

VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 06-14-23
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, Three Oaks, MI.

Pledge of Allegiance: Yes

Roll Call: Present: Niemzyk, Kramer, Thomas, Hinman, Jones, Ream, Smith
Absent: None

Council Member, Jones asked that Item #15 be removed from the Agenda (short-term rental report) – it will be addressed during the Planning Commission update report. **A Motion was made to approve the agenda after Item #15 is deleted. Moved: Thomas Supported Hinman Ayes: 7 Nay: 0 Absent: 0 Abstain: 0 Motion Carried.**

PUBLIC COMMENT: Audience Member, Andrew Ladd & Daniel Corbey each would like to speak on the recently deleted Agenda item #15 (short-term rentals) at the appropriate time during the Planning Commission report on short-term rentals.

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 05-10-23. Approval of the Police Dept's report and the Building Inspector's report for May, 2023. Approval of Invoices to be paid in June (\$91,296.19). Approval of Disbursements made in May, 2023 (\$46,809.12) and Approval of Payroll as paid for May, 2023 (\$54,411.95). **Council Member, Hinman** asked that the "Budget Workshop" item be removed from the minutes -that was from the April meeting. **Council Member, Jones** asked about the \$850 bill from Siegfried Crandall for assistance with bank reconciliations. Wanted to know if the bank recs were now up-to-date – would there be any further bills from them – why was outside assistance still needed Village Hall? **A Motion was made to approve the Consent Agenda (minus the "Budget Workshop" entry on the 04-12-23 Council Minutes) as presented by Village Manager, Faulkner. Moved: Hinman Supported: Kramer Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**

- **RESOLUTION #06-2023-01- A RESOLUTION TO APPOINT THERESA M. SCHMALTZ as CLERK.** After reviewing resumes and holding interviews for the Clerk's position, the hiring committee decided that a good candidate already existed in the office - Treasurer, Theresa Schmaltz. She was willing to move into the position and eager to take on new responsibilities. Council discussed re-posting the job for the Treasurer's position. In the meantime, Theresa will begin training for the Clerk's position and will assume duties for both positions until the Treasurer's position is filled. **Council Member, Jones** asked if she will be removed from the bank signatures if she is appointed as Clerk. Per **Village Manager, Faulkner, "yes."** **Village Manager, Faulkner**

and **Council President, Smith** support the appointment of Theresa to the Clerk's position. **A Motion was made to approve Resolution #06-2023-01, a Resolution to appoint Theresa M. Schmaltz to the full-time Clerk's position effective on July 1, 2023 with a pay rate of \$23.50 per hour. Moved: Thomas Supported: Hinman Aye: Niemzyk, Kramer, Thomas, Hinman, Jones, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**

- **OKTOBERFEST STREET CLOSURES REQUESTED: Gail Freehling**, President of the RV Mustangs Foundation, Inc. and a OktoberFest committee member reported that the committee had come before Council in December of 2022 to get approval to hold Oktoberfest on September 30th and October, 2023, but have now realized that perhaps the road closures to hold the festival were not properly addressed. Elm Street, between Central Avenue (south of the tracks) to Linden Street will need to be completely closed for the entire two (2) days of the festival. **Freehling** said that the Berrien County Sheriff's department has agreed to provide over-night security of the premises. **Village President, Smith** asked if the business owners that will be affected by the closures were aware of this. **Freehling** replied "no. It was decided to table this decision until business owners could be contacted and the Village received their feedback on the street closures affecting them.
- **APPOINTMENT to the PARKS & RECREATION BOARD: Village President, Smith** reported that Stacey Koziel has stepped down from the Parks & Recreation Board which has created an opening. **Smith** recommends the appointment of Ira Johnson to replace Stacey. Ira will complete Stacey's term which ends in November, 2025. **A Motion was made to appoint Ira Johnson to the Parks & Recreation Board with his term ending in November, 2025. Moved: Jones Supported: Kramer Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- **PROPOSAL from PEERLESS MIDWEST for WELL #3 REBUILD for \$32,860.00:** It has been almost 10 years since the pump and motor in Well #3 were overhauled. Peerless prepared an extensive proposal to address all the work that needs to be done at Well #3. **A Motion was made to accept the proposal from Peerless Midwest for the pump and motor rebuild at Well #3 for \$32,860.00 Moved: Kramer Supported: Thomas Aye: Niemzyk, Kramer, Thomas, Hinman, Jones, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **PROPOSAL for ROOF REPLACEMENT at WELL #5:** A Motion was to accept the proposal from DWB Construction LLC in the amount of \$3,353.00 for the roof replacement at Well #5. **Moved: Hinman Supported: Jones Aye: Niemzyk, Kramer, Thomas, Hinman, Jones,**

Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.

