

**VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 09-14-22**

**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: Hinman Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**

**PUBLIC COMMENT: Audience Members, Johnny Borden and Tina Wagner would like to make comments on Agenda Item #15 (short-term rentals).**

**CORRESPONDENCE: An email was received from the Michigan Dept. of Transportation (MDOT)) proposing upgrades to the sidewalk at the intersection of U.S. 12 Highway and Oak Street in order to meet ADA standards. The current sidewalk is slightly outside the existing MDOT right-of-way and in order to complete the work they need consent to grade the property within the park's property lines. The work is expected to take place in 2024, will take about 2 weeks to complete. MDOT will reseed and return the sidewalk area within Carver Park property to its original (or better) condition. A Motion was made to grant approval to MDOT to work on upgrades to the sidewalk (which is partially within Carver Park's property lines) at the intersection of U.S. 12 Highway and Oak Street in order to meet current ADA standards. Moved: Ream Supported: Kramer Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**

**Approval of the Consent Agenda to include: Approval of the Minutes of the Regular Council Meeting held on 08-10-22. Approval of Invoices to be paid in September (\$134,158.00). Approval of Disbursements made in August, 2022 (\$74,254.33) and Approval of Payroll as paid for August, 2022 (\$50,800.55). Approval of the Police Dept's report and the Building Inspector's report for August, 2022. A Motion was made to approve the Consent Agenda as presented. Moved: Newquist 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 a purchase agreement was presented by Berrien County to the Village for the purchase of 21 Elm Street. At a previous meeting, council members said that they would like to see a lease negotiated with the A & E Center for 14 Maple Street prior to the acquisition of 21 N. Elm Street. He reported that the current lease doesn't expire until February 28, 2025 so negotiations could not begin for a couple of years. Council then asked State Auditor, Derek Hall what his (financial) opinion is if the Village purchased this property. He stated that it depends on the Village's future plans – what their long-term goals are. The needed repairs and updates to the building are expected to exceed \$100,000.00. Upon purchase there would be no further rent payments to the County, but there would be increased monthly costs for utilities, insurance, cleaning, and general maintenance and upkeep. The building is valued at considerably more than the \$1 purchase price proposed by the County. Council will need to decide if there are viable spaces elsewhere within the Village limits that their offices could be re-located to if they do not purchase the building. It was decided to table the purchase decision until the October meeting.**

