

**VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 08-09-2023**

**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: Niemzyk, Kramer, Thomas, Hinman, Jones, Ream, Smith Absent: 0**

**A Motion was made to approve the agenda as presented by Village Manager, Dan Faulkner.**

**Moved: Thomas Supported: Niemzyk Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**

**PUBLIC COMMENT: Audience Member, Tom Pauly** wanted information on Agenda item #11 (Discussion – Marihuana Ordinance Amendment). **Audience Member, Daniel Milsk** also wanted to know more about Agenda item #11.

**CORRESPONDENCE: Village Manager, Dan Faulkner** presented an email from a resident with concern about the Villages policy with shut off notices. **Council Member Jones** said if she set up auto-pay she wouldn't be late. **Council Member Ream** said that using USPS mail is what are supposed to do.

**APPROVAL of the CONSENT AGENDA to INCLUDE:** Approval of the Minutes of the Regular Council Meeting held on 07-12-23. Approval of Invoices to be paid in August (\$34,842.84), and Approval of Payroll as paid for July, 2023 (\$38,194.50). Approval of the Police Department and Building Inspector's Reports. **Council Member, Jones** wanted the 07-12-23 Regular Meeting Minutes to say "on the North side of Tulip but not on the South side of Tulip." **Village Manager, Faulkner** stated that in the Council packet, there is a report of bills that were paid in July 2023. Moving forward open invoices, and invoices to be approved. **A Motion was made to approve the Consent Agenda as presented by Village Manager, Faulkner. Moved: Thomas Supported: Niemzyk Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**

1. **SEWER ORDINANCE AMENDMENT: Attorney George Davis, with Davis and Davis** TO REPEAL EXISTING CHAPTER 51 ("SEWERS") OF TITLE V ("PUBLIC WORKS") OF THE VILLAGE OF THREE OAKS CODE OF ORDINANCES, AND TO ENACT A NEW CHAPTER 51 ("SEWER USE AND PRETREATMENT") OF TITLE V ("PUBLIC WORKS") OF THE VILLAGE OF THREE OAKS CODE OF ORDINANCES, TO REGULATE THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, SEWER INSTALLATIONS AND CONNECTIONS, AND DISCHARGES OF WASTEWATER AND POLLUTANTS INTO THE VILLAGE'S PUBLICLY OWNED TREATMENT WORKS ("POTW"); TO REQUIRE PRETREATMENT OF NONDOMESTIC WASTES BY USERS OF THE POTW; TO PROVIDE FOR USER PERMITS AND MONITORING AND REPORTING REQUIREMENTS FOR USERS; AND TO PROVIDE FOR ENFORCEMENT, PENALTIES, AND OTHER RELIEF FOR VIOLATIONS. **Council Member Jones,** wanted to know in the codification of ordinances, shouldn't it reference a specific ordinance. **Attorney Davis,** said we are repealing Chapter 51 – once it is codified, all ordinances are grouped together. **Audience Member, Martin Labine** asked where can we review the Ordinance. **Village Manager, Faulkner** said it will be on the website and a copy can be picked up at Village Hall. Once the Ordinance is approved, we will send to American Legal to add to the current Ordinances on the website. **A Motion was made to Amend the Sewer Ordinance. Moved Kramer Supported: Niemzyk Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**

2. **BERRIEN COUNTY FOUNDATION GRANT – THREE OAKS MUSEUM \$7,500** **Village Manager, Dan Faulkner,** reported that the Village co-sponsored an application with the Three Oaks Museum. Berrien County presented the check to the Museum.

