

VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 08-10-22

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: Kramer, Thomas, Hinman, Newquist, Ream, Smith

Absent: Graziano

A Motion was made to approve the agenda as presented by Village Manager, Dan Faulkner. Moved: Newquist Supported: Hinman Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

PUBLIC COMMENT: Audience Member, Debbie Weber would like to make a general comment at the end of the meeting.

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 07-13-22. Approval of the Police Dept's report and the Building Inspector's report for July, 2022. Approval of Invoices to be paid in August (\$69,428.03). Approval of Disbursements made in July, 2022 (\$41,521.88) and Approval of Payroll as paid for July, 2022 (\$44,418.56). A Motion was made to approve the Consent Agenda as presented. Moved: Kramer Supported: Thomas Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

A Motion was made at 7:04 pm to close the regular Council meeting and open the Public Hearing to receive comments regarding the request by Mellow Valley Cultivation for a Marihuana Grow (Class C) License. Moved: Thomas Supported: Hinman Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED. A Motion was made at 7:11 pm to close the Public Hearing and re-open the regular Council meeting. Moved: Hinman Supported: Newquist Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

****Note** - See separate "Public Hearing Minutes".**

- **UPDATE of ACQUISITION of COUNTY BUILDING at 21 N. ELM STREET: Village Manager, Faulkner reported that there is no update on the purchase of 21 N. Elm Street. Dan needs to re-schedule a meeting with the A & E Center regarding their lease with the Village for the building they are occupying at 14 Maple Street before proceeding with the purchase of 21 N. Elm Street from Berrien County.**
- **REQUEST for a MARIHUANA GROW FACILITY (CLASS C) LICENSE FROM MELLOW VALLEY CULTIVATION: A Motion was made to award a License to Mellow Valley Cultivation for a Class C Marihuana Grow Facility to be located at 6936 West U.S. 12 Highway, Three Oaks, MI. Moved: Ream Supported: Kramer Aye: Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: Graziano Abstain: None MOTION CARRIED.**
- **APPOINTMENT of DENNIS WOJTCZAK to the PLANNING COMMISSION: There is a vacancy on the Planning Commission due to the resignation of Henry Binswanger. There were (3) letters of interest received for this opening. Village President, Smith recommended the appointment of Dennis Wojtczak. A Motion was made to appoint Dennis Wojtczak to the opening on the Planning Commission (because of Henry Binswanger's resignation). Dennis's term will expire on 11-30-23. Moved: Ream Supported: Newquist Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**
- **REPORT by ANDREW RUDD from WIGHTMAN REGARDING an UPDATE on the HIGH STRENGTH WASTE SURVEY and the DRINKING WATER ASSET MANAGEMENT**

PROGRAM (DWAM): Andrew Rudd from Wightman reported that the first (2) rounds of the wastewater sampling that were done earlier in the year had very consistent results, however the State has requested that a third round be conducted to analyze “seasonality” usage. These tests will be done in approximately 30 days and will be able to capture the usage from the additional summertime tourists usage and the results are expected to be higher than the February samplings. There will be four (4) sites sampled over one (1) week. The quote from Trace Laboratories for this one (1) week of sampling is \$9,715.64. Andrew also reported that the Village was awarded a grant for \$236,000.00 for the Drinking Water Asset Management Program (DWAM). This is great news – it will help offset many of the expenses that the Village will incur over the next year. **A Motion was made to approve the third (3rd) round of wastewater testing by Trace Laboratories in the amount of \$9,715.64. Moved: Newquist Supported: Thomas Aye: Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: Graziano Abstain: None MOTION CARRIED.**

