

VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 08-12-20

Council President, David Grosse, called the (virtual) Village Council Meeting to order at 7:03 PM via Zoom.

Pledge of Allegiance: Yes

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

Absent: Graziano, Pappa

NOTE: Council Member, John Pappa entered the “Zoom” meeting at 7:10 pm. Council Member, Graziano entered the “Zoom” meeting at 8:01 pm and left the “Zoom” meeting at 8:38 pm.

Approval of the Agenda as presented by Village President, David Grosse. Moved: Newquist Supported: Kramer Aye: Kramer, Thomas, Newquist, Zebell, Grosse Nay: None Absent: Graziano, Pappa Abstain: None MOTION CARRIED.

Public Comment on the Agenda: None.

Approval of the Consent Agenda to include: Approval of the (virtual) Regular Council Meeting held on 07-08-20. Approval of the Police Department’s Report. Approval of Invoices to be paid (\$79,160.75). Approval of A/P Disbursements (including prepaids) made from July 1 through July 31, 2020 (\$168,096.45) and Approval of Payroll from July 1 through July 31, 2020 as paid (\$53,597.06). As a condition of approval of the Consent Agenda, Council Member, Colleen Newquist asked that the sentence referring to her reporting that the DDA allocated money for the website be removed from the July 8, 2020 council meeting minutes as she did not make that comment. She also asked how the public was informed of the agenda for the meeting so that they can comment on it. Village Manager, Dan Faulkner then placed the agenda on the screen for their review. In the future, it will be posted on Facebook. Moved: Thomas Supported: Kramer Aye: Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: Graziano Abstain: None MOTION CARRIED.

- **PURCHASE of NEW POLICE VEHICLE:** Village Manager, Dan Faulkner presented the request from Police Chief, Denny Buller for the purchase of a Quad-cab vehicle – a Ford F150 truck. Pros of purchasing a truck are that the higher profile of a truck offers greater visibility, that it has 4-wheel drive (better for winter roads) and it has pulling/towing capabilities. Several area police departments have them and like the versatility. The price difference between a truck and a SUV is about \$1,200.00. The funds from the insurance company (approximately \$41,000) will pay for most of the cost of this replacement vehicle. **A Motion was made to approve the purchase of a Ford F-150 Responder XL Crew Cab Truck for a cost of no more than the insurance replacement cost. Moved: Pappa Supported: Kramer Aye: Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: Graziano Abstain: None MOTION CARRIED.**
- **PURCHASE of ELECTRONIC SPEED LIMIT SIGN:** Council discussed the benefits of owning an electronic speed limit sign by stating that when one was borrowed earlier in the summer from the County and used for about a month that it definitely had an impact on slowing down speeders within the Village limits. The sign is easily portable and can be moved around town which will help alleviate the number of speeding complaints. **A Motion was made to authorize the Police department to spend up to \$5,000 for a radar-controlled electronic speed sign. Moved: Newquist Supported: Thomas Aye: Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: Graziano Abstain: None MOTION CARRIED.**

- **PLANNING COMMISSION UPDATES:** Council Member, Colleen Newquist asked that the marijuana ordinance be sent back to the Planning Commission for further review. They felt that the lawyer did not incorporate everything into the ordinance that had been discussed and were not pleased with the sample ordinance that was presented.
- **RESOLUTION #08-2020-1 – A RESOLUTION TO ADOPT PROPOSED MASTER PLAN:** A Motion was made to adopt Resolution #08-2020-1, a resolution to adopt the 2050 Master Plan for the Village of Three Oaks. Moved: Newquist Supported: Thomas Aye: Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: Graziano Abstain: None **MOTION CARRIED.**
- **PARKS & RECREATION BOARD:** Council Member, Becky Thomas reported that all three (3) of the posts, but only one (1) of the signs were located that had previously been removed from Chamberlain Path at the start of the project there this year. Parks & Recreation continued talks about applying for a preliminary grant for further development of Hoadley Trail at Watkins Park and approved the purchase of six (6) additional picnic tables that will be used at Dewey Cannon and Watkins parks. Becky thanked Tyler Ream for making the recommendation about adding more seating at the parks.
- **DDA BOARD:** Village President, Dave Grosse reported that the historical plaque is being created for Warren Plaza and there was further discussion about the Façade program for the downtown merchants.
- **ZONING BOARD of APPEALS:** No Meeting was held.
- **PUBLIC SERVICE COMMITTEE MEETING:** This committee continues to meet a couple of times a month. Council Member, John Pappa reported that raising the manholes along US12 would help with stopping the infiltration into the sewer ponds. **Water/Sewer Superintendent, Quentin Clark** got quotes from Southwest Transport Co. (\$7,245.00), Selge Construction (\$23,500.00) and L.E. Barber, Inc. (\$4,530.00). The recommendation was made to accept the low bid from L.E. Barber to do the work. **A Motion was made to accept the proposal from L.E. Barber to raise (2) manholes 48" and (1) manhole 24" along the ditch-line on US-12 for a cost not to exceed \$6,500.00. Moved: Pappa Supported: Kramer Aye: Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: Graziano Abstain: None MOTION CARRIED.** Council Member, John Pappa further reported that the Village reached out to several engineering firms seeking proposals to complete an investigation and develop a plan of action to respond to the items that were identified by EGLE in their violation letter regarding the wastewater system (sewer ponds). It was noted that EGLE has to "OK" the scope of work on these quotes before work can begin. Proposals were received from Abonmarche (\$10,000), Wightman (\$36,000) and SME (\$52,700). John said that he recommended Wightman (even though they did not have the lowest bid) for the work because they presented a clear and thorough outline of their proposed work. This study will determine if the water stored in the Village's lagoons is impacting the ground water in and around the sewer lagoons. **A Motion was made to approve the contract with Wightman for \$36,000 to conduct a Hydrogeologic Investigation for the Three Oaks Village Sewer Lagoons. Moved: Pappa Supported: Kramer Aye: Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: Graziano Abstain: None MOTION CARRIED.** Village Manager, Dan Faulkner reported that he took the sewer jetter in to have it evaluated by a repair shop. It does not run and the carburetor is missing. Repairs are estimated to be about \$5,000. He recommends scrapping it. Dan also reported that DPW has an old F-250 pick-up truck that has been out of service for a few years with the repair costs outweighing the value of it. He asked for

permission to sell the vehicle. Council approved him moving forward with the sale of the truck.

- **TENTATIVE APPROVAL of the 2020-2021 BUDGET:** A Public Hearing was previously set for 7:00 pm on September 9, 2020 to present the final version of the 2020-2021 budget. In the meantime, Council will provide a tentative approval of it as presented by Village Manager, Dan Faulkner. **A Motion was made to tentatively approve the 2020-2021 Fiscal Budget. Moved: Thomas Supported: Newquist Aye: Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: Graziano Abstain: None MOTION CARRIED.**
- **UPDATE on the PLAN for USAGE of the PARCEL OF LAND ADJACENT to the SCHWARK DRAIN PROPERTY:** After researching the matter, **Village Attorney, Charles Hilmer** stated that there are three (3) deeds for this property and they clearly state that the property was donated by the Hoadley family for use as a park and platted street. He said that it may be possible to use the land for wetland mitigation if the Village can locate the Hoadley heirs and seek their permission to alter the terms of the deeds. He advised Village Manager, Dan Faulkner to let the County Drain Commissioner know so that they can proceed accordingly.
- **SIDEWALK EVALUATION PROPOSAL from ABONMARCHE:** **Village Manager, Dan Faulkner** presented a proposal from Abonmarche in the amount of \$5,600 to conduct a survey of the Village's existing sidewalks and evaluate the conditions of them in order to create a capital improvement program for the replacement of them. **Council Member, John Pappa** responded that the Village does not need to pay \$5,600 to have someone tell us which sidewalks need to be repaired – that we can “walk” the town and figure it out ourselves. **Council Member, John Kramer** also responded by saying that over a year ago the Sidewalk committee clearly recommended that Council needs to first decide how to fund the repairs before moving forward. **Village Manager, Dan Faulkner** said the ordinance will still need to be revised.
- **PROPOSAL from WETLANDS LOGGING & TREE ART for TREE REMOVAL SERVICES:** **Village Manager, Dan Faulkner** presented a proposal from Wetland Logging & Tree Art for \$13,550 for the removal of 11 trees. **Council Member, John Pappa** thought that the quote seemed high and asked if the Village received other quotes to compare costs. **Dan** replied “no” stating that the **DPW/Streets Superintendent, Clay Ackerman**, has worked with Wetlands in the past and recommends their work. The Village's purchasing policy requires quotes on work over \$10,000. **Dan** said that work had already been started on the tree removal. He was asked to stop the work and secure additional quotes before proceeding with further tree removal.
- **APPROVAL of CHANGES to the MASTER FEE SCHEDULE:** The Master Fee Schedule was updated with the addition of two (2) new fees. One was an Escrow Deposit Fee of (\$2,000) and the other was a registration fee for Short-Term Rentals (\$70). **A Motion was made to approve the addition of two (2) new fees to the Master Fee Schedule – an Escrow deposit fee (\$2,000) and a registration fee for short-term rentals (\$70). Moved Kramer Supported: Pappa Aye: Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: Graziano Absent: None Abstain: None MOTION CARRIED.**
- **DISCUSSION of MARIJUANA ORDINANCE for the BALLOT INITIATIVE:** **Village Manager, Dan Faulkner** said that based on the recommendation of our lawyer, that Council needs to go into “Closed Session” to discuss the lawyer's opinions regarding the ballot initiative proposed for the upcoming election on November 3, 2020. **Council Member, Colleen Newquist** asked why Council had to go into closed session, why there could not be

open discussion on the matter. **Dave Grosse** responded by saying that Council would be discussing strategies for possible legal issues. **A Motion was made to go into "Closed Session" at 8:08 pm to discuss the marijuana ballot initiative. Moved: Graziano Supported: Zebell Aye: Graziano, Kramer, Thomas, Pappa, Zebell, Grosse Nay: Newquist Absent: None Abstain: None MOTION CARRIED. A Motion was made to close the "Closed Session" at 8:41 pm. and re-enter into the regular Council Meeting at 8:41 pm. Moved: Kramer Supported: Pappa Aye: Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: Graziano Abstain: None MOTION CARRIED.**

- **SET DATE/TIME for SPECIAL COUNCIL MEETING to DISCUSS the BALLOT INITIATIVE regarding the MARIJUANA ORDINANCE:** A Special meeting was set for 7:00 pm on Wednesday, August 19, 2020 (via "Zoom") to have further discussion of the ballot initiative regarding the marijuana ordinance.
- **RECYCLING STICKERS:** **Village Manager, Dan Faulkner** received a quote from ArtFX in the amount of \$4/each for recycling stickers to place on resident's recycling cans. He also proposed to further educate the public about what can and cannot be recycled by sending out a flyer. Council Member, **Becky Thomas** asked who should pay for the stickers – shouldn't that be Lakeshore Recycling's responsibility rather than the Village's? **Dan** responded by saying that the Village owned the recycling cans. **Council Member, Colleen Newquist** asked if our staff could place the stickers on the cans and asked if fines could be assessed to owners of Airbnb for renters that use the wrong cans which seem to create many of the issues. **Council Member, Becky Thomas** asked if alternate bids had yet been solicited for trash services and recycling services. **A Motion was made to approve the purchase of 700 recycling stickers at a cost of \$4.00 each from ArtFX. Moved: Newquist Supported: Kramer Aye: Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: Graziano Abstain: None MOTION CARRIED.**
- **COUNCIL REMARKS:** **Council Member, Colleen Newquist** asked if there was any further information to share regarding the Reserve Police program – if there was a formal policy in place. **Village Manager, Dan Faulkner** replied that he would work with Police Chief, **Denny Buller** on creating a policy.
- **VILLAGE MANAGER's REPORT:** **Dan Faulkner** asked Attorney **Hilmer** to please check to see how long "Zoom" meetings can continue to be conducted. **Dan** reported that the Village has applied for reimbursement of \$27,910.39 thru the State of Michigan's SPHPR program – a program created by 2020 Public Act 123 to allow two (2) rounds of funds for relief of Public Safety and Public Health due to the Covid-19 pandemic. He also said that he would work on getting the DPW department's (out-of-service) F-250 truck sold, and he thanked Council Member, **Colleen Newquist** for her help on the recycling stickers. **Dan** also reported that Police Officers, **Andrew Taylor** and **George Knoll** each completed two (2) additional continuing education classes.
- **PRESIDENT'S REMARKS:** **Dave Grosse** reminded everyone of the special meeting scheduled at 7:00 pm on Wednesday, September 19, 2020 to discuss the marijuana ordinance ballot initiative.
- **Audience Member, Tyler Ream** asked how we could get the word out to restaurants to inform their customers of the new picnic tables that are available for additional seating. He also remarked that he was happy with the recycling stickers. **Audience Member, Thomas Pauly** suggested that **Patielle's** should place garbage cans by their business in order to alleviate customers crossing the street to dispose of their trash in the can by Village Hall.

- **MEETING ADJOURNED AT: 9:11 pm**

Submitted by:

Cynthia E. Moynihan

Cynthia E. Moynihan,
Three Oaks Village Clerk
Proposed Minutes for the 08-12-20 Council Meeting