**ORDINANCE AMENDMENT – APPROVAL OF ZONING ORDINANCE AMENDMENT SECTION 2.403 – ACCESSORY DWELLING UNIT, APPROVAL OF ZONING ORDINANCE AMENDMENT SECTION 2.203 – TABLE 2 PERMITTED USES BY DISTRICT, APPROVAL OF ZONING ORDINANCE AMENDMENT SECTION 2.401 – ACCESSORY BUILDINGS IN THE R-1 DISTRICT, SECTION 2.402 ACCESSORY BUILDINGS IN OTHER THAN THE R-1 DISTRICTS, SECTION**

**6.205 AMENDMENT FINAL SITE PLAN REVIEW, SECTION 6.306 AMENDMENT EFFECTIVE DURATION (SLU) SPECIAL LAND USE REVIEW:** Village Manager, Faulkner wanted a recommendation from the Planning Commission. Council Member, Jones said it is a small portion of the ordinance. It has been expanded and made more specific (garage etc. cannot be used as overnight housing). **A MOTION WAS MADE TO APPROVE ZONING ORDINANCE AMENDMENT SECTION 2.403 – ACCESSORY DWELLING UNIT, APPROVAL OF ZONING ORDINANCE AMENDMENT SECTION 2.203 – TABLE 2 PERMITTED USES BY DISTRICT. ZONING ORDINANCE AMENDMENT SECTION 2.401 – ACCESSORY BUILDINGS IN THE R-1 DISTRICT, SECTION 2.402 ACCESSORY BUILDINGS IN OTHER THAN THE R-1 DISTRICTS, SECTION 6.205 AMENDMENT FINAL SITE PLAN REVIEW, SECTION 6.306 AMENDMENT EFFECTIVE DURATION (SLU) SPECIAL LAND USE REVIEW. MOVED: JONES SUPPORT: HINMAN** Roll Call: Niemzyk, Kramer, Thomas, Hinman, Jones, Ream, Smith Aye: 7 Nay: 0 Absent: 0 Abstain: 0

3. **POLICE AND FIRE EXPLORATION – RESOLUTION #08-2023-01:** Police Chief, Carl Krause said he is not 100% on board. It is a feasibility study and it should be two separate entities. We will still be understaffed and we will likely lose our identity. The Three Oaks Township has reviewed a similar resolution, and New Buffalo Township is not on board. The Pokagon Fund will be funding the study, and they have asked that we provide (2) officials. Village President Smith and Council Member Niemzyk volunteered.
4. **SHORT TERM RENTAL FEES – RESOLUTION #08-2023-02:** Village Manager, Dan Faulkner amended fees for Short Term Rentals. \$150 for the inspection, and \$500 for the General Fund. Council Member, Ream agreed that to raise the fees would be reasonable and allow us to staff someone part-time to enforce ordinances. It would be an annual inspection.
5. **DISCUSSION – MARIJUANA ORDINANCE AMENDMENT:** Council Member, Ream suggested to remove limits on the number of cannabis business in the Village – it would be consistent with what the Township has already approved. Council Member, Kramer asked if we would need to go through the screening process again. Audience Member, Daniel Milsk commented that he didn't believe that just because one license isn't active, we shouldn't go against the initial opinion. Audience Member, Tom Pauly agreed that we have licenses not being utilized. Council Member, Ream believes that the process needs to be rewritten. Audience Member, Martin Labine commented now that there isn't a school, the town could grow with all the licenses. Council Member, Jones said that Marijuana can only be in commercial areas. Zoning restricts to U.S. 12, and they cannot be within 500 feet of each other. Council Member, Thomas stated that she would like more detail on Green Koi and for them to have a plan in place. Village Manager, Dan Faulkner stated that Green Koi has reached out to us, and it is still a discussion. The discussion will be tabled until September Council Meeting.
6. **DISCUSSION – PLAQUE LOCATION APPROVAL:** Village President, Richard Smith said that the Parks and Rec. Committee has purchased a special plaque to honor Bryan Volstorf for his many years of service with the Apple Cider Century. Council Member, Ream stated that it would be on the Southwest Quadrant of the Dewey Cannon Park, and that we will need to have DPW make sure it will work, avoiding trees. Council Member, Niemzyk said that we will mount the plaque. **A Motion was made to approve the plaque location of the Southwest Quadrant of Dewey Cannon Park. Moved: Hinman Supported: Ream Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
7. **PLANNING COMMISSION UPDATES:** Council Member, Jones - NONE Meeting was cancelled.
8. **PARKS & RECREATION BOARD:** Council Member, Ream reported that there is a plaque going in Dewey Cannon Park. Still waiting to hear back on the Sparks Grant to make improvements to Watkins Park. They are currently looking at improvements for Dewey Cannon