- **PROPOSAL from WIGHTMAN for the BIENNIAL HICKORY STREET BRIDGE INSPECTION in the AMOUNT of \$2,475.00:** The bridge inspection does not need to be done until November, 2023, but Wightman is seeking approval of the contract for their services at this time. **A Motion was made to accept the proposal from Wightman in the amount of \$2,475.00 for the Hickory Street bridge inspection scheduled for November, 2023. Moved Thomas Supported: Ream Aye: Niemzyk, Kramer, Thomas, Hinman, Jones, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **2nd ROUND for the SPARK GRANT APPLICATION for WATKINS PARK IMPROVEMENTS – RESOLUTION #06-2023-02:** Council Member, Ream (liaison to the Parks & Recreation Board) reported that they are ready for the 2nd round of the Sparks Grant and will re-submit the grant application in the amount of \$535,000.00 for Watkins Park improvements. There is not a “money-match” included in the application. **A Motion was made to approve the submission of the Sparks Grant application during the 2nd round for Watkins Park improvements in the amount of \$535,000.00 with no money match. Moved: Jones Supported: Hinman Aye: Niemzyk, Kramer, Thomas, Hinman, Jones, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED**
- **ORDINANCE #229 – AN ORDINANCE to AMEND ORDINANCE #211:** It was discussed that the zoning ordinance needs to be amended to establish two (2) new sections – Section #6.206 “Standards for Site Plan Approval” and Section #4.108 “Clear Cutting Permit”. **A Motion was made to adopt Ordinance #229, an Ordinance to Amend Ordinance #211. Moved: Ream Supported: Hinman Aye: Niemzyk, Kramer, Thomas, Hinman, Jones, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **DONATION of OAK BARRELS by JOURNEYMAN DISTILLERY to the VILLAGE of THREE OAKS:** Council Member, Ream, (liaison to DDA) reported that Journeyman Distillery has reached out to the Village offering the donation of oak barrels that can be repurposed as trash cans for use in the downtown areas and in the Parks. These can be painted or stained and will save the Village/DDA lots of money as the cost for individual trash cans are over \$500 each. **Audience Member, Tom Pauly** asked if the barrels were totally open on the top, if so, could the inserts be purchased with tops on them to enclose the receptacles? These would unify the look of the trash receptacles around town. **Council Member, Ream** said that the DDA has approved up to \$1,300.00 for the purchase of the inserts. **A Motion was made**

to accept the donation of oak barrels from Journeyman Distillery to repurpose as trash receptacles for the downtown and Parks areas. Moved: Ream Supported: Hinman Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.

- **SET DATE FOR PUBLIC HEARING and SPECIAL MEETING FOR LEVYING an ADDITIONAL MILLAGE RATE of .8430 MILLS. RESOLUTION #06-2023-03.** A Public Hearing must be held to receive testimony and discuss the levying of a “proposed allowable additional millage rate” of .8430 mills for the Village’s 2023 fiscal year. A Resolution to set the date and time for this Public Hearing along with the publication of such notice to be in the newspaper no fewer than six (6) days prior to the public hearing needs to be approved. **A Motion was made to approve Resolution #06-2023-03 to hold a Public Hearing at 6:00 pm on Thursday, June 29, 2023 for the purpose of receiving testimony and discussing the levy of an additional millage rate of 0.8430 mills on property taxes for the Village’s 2023 fiscal year. This notice will be published no fewer than six (6) days prior to June 29, 2023. Moved: Jones Supported: Thomas Aye: Niemzyk, Kramer, Thomas, Hinman, Jones, Ream, Smith Nay: None Absent: None Abstain: MOTION CARRIED.**
- **PLANNING COMMISSION UPDATE:** Council Member, Jones gave a brief synopsis of the Short-Term-Rental (S-T-R) report highlighting main concerns that had been brought to their attention by residents. Five (5) meetings had been held along with research activities and a survey covering the economic effects of S-T-R on a municipality; burdens that may be placed on Village resources; impacts of S-T-R’s on housing costs, property values and net tax revenue, along with the quality of life for residents. A cap has already been placed on new rentals, along with a recommendation to establish a waiting list for potential new permits, and the increasing of the application fee to help offset the lost revenue due to the loss of full-time residents. **Audience Member, Andrew Ladd** said that a “cap” is not an ideal situation and he has concerns about the cap that was imposed. He said it will have some adverse effects and impact on the market. **Audience Member, Daniel Corboy** said he was dismayed upon finding out that the “window” was closed for accepting new S-T-R applications. He had been attending the S-T-R meetings – did not know that the cap was going to be placed in effect – did not feel that the communication channels were effective – can he appeal his request for an application? **Council Member, Ream** said that there was a published notice about the Public Hearing regarding the cap on S-T-R’s. Once it was passed, there were 20 days available for homeowners to come in and apply for a S-T-R permit before the window was officially closed. Many people took advantage of this time to apply. **Council Member, Jones** then also reported that the Planning

