

**VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 04-10-19**

Chair called Village Council Meeting to order at 7:00 PM at Three Oaks Village Hall.

**Pledge of Allegiance: Yes**

**Roll Call: Present: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell, Grosse**

**Absent: None**

**Approval of the Agenda as presented by Village Manager, Michael Greene. Moved: Graziano Supported: Kramer Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**

**Public Comment on the Agenda: Tom Flint asked to speak on Item #13 – the Zoning Change request for the Enterprise Park.**

**Approval of the Consent Agenda to include: Approval of Minutes of the Regular Council Meeting held on 03-13-19. Acceptance of the 03-04-19 Parks & Recreation Minutes, the 03-05-19 Planning Commission Minutes, the 03-06-19 DDA Meeting Minutes. Approval of the 2018 Tax Collection Summary and the Police Department's Report. Approval of Invoices to be paid (\$66,184.62), Approval of Disbursements made from March 1 through March 31, 2019 (\$54,522.66) and Approval of Prepays, and Payroll as paid (\$42,550.56). A Motion was made to approve the Consent Agenda as presented by Village Manager, Michael Greene. Moved: Thomas Supported: Newquist Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**

- **ORDINANCE #217 – SEWER RATE CHANGE:** It is necessary to raise the sewer rates in order to begin setting aside the funds for the major upgrades that need to be done at the Sewer plant and sewer lagoons. Option #1 was recommended, however, Council president, Dave Grosse stated that he thought Option #2 would be more fair to the smaller users. **A Motion was made to adopt Ordinance #217, using Option #1 on the Sewer Rate Comparison chart with the requirement to explore the reason behind the bad tasting and bad smelling water. The rate increase will be effective May 1, 2019. Moved: Newquist Supported: Kramer Aye: Kramer, Thomas, Newquist Nay: Graziano, Pappa, Zebell, Grosse MOTION FAILED.** Option #2 was discussed and Council President, Dave Grosse advised that he believed this option would be fairer to the smaller users. **A Motion was made to adopt Ordinance #217, using Option #2 on the Sewer Rate Comparison chart with the requirement to explore the reason behind the bad tasting and bad smelling water. Option #2 raises the RTS (ready-to-serve) charge for the 5/8" and the 1" meters to \$37.00; the 1.5" meter to \$40.00; the 2" meter to \$42.50; and the 3" meter to \$45.00. The usage rate for 0 to 1,000 gallons is \$0.00 – (already included in the RTS charge), usage from 1,001 to 4,000 gallons is now \$6.00/1,000 gallons; usage for 4,001 to 10,000 gallons is now \$7.50/1,000 gallons; usage for 10,000+ gallons is \$8.50/1,000 gallons. The monthly rate for the flat rate sewer user is now \$55.00. The rate increase will be effective May 1, 2019. Moved: Graziano Supported: Zebell Aye: Graziano, Kramer, Newquist, Zebell, Grosse Nay: Thomas, Pappa MOTION CARRIED.**
- **LAGOON SYSTEM UPGRADE – ENGINEERING PROPOSAL from MOORE & BRUGGINK for \$205,795.00:** A proposal was received from the Village's engineering firm, Moore & Bruggink to design and engineer the work for the sewer lagoon system upgrade to meet the "moderate" level of treatment option. **A Motion was made to accept and approve the proposal from Moore & Bruggink for the design and engineering work for the sewer lagoon system upgrade for \$205,795.00. Moved: Newquist Supported: Thomas Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **ENFORCEMENT of PUBLIC UTILITY EASEMENT at JOURNEYMAN DISTILLERY:** Village Manager, Mike Greene will meet with Attorney Chuck Hilmer to finalize an agreement between the Village of Three Oaks and Journeyman Distillery for the enforcement of the easement issue regarding the structure that Journeyman Distillery built on the Village's public right-of-way easement.
- **SMITH & SONS EXCAVATING:** This invoice from August, 2018 regarding a Water main break and service repair at 703 Tulip has been in dispute while trying to determine who is liable for the costs. It has been determined that the Village should pay this invoice. **A Motion was made to approve payment of Invoice #6244 dated 08-27-18 from Smith & Sons Excavating, Inc. in the amount of \$2,195.00. Moved: Newquist Supported: Kramer Aye: Graziano, Kramer,**

