

VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 03-11-20

Council President, David Grosse, called the Village Council Meeting to order at 7:00 PM at Three Oaks Village Hall.

Pledge of Allegiance: Yes

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

Absent: Pappa

Approval of the Agenda as presented by Village President, David Grosse. Moved: Kramer Supported: Zebell Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

Public Comment on the Agenda: Several Audience members stated that they wished to speak on Agenda Item #21 – the Recreational Marijuana Report during the Public comment section.

Approval of the Consent Agenda to include: Approval of Minutes of the Regular Council Meeting held on 02-12-20. Approval of the Police Department’s Report. Approval of Invoices to be paid (\$118,657.34). Approval of Disbursements made from February 1 through February 29, 2020 (\$35,381.61) and Approval of Prepays, and Payroll as paid (\$46,015.54). Moved: Newquist Supported: Thomas Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

Regular Council meeting was closed at 7:06 pm to enter into a Public Hearing meeting to consider a proposed grant application to the Michigan Natural Resources Trust Fund (MNRTF) for the funding of the project titled “Watkins Park Improvements”. Public Hearing meeting was closed at 7:14 pm and the Regular Council meeting was re-opened.

- **AMERICAN LEGION AUXILIARY – PROPOSAL to HOLD a LOCAL HEROES CELEBRATION:** Jodie Barrett, on behalf of the American Legion Auxiliary, proposed a banner program to honor any honorably discharged local veteran with a banner to be displayed in the downtown area from June 1st thru the end of summer. There will be a registration form to fill out, and the veteran will pay for the cost of the banner (estimated at \$60). They will be displayed on a first come – first serve basis. If there are more veterans than what can be displayed, it will be based on age, with the oldest first. Council agreed that this would be a wonderful tribute to our local veterans by proudly displaying them in the downtown area. **A Motion was made to approve the Home Town Heroes Banner Program to honor local veterans with banners displayed in the downtown area during the summer of 2020. The veterans would provide the cost of the banner and it would be theirs to keep. Moved: Graziano Supported: Zebell Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**
- **STATE of MICHIGAN – AUDIT REPORT for 2018-2019:** Derek Hall, the State Auditor from the Michigan Treasury Department presented the results of the audit he completed for the 2018-2019 fiscal year for the Village. He reported that the audit went well and that the General Fund is still in very good shape. The Sewer fund had some large expenses during the year so that fund balance is declining and a close eye will need to be kept on it. The Water fund is doing ok, but expenses are also slowly building up with some large project expenses scheduled. This fund will need to continue to be carefully monitored and a rate increase should be considered within a year or two. Overall, Derek stated, that the Village and its finances are in good shape – he gave the Village an “A-“ rating.
- **FLAG DAY COMMITTEE – REQUEST for STREET CLOSURES for FLAG DAY 5K RUN:** **A Motion was made to close the streets on the south side of the Village at 8:30 am to (approx.) noon on Saturday, June 13, 2020 for the 5K run in conjunction with Flag Day**

weekend. Moved: Graziano Supported: Zebell Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

