

VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 10-11-23

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, Hinman, Jones, Ream, Smith Absent: 1

ADDITIONS: Council Member, Joe Hinman requested to remove agenda item #5 (Social District).

Council Member, Lois Jones requested to replace agenda item #5 with a Sewer Tap in Fee discussion.

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

Moved: Hinman Supported: Jones Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

PUBLIC COMMENT: Audience Member, Ethan Del Stone from Green Koi commented on agenda item #4. He submitted a letter to Council with intent to have a landlord/tenant relationship with Humblebee and to open by the end of December. **Council Member, Tyler Ream** asked if Green Koi will be opening a dispensary. **Del Stone** confirmed that Humblebee would be opening the dispensary, as they are not owned by Green Koi. **Audience Member, Derek Norman** from Humblebee stated that they currently have dispensaries open in Michigan with no violations, fines, or anything restricting the license currently. They have hopes to be open by the end of December. **Ream** stated that per the Ordinance, Humblebee would need to apply for a SLU permit to the Planning Commission. If Planning Commission approved the permit, they would need to apply for a Cannabis License from the Village of Three Oaks. **Del Stone** stated that they could do that. They are hoping to partner with Humblebee and have them apply. **Audience Member, Mike Holfels** would like to comment on Golf Carts. **Audience Member, Thomas Luehring** would like to discuss sidewalks. **Audience Member, Dave Workman** would like to discuss agenda item #13 (Lakeshore Rubbish and Recycling Contract).

CORRESPONDENCE: Village Manager, Dan Faulkner had three letters, one from Green Koi, one about Golf Carts, and one from N. Elm and Butternut. Council Member, Lois Jones said that the clear vision area on N. Elm, there are issues with their drawing. **Village President, Richard Smith** asked that Dan and Attorney Hilmer work on the issue, and address at the November Council Meeting.

APPROVAL of the CONSENT AGENDA to INCLUDE: Approval of the Minutes of the Regular Council Meeting held on 9/13/23. Approval of Invoices paid in September 2023 (\$16,505.04), and Approval of Payroll as paid for September, 2023 (\$62,144.70). Approval of prepays for October, 2023 (\$87,366.22). Approval of the Police Department and Building Inspector's Reports. **Council Member, Jones** commented that in the August, 2023 Minutes it states that she proposed to use the entire CD with interest, not just the CD interest. **Jones** also questioned reimbursing cell phones. She wanted to know since we are paying the reimbursement ahead, what if an employee leaves. **Village Manager, Dan Faulkner** said that we would withhold money from the final paycheck. **Jones** said that the money is taxed in payroll. **Jones**, also questioned the contract with the copier. She wanted to know why we are still paying overages. **Village Clerk/Treasurer, Theresa Schmaltz** said that it is a package. The company receives notification when we are low on toner etc. and brings the replacements to us. **Jones**, asked if she priced the toner. **Schmaltz**, said we have not. **Faulkner** stated that if Council requested to cancel the contract, we could look at the options. **A Motion was made to approve the Consent Agenda as presented by Village Manager, Faulkner. Moved: Kramer Supported: Hinman Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**

CLOSE the REGULAR COUNCIL MEETING AND ENTER INTO A CLOSED SESSION: A Motion was made to close the regular Council meeting at 7:17 pm and enter into a closed session with marijuana lawyer, Matthew Derby for purpose of Attorney Client Opinion Letter.

MOVED: Jones Supported: Kramer Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

CLOSE the CLOSED SESSION and RE-ENTER into the REGULAR COUNCIL MEETING: A Motion was made to close the closed session at 7:36 pm and re-enter into the regular Council meeting. Moved: Jones Supported: Hinman Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