**Thomas, Newquist, Zebell, Grosse Nay: Pappa Absent: None Abstain: None MOTION CARRIED.**

- **TACTICAL ENERGY GROUP PROPOSAL:** The Village was approached by Jonathan Burke of Tactical Energy Group about the possibility of working together to reduce the Village's energy cost. He conducted a free initial assessment of the electric bills and determined that there is a way to substantially reduce the costs. His proposal is to split the verified savings with the Village 50/50. Attorney Hilmer has reviewed the contract. **A Motion was made to approve the proposal from Tactical Energy Group to implement a cost-savings plan for utility costs for the Village. Tactical Energy Group would be paid 50% of verified savings (from a 12 month time period) from the plan that is implemented. Moved: Graziano Supported: Thomas Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **THREE OAKS BASEBALL ASSOCIATION – REQUEST FOR CONTINUED PAYMENT OF ELECTRIC BILLS for the WATKINS PARK BALL FIELDS:** Gail Freehling, on behalf of the Three Oaks Baseball Association has requested that the Village of Three Oaks continue to pay the electric bills for the ball fields at Watkins Park. They currently maintain the fields and all improvements made to the fields are at their expense. The summer ball program is a great asset to the community and they would appreciate the Village continuing to pay these bills. **A Motion was made for the Village of Three Oaks to continue paying the electric bills for the ball fields at Watkins Park. Moved: Graziano Supported: Kramer Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- **FLAG DAY COMMITTEE – STREET CLOSURE REQUEST:** Gail Freehling, on behalf of the Flag Day Committee requested approval to close North Elm Street and various side streets for the staging of the parade floats and the parade itself on June 9, 2019 for the Flag Day parade. **A Motion was made to authorize the closing of North Elm Street and various side streets (with times to be announced) for the Flag Day parade on Sunday, June 9, 2019. Moved: Graziano Supported: Zebell Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- **FLAG DAY COMMITTEE – NOISE ORDINANCE EXTENSION REQUEST for FLAG DAY WEEKEND:** Gail Freehling, on behalf of the Three Oaks Ladies Auxiliary (who are running the beverage tent for Flag day) requested that the noise ordinance be extended on Saturday, June 8, 2019 from 12:00 midnight until 1:00 a.m. **A Motion was made to extend the noise ordinance from 12:00 midnight on Saturday, June 8, 2019 until 1:00 a.m. on Sunday, June 9, 2019, pending the approval of Interim Police Chief, Bruce McKamey. Moved Graziano Supported: Zebell Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- **THREE OAKS RECYCLING PROGRAM:** Since Three Oaks Township made an official announcement that they cannot financially support the recycling program (which had previously been funded thru the Pokagon program) the Village of Three Oaks has considered temporarily assuming the cost of the recycling program. A survey was made available to the residents and they overwhelmingly voiced their opinion to continue the recycling program and said they were willing to pay for it as an assessment on their property taxes. The Village has the funds to pay for the program for a short time. Council member, John Pappa said that the service is inconsistent and asked if that could be improved upon? **A Motion was made for the Village to continue the funding of the recycling program for all Village residents at an additional monthly cost of \$1,820.91 to the Village (no cost to the residents) thru June 30, 2020. Moved: Graziano Supported: Thomas Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **ZONING CHANGE REQUEST for the ENTERPRISE PARK:** Jim Frye from Shoreline Development presented a proposal for a housing development at the Enterprise Park location. In order to proceed, the zoning must be changed from R1 to MU2 to allow multiple residences other than single family homes. The developer also stated some commercial business would be developed along US12 as a buffer to the housing. This proposal went to the Planning Commission. They held a Public Hearing on the matter and at their regular meeting they denied the re-zoning request. **Audience member, Tom Flint** stated that he felt that a MU2 classification is the wrong zoning for that property and that allowing commercial space so close to the downtown area would be detrimental. **The developer, Jim Frye** spoke and said that he is willing

to remove the condition of building commercial space from his proposal since that seemed to be the main objection from the Planning Commission. After much discussion, Council felt that the rezoning request should go back to the Planning Commission for further consideration. **A Motion was made to refer the question of re-zoning the Enterprise Park from R1 to MU 2 back to the Planning Commission for further review and consideration. Moved: Kramer Supported: Graziano Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: None Abstain: None MOTION CARRIED.**

