

**VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 10-12-22**

Village Council President, Richard Smith, called the (in-person) Regular Village Council Meeting, to order at 7:02 PM. This meeting was held at Village Hall at 21 N. Elm Street.

Pledge of Allegiance: Yes

Roll Call: Present: Graziano, Kramer, Thomas, Hinman, Ream, Smith

Absent: Newquist

A Motion was made to approve the agenda as presented by Village Manager, Dan Faulkner with one (1) additional item. Agenda Item #12A will be added – proposal from Rieth-Riley to re-mill & re-pave 3 blocks of Tulip Drive. Moved: Kramer Supported: Hinman Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

PUBLIC COMMENT: None.

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 09-14-22 and the Minutes from the Public Hearing and Special Meeting held on 09-28-22. Approval of the Police Dept's report and the Building Inspector's report for October, 2022. Approval of Invoices to be paid in October (\$73,444.48). Approval of Disbursements made in September, 2022 (\$134,593.78) and Approval of Payroll as paid for September, 2022 (\$69,633.45). A Motion was made to approve the Consent Agenda as presented. Moved: Thomas Supported: Hinman Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

A Motion was made at 7:05 pm to close the regular Council meeting and open the Public Hearing to hear from and receive comments regarding the request by Green Oaks Cultivation, LLC for a Marihuana Micro-Business License. Moved: Thomas Supported: Kramer Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED. A Motion was made at 7:18 pm to close the Public Hearing and reopen the regular Council meeting. Moved: Thomas Supported: Hinman Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED. **\*\*Note\*\* - See separate "Public Hearing Minutes".**

- **REPORT by MARY NYKAMP of WIGHTMAN's REGARDING RESULTS of 3<sup>rd</sup> ROUND of HIGH STRENGTH WASTEWATER SAMPLING:** Mary Nykamp of Wightman's presented the results of the 3<sup>rd</sup> round of high-strength wastewater sampling. EGLE (State of Mich) required the 3<sup>rd</sup> round of BOD testing in order to verify the results of the previous 2 rounds of testing. This round of testing focused on commercial areas, the lagoons and "Area 1" at the north side of the Village where it appears that 40% of the organic load is originating from and flowing into the sewer system. The testing looked at the concentration and the flow. The 3<sup>rd</sup> round proved to be consistent with the previous 2 rounds of testing. All 3 areas had some high BOD levels, but the treatment lagoons showed that the entire lagoon system was safely below the recommended levels. The Village now has a sampler unit that they can use to regularly test and get more definite results in order to identify the user at the north end of town that is contributing the high load to the system. If it can be isolated between two (2) manholes that would narrow down the location which might then require some excavating work.
- **UPDATE on ACQUISITION of 21 NORTH ELM STREET:** Council has been discussing and debating the purchase of 21 North Elm Street since the County offered it to the Village for a nominal fee about a year ago. Village Manager, Faulkner confirmed that the County will list the building to sell it if the Village decides to not purchase it. The lease with the County runs thru March 1, 2025. Attorney Hilmer believes that this lease would be intact until that date

so that if the building was sold the Village would have a little over 2 years to re-locate to a different address. **Faulkner** stated that the parking lot needs to be re-done, but that if the driveway along the north side of the building was eliminated, the cost would be lower than previously quoted. He reminded Council that there is asbestos removal and foundation work on the 4 corners of the building that also needs to be done. He stated that downtown buildings can be costly, but recommends that the Village take ownership of the building. **Council member, Graziano** asked what the consequence would be if we regret the purchase in 6 months? He stated that the Village could certainly sell it for more than a \$1 or more than the \$100,000 after needed upgrades are done. **Faulkner** said that the Village would be taking on new monthly expenses-electric, gas, water/sewer, insurance, etc., but those extra costs would be off-set by rent payments from State Farm. Also, the Village would not be paying their semi-annual rent payment to the County thereby freeing up more funds for the new monthly expenses. Council members expressed concern that Village Hall would have to find a suitable place to re-locate to and felt that the downtown location was a perfect location for Village Hall. **A Motion was made to approve the purchase of 21 North Elm Street for the cost of \$1.00 from Berrien County. Moved: Graziano Supported: Kramer Aye: Graziano, Kramer, Thomas, Hinman, Ream Nay: Smith Absent: Newquist Abstain: None MOTION CARRIED.**

