

VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 10-21-20

Council President, David Grosse, called the (virtual) Village Council Meeting to order at 7:04 PM via Zoom.

Pledge of Allegiance: Yes

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

Absent: Graziano

***NOTE* Council Member, Graziano arrived to the “Zoom” meeting at 7:09 pm.**

Approval of the Agenda as presented by Village President, David Grosse. Moved: Zebell

Supported: Kramer Aye: Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None

Absent: Graziano Abstain: None MOTION CARRIED.

PUBLIC COMMENT: None – then Audience Member, Suzanna Bierwirth spoke up and said that she had submitted a request to Village Manager, Dan Faulkner earlier about adding an item to the agenda, a discussion of the Trump car rally slated for 10-25-20. Dan responded that a Council Member would need to make that motion. A Motion was made to add Item #17A, (a discussion of the Trump car rally) to the Agenda. Moved: Newquist Supported: Thomas Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: None Abstain: None MOTION CARRIED.

Approval of the Consent Agenda to include: Approval of Minutes of the (virtual) Public Hearing held on 09-09-20 and the (virtual) Regular Council Meeting held on 09-09-20 and the Special Council Meeting held on 09-24-20. Approval of the Police Department’s Report. Approval of Invoices to be paid (\$75,143.12). Approval of A/P Disbursements (including prepaids) made from September 1 through September 30, 2020 (\$63,218.72) and Approval of Payroll from September 1 through September 30, 2020 as paid (\$55,364.86). Moved: Newquist Supported: Thomas Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: None Abstain: None MOTION CARRIED.

Village Council President, David Grosse opened the meeting by addressing the issue of him being seen picking up and disposing of a campaign sign on Saturday, October 3rd, the day the large residential pick-up / clean-up was held. He took responsibility for his actions, reached out to the candidate and the homeowner and issued an apology to them which they graciously accepted. He also apologized to the Council members and anyone else that he offended with his actions. Council Member, John Pappa then asked Council member, Newquist about her actions that were observed during the Trump rally that came through town earlier in the month. He stated that her actions were not fitting for a Council member and asked if she was sorry – she offered no apology and said that she had a right to free speech.

A Motion was made to close the regular (virtual) Council meeting and enter into the (virtual) Public Hearing at 7:14 pm in order to present and discuss the proposed Marihuana ordinance. Moved: Thomas Supported: Newquist Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell, Grosse. Nay: None Absent: None Abstain: None MOTION CARRIED.

A Motion was made to close the (virtual) Public Hearing and re-enter into the (virtual) regular Council meeting at 7:37 pm. Moved: Kramer Supported: Thomas Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: None Abstain: None MOTION CARRIED.

- **REVIEW & ADOPT MARIHUANA ORDINANCE:** Discussion was started about reviewing and approving the number of different types of Marihuana licenses allowed within the Village and about revising the title of the Ordinance to read "Medical & Adult Use". The time frame (under Section 5) needs to be set by resolution regarding the initial bidding period and to set the dates for accepting applications. Administrative rules also need to be determined for the licensing process and an application needs to be developed. **A Motion was made to adopt Ordinance #219 titled "Village of Three Oaks Regulation of Medical and Adult Use Marihuana Ordinance. Moved: Pappa Supported: Zebell Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell Nay: Grosse Absent: None Abstain: None MOTION CARRIED.**
- **REVIEW & ADOPT ZONING ORDINANCE for MARIHUANA ESTABLISHMENTS:** There was much discussion regarding proposed changes to the Zoning Ordinance related to Marihuana businesses. **Council Member, Zebell**, stated that he has concerns for the Village and for our children and thereby proposed adding the requirement that marihuana businesses have a 500-foot buffer from the Village's parks (excluding Memorial Park located at the American Legion post), and from churches, libraries and schools. He wants their placement to be restricted to the C-1, I-1 or Enterprise Park zones. **A Motion was made to amend the proposed zoning ordinance to include a 500-foot buffer from Village parks (excluding Memorial Park at the American Legion post) and a 500 foot buffer from churches, libraries and schools. Moved: Zebell Supported: Graziano** After the Motion was made the following comments were made by Council members. **Council Members, Newquist & Thomas** said that Zebell's proposal in effect excludes all of the downtown area and limits the businesses only to the Enterprise Park **Council Member, Thomas** said she understood the school restrictions but not the others. **Council Member, Kramer** stated that the library restriction is irrelevant – it does not fall into the C-1, I-1 or Enterprise Park zones. **Council Member, Graziano** would like to keep the Marihuana businesses in the US12 corridor, and proposed leaving the churches out of the buffer zone. **Aye: Zebell Nay: Graziano, Kramer, Thomas, Pappa, Newquist, Grosse Absent: None Abstain: None MOTION DENIED.** A Motion was made to amend the Zoning ordinance specifying the location of marihuana businesses by adding a 400-foot buffer zone from Watkins Park and retaining the 500-foot set-back for the elementary school. Churches are excluded from the buffer zone requirements. The businesses can be located in the C-1 and I-1 zoning districts and in the Enterprise Park area. The buffer area is determined from the outside edge of the property line to the outside edge of the building line. **Moved: Graziano Supported: Kramer Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Grosse Nay: Zebell Absent: None Abstain: None MOTION CARRIED.**
- **PURCHASE of NEW POLICE VEHICLE:** The previously approved purchase of a Ford F-150 Quad-cab truck for the Police department is no longer feasible as the truck is not being built any more. There is currently a 2020 Ford Explorer Police Interceptor on the lot (ready to go) at Three Oaks Ford, however, the cost is about \$5,000 more than the originally approved cost of the F-150 truck. Since the Police dept. is without one (1) of their vehicles and the insurance company is covering most of the cost of the new vehicle it was decided that it makes sense to purchase the Ford Explorer since it is immediately available. **A Motion was made to purchase a new Police vehicle, a 2020 Ford Explorer from a local vendor, Three Oaks Ford, for the cost of \$40,178.14 plus additional costs for outfitting the unit with all necessary equipment and decals. Moved: Newquist Supported:**

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

- **PURCHASE of NEW WATER/SEWER DEPARTMENT VEHICLE:** The Water/Sewer department is in need of a replacement vehicle and this has been budgeted for. **A Motion was made to accept the bid from a local vendor, Three Oaks Ford, for a 2021 Ford F-250 Crew Cab 4 x 4 in the amount of \$35,179.20. This vehicle is for the Water/Sewer department. Moved: Pappa Supported: Newquist Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **APPROVAL of QUOTE for REMOVAL of DEAD TREE FROM 407 N. ELM STREET:** The inside of a large tree at 407 N. Elm, is rotted and diseased and it needs to be removed. Three (3) quotes were received: C & A Arborists for \$3,990; TreeCore LLC for \$2,650 and Wet-Lands Tree Art for \$2,400.00. **A Motion was made to accept the low bid of \$2,400.00 from Wet-Lands Tree Art for the removal of a dead tree located at 407 N. Elm Street. Moved: Pappa Supported: Newquist Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **APPROVAL of LEASE WITH THE AMERICAN LEGION POST #204 and the VILLAGE of THREE OAKS for the USE of THEIR PROPERTY, MEMORIAL FIELD:** The lease between the American Legion and the Village of Three Oaks expired in 2019. This lease granted permission to the Village to use Memorial Field located on the