- **INTERIM POLICE CHIEF:** Village Manager, Mike Greene, informed Village Council that Police Chief, Dennis Buller was injured in an (off-duty) incident that temporarily leaves him unable to physically handle his responsibilities as Police Chief for approximately six (6) to eight (8) weeks. He intends to return to active duty once he is medically cleared, but in the meantime the Village needs to appoint an interim Police Chief. It is Mike's recommendation that Police Officer, Bruce McKamey be appointed the interim Police Chief. This would also require that his pay be adjusted from an hourly position to a salaried position while assuming these duties. **A Motion was made to appoint Bruce McKamey as the Interim Police Chief at an annual salary of \$45,000.00. He will assume these duties and the corresponding pay until Chief Buller is released back to active duty. Moved: Newquist Supported: Zebell Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **2018-2019 BUDGET AMENDMENTS:** Village Manager, Mike Greene presented budget amendments for the current fiscal year to the Council for review. **A Motion was made to accept and approve the budget amendments for the 2018-2019 fiscal year as presented by Village Manager, Mike Greene. Moved: Kramer Supported: Zebell Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Absent: None Abstain: None MOTION CARRIED.**
- **DOWNTOWN DEVELOPMENT AUTHORITY (DDA) BOARD APPOINTMENTS:** Two (2) DDA board members have terms that are expiring at the end of April – Garth Taylor and Carolyn Drier. Two (2) DDA board members have resigned – Don Jackson and Brandi Cardwell. **A Motion was made to reappoint Garth Taylor and Carolyn Drier to four (4) year terms expiring April 30, 2023 and appoint Suzanna Bierwirth to fill Don Jackson's position with a four (4) year term expiring on April 30, 2023 and to appoint J.D. Haughey to fill Brandi Cardwell's position with a one (1) year term expiring on April 30, 2020. Moved: Thomas Supported: Kramer Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- **ARBOR DAY PROCLAMATION:** To qualify as a "Tree City USA" community, there are four standards set forth by the Arbor Day Foundation, one of them being the observation of Arbor Day. Village Manager, Mike Greene proposed that Friday, April 26, 2019 be proclaimed as Arbor Day in the Village of Three Oaks. **In order to continue to pursue the designation of a "Tree City USA" community, A Motion was made to declare Friday, April 26, 2019 as Arbor Day in the Village of Three Oaks. Moved: Graziano Supported: Thomas Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- **PARKS & RECREATION BOARD:** Council Member, Becky Thomas reported that Friends of the Library are interested in erecting "free little libraries" in the village parks.
- **PLANNING COMMISSION:** Council Member, Colleen Newquist reported that the Planning Commission is exceptionally busy. The marijuana committee will be holding their first meeting soon, the sidewalk committee will present their recommendation next month to Council and work is still continuing on the Master Plan. She also mentioned that holding two (2) Public Hearings in one evening was too much. There was a lot of discussion about the re-zoning request issue and the request for approval of selling fireworks. She said that there were lots of (negative) public comments on the fireworks issue, but that it appears that the Planning Commission does not a legal reason to deny the request. No action has yet been taken on the request.

- **PUBLIC COMMENT:** Audience Member, Angela Reichert, DDA chairperson, thanked the area businesses for their many letters of support for the Chamberlain Path grant. This will count a lot towards (hopefully) being awarded the grant. She also stated that the identifying sign was removed for some reason from Chamberlain Path – she said she had paid personally for this sign and **requested** that it be returned to her. Audience Member, Darlene Heemstra, reported that the Community Garden is still going strong with all the beds rented (except for 3) for this summer. She also asked and encouraged Village Manager, Mike Greene and Township Manager, George Manigold to work together on a solution for maintaining the garden as it was no longer feasible to keep it going with just volunteers.
- **VILLAGE MANAGER'S UPDATES:** Mike Greene, Village Manager, reported that the dredging equipment for the sewer lagoons has been moved to the site, and depending upon the weather, the work should be able to start by the end of the month. He stated that preparation has begun for the first spring discharge from the sewer lagoons; that smoke testing is scheduled for the first week of May; and that the DDA and Planning Commission are still working on updating their Master Plans. He went on to say that he has met with several contractors to replace IAI this summer, and that ads have been placed online for a Water/Sewer Superintendent. The USDA (Chamberlain Path) and MDOT (2020 Street Projects) grants have been submitted.
- **VILLAGE PRESIDENT'S UPDATES:** Dave Grosse, Village President informed Council members and audience members that the ribbon cutting for the new “Oaks Eatery” is on Friday, April 12<sup>th</sup> at 10:00 am. He encouraged everyone to attend and support this new business in the downtown area.
- **MEETING ADJOURNED AT: 8:10 pm**

Submitted by:

Cynthia E. Moynihan,  
Three Oaks Village Clerk  
Minutes for the 04-10-19 Council Meeting  
Were **APPROVED** at the 05-08-19 Council Meeting