- **SHORT-TERM RENTAL FEES - DISCUSSION:** It was announced that a committee was being formed to discuss the situation of short-term rentals within the Village and the annual fees charged for them.
- **ANNUAL BONUS for VILLAGE MANAGER, DAN FAULKNER:** Council is pleased with the work that he is doing for the Village and wants to show their appreciation by awarding him a bonus. **Village President, Smith** stated that he is thankful for Dan and his contribution to the Village. He said that his job would be even harder to do without Dan. He mentioned that a great benefit to the Village is that Dan holds a water license. **A Motion was made to approve a \$3,000.00 bonus for Village Manager, Dan Faulkner. Moved: Graziano Supported: Ream Aye: Graziano, Kramer, Thomas, Hinman, Ream, Smith Nay: None Absent: Newquist Abstain: None MOTION CARRIED**
- **PROPOSAL from EDGE INFORMATION TECHNOLOGIES for ANNUAL "IT" SUPPORT CONTRACT with the POLICE DEPARTMENT:** **Police Chief Krause** stated the need for "IT" support for the police department for their desktop and in-car laptop computers. The Village currently pays for their support as it is needed. A contract will allow for a lower hourly price and guarantee 2 hours of technical support monthly with a carry-over from month to month of the unused hours. **A Motion was made to enter into a one (1) year contract with Edge Information Technologies for "IT" support for a fee of \$230.00/month. Moved: Graziano Supported: Kramer Aye: Graziano, Kramer, Thomas, Hinman, Ream, Smith Nay: None Absent: Newquist Abstain: None MOTION CARRIED.**
- **GREEN OAKS CULTIVATION, LLC – REQUEST TO AWARD a MARIHUANA MICRO-BUSINESS LICENSE:** In the Public Hearing, Green Oaks Cultivation presented their plans for building a new 50 x 100-foot grow/processing facility at 300 E. Ash Street. **A Motion was made to approve the license for a Marihuana Micro-Business license for Green Oaks Cultivation. Moved Kramer Supported: Hinman** Following the motion there was discussion. **Council Member, Graziano** said that he has a problem with this because it makes it three (3) retailers in the Village. However, the ordinance states that a license is available for a Micro-business. Council noted that during the Public Hearing that the owner, Michael Morse indicated that someone else (other than himself or his company) is purchasing the property and leasing it to him. That information was not disclosed in the

documents that had previously been submitted. Council has asked for clarification on the landlord-tenant situation and to see a viable purchase agreement for the property. **A Motion was made to rescind the motion to approve a license for a Micro-Business license for Green Oaks Cultivation pending clarification of the landlord-tenant purchase agreement for 300 E. Ash Street. This item will be tabled until the November 9<sup>th</sup> meeting. Moved: Kramer Supported: Hinman.**

