

VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 09-13-2023

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

ADDITIONS: Council Member Hinman, removed Agenda item #4 (Social District). Council Member Jones asked to replace Agenda item #4 with Sidewalks.

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, Mike Holfels would like to comment on Agenda item #12 (Golf Cart Discussion), depending on what is said. Audience Member, Larry Shawver would like to comment on Agenda item #4 (Sidewalks) depending on what is said.

CORRESPONDENCE: None

APPROVAL of the CONSENT AGENDA to INCLUDE: Approval of the Minutes of the Regular Council Meeting held on 08-09-23. Approval of Invoices to be paid in September (\$200,832.09), and Approval of Payroll as paid for August, 2023 (\$37,117.53). Approval of the Police Department and Building Inspector's Reports. **Council Member, Jones** commented on the Invoice Report. Jones wanted to know why bills are being paid from a Revenue account. **Village Manager, Faulkner** will research. **A Motion was made to approve the Consent Agenda as presented by Village Manager, Faulkner. Moved: Jones Supported: Thomas Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**

4. SIDEWALKS: Council Member, Jones stated that in 2005 a Sidewalk Ordinance was adopted. In 2019, a Sidewalk Committee was formed and a report was submitted. In 2021 an independent study was done, and in 2022 Southwest Michigan Planning completed their study. Jones presented a funding option to use entire CD funds and \$50,000 from Marijuana monies to open a balance for sidewalk repairs/replacement. It would not cover the cost entirely, but be more attainable. Street accounts total \$982,000 per the 2022 audit, and since there weren't any projects complete in 2023, it increases the balance more. Sidewalk Ordinance 157 and 164 can both be enforced. A millage has been suggested, but Jones believes residents have already paid for the project with taxes and other fees. **Village Manager, Dan Faulkner** commented that the Village has committed to North and South Elm Projects and the Bridge Project already, and Lead Service Lines need to be addressed. He would like to see the money utilized toward the current projects and future project (Lead Service Lines). To use the Ordinance as it is written and enforce. Faulkner has researched sidewalks and prioritized what needs to be repaired. **Council Member, Ream** shared a concern of what a sidewalk bill would look like, what financial state it would put residents in. Faulkner said that Wightman will be identifying 25% of our service lines by 2025 for lead. It is the Villages responsibility to replace, and if we don't have the funds to cover the cost, we would need to take money from the General Fund. Another option is to borrow the money and increase water rates to fund it. Faulkner also stated that there is an option to complete an asset study to recommend funding options. **Council Member, Kramer** said that we do not need any more studies. Ream offered an option to start a sidewalk fund with Marijuana tax revenue. **Council Member, Hinman** said we could use CD interest and impose a Millage. **Audience Member, Larry Shaver** commented that the sidewalks represent the quality of the town, they are part of the infrastructure. He believes that a millage may need to be in place for Sidewalks or Lead Line replacement. **Audience Member, Shawn Murphy** recommended utilizing other people instead of a company to keep the cost down. **Council Member, Thomas** asked if Faulkner could list all projects including costs to see if there is any money left over. **Audience Member, Mike Holfels** asked if the bridge project is a grant or being paid for partially by the Village. **Village President, Smith** stated that we did receive a grant but it

is only construction costs. Hinman suggested letting the residents vote on it. **Audience Member, Colleen Froehlich** suggested a contract with a contractor over the course of 5 years, to lock down the cost. **Council Member, Kramer** said that contractors won't commit to that. **Audience Member, Tom Pauly** mentioned that trees need to be considered as an expense as well. Faulkner said that he will create a listing of projects, and that Sidewalks will be on the agenda for the October 2023 Council Meeting.

- 5. LEAD LINE SERVICE IDENTIFICATION BID RESULTS – WIGHTMAN (ANDREW RUDD):** **Audience Member, Andrew Rudd** stated the Village applied for a grant about a year ago, and \$145,500 was received. A bid was done in July, and after 4 bids were received, 3 came in very close and 1 was very high. Plummers Environmental is the recommended company that came in at \$137,535 – at which the entire cost would be covered. Rudd stated that he has not worked with them directly but has heard good things. The inspections that would be done would be complete in two parts, one inside, and one by the pit. It is required to do both sides of the pit. If lead is found inside or out, it needs to be replaced. There are a total of 165 inspections selected at random. **Village Manager, Faulkner** said that we mailed out letters to the random selected homes, notifying them of the inspections needed. **A Motion was made to approve the bid for Plummers Environmental as presented by Audience Member, Andrew Rudd. Moved: Hinman Supported: Kramer Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- 6. BREWFEST STREET CLOSURE REQUEST - JOURNEYMAN:** **Audience Member, Edward Cunniff** stated that on October 21, they would like to use Generations Drive from 6am – 5:30pm. The Brewfest takes place from 12pm – 5pm. Garbage cans will be placed for use, and they appreciate the Villages help. **A Motion was made to approve the Brewfest Street closure as presented by Audience Member Edward Cunniff. Moved: Ream Supported: Thomas Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- 7. TRICK OR TREAT – OCTOBER 28th 4-6PM:** **A Motion was made to approve Trick or Treat on October 28th from 4-6PM. Moved: Ream Supported: Jones Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- 8. FALL PICNIC:** **Village Manager, Dan Faulkner** said that we would like to schedule a time for lunch for the Village employees similar to what we did two years ago. We can select three dates and send out a survey.
- 9. LARGE ITEM PICKUP (OCTOBER 7th, 2023) – LAEKSHORE RECYCLING, MASONIC LODGE, AND THE LEGION:** **Council Member, Niemzyk** said the Legion would be able to have 6 – 8 people to help. **A Motion was made to approve the date for large item pickup as October 7th, 2023 Moved: Jones Supported: Thomas Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- 10. WAGE INCREASE FOR STAFF – PROPOSED START DATE OF OCTOBER 9th, 2023:** **Village Manger, Dan Faulkner** said that we budgeted an increase of 5% across the board, except for the Village Manager, and would like to consider it as a raise as in the past we have done COLA's. **Council Member, Jones** questioned the increase for everyone as the Village just had a new employee start a month ago. Faulkner stated that we have two new employees and would like the raise across the board equal, for everyone. **A Motion was made to approve the 5% wage increase for staff. Moved: Ream Supported: Hinman Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- 11. SET PUBLIC HEARING/SPECIAL MEETING DATE FOR 2023-2024 BUDGET AND 2022-2023 BUDGET AMENDMENTS:** Date of September 28, 2023 at 6PM. **A Motion was made to approve the date for a Public Hearing/Special Meeting for 2023-2024 Budget and 2022-2023 Budget Amendments. Moved: Jones Support: Thomas**
- 12. GOLF CART DISCUSSION:** **Village President, Smith** stated that he has seen them on the streets. He has talked with Three Oaks Ford, and they are considering renting them. Nothing currently says that we allow them, or don't allow them. **Council Member, Niemzyk** would like to pursue a resolution with some restrictions. He questioned if the State Police oversees an