- **PRESENTATION of AUDIT RESULTS for the 2020-2021 FISCAL YEAR by STATE AUDITOR, DEREK HALL:** State Auditor, Derek Hall presented his findings on the audit for 2020-2021. He reported that the main hold-up on completing the audit was that bank reconciliations were not done timely because of turn-over in the treasurer's position. The problem was not a financial matter, but just procedural and it happens in other municipalities that experience job turn-over. He said that overall revenues exceeded expenses with only a couple of line items being over-budget. The General fund increased about \$150,000.00 and the (3) three Street funds (when added all together) basically broke even, even with taking into consideration road projects that had been completed. Governmental funds are in a solid position with the sewer fund increasing slightly and the water fund decreasing slightly. The Rubbish and Building funds also broke even. He did not advocate raising sewer or water rates at this time.
- **FARMER's MARKET – REQUEST by the DDA to CHANGE from THURSDAY to FRIDAY NIGHTS for the LAST (2) two MARKETS in SEPTEMBER:** Council Member, Hinman, (liaison to the DDA) said that the DDA is requesting that the Farmer's Market for tomorrow (09-15-22) be cancelled and that the remaining (2) two markets be moved to Fridays – September 23 and 30<sup>th</sup>, 2022 along with a time change of 3:00 pm to 7:00 pm. **Council Member, Newquist** asked if the Apple Cider Century Bicycle run would be impacted this change. **Faulkner** said that he would notify Big C Lumber about the change in dates if Council approves it. **A Motion was made to allow the cancellation of the September 15<sup>th</sup> Farmer's Market and to change the day from Thursday to Friday for the final (2) two markets to September 23<sup>rd</sup> and September 30<sup>th</sup>, 2022. Moved: Hinman Supported: Newquist Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- **SALE of the 1985 GREAT DANE SEMI-TRAILER:** At last month's meeting the purchase of a new 12' x 21' storage unit was approved for the shooting range and the semi-trailer currently located there was approved to be put out for bid and sold and removed. (2) two bids were received with the highest bid coming from Nick Kirk in the amount of \$505.00. **A Motion was made to approve the sale of the 1985 Great Dane Semi-trailer to Nick Kirk for the amount of \$505.00. Moved: Graziano Supported: Kramer Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- **SALE of the 2001 Ford F-250 PICK-UP TRUCK:** At last month's meeting it was approved to put out for bid the sale of the 2001 Ford F-250 pick-up truck. There were (3) three bids received with the highest bid coming from Colleen Froehlich in the amount \$789.00. **A Motion was made to sell the 2001 Ford F-250 Ford Pick-Up truck to Colleen Froehlich for the amount of \$789.00. Moved: Graziano Supported: Kramer Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- **MDOT PERFORMANCE RESOLUTION for MUNICIPALITIES:** This is an annual resolution required by the Michigan Department of Transportation (MDOT) for the "Use of State Highway Right of Ways". **A Motion was made to grant approval for the Performance Resolution for Municipalities which grants MDOT the "Use of State Highway Right of Way" for any work that may need to be performed within the Village limits. Moved: Thomas Supported: Hinman Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- **LARGE ITEM PICK-UP for RESIDENTS on SATURDAY, OCTOBER 8, 2022:** This is an annual event held and sponsored by Lakeshore Recycling and the members from the Masonic Lodge. It is all done by volunteers from the Masonic Lodge and by Lakeshore Recycling who donates their manpower and trucks at no cost to the Village or its residents. It is greatly appreciated! **A Motion was made to set the date of Saturday, October 8,**

2022 from 8:00 am to 12:00 noon for large item pick-up for residents (not commercial use) within the Village limits. Moved: Graziano Supported: Thomas Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.

- **TRICK or TREAT – SET DATE and TIME:** A Motion was made to set Trick or Treat for Saturday, October 29, 2022 from 4:00 pm to 6:00 pm. Moved: Graziano Supported: Thomas Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.
- **COLA/WAGE INCREASE for STAFF MEMBERS EFFECTIVE OCTOBER 9, 2022:** At the budget workshop held in August there was discussion of wage increases for employees in the new fiscal year. A Motion was made to grant 6% wage increases to the DPW staff; Water/Sewer staff; Police Officers/Crossing Guard and the Treasurer. An 8% wage increase was granted to the Police Chief and Clerk. Moved: Newquist Supported: Hinman Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED
- **SET PUBLIC HEARING and SPECIAL MEETING DATE to APPROVE the 2022-2023 BUDGET and the 2021-2022 BUDGET AMENDMENTS:** A Motion was made to set the date of Wednesday, September 28, 2022 at 7:00 pm to hold a Public Hearing and Special Meeting to hear comments for and approve the 2022-2023 Budget and the 2021-2022 Budget amendments. Moved: Ream Supported: Thomas Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.
- **RESOLUTION to INCREASE FEES for SHORT-TERM RENTALS:** Council Member, Newquist (liaison to Planning Commission) reported that the Planning Commission is recommending to the Council that Short-term rental fees be increased. They recommend that the fee be increased to \$100.00 for residents who rent out their own home and \$1,000.00 for non-homestead or corporation owned homes. She said that these fees could go towards paying the wages of an ordinance officer. Newquist said that the proposed fees would be similar to other municipalities, however Attorney Hilmer stated that applying two different rates based on type of ownership of the property may be considered discriminatory – it would not be a viable basis to establish different rates between owners vs. non-owners. Council talked about other options for setting the fee, such as frequency of rentals; the square footage of the home or the number of occupants allowed in the rental. However, this would be very difficult to monitor and determine. Audience member, Johnny Border said that the fee shouldn't be modeled after New Buffalo's rate, but perhaps base it as a percentage against the rental amount of the house – he wants to support the local owners and make it more feasible for them. Audience member, Tina Wagner said that she is happy to pay the larger permit fee. Audience member and Planning Commission Chairman, Gene Svebakken said the goal is to make it beneficial to local residents. Council member, Graziano said that the \$1,000.00 fee to “match up” with New Buffalo isn't logical – Three Oaks is not New Buffalo. Council member, Thomas suggested setting a “tiered” rate based on the number of occupants. It was decided that more research still needs to be done and this has been tabled until October's meeting.
- **PLANNING COMMISSION UPDATES:** Council Member, Newquist reported that Planning Commission had further discussion about accessory buildings; reviewing the Master Plan – considering a conservation ordinance which would include “best practices”. Planning Commission recommends creating a (7) seven-member committee (which will include (3) Planning Commission members) to review the Short-Term Rental ordinance and consider any necessary changes
- **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 setting a Public Hearing Date soon to allow the Public to give their input before the Master Plan is finalized and submitted.