5. **SEWER TAP FEE: Council Member, Lois Jones** stated that during the Budget Amendment Meeting, she asked for an increase on the sewer tap fees. **Village Manager, Dan Faulkner** said that we would address at the November Council Meeting.
6. **Golf Cart Discussion: Village President, Richard Smith** stated that last month we discussed golf carts along with Three Oaks Ford renting them. He asked Chief Krause if he was in favor of golf carts. **Chief Krause** said that he is 50/50 on the decision. He believes that a committee may need to be formed. We could reach out to Go Carts on 12 for recommendations. He feels that eventually it could become an issue. **Council Member, John Kramer** said that he didn't think anyone was aware that they are not currently allowed. **Council Member, Jason Niemzyk** said he doesn't see it as a problem. **Audience Member, Mike Holfels** said that if we form a committee, he would like to be on it. **Council Member, Kramer** questioned if a committee is needed. **Council Member, Tyler Ream** agreed that there is not an issue now, but it may become an issue. If we had support to enforce the Ordinance. **Audience Member, Cristina Zebell** asked where they would park. **A Motion was made to create a Golf Cart Ordinance with the help of Attorney Hilmer. Moved: Niemzyk Supported: Kramer Aye: 6 Nay: 0 Absent: 1 Abstain: 0**
7. **SIDEWALK DISCUSSION: Village Manager, Dan Faulkner** recommended requesting a Millage from the voters, to let them decide if they wanted to fund sidewalks. The second option was to do a 50/50 split with a program that allows people who cannot afford them to get assistance. **Council Member, Lois Jones** asked how he would determine that. **Village Manager, Faulkner** said it is just a recommendation, it would be based on income. **Audience Member, Thomas Luehring** wants to complete a fence, but if we are putting in sidewalks, how far should he set it back. **Chief Krause** recommended contacting Ed Carpenter the building inspector for a permit and a survey. **Council Member, Lois Jones** said that on the summary of projects, the total miles of public roadway are 11.47, ACT 51 is 10.66. **Faulkner** said it was completed by SWMPC and they used ACT 51 numbers. **Jones** said that there are 11.2 miles of missing sidewalk, under what category do they fall into. **Faulkner** said that he would need to ask SWMPC. **Jones** said that the independent study that her and **Council Member, John Kramer** did where they walked the sidewalks, SWMPC deemed many as poor or fair, and they did not deem as poor or fair which is a difference in cost. **Jones** said that they took photos and **Faulkner** asked that she bring in a copy of the book to review with council. **Council Member, Joe Hinman** believes that a Millage would be the best option. **Village President, Richard Smith** asked when the deadline for the next ballot is. **Attorney Hilmer** said that we would need to have the language by March. **Smith** asked council to review both **Faulkner** and **Jones'** reports and review in November.
8. **CONDITIONAL REZONING FOR PARCEL KNOWN AS 10 W. LINDEN: Audience Member, Bill Wallace** from Big C said that they submitted changes to the document to Attorney Hilmer. **Attorney Hilmer** said that he will review with Becky at McKenna and make suggestions, Planning Commission already recommend it. **A Motion was made to approve the conditional rezoning for parcel known as 10 W. Linden from R-1 to C-1. Moved: Jones Supported: Ream Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**
9. **ORDINANCE TO AMMEND ORDINANCE #211: Council Member, Jones** requested that the verbiage needed to state "to amend chapter 2.1 to allow a contractors supply yard to include the C-1 District." Tabled until November Council Meeting.

10. **LIONS CLUB BUILDINGS – UNCLAIMED PROPERTY LEGAL NOTICE:** Village Manager, **Dan Faulkner** asked the Council if they had any objections prior to posting an ad in the paper. The Ad will be published in the newspaper.
11. **RIVER VALLEY HOMECOMING PARADE:** Chief Krause requested a street closure from the Post Office to Linden St, and Linden St. to Oak St. **A motion was made to close the streets on October 13th. Moved: Hinman Supported: Jones Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**
12. **PORTABLE RADIOS – POLICE DEPARTMENT CHIEF KRAUSE:** Chief Krause reported that the radios are 15-20 years old. The radios are the most important and expensive equipment they carry. We budgeted \$10,000, Kenwood is the best option as they are less expensive. Total would be roughly \$8,000 which includes a warranty. **A motion was made to purchase new portable radios not to exceed \$10,000. Moved: Jones Supported: Niemzyk Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**
13. **LAKESHORE RUBBISH AND RECYCLING AGREEMENT:** Audience Member, **Dave Workman** shared a letter with concerns from EGLE, photos, and landfill tickets. EGLE had regulation changes that he was not aware of. Village President, Smith said that with the response form the State of Michigan Mr. Workman has addressed the error. We have a 3-year contract for services. **Village Manager, Faulkner** asked if the Hydraulic oil on the ground has been addressed. **Audience Member, Workman** said the oil has been resolved. **A Motion was made to approve adopt and sign the 3-year contract with Lakeshore Recycling and Disposal. Moved: Jones Support: Kramer MOTION CARRIED.**
14. **TREE LIGHTING NOVEMBER 25th:** Village President, **Smith** said after speaking with DDA, the Saturday after Thanksgiving at the Sidewalk Stroll the tree will be lit at Carver Park. There will be a Holiday Parade and a street closure is needed from Maple St. to Linden St. around 5:00pm. A motion was made to close the streets from Maple to Linden. **Moved: Ream Supported: Hinman Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**
15. **PLANNING COMMISSION UPDATES:** Council Member, **Jones** said that they focused on the Capital Improvement Plan. **Village Manager, Faulkner** said that he would have a CIP for the January meeting.
16. **PARKS & RECREATION BOARD:** Council Member, **Ream** reported that they did not get the Spark Grant was Watkins Park. They are looking for a Patronocity program for the bathrooms at Dewey Cannon Park, and they are still working with Aiden. Autumn Stroll will be put on by the DDA, and Parks and Rec will be on Chamberlain Path from 3-6pm with snacks and a pumpkin carving contest. DPW selected a new tree for Carver Park for tree lighting.
17. **DDA BOARD:** Council Member, **Hinman** reported that the Three Oaks Market went well this year with changing to Fridays. They will continue next year. Oktoberfest was a success. They will be doing more Strolls. Way finding signs, and drinking water fountain were approved. FACADE applications are available. For Trick-or-Treating they plan on handing out candy at Village Hall.
18. **PUBLIC SERVICE COMMITTEE:** Village Manager, **Faulkner** reported that they discussed Chief Krause submitting MCOLES paperwork, and are receiving about \$24,000 toward Tyler Prenkert's expenses. **Village President, Smith** said they met with the Pokagon's and they are still in the beginning stages of collecting data. Golf carts were discussed with pros and cons. Homecoming and lighting the Christmas Tree. At the Lagoons there is a piece of equipment called the Muffin Monster, which grinds wipes and matter and needs to be rebuilt. It runs constantly and is about 20 years old. A new one is \$30,000, and to repair is \$9,000. Water/Sewer department will be flushing hydrants from now until November. They have signs to put out when they are flushing, and it has been published in the newspaper. **Village President, Smith** has asked that it be posted on Facebook as to what section they are flushing and when. **A motion was made to purchase a new Muffin Monster for the Sewer**