- **ACCEPT ANNUAL REPORT from the PLANNING COMMISSION:** A Motion was made to accept the annual report for 2019 from the Planning Commission. Moved: Graziano Supported: Newquist Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.
- **ADOPT the 2050 MASTER PLAN PRESENTED by the PLANNING COMMISSION:** A great deal of work was put into preparing the 2050 Master Plan by the members of the Planning Commission. The requested changes have been made and the report is well written and comprehensive. Council thanked the Planning Commission for their time spent writing it and diligently reviewing it and recommended that it be adopted. **A Motion was made to adopt the 2050 Master Plan as presented by the Planning Commission.** Moved: Graziano Supported: Newquist Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.
- **PROPOSED STREET PROJECTS for 2020:** Due to a mild winter, there is extra money in the Street funds that can go towards projects this summer. The streets were evaluated to determine which ones should be considered for projects this summer, and then placed in order by priority of need. It is estimated that perhaps five (5) streets could be done this year depending on how high the bids come back. **A Motion was made to advertise for and take bids in early April for 2020 Street projects with an approximate budget of \$200,000.00.** Moved: Graziano Supported: Zebell Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.
- **VIOLATION LETTER FROM EGLE REGARDING THE SEWER LAGOONS:** The violation letter from EGLE was received at the end of February addressing the violations at the sewer lagoons and asking for a response by March 20th as to how the Village will handle these issues. Council members also received a copy of the letter and Dave Grosse verbally reviewed the violation letter at the meeting. He stated that most of the violations had already been addressed and some of the issues were clerical errors such as the testing laboratory had not included dates and times on some of their reports, and that inspection reports had not been filed as required. The Village will have further information once their reply is submitted to EGLE and EGLE lets the Village know the next steps that need to be taken.
- **REQUEST for EQUIPMENT PURCHASE – VALVE TURNER for the WATER DEPARTMENT:** Quentin Clark, (Water/Sewer Department supervisor), made a request for a motorized valve turner for use in the Water department. This is needed because water shut-off valves are left open under the streets unless an emergency situation occurs or repairs need to be done at which time they need to be turned off. However, they become “stuck open” after time, and it is extremely difficult and nearly impossible to turn them off when needed without this piece of equipment. The Water Reliability Study also recommended that the Water department have a valve turner available for use. Council member, Becky Thomas asked what type of warranty would come with this equipment. Dave Grosse replied that he would check into. **A Motion was made to authorize the purchase of a motorized valve turner from Ferguson Waterworks in the amount of \$8,625.00.** Moved: Graziano Supported: Zebell Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.
- **PROPOSAL to VIDEO the SEWER LINES to DETERMINE WHERE INFILTRATION IS COMING FROM:** The Village had previously contracted with a company to video the sewer lines to assess their status and to help determine where the I & I (infiltration) is coming from. They have been unable to get out onto the fields due to their heavy equipment and the soft

conditions of the fields. Another company has much lighter equipment available and is able to begin the work immediately but at a higher cost. There was discussion about the benefits of getting this work done ASAP in order to identify and halt the infiltration coming into the sewer lagoons. **A Motion was made to authorize the contract with Waste Recovery Systems to video the sewer lines at a cost of \$7,860.00. Moved: Zebell Supported: Thomas Aye: Graziano, Kramer, Thomas, Newquist, Zebell, Grosse Nay: None Absent: Pappa Abstain: None MOTION CARRIED.**

- **PROPOSAL to SLUDGE JUDGE ALL THREE (3) SEWER PONDS:** The sewer ponds need to be inspected to determine the sludge level in each one. It is more cost efficient to have all three (3) done at the same time since equipment and workers will be onsite anyway. A proposal was received from BioTech Agronomics, Inc. for the sludge judging of all three (3) ponds at a total (minimum) estimated project cost of \$4,128.00. They are able to begin the work very quickly. **A Motion was made to authorize the contract with BioTech Agronomics, Inc. in the amount of \$4,128.00 – (the estimated, minimum cost) of the project to sludge-judge all three (3) sewer lagoons. Moved: Zebell Supported: Graziano Aye: Graziano, Kramer, Thomas, Newquist, Zebell, Grosse Nay: None Absent: Pappa Abstain: None MOTION CARRIED.**
- **SECONDARY EMPLOYMENT of (RESERVE) POLICE OFFICERS:** There was discussion about prohibiting all “off the clock” police or security work for all officers and reserve officers effective immediately while the Village works on drafting a formal policy to align with the policies of neighboring, local municipalities. Reserve officers are not certified police officers – they must work under the supervision of a certified officer. As an example, if they are providing “security” for private events and being paid by the customer (not the Village) and are wearing a Village police officer’s uniform, then there is exposure for liability to the Village. It was agreed to prohibit this “off the clock” work immediately until a policy is written covering these types of secondary employment situations for our reserve officers.
- **WATKINS PARK UPGRADES – PROPOSAL to APPLY for a MNRTF GRANT:** During the Public Hearing earlier tonight, it was discussed that a grant is available thru the Michigan Natural Resources Trust Fund (MNRTF) in the amount of \$50,000.00 for improvements and upgrades to Watkins Park. The Village has received a verbal approval for an additional \$50,000 from the Pokagon Fund for this project and the Village will fund the balance of the cost from the General Fund. Abonmarche is the engineering firm handling the grant application. The deadline to submit the grant is April 1, 2020. **A Motion was made to apply for and submit the MNRTF grant application for the project entitled “Watkins Park Improvements”. Moved: Graziano Supported: Thomas Aye: Graziano, Kramer, Thomas, Newquist, Zebell, Grosse Nay: None Absent: Pappa Abstain: None MOTION CARRIED.**
- **EMPLOYEE UNIFORMS:** In order to identify Village employees and present a more professional appearance to our residents there was discussion about providing the DPW & Water & Sewer department employees shirts, hats and jackets. By having a specific uniform and identification, Village residents can be reassured that they are actually dealing with an employee of the Village rather than someone posing as an employee. Cintas has a uniform program that is available for an approximate annual cost of \$2,000. **A Motion was made to enter into a contract with CINTAS to provide shirts/jackets/hats to DPW and Water/Sewer department employees for an annual approximate cost of \$2,000.00. Moved: Graziano Supported: Zebell Aye: Graziano, Kramer, Thomas, Newquist, Zebell, Grosse Nay: None Absent: Pappa Abstain: None MOTION CARRIED.**