Park specifically a bathroom. The next step would be to talk to the DDA. The Autumn Stroll is also a topic.

9. **DDA BOARD: Council Member, Hinman** reported that the DDA approved the budget for the next Fiscal Year. Journeyman has 12-15 barrels to use for rubbish cans on North and South Elm. Way Finding Maps are still being discussed. Located at Driers, Vickers, and Chamberlain. They have a few Façade applications to go through (grant program for up to \$5,000 for business owners). Gavin Gray will be donating a bench or a tree in honor of Sharon Christner.
10. **PUBLIC SERVICE COMMITTEE: Village Manager, Faulkner** reported that they discussed golf carts, park signs, and alcohol in the park. Golf carts are not permitted on the road – you may receive a ticket. It must be plated with insurance and turn signals etc. We will put out a bulletin to enforce. Parks and Rec., discussed alcohol in the park which is not allowed. There are concerns about people parking close to the trees. DDA alley project looking into grants (streets and sewer). Storm Drains – Thank you to the group of individuals on the North side of town that helped clean drains and swept curbs. Water/Sewer – We hired Joseph Fender, who will be starting in two weeks. He will work with Matt Lindsey in the water/sewer department, and in the streets if needed.
11. **ZONING BOARD of APPEALS (ZBA): Council Member, Kramer – NONE** Meeting was cancelled.
12. **VILLAGE MANAGER's REPORT: Village Manager, Faulkner** reported that we hired Tracy Jones as a Utility Billing Clerk. She will be helping Theresa out with water bill payments/bills. She will be part-time and will learn the aspects of the office. They discussed Public Safety combining with Police and Fire. Faulkner met with Abonmarche along with John Kramer, to discuss the resurfacing of North and South streets. Kramer saved us money on the ramps due to his knowledge of concrete. CMAQ – because the price of concrete is increasing, we will need to ask CMAQ for more money. We attempted to reduce the width of the sidewalk to stay within the budget. **Council Member, Jones** asked if it had to be concrete. **Village Manager, Faulkner** stated that we would need to ask CMAQ. Property Taxes - \$110,000 currently collected. Community Garden – The question has been asked if the Village would like to acquire the Community Garden. We would be the owners. Volunteers would still need to maintain. Water/Sewer bills range between \$80-\$100. We replaced the roof on Well #5. US 12 Yard Sale is this upcoming weekend. 21 N. Elm closing- tentative meeting scheduled for next week Wednesday, with First American Title in Union Pier.
13. **VILLAGE PRESIDENT's REPORT: Village President, Smith** wanted to thank residents that helped clean out storm drains. Smith wanted to remind residents when mowing, raking, or cutting brush to please be sure debris stays on the tree lawn. It does not go in the street. When it is pushed into the street, it can plug up the systems. DPW will pick up on brush day.
14. **COUNCIL REMARKS: NONE**
15. **AUDIENCE REMARKS: Audience Member, Mike Holfels** wanted to know if the walkway on US HWY 12 needs a guardrail since it is a pedestrian walkway. **Village Manager, Faulker** stated MDOT has reviewed the plans, and they have not mentioned a guardrail.
16. **MEETING ADJOURNED AT: 8:19 pm Moved: Thomas Supported: Hinman Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**

Submitted by:

Theresa Schmaltz  
Three Oaks Village Clerk

Minutes for the 07-12-23 Council Meeting Were **APPROVED** at the 08-09-23 Council Meeting