- **REQUEST for PURCHASE of A SHARP #BP-50C26 COPIER in the AMOUNT OF: \$4,593.00.** The Konica Minolta copier that the Village has had in use for over 12 years finally gave out. Parts are exceedingly hard to find and repairs are not timely. It is very difficult to be without the copier/scanner/fax unit for more than a day. Parrett Business Machines responded quickly to our request for a loaner – they came out the same day to deliver and set-up a loaner for us to lease until the Village determined what direction they would be taking on a new unit. **A Motion was made to purchase a new copier from Parrett Business Machines – a SHARP #BP-50C26 Copier in the amount of \$4,593.00. Moved: Graziano Supported: Thomas Aye: Graziano, Kramer, Thomas, Hinman, Ream, Smith Nay: None Absent: Newquist Abstain: None MOTION CARRIED.**
- **REQUEST from the REGION of THREE OAKS MUSEUM to PARTNER WITH THE VILLAGE to SECURE A “WILLIAM J. DEPUTY” FOUNDATION GRANT THROUGH BERRIEN COUNTY: Nick Bogart,** (spokesman for the Region of Three Oaks Museum) asked the Village to partner with the Museum to secure a William J. Deputy foundation grant through Berrien County. The museum needs to have a sponsoring municipality. This grant would allow up to \$7,500 to help fund a 40 x 36-foot expansion at the museum in order to provide more room for exhibits and storage. The museum has run out of space. There is no financial commitment required from the Village, just that it is a “sponsoring” municipality in order for the museum to move forward on their grant application. **A Motion was made to sponsor the Region of Three Oaks Museum in their application for the “William J. Deputy” grant. Moved: Graziano Supported: Ream Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED**
- **PROPOSAL from RIETH-RILEY to RE-MILL and RE-SURFACE THREE (3) BLOCKS of TULIP DRIVE for \$69,670.00:** Rieth-Riley will be doing road work on Nels Drive and Cherry Street very shortly. There are three (3) blocks of Tulip Drive that also need re-milling and re-surfacing, and it will be more economical to get that work done at the same time. Their proposal is for \$69,670.00 for the work on Tulip Drive. The Municipal Street fund has ample money to cover the cost of this additional project. **A Motion was made to accept the proposal from Rieth-Riley Construction Company to re-mill and re-surface three (3) blocks of Tulip Drive from Paw Paw Street to the end of Tulip for the cost of \$69,670.00. Moved: Kramer Supported: Graziano Aye: Graziano, Kramer, Thomas, Hinman, Ream, Smith Nay: None Absent: Newquist Abstain: None MOTION CARRIED.**
- **PLANNING COMMISSION UPDATES: Council Member, Newquist** was absent so there was no report given. **Village Manager, Faulkner** did report that the next two (2) Planning Commission meeting dates have been changed. The November meeting has been rescheduled to Wednesday, November 2, 2022 at 7:00 pm and the December meeting has been rescheduled to Wednesday, December 7, 2022 at 7:00 pm.
- **PARKS & RECREATION BOARD: Council Member, Ream** reported that they intend to submit the Parks & Recreation 5-year Plan to the DNR (Dept. of Natural Resources) in November and will know the results by February, 2023. The Public Hearing for the final draft of the 5-year Plan will be held on Monday, November 7, 2022.

- **DDA BOARD: Council Member, Hinman** reported that the Farmers Market went very well this year. There has been interest expressed in creating a “Social District” in the downtown area and discussion about holding a Fall Festival in 2023. The Snowflake Stroll is scheduled for the Saturday after Thanksgiving on November 26<sup>th</sup>. The stores will remain open until 8:00 pm that night. **Village Manager, Faulkner** reported that Cathi Rogers, (the manager for the Farmers Market this year) has requested that the market be moved to Fridays (from Thursdays) next year. He also said that an RFP will need to be placed for next year’s market manager.
- **PUBLIC SERVICE COMMITTEE: Village Manager, Faulkner** reported that the PSC committee met on Friday, October 7, 2022. Discussions included quotes for tree removal which came in around \$20,000 and an incident at Carver Park where a tree fell on two (2) port-a-johns resulting in a bill from Pride Port-A-Johns requesting payment for the replacement of those port-a-johns. He said that leaf pick-up would start on November 1<sup>st</sup>; that Rieth-Riley has not yet started on road work that they contracted for early this spring; that the large item pick-up was held on October 8<sup>th</sup> ; and that the DWAM grant-lead service line replacement is off to a good start with some reimbursement having already been received. **Chief Krause** reported that there is still a need for a full-time police officer. He reported that some MCOLES money is available to assist with putting a person thru the Police Academy, so the Village will look further into that possibility. **Chief Krause** also reported that Oldenburg Excavating corrected the berms at the shooting range at NO cost to the Village. It is very much appreciated!
- **VILLAGE MANAGER’S REPORT: Village Manager, Faulkner** reported that he attended a MDOT bridge meeting along with Watervliet and Niles to present our bridge projects. Awards were made and as soon as confirmation on the \$ amount is confirmed in writing he will update Council. The large item pick-up went very well; the fall discharge will begin in about two weeks and the “MOR” for September was submitted on time with no issues. He said that cross-connection inspections will start later this month with Nick Fulbright assisting.
- **VILLAGE PRESIDENT’S REPORT: Village President, Smith** said that the election is coming up in November and that there are four (4) candidates for the three (3) trustee positions. He reminded everyone to get out and vote.
- **AUDIENCE REMARKS: Audience Member, Kim Weber** asked about the cost of insurance for this building at 21 N. Elm Street.
- **MEETING ADJOURNED AT: 8:52 pm**

Submitted by:

Cynthia E. Moynihan  
 Three Oaks Village Clerk  
 Minutes for the 10-12-22 Council Meeting  
 Were **APPROVED** at the 11-09-22 Council Meeting