Ordinance that is put in place. **Council Member, Ream** said that the State will enforce the Michigan Vehicle Code. He questioned how Three Oaks Ford would get across U.S. Hwy 12. **Village President, Smith** said they would trailer them across. **Council Member, Kramer** suggested to have them registered. Audience Member, Mike Holfels stated that he has a golf cart and that he does have liability insurance. He was told by the previous Police Chief to use common sense. Ream is concerned about enforcement. **Audience Member, Martin Labine** suggested considering electric bicycles. Smith is concerned about other electric/gas vehicles such as lawn mowers, side by sides etc. **Audience Member, Tom Pauly** mentioned there could be an abundance of golf carts within the Village. Smith would like Chief Krause's opinion. Topic will be tabled until the October 2023 meeting.

13. **PLANNING COMMISSION UPDATES:** **Council Member, Jones** said that there were three public hearings, (Big C, Re-zoning 10 W. Linden, and Amending Zoning Ordinance to align with Ordinance 157). They were all approved. Big C is moving forward. A capital Improvement plan was discussed and should be updated yearly.
14. **PARKS & RECREATION BOARD:** **Council Member, Ream** reported that they are 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.
15. **DDA BOARD:** **Council Member, Hinman** reported that they did not meet
16. **PUBLIC SERVICE COMMITTEE:** **Village Manager, Faulkner** reported that they did not meet.
17. **ZONING BOARD of APPEALS (ZBA):** **Council Member, Kramer** reported that they did not meet.
18. **VILLAGE MANAGER's REPORT:** **Village Manager, Faulkner** reported that Tracy is off to a great start. She has grasped the Utility Billing program and is entering in receipts on her own. She has been posting news and information on Facebook , answering the phone, and learning all aspects of the office. No updates on Public Safety. He received an email from Abonmarche that the latest plans and estimates for North and South Elm Streets are considered 90%-95% complete and can be submitted to MDOT to get the GI process started. CMAQ – submitted an email to ask for more funding, we are about \$150,000 off for the project. Taxes are due tomorrow without penalties and interest. ACO – the first round of permit applications with instructions went out this month. Wightman and I will work with each business to meet the needs of the new ordinance. DWAM – The Village mailed out 160 letters with a survey and permission to perform inspections on each property.
19. **VILLAGE PRESIDENT's REPORT:** **Village President, Smith** has been working with Township Supervisor Mangold and doesn't have any information at this time. It has been recommended to Park and Rec. There is a 2.25 acer plot. ACC will celebrate it's 50th Anniversary. On Friday September 22nd at 6PM there will be a plaque presented to Bryan Volstorf.
20. **COUNCIL REMARKS: NONE**
21. **AUDIENCE REMARKS:** **Audience Member, Mike Holfels** wanted more information on the Polic Department merge. Smith said they have not had a meeting yet. **Audience Member, Larry Shaver** wanted to know the decision on sidewalks. Smith said we will come back to the topic next month. Faulkner will provide a report of commitments at the next meeting. **Audience Member, Lynn Romero** verified that we post in the Harbor Country News. **Audience Member, Tom Flint** said that he is working with a group in Chickaming regarding the AEP conversation. Protectourtownships.org has a petition that could be signed. Ream believes it is important for the Village to have some oversight for a meeting. Smith said there will be an additional meeting and the date is to be determined. **Audience Member, Shawn Murphy** (313 S. ELM ST.) presented photos regarding a complaint about his fence and the Building Ordinance.

**22. MEETING ADJOURNED AT: 8:20 pm Moved: Thomas Supported: Jones Aye: 7 Nay:
0 Absent: 0 Abstain: 0 MOTION CARRIED.**

Submitted by:

Theresa Schmaltz

Three Oaks Village Clerk/Treasurer

Minutes for the 08-09-23 Council Meeting Were **APPROVED** at the 09-13-23 Council