- **ZONING ORDINANCE AMENDMENTS:** New language was drafted to amend the zoning ordinance amendment regarding recreational vehicles, specifically chapter 4.2 – Section 4.203, item #1 pertaining to the storage of recreational vehicles on vacant lots and in front yards of homes and item #5 regarding the length of time a vehicle can be occupied. There were several questions raised about the new wording and Council decided to refer it back to the Planning Commission to further clarify the proposed amendments.
- **APPOINTMENT of STREETS ADMINISTRATOR:** A Motion was made to appoint the Village Manager as the Streets Administrator. Moved: Graziano Supported: Thomas Aye: 6 Nay: 0 Absent: 1 Abstain: 0 **MOTION CARRIED.**
- **PIZZO GROUP – REQUEST for an “OPEN FIRE” / CONTROLLED BURN in the VILLAGE:** Jack Pizzo, of Pizzo & Associates, (a landscaping firm) requested permission to conduct a “controlled” burn of a 2 acre lot at the corner of Cedar & Locust. The homeowner wants to put in a pollinator garden & pond with native plants and wildflowers and walking paths. A “controlled” burn does not damage the soil and is a common practice for this type of use. He said that there would be a 6 to 8 person crew monitoring the “prescribed” burn which would take only about 45 minutes and neighbors on all sides would be notified prior to it taking place. The crew is highly trained with many credentials and operates in a safe and professional manner. The current ordinance does not allow an “Open Fire” in the Village, therefore, he is asking for an exemption for the purpose of clearing the lot. **A Motion was made to approve the controlled burn pending the approval of the Township’s Fire Chief. Moved: Newquist Supported: Thomas Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**
- **PLANNING COMMISSION:** Council Member, Colleen Newquist reported that their marijuana report had been submitted to Council for review a couple of months ago and they were waiting for discussion of their findings in order to move forward with determining whether or not to allow the sale of recreational marijuana in the Village. A decision needs to be made as to whether to opt in or opt out of allowing recreational marijuana businesses. The next meeting is scheduled for 7:00 pm on Tuesday, April 7, 2020.
- **DDA BOARD:** No report was available. The next DDA meeting is scheduled for 5:30 pm on Wednesday, April 1, 2020.
- **PARKS and RECREATION BOARD:** Council Member, Becky Thomas reported that at their March 3, 2020 meeting, the Parks & Recreation Board continued discussions about their plans for Watkins Park. Since costs are much higher than what was anticipated, they may have to scale back their plans. They also discussed installing a historical plaque for Warren plaza. The next meeting is scheduled for 7:00 pm on Monday, April 6, 2020.
- **DISCUSSION and COMMENTS from the PUBLIC on the MARIJUANA REORT:** The Planning Commission had previously submitted a report detailing their findings regarding the pros and cons of allowing retail sales of marijuana and also on allowing testing facilities or grow facilities and processing businesses within the Village. The Planning Commission and the Marijuana Committee spent eight (8) months researching and writing the report. They held many meetings and public input showed that the majority of people were in favor of allowing some type of marijuana business within the Village. Many audience members spoke tonight, and all of them were in favor of allowing it. **Audience Members, Pat Mullins,** thanked Council for putting the marijuana issue on the agenda and asked them to take the time to carefully deliberate on the issue. **Audience member, Kim Pruitt,** stated that Michigan residents voted “yes” for recreational marijuana and she spoke in favor of allowing it as it would create additional jobs and revenue. **Audience member, Bryon Nevills,** stated that he is a local caregiver for five (5) patients and was legally allowed to grow 60 marijuana