- **DDA BOARD: Council Member, Hinman** reported that the DDA continued with their budget discussion and talked about allocating more money for the façade program.
- **PUBLIC SERVICE COMMITTEE: Village Manager, Faulkner** reported that the PSC committee met on September 09, 2022 and discussed various items such as: using stump grinding chips to mulch around the white oak tree in Dewey Cannon Park, changing the Farmers Market to Fridays (from Thursdays) road work to be done on Cherry Street – Nels Drive and Tulip Street in October and that the Leaf truck is out for repairs. He said that he has received an applicant for the Water/Sewer Superintendent position and that Michigan Rural Water Association is continuing to assist the Village with the lagoons at NO cost.
- **RE-DEVELOPMENT READY COMMITTEE (RRC): Council Member, Newquist** – no report.
- **ZONING BOARD of APPEALS (ZBA) MEETING: Council Member, Kramer** reported that at the August 15, 2022 ZBA meeting the board granted a variance to Farnan Farms to remove the requirement for sidewalks at 7200 West U.S. 12 Highway based on security concerns and because there are no sidewalks near them on U.S.12 to “tie into”.
- **VILLAGE MANAGER’s REPORT: Village Manager, Faulkner** reported that the Apple Cider Century bicycle run is scheduled for Sunday, September 25<sup>th</sup>; there is no update on the bridge grant application; the street projects have been delayed to October; the large item pick-up will be held on Saturday, October 8<sup>th</sup> and that the district Lions Club has given the Village permission to open the buildings in order to take inventory and pictures of the contents prior to deciding what can be done with the contents and the buildings. The final sing-along of the Harbor Country Singers will be held on Tuesday, September 27<sup>th</sup> at 6:30 pm on the out-door stage at the A & E Center at 14 Maple Street.
- **VILLAGE PRESIDENT’s REPORT: Village President, Smith** said that the 3Oaks Farmers Market has been a good success this year and that Fall is the best time of the year – enjoy it!
- **COUNCIL REMARKS: Council Member, Ream** stated that he felt that the annual fee for Short-term rentals should be a “flat rate”. He wants to see a justification for a reasonable rate increase. **Council member, Newquist** asked if the inspection fee was the same as the permit fee. Yes...the permit fee does cover the cost of the inspection prior to granting approval for the rental.
- **AUDIENCE REMARKS: Audience Member, Dennis Wojtczak** stated that in regards to buying the building at 21 N. Elm Street, asked if instead of buying and improving the building that Council use the money for improving the curbs, sidewalks, streets, sewer system – to fix our infrastructure with the money. **Audience member, Sharon Christner** said that regardless of the \$1.00 cost for the building that the remodeling costs could sky-rocket – she proposed using the money to upgrade the sewer and water systems to prepare for future growth. **Audience member, Pauly** said that there were garbage issues again in some of the downtown areas with cans are not being dumped prior to the weekends.
- **MEETING ADJOURNED AT: 8:40 pm**  
Submitted by:

Cynthia E. Moynihan  
Three Oaks Village Clerk  
Minutes for the 09-14-22 Council Meeting  
Were **APPROVED** at the 10-12-22 Council Meeting

