

VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 12-08-21

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, Thomas, Hinman, Newquist, Ream, Smith

Absent: Kramer

Village Manager, Dan Faulkner said that additional correspondence had been received and that Resolution #12-2021-1 needs to be added to the Agenda. Approval of the Agenda as presented by Village President, Richard Smith including the addition of Resolution #12-2021-1. Moved: Hinman Supported: Newquist Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

PUBLIC COMMENT: Audience members, John Balich and Nick Sayers stated that they had letters to read aloud to the Council.

CORRESPONDENCE: John Balich and Nick Sayers submitted letters regarding their concerns regarding the selection and awarding of the (2) two Marihuana licenses on 10-27-21. They were present at the meeting and read their own letters aloud. Another letter was received via email from **Dan Menitoff** regarding the Marihuana License Award Process. He was unable to be present at the meeting but requested that his letter be read also.

Approval of the Consent Agenda to include: Approval of the Minutes of the Regular Council Meeting held on 09-08-21, the Minutes of the (2) Public Hearings and Special Meeting held on 09-28-21 and the Minutes of the Regular Council Meeting held on 10-13-21 2021. Approval of the Police Dept's report. Approval of Invoices to be paid (\$117,240.02). Approval of Disbursements made in November, 2021 (\$140,991.29) and Approval of Payroll as Paid for November, 2021 (\$42,963.14). **Village Manager, Dan Faulkner** said that the current contract with Three Oaks Township for Fire Protection services has expired. He is in discussion with them to re-negotiate the contract. That invoice of \$9,312.50 should be pulled from the list of invoices to be paid. **A Motion was made to approve the Consent Agenda (with the exception of the \$9,312.50 invoice to Three Oaks Township). Moved: Graziano Supported: Newquist Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED**

- **APPROVE the 2022 MEETING DATES for COUNCIL MEETINGS: A Motion was made to approve the 2022 schedule for all regular Council meetings. These will be held on the 2nd Wednesday of each month at 7:00 pm. Moved: Thomas Supported: Graziano. Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**
- **APPROVE RESOLUTION 12-2021-1 – a RESOLUTION TO APPOINT LOIS JONES AS INTERIM TREASURER: Village Manager, Dan Faulkner** reported that due to the resignation of Village Treasurer, Melodie Culverhouse last month, that former treasurer, Lois Jones is willing and able to come back and assist the Village on an interim basis. **Faulkner** expressed his appreciation to her for helping the Village out. **A Motion was made to approve Resolution #12-2021-1, a Resolution naming Lois Jones as the interim Treasurer with full “signing” privileges on all bank accounts. Moved: Newquist Supported: Hinman Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**
- **DRAFT and APPROVE RESPONSE to EGLE (STATE of MICHIGAN): Mary Nykamp** from **Wightman** presented a proposal to provide assistance to the Village by drafting a letter in response to EGLE's letter regarding ongoing concerns about the sewer lagoon system. She said that the Village must let the State know what and how we are going to handle things going forward. A response must be drafted and returned to EGLE by December 17th. **A**

Motion was made to approve the hiring of Wightman to draft a letter in response to the letter from EGLE. Moved: Thomas Supported: Graziano Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