Lagoons at \$30,000 plus or minus installation and costs. Moved: Jones Supported: Hinman MOTION CARRIED.

- 19. ZONING BOARD of APPEALS (ZBA): Council Member, Kramer** reported that there was not a meeting. **Audience Member, Gene Svebakken** said that there will be a meeting next week where they will be discussing Bylaws, and how an effective ZBA works.
- 20. VILLAGE MANAGER's REPORT: Village Manager, Faulkner** reported that The Acorn will be having a Boo Ball. They have asked to display a "headless horseman," and that Dan the Village Manager be a judge. Sanitary Sewer, EGLE said the violation happened prior to the ACO being signed. Plummers Environmental Services was selected as the company to perform the work of Lead Service Line Identification. Pre-construction meeting will be held the week of October 23rd. Large item pickup – Lakeshore dropped off two dumpsters, thank you to the Masons and the Legion for helping. The reason for the extension was due to not having enough help. CMAQ project – looking to split funding, prices are increasing \$10. Bridge project – inspection completed this month. Lagoon project – we did not get the state grant. **A motion was made per Dan's approval to market The Acorn's Boo Ball. Moved: Hinman Support: Jones. Moved. MOTION CARRIED.**
- 21. VILLAGE PRESIDENT's REPORT: Village President, Smith** stated that there are 2.2 acres that belong to the Community Garden, and one row of parking. Parks and Rec requested that he ask the Township about acquiring the property. They will have a price for purchase in November. Thank you to the volunteers and committee for the Oaktoberfest. Congratulations to Council Member Joe Hinman for becoming Brewmaster. AEP meeting went well, voices were heard. They changed the poled from 85 ft metal to 75 ft wooden poles. The right-of-way went from 30 ft to 20 ft.
- 22. COUNCIL REMARKS: Council Member, Kramer** recommended that there are not additions to the agenda with letters and additional information. **Council Member, Jones** stated that Council packets go out on the Friday before the week of the meetings, and if we don't have something by then it has to wait until the next meeting. **Council Member, Ream** agreed there should be a cutoff. **Village Clerk/Treasurer Schmaltz** asked if that would change the prepays along with penalties and interest. **Council Member, Jones** said no it wouldn't affect the utility payments.
- 23. AUDIENCE REMARKS: Audience Member, Dennis Wojtczak** commented on sidewalks – wanted to know about curbs, believes there needs to be more engineering. With recycling, have there been any problems? **Audience Member, Dave Workman** said it is best to break everything down and plastic is the main concern. **Audience Member, Therese Donnelly** asked if the Elementary School will be doing a Halloween Parade and if there will be any street closures. **Audience Member, Derek Norman** had an additional comment that they are serious about opening with Green Koi. **A motion was made for a street closure on October 31st from 12:45 to 1:45. Moved: Jones Supported: Niemzyk MOTION CARRIED. Aye: 6 Nay: 0 Absent: 1 Abstain: 0**
- 24. MEETING ADJOURNED AT: 8:53 pm Moved: Kramer Supported: Niemzyk Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**

Submitted by:

Theresa Schmaltz

Three Oaks Village Clerk/Treasurer

Minutes for the 09-13-23 Council Meeting Were **APPROVED** at the 10-11-23 Council Meeting