

VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 11-08-23

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, Thomas, Hinman, Jones, Ream, Smith Absent: 0

ADDITIONS: Village President, Smith asked to table the Golf Cart discussion, and sidewalk discussion to December Council Meeting. **Council Member, Jones** asked if we had a resolution for the Sewer Tap In. **Village Manager, Faulkner** said we will discuss later.

A Motion was made to approve the agenda as presented by Village Manager, Dan Faulkner. Moved: Jones Supported: Hinman Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.

PUBLIC COMMENT: Audience Member, Ann Hart from 6 W. Linden had sewer issues and wanted to thank Dan and his team for helping. She asked who is responsible for all the work and repairs. 6 W. Linden did not get a water main replacement – are there any plans to revisit – what is the process? **Village President, Smith** asked that she work with the Village Office and Dan. **Village Manager, Faulkner** said he has more information for Ann. **Audience Member, Ethan Del Stone** from Green Koi said that where they have moved past some obstacles, there intention is to make Three Oaks whole.

CORRESPONDENCE: Village Manager, Faulkner stated that we received an email from an anonymous group regarding clear vision areas. The email was sent to Council, and he will work with Attorney Hilmer to address corners. **Village President, Smith** said in his opinion, we do not respond to anonymous letters – come to a Council Meeting, or address at the Village Office. He understands the concern, but the email was sent from an anonymous person.

APPROVAL of the CONSENT AGENDA to INCLUDE: Approval of the Minutes of the Regular Council Meeting held on 10/11/23. Approval of Invoices paid in October 2023 (\$96,743.50), and Approval of Payroll as paid for October, 2023. Approval of prepays for November, 2023 (\$56,492.11). Approval of the Police Department and Building Inspector's Reports. **Council Member, Jones** commented that under #18, a motion was made to approve a Muffin Monster for \$30,000, included in the motion was to have the old one repaired as a backup as a total of \$39,000. **A Motion was made to approve the Consent Agenda as presented by Village Manager, Faulkner. Moved: Kramer Supported: Hinman Aye: 7 Nay: 0 Absent: 0 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 7:11 pm and enter into a closed session with marihuana lawyer, Matthew Derby for purpose of Attorney Client Opinion Letter regarding Marihuana Amendments. MOVED: Jones Supported: Niemzyk Aye: 7 Nay: 0 Absent: 0 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 7:27 pm and re-enter into the regular Council meeting. Moved: Thomas Supported: Jones Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.

- 5. MARIJUANA ORDINANCE AMENDMENT#_____ Village President, Smith** stated that in the council packet, there is an Ordinance to Amend the Village of Three Oaks Zoning Ordinance. He read: AN ORDINANCE OF THE VILLAGE OF THREE OAKS, BERRIEN COUNTY, MICHIGAN, PROVIDING THAT THE CODE OF ORDINANCES OF THE VILLAGE OF THREE OAKS, MICHIGAN, BE AMENDED BY AMENDING TITLE XI

("BUSINESS REGULATIONS") IN ORDER TO IMPOSE A TEMPORARY MORATORIUM ON THE ISSUANCE OF CONDITIONAL AUTHORIZATIONS, CONDITIONAL LICENSES, MUNICIPAL LICENSES AND SPECIAL LAND USE PERMITS FOR THE SALE OR DISPENSATION OF MARIHUANA, MARIHUANA DISPENSARIES, MARIHUNA RETAILERS AND SIMILAR ENTERPRISES, BUSINESSES, USES AND ACTIVITIES UNDER VILLAGE OF THREE OAKS CODE OF ORDINANCES ORDINANCE NO. 219, ORDINANCE NO. 221 AND THE VILLAGE OF THREE OAKS ZONING ORDINANCE WITHIN THE VILLAGE OF THREE OAKS AND PROVIDE AN EFFECTIVE DATE HEREOF. **A motion was made to the amendment. Moved: Ream Support: Thomas Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED. Council Member, Hinman stated that it gives time to amend as needed. Village President, Smith** said that the moratorium imposed by this Ordinance shall expire on the earlier of: March 20, 2024, or the effective dates of amendments of each and all of Village Ordinances No. 219 and No. 221 and the Village Zoning Ordinance and/or other applicable codes and regulations as the Village Council may deemed necessary. **Council Member, Ream** said we are pausing accepting applications so we can make changes to the ordinances and zoning. **Smith** said that this is for applications for retail licenses, and Special Land use permits. **Roll Call: Niemzyk, Kramer, Thomas, Hinman, Jones, Ream, Smith Aye: 7 Nay: 0 Abstain 0**