plants for them. He said that he is currently in the process of getting approval from the state for a 100 plant grow and he would like to have the opportunity sell. He would like to do it here, within the Village (which is his home-town) and not have to move outside of town, so he hoped that Council would give serious consideration to the issue. He said that he has met with great resistance from the current board. **Audience member, Attorney Devin Loker**, said that he has heard incredible support from residents of Three Oaks, and had expected the Council to at least have a draft ordinance by now. **Audience member, Dan Milsk** spoke saying that he is a local business owner who currently grows marijuana in Galien and asked Council to please consider an ordinance. **Audience member, (not identified)** said that the voters in Michigan have voted and clearly voiced their opinion. He asked why the Village is not moving forward on this issue. **Audience member, Tyler Ream** stated that he thought it would be good for the Village if it was allowed. **Council Member and Marijuana committee member, Colleen Newquist** stated that there is no revenue in pursuing any of the marijuana related businesses unless retail sales are allowed. The Council will need to decide (if they do opt in) where the businesses would be allowed to locate. **Council Member, Troy Zebell** said the issue is so broad right now that it is difficult to make a decision. **A Motion was made to send the matter back to the Planning Commission to draft a "sample" marijuana ordinance for the Village Council to consider. Moved: Graziano Supported: Zebell Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**

- **Audience Member, Gail Hudson** said that she was seeking peace and quiet in her neighborhood on Sherwood street. She submitted a petition with multiple signatures asking that something be done about the neighbor that has three (3) dogs that bark incessantly. She stated that she has called the Police department and Village Hall and has received no resolution. Interim Village Manager, David Grosse will follow up on the matter.
- **VILLAGE PRESIDENT PRO-TEM COMMENTS:** Dave Grosse, Interim Village Manager said that he had a meeting scheduled with a company named Safebuilt. They do building inspections, rental and code compliance work, plan reviews, etc. Currently New Buffalo and Chikaming Township uses them. He would like to see if there would be a benefit to using them for all of our building department needs. Dave also stated that the work on Chamberlain Path is scheduled to begin in about a week. He further reported that the Rotary Club is passing out flyers to all Village residents to warn them of home invasions and thefts in our area and to be very vigilant about strange vehicles and people that they notice in the area and to not open their doors to anyone they do not know. He also addressed the Corona Virus issue and said the Village would be following the protocol that the County has established and is following for the time being.
- **CLOSED SESSION TO DISCUSS CANDIDATES for the VILLAGE MANAGER POSITION:** **A Motion was made to close the regular Council meeting at 8:53 pm to enter into a closed session meeting to discuss with Larry Nielsen, (the facilitator of the search for a new manager) the candidates that he is presenting for the Village Manager position for consideration by the Council. Moved: Graziano Supported: Newquist Aye: 6 Nay 0 Absent: 1 Abstain: 0 MOTION CARRIED.**
- **A Motion was made to close the closed session and re-enter into the regular Council meeting at 9:32 pm. Moved: Graziano Supported: Newquist Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**
- **Audience Member, Dan Peterson** introduced himself as the new executive director of the Pokagon Fund and expressed his desire to help the Village in any way that he can.

- **MEETING ADJOURNED AT: 9:36 pm**

Submitted by:

Cynthia E. Moynihan,
Three Oaks Village Clerk
Minutes for the 03-11-20 Council Meeting
Were **APPROVED** at the 05-13-20 Council Meeting