- **AGREEMENT with DAVIS & DAVIS (LAW FIRM) for LEGAL SERVICES in ORDER TO COMPLY with the ACO from EGLE, STATE of MICHIGAN:** Village Manager, Faulkner reported that he and Attorney Hilmer, in order to comply with the ACO from the State of Michigan will require additional, specialized help in order to support the requests from EGLE which includes updating our Sewer ordinance. **Attorney George Davis** of the law firm Davis & Davis has substantial experience regarding a range of environmental and municipal matters throughout the state and can assist with updating the Sewer ordinance and other requests from EGLE. His rate is \$150.00 an hour. **Council Member, Kramer** asked if Atty. Davis was a litigator. **A Motion was made to enlist the legal services of George Davis of the law firm Davis & Davis at the rate of \$150.00/hour in order to update the Sewer ordinance and assist with any other specialized services as needed for the ACO from EGLE (State of Michigan). Moved: Kramer Supported: Thomas Aye: Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: Graziano Abstain: None MOTION CARRIED.**
- **PROPOSAL from CLEAN EARTH in the AMOUNT of \$2,600.00 to TELEVISION SANITARY LINES:** Per Village Manager, Faulkner there is a need to televise approximately 660 feet of sewer lines. This video will then be attached to the GIS map that is being created for the Village. Clean Earth presented a proposal for \$2,600.00. **A Motion was made to accept the proposal from Clean Earth in the amount of \$2,600.00 to televise approximately 660 feet of sanitary sewer lines. This video will be attached to the GIS map for future reference. Moved: Newquist Supported: Hinman Aye: Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: Graziano Abstain: None MOTION CARRIED.**
- **REQUEST from JOURNEYMAN DISTILLERY for CLOSURE of STREET for the ANNUAL ISLAY’S BARREL BREWFEST on OCTOBER 15, 2022:** Ed Cunnif (on behalf of Journeyman Distillery) requested that Generations Drive (from the Wisner’s driveway to the Acorn Theatre) be closed from 6:00 am to 5:30 pm on Saturday, October 15, 2022 for the annual Islay’s Barrel Brewfest held by Journeyman Distillery. This is an annual charity event that benefits scholarships for children to attend summer camps. The actual event will be held from 12:00 noon to 5:00 pm. **A Motion was made to authorize the closure of Generations Drive from the Wisner’s driveway to the Acorn Theatre on 10-15-22 from 6:00 am to 5:30 pm for the annual Islay’s Barrel Brewfest charity event hosted by Journeyman Distillery. Moved: Ream Supported: Newquist Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**

- **REQUEST from JOURNEYMAN DISTILLERY to HOLD a 50/50 RAFFLE for the ANNUAL ISLAY'S BARREL BREWFEST on OCTOBER 15, 2022:** Ed Cunnif (on behalf of Journeyman Distillery) also presented a request for approval of a 50/50 raffle to be held at the annual Brewfest charity event on Saturday, October 15, 2022. This raffle helps to support the scholarship funds for children to attend summer camps each year. **A Motion was made to approve the request to hold a 50/50 raffle on 10-15-22 for the annual Islay's Barrel Brewfest charity event hosted by Journeyman Distillery. Moved: Newquist Supported: Hinman Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**
- **REQUEST BY POLICE CHIEF KRAUSE TO SCRAP the SEMI-TRAILER LOCATED at the SHOOTING RANGE:** Police Chief Krause reported that at the shooting range there is an old semi-trailer which is not usable. He would like to see if there is any interest in someone purchasing it (by bids) or to "scrap" it out. He wants it disposed of and removed from the property. **A Motion was made to allow the disposal of the old semi-trailer at the shooting range (by either purchase or scrapping). Moved: Ream Supported: Newquist Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**
- **REQUEST BY POLICE CHIEF KRAUSE TO PURCHASE a NEW 12' x 20' STORAGE SHED for use at the SHOOTING RANGE:** Once the old semi-trailer is removed there is a need for a storage shed at the shooting range. There is interest by other police agencies in replacing the semi-trailer with a 12' x 20' storage shed. These five (5) agencies are willing to contribute \$1,333.00 each to the cost of a new shed. Based on three (3) quotes that Chief Krause got, the entire cost of the shed along with ground preparation, delivery and set-up, should be right around \$8,500.00. With each police agency contributing \$1,333, (plus the Village), almost all the costs would be covered. The Village's DPW department could prepare the ground by bringing in dirt/sand to level it out in preparation of the new storage shed. **Audience Member, Tim Jarrett** offered carpentry services to assist the Village with the installation of the storage shed. **A Motion was made to approve the purchase of a new 12' x 20' storage shed for the shooting range at a cost not to exceed \$8,500.00. Moved: Hinman Supported: Kramer Aye: Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: Graziano Abstain: None MOTION CARRIED.**
- **PLANNING COMMISSION UPDATES:** Council Member, Newquist reported that work is resuming now at Goods & Heroes and that a ZBA meeting is scheduled for August 15th to hear a variance request from Farnan Farms regarding the placement of sidewalks at 7200 U.S. 12 Highway & Schwark Road. She said that Exclusive Healing still needs to put their sidewalk in and that S.W.MI Planning has completed their report on assessing all the sidewalks in the Village. They evaluated the condition of each sidewalk, noted where there are not any, and have prioritized which ones need work done on them first. **Newquist** further reported that the Planning Commission is reviewing zoning ordinances and discussing raising the annual Short-Term Rental fee to \$150 (from \$70). There are currently 53 registered rentals. They would like to form a committee to further study the issue of S-T-R's. **Council Member, Ream** stated that he would like to hire a part-time ordinance officer and that the S-T-R fees could be allocated towards that position. **Audience member, Debbie college for the fall** said that she loves Three Oaks, is happy that it is thriving, but is concerned with the growing number of short-term rentals in the Village. She suggested that the Village impose a moratorium against allowing any new short-term rentals for at least a year until the issue can be further studied. **Council** suggested that maybe the number of S-T-R's could be "capped". **Planning Commission, Chairman, Svebakken** would like to get the community's input on S-T-R's before any decisions are made. **Council** would like to get

an opinion from Attorney Hilmer at the September meeting regarding the possibility of either imposing a moratorium or capping the number of rentals.

- **PARKS & RECREATION BOARD:** **Council Member, Ream** reported that they are continuing to work jointly with the Township on the new 5-year Parks & Rec plan. They will be submitting a grant application in the spring for Watkins Park and Dewey Cannon Park. The Watkins Park plan will be a 3-phase plan. Aedan, the college intern has returned to school.
- **DDA BOARD:** **Council Member, Hinman** reported that the DDA mainly discussed their budget for the 2022-2023 fiscal year. They intend to improve signage around town, continue to improve the downtown landscaping areas and work on new projects such as installing speakers on light poles and a water refill station.
- **PUBLIC SERVICE COMMITTEE:** **Village Manager, Faulkner** reported that the PSC committee did not meet yet in August, so no report.
- **RE-DEVELOPMENT READY COMMITTEE (RRC):** **Council Member, Newquist** – no report.
- **ZONING BOARD of APPEALS (ZBA) MEETING:** **Council Member, Kramer** reported that there is a ZBA meeting scheduled for August 15th.
- **VILLAGE MANAGER’S REPORT:** **Village Manager, Faulkner** reported that on Friday, July 29th the sidewalk café seating space in front of (formerly Mooney’s) was backed into and damaged beyond repair. DPW staff removed it. DDA will discuss what they want to do with these seating areas going forward into 2023. Per Reith & Riley, they project that they will be in town the 2nd week of September to mill and resurface Cherry and Nells Streets. DPW is going to be replacing approximately 50 street signs. Burkholder will be completing the repair on the water leak on the corner of Maple and Hickory. Parts have been ordered – they are just waiting for them in order to begin the work. Trace Labs will be conducting the third (3rd) round of sewer sampling in the next few weeks. A proposal was presented to Council about hiring Attorney George Davis to help the Village with updating the Sewer ordinance and any other issues regarding the ACO by EGLE (State of MI).
- **VILLAGE PRESIDENT’S REPORT:** **Village President, Smith** said that there has been a good response from the public regarding the Farmers Market. He reminded Council that there is a Budget workshop set for Saturday, August 20th at 9:00 am and that the Parks & Rec Board has a budget workshop scheduled for August 22nd. There is a ZBA meeting on August 15th to consider a variance request. He encouraged everyone to enjoy the rest of summer as it was quickly passing.
- **AUDIENCE REMARKS:** **Audience Member, Dennis Wojtczak** asked if propane tanks are allowed in a back yard. **Audience member, Tom Pauly** said that I & M is replacing their meters with “smart meters”.
- **MEETING ADJOURNED AT: 8:23 pm**

Submitted by:

Cynthia E. Moynihan
Three Oaks Village Clerk
Minutes for the 08-10-22 Council Meeting
Were **APPROVED** at the 09-14-22 Council Meeting