6. **SEWER TAP FEE – RESOLUTION #_____:** **Village Manager, Faulkner** stated that we discussed increasing the Sewer Tap fee to align with what we are being charged. **Faulkner** requested we table until January 2024 meeting.
7. **ORDINANCE TO AMEND ORDINANCE #211:** **Village President, Smith** stated it is pertaining to Big C, and an additional table was added to the amendment. **Moved: Ream Support: Jones Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
10. **SEWER LOAN – WASTEWATER SYSTEM IMPROVMENTS PROJECT – CWSRF LOAN:** **Audience Member, Andrew Rudd** said we received an offer for a low interest loan at 2% for 20-30 years. **Council Member, Kramer** asked if we can reapply for the grants later. **Rudd** stated “no.” **Council Member, Jones** asked if there is a reason they can’t be incorporated into “some sort of a budget.” **Village Manger, Faulkner** said that we have two options, budget it or use the loan. **Rudd** stated if they approve the loan, the project would be bided out in June 2024. If we do not approve the loan, we have to go back to EGLE. **Rudd** stated there is not a prepayment option. **Smith** suggested to prepay the USDA loan. **Faulkner** said we need to let them know by November 20th. He asked why we cannot pay the loan off early. **Rudd** said that it is a revolving fund they are trying to grow the pot of money so secure more loans. He also said we would receive a bi-weekly draw. **Smith** asked Andrew if we don’t take the loan, could we re-apply for the grants. **Rudd** said we could, but most likely we would not receive them. **Jones** asked if we could take a lesser amount. **Rudd** said we could cut but not add. **A Motion was made to approve the CWSRF loan for a maximun of 20 years. Moved: Ream Supported: Hinman Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED. Roll Call: Niemzyk, Kramer, Thomas, Hinman, Jones, Ream, Smith**
11. **DPW – NEW PICKUP TRUCK PURCHASE:** **Village President, Smith** said that DPW are requesting a new truck. There are two quotes from Three Oaks Ford, and one from Seimans. DPW would prefer the Dodge. **A motion was made to approve the quote of \$43,785 for the purchase of a new DPW truck. Roll Call: Niemzyk, Kramer, Thomas, Hinman, Jones, Ream, Smith Moved: Hinman Supported: Jones Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**

- 12. DPW – GARAGE DOORS:** Village President, Smith said that DPW is requesting to replace the garage doors at the DPW building. Council Member, Jones asked if garage door openers are included. Smith texted Clay and asked if the quote included openers. Clay responded with “that’s what they said?” **A motion was made to approve the M.C Doors quote contingent on Garage door openers. Moved: Ream Supported: Niemzyk MOTION CARRIED. Roll Call: Niemzyk, Kramer, Thomas, Hinman, Jones, Ream, Smith**
- 13. APPROVE 2024 EVENT SCHEDULE:** Village President, Smith stated in the packet there are lists for all the upcoming events for 2024. Item is tabled until December Council Meeting.
- 14. APPROVE 2024 VILLAGE MEETING DATES:** Village Clerk/Treasurer, Schmaltz said that under the Parks & Recreation schedule January 1 is changed to January 8, and September 2 is changed to September 9. We are also adding that meeting dates are subject to change. **A motion was made to approve the 2024 Meeting Schedule Moved: Hinman Supported: Jones Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- 15. APPROVE 2024 HOLIDAY SCHEDULE:** Village Manager, Faulkner stated that New Year’s Eve is on there twice, and we are observing it on a different day. Village President, Smith requested that New Year’s Eve be observed on December 29, 2023. **A Motion was made to approve the 2024 Holiday Schedule. Moved: Hinman Support: Niemzyk MOTION CARRIED.**
- 16. PARKS & REC. – REAPPOINT MARLENE KRAMER AND LARRY SHAVER:** Village President, Smith said that both are willing to remain on the committee. Council Member, Jones questioned Edward White not being reappointed. Smith said he would reach out and confirm. **Moved: Thomas Supported: Jones Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- 17. PLANNING COMISSION – REAPPOINT GENE SVEBAKKEN AND DENNIS WOJTCAK:** Village President, Smith said that both are willing to remain on the committee. **Moved: Thomas Supported: Hinman Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- 18. ZBA – ERIC DERUCKI:** Village President, Smith said that he is willing to remain. **Moved: Thomas Supported: Hinman Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- 19. CONSTRUCTION BOARD OF APPEALS – DAVE THOMAS HAS TWO OPENINGS:** Village President, Smith said that we will post openings on the Village Facebook Page and Website. **Moved: Thomas Supported: Ream Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- 20. RECOGNITION OF GENE SVEBAKKEN – MASTER CITIZEN PLANNER:** Village President, Smith congratulated Gene Svebakken as Master Citizen Planner. To earn the MCP credential, he had to complete 18 hours of training, pass an exam, and make a capstone presentation to the community. In order to maintain the MCP credential, Gene will be invited to invest six hours per year to further his planning and zoning knowledge. Smith presented a certificate of achievement to Gene Svebakken as Master Citizen Planner. Audience Member, Svebakken commented that he grew up with the understanding that public service is a noble calling and he is honored to do so.
- 21. EMPLOYEE APPRECIATION 2023:** Village President, Smith said that it will be funded by Pooled Cash, in a NET amount, and will be handed out at Christmas time. A motion was made to approve the employee appreciation for 2023. **A motion was made to approve the annual employee appreciation for all employees. Moved: Jones**

Supported: Ream Roll Call: Present: Niemzyk, Kramer, Thomas, Hinman, Jones, Ream, Smith MOTION CARRIED.

PLANNING COMMISSION UPDATES: Council Member, Jones said that they covered more specific definitions of mural vs sign. They will have a public hearing to amend the ordinance regarding the ZBA. They determined that Council as elected officials should be the final authority.

PARKS & RECREATION BOARD: Council Member, Ream reported that they will be passing out cookies at the Snowflake Stroll on November 25th. They budgeted \$250 to decorate the Dewey Cannon gazebo. Still working on the grant app for Dewey Cannon Park. They are still waiting to hear from the Township on the Community Gardens.

DDA BOARD: Council Member, Hinman reported that they recapped the Autumn Stroll. Snowflake Stroll is coming up. Discussed Way Finding Signs that will be put in Chamberlain Path.

PUBLIC SERVICE COMMITTEE: Village Manager, Faulkner said they discussed the DPW truck, garage doors, and alley behind Second Wind and a storm drain. Today was the last day for brush pick-up. Leaves will be picked up until the first heavy snowfall.

Audience Member, Krause commented that Tyler Prenkert is enrolled in the 2024 Police Academy starting January 22nd. It is 16 weeks long. He is working with the VA to obtain financial aid and a laptop. **Council Member, Ream** commented that if there are gaps with the aid, he hopes that we will consider helping.

ZONING BOARD of APPEALS (ZBA): Council Member, Kramer commented no meeting no report.

VILLAGE MANAGER'S REPORT: Village Manager, Faulkner reported that Tracy has asked for health insurance. Per Gerd our insurance agent, if anyone works more than 30 hours a week, they are considered full-time and eligible. If no one objects he will forward Tracy's application to our insurance company. DPW truck, combined public safety with no update. Sanitary Sewer – fall discharge started today. We were delayed due to high fecal counts. Leaf pickup, street bridge updates. Report was submitted and if anyone has questions to reach out to him. DWAM grant, Short Term Rentals – new rates were effective October 1, 2023. We have only had a couple to reapply, most will come in Spring. He had one request asking if you can register for long-term and short-term rentals. He is working with the attorney for an answer. 6 Linden, long-term rentals.

VILLAGE PRESIDENT'S REPORT: Village President, Smith said that there is still a lot of work to be done regarding Marijuana Ordinances. Enjoy time with family and friends through the Holidays.

COUNCIL REMARKS: Council Member, Ream thanked Dan, Theresa, and staff for all the information. He will be moving out of the Village by the end of the year, and will be stepping down after the December meeting. **Village President, Smith** said that we will address further at the next meeting.

AUDIENCE REMARKS: Audience Member, Holfels asked if there will be dredging at the Lagoons. **Village President, Smith** said it is part of the process we will have to go through.

MEETING ADJOURNED AT: 8:26 pm Moved: Thomas Supported: Jones

Submitted by: