three (3) Council members, Smith, Graziano and herself to the discussion. Items to consider, for example - the current minimum square footage is 1,250 with a limit of 40% of coverage of the lot. Can the Village look into reducing the square footage requirements? How about allowing 2-family units everywhere in the R-1 district; consider modifying the requirements for ADU's; consider limiting short-term rentals to a maximum of 20% and raise the annual fees.
- **PARKS & RECREATION BOARD:** **Council Member, Ream** reported that the Board is working with an “Intern” this summer who will provide guidance for the Park’s Master Plan and make suggestions for improvements to the Parks. **Ream** said that the Parks & Rec survey is on-line and they have had a great response so far. They are holding a community outreach on Saturday, May 14 from 1 pm to 4 pm at Carver Park to answer questions about the Five-Year Park Plan and to promote the survey. **Ream** reported that the Pokagon grant for Watkins Park was denied because the Park’s Master Plan had expired and the State grant is void because of the lapsed plan.
- **DDA BOARD:** **Council Member, Hinman** reported that discussions mostly centered on the upcoming Farmers Market. He said that fund raising is going well and that the number of vendors will be capped at 30 due to space availability.
- **PUBLIC SERVICE COMMITTEE:** **Village Manager, Faulkner** reported that preparation is being done for Flag Day weekend, such as getting the Veterans banners up, securing enough traffic cones and police reserves for the weekend. **Faulkner** met with Larry Shawver out at Hoadley Trail to discuss the availability of \$1,500 for upgrades to the trail. **Dan** also reported that the leaf vacuum truck will need some repairs and that there are open positions in the Police and Water & Sewer departments.
- **RE-DEVELOPMENT READY COMMITTEE (RRC):** **Council Member, Newquist** said that the new website is ready to go “live”.
- **ZONING BOARD of APPEALS (ZBA) MEETING:** **Council Member, Kramer** reported that the ZBA met on April 28<sup>th</sup> to consider a variance request from Mellow Valley. The Village’s ordinance states that there must be a 10’ planting area – they only have room for 8 feet. The ZBA approved the variance request of 8 feet.
- **VILLAGE MANAGER’S REPORT:** **Village Manager, Faulkner** reported that he and his wife will represent the Village at the Blossomtime’s “Mayors” dinner; that the Parks & Recreation Board is working with an Intern this summer; that Cherry Street, Nels Drive and

the end of Tulip are on the schedule now for milling and resurfacing this summer, and that work has started on budget amendments.

- **VILLAGE PRESIDENT'S REPORT:** **Village President, Smith** is looking forward to the start of the Farmers Market this summer. He recognized all mothers in celebration of Mother's Day this past Sunday. He also reported that some new "No U-Turn" signs have been put up.
- **COUNCIL REMARKS:** **Council Member, Graziano** asked how long the agreement was in place with the car-charging station. **Faulkner** replied that it is for seven (7) years. **Graziano** asked if it could be modified to allow for the Farmers Market to be held on Oak Street. **Council Member, Newquist** reported that there was a good turn-out for the "Makers & Merchants" mixer that was held at the Acorn Theatre on May 5<sup>th</sup>. **Council Member, Hinman** wanted to clear up any confusion and clarify that the Three Oaks Community Bulletin is not run by the Village – it is a separate entity run by volunteers.
- **AUDIENCE REMARKS:** **Audience member, Tom Pauly** said that Art Attack was a huge success with record-breaking sales. He also asked that if this building is purchased by the Village if Council would consider doing away with the side driveway and extend Chamberlain Path into that area. He also said that the downtown "public" trash cans are not regularly picked up and he asked when the 3 Oaks signs are going up on US 12. **Council Member, Newquist** replied that it is "beyond ridiculous" that they are not up yet, and **Council Member, Graziano** also asked why they were not up yet. **Village Manager, Faulkner** said that the DPW department will put up at least one (1) of the signs by Memorial Day.
- **MEETING ADJOURNED AT: 8:47 pm**

Submitted by:

Cynthia E. Moynihan  
Three Oaks Village Clerk  
Minutes for the 05-11-22 Council Meeting  
Were **APPROVED** at the 06-08-22 Council Meeting