Commission met with the owners of Hidden Harbor apartments who intends to replace the building that burned down a couple of years ago. They intend to re-build with townhomes - (2) triplex units and (1) duplex unit. There are sufficient parking spaces already available. The Planning Commission liked what was presented to them by Hidden Harbor – it will be a great project and bring some much needed housing into the Village.

- **PARKS & RECREATION BOARD:** **Council Member, Ream** (liaison to the Parks & Recreation committee) reported that they have hired Aiden Sullivan as a summer intern to assist with grants and development of plans for improvements at the Parks. Aiden was in the audience and was introduced. Ream also said that they are looking for bids for gazebo repairs at Dewey Cannon Park.
- **DDA BOARD:** **Council Member, Hinman** (liaison to DDA) said that the Farmers Market had a good kick-off to the season; that the Spring Stroll went well, and that the DDA changed their July meeting date to July 12th.
- **PUBLIC SERVICE COMMITTEE:** **Village Manager, Faulkner** said that the meeting was held on June 2, 2023. **Police Chief, Krause** had reported that he has a person interested in attending the Police Academy. **Faulkner** also said there was discussion about sidewalks.
- **ZONING BOARD of APPEALS (ZBA):** **Council Member, Kramer** (liaison to the ZBA board) reported that there is a meeting coming up on Monday, June 19, 2023 to discuss (2) zoning variance requests.
- **VILLAGE MANAGER's REPORT:** **Village Manager, Faulkner** reported that AEP is having an open house on June 28th about their project of re-locating power lines. He reported that Cherry Street, (which was just re-paved last year) has already started to crack. Reith Riley will come out to assess the problem and determine how to correct it. The water CCR report is complete and has been mailed; the spring sewer discharge is finished and the report is complete and submitted to EGLE. Regarding the DWAM program, the bid package will be ready to go in a few weeks – Wightman is handling this. **Faulkner** also reported that Attorney Hilmer's hourly rate is increasing by \$25 an hour to \$190/hour effective July 1, 2023.
- **VILLAGE PRESIDENT's REPORT:** **Village President, Smith** gave a shout-out to Dyane Thomas-Niemzyk for her commitment in the organization of Flag Day weekend; to Clay & Nate for setting up and removing the blockades as needed and for Chief Krause in providing additional police assistance. **Smith** said that it was a great Flag-day weekend!
- **COUNCIL REMARKS:** **None.**
- **AUDIENCE REMARKS:** **Audience Member, Dennis Wojtczak** commented on the issue of sidewalks – he proposes that the Village pay 50% and the homeowner pay 50% of the cost of installing a new sidewalk in front of their

property. If the costs are too great, they perhaps could pay it in installments over 5 to 7 years. He is tired of hearing about sidewalks that lead to nowhere as an excuse for not putting in a sidewalk. **Audience Member, Tom Pauly** mentioned that since the Village is considering naming the municipal parking lots, maybe they could use “colors” to name them?

- **MEETING ADJOURNED AT: 8:28 pm**

Submitted by:

Cynthia E. Moynihan
Three Oaks Village Clerk
Proposed Minutes for the 06-14-23 Council Meeting