- **ANNUAL APPRECIATION of GIFT CARDS to EMPLOYEES:** In past years, the Village has given employees prepaid gift cards in appreciation at Christmas. Per the Village's auditor, that is not legally allowed. He stated that any recognition would need to be given as compensation, such as a bonus paid out thru payroll. **A Motion was made to issue net \$100.00 bonus checks to employees of the Police, DPW, Water & Sewer departments and the Village Manager, Clerk and Treasurer. Moved: Thomas Supported: Newquist Aye: Graziano, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: Kramer Abstain: None MOTION CARRIED.**
- **APPROVAL of PROPOSED WAGE INCREASES FOR DPW and WATER/SEWER EMPLOYEES:** A Motion was made to approve an increase in salary for Clay Ackerman to \$51,4603/annual (was \$49,380) and \$1.00/hour increases for Nathan Smith - \$23.22 (was \$22.22), Alex Keen-\$19.83 (was \$18.83) and Lars Wittenburg - \$16.00 (was \$15.00). **Moved: Newquist Supported Thomas Aye; Graziano, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: Kramer Abstain: None MOTION CARRIED.**
- **APPROVE HIRING OF LITIGATION ATTORNEY FOR MARIHUANA LAWSUIT:** The Village has been served notice that (1) one of the (8) eight applicants that were not awarded a retail marihuana license on October 27, 2021 has decided to pursue the matter in court. **Village Manager, Dan Faulkner** reported that our current marihuana lawyer, Jessice Fette does not handle litigation, thereby requiring the Village to seek other counsel. There were (2) two recommendations; Jessica Wood out of Grand Rapids and Matthew Derby from St. Joseph. The Village's Attorney, Charles Hilmer strongly suggested that the Village go with someone with experience in this type of lawsuit. Matthew Derby was present at the meeting and said that he is currently representing the Village of Edwardsburg against this same company, LUME. Their case has been on-going for more than a year. LUME (statewide) uses a lawsuit as their business model to sue any community that does not pick them for a license. Mr. Derby said that his firm does not have a conflict of interest in this case even though a different lawyer at his firm is representing a landlord-tenant dispute with another of the marihuana applicants. That dispute has no bearing on the case between LUME and the Village. Mr. Derby said that if he is chosen, then a background check would be conducted, and an engagement letter would be issued to the Village and a retainer might be requested. **A Motion was made to retain the legal services of Matthew Derby, of Kotz Sangster to litigate the lawsuit filed by LUME in regards to LUME not being awarded a retail marihuana license. Moved: Graziano Supported: Thomas Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**
- **AT THIS TIME THE REGULAR COUNCIL MEETING WAS CLOSED IN ORDER TO ENTER INTO A CLOSED SESSION.** A Motion was made to close the regular Council meeting at 7:50 pm and enter into a closed session with newly retained lawyer, Matthew Derby for discussion of the lawsuit filed by LUME against the Village. **MOVED: Thomas Supported: Hinman Aye: Graziano, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: Kramer Abstain: None MOTION CARRIED.**
- A Motion was made to close the closed session at 8:23 pm and re-enter into the regular Council meeting. **Moved: Thomas Supported: Hinman Aye: Graziano, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: Kramer Abstain: None MOTION CARRIED.**

- **PLANNING COMMISSION UPDATES:** **Council Member, Colleen Newquist** said that the current zoning ordinance does not allow for vacation rentals in the MU-2 district and that the short-term rental ordinance needs to be updated. She said that there are discussions being held with SafeBuilt and that site plan reviews need to adhere to the standards.
- **PARKS & RECREATION BOARD:** **Council Member, Tyler Ream** said that they would apply again in February for the Watkins Park Grant; and that the Parks & Recreation board and the DDA are still discussing proposed upgrades to Dewey Cannon Park. He reported that the Snowflake Stroll went great last month.
- **DDA BOARD:** **Council Member, Joe Hinman** reported that there was a request to leave the sign up and the gazebo lit up year-round at Dewey Cannon Park. He said that the Farmers Market wants a quality market with a minimum of 20 vendors next year. They have suggested moving it to Thursdays from 4 to 8 pm. However, it was noted that New Buffalo holds theirs on Thursdays, so that might create a conflict. The DDA is looking into investing some of their money in a C.D.
- **PUBLIC SERVICE COMMITTEE:** **Village Manager, Faulkner** reported that lead and copper testing is on-going; that upgrades to the sewer ponds are still being discussed; that the bridge inspection has been completed and a report will follow soon, and that he is working on the cross-connection plan.
- **RE-DEVELOPMENT READY COMMITTEE (RRC):** **Council Member, Newquist** reported that it is slow going on the website revision.
- **GATEWAY COMMITTEE – Council Member, Hinman** said that Eric Derucki volunteered to mount and install the “Welcome to Three Oaks” signs for the Village.
- **ZONING BOARD of APPEALS:** They held a training session last month, and have an upcoming meeting in January for the variance requests from Journeyman Distillery.
- **VILLAGE MANAGER’S REPORT:** **Dan Faulkner** reported that the Village received 50% (\$80,856.50) of the Cares Act Funding money with the balance coming in during 2022. This money has specific rules on how it can be spent, and will be used for special projects that will be determined later. Dan reported that there is a potential transfer of a liquor license to 8 Maple Street; that the water service line on Oak Street was replaced, flushed and placed back into service, and that there are ongoing talks with the Township regarding the Fire Protection Services contract. He also reported that Village Hall will be closed on Thursday and Friday, December 23 & 24 and 30 & 31 in observance of the Christmas and New Year’s holidays.
- **VILLAGE PRESIDENT’S COMMENTS:** **Richard Smith** thanked all Committee members, Council members, 1st responders and all Village staff for stepping up and handling the many big challenges that the Village had this year. He also reported that he and all downtown merchants were pleased with the large number of people that turned out for the Snowflake stroll that took place over Thanksgiving weekend.

- **COUNCIL MEMBER COMMENTS:** Council Member, Newquist asked about the status of the sidewalk assessment plan.
- **PUBLIC COMMENTS – None.**
- **MEETING ADJOURNED AT: 8:50 pm**

Submitted by:

Cynthia E. Moynihan
Three Oaks Village Clerk
Minutes for the 12-08-21 Council Meeting
Were **APPROVED** at the 01-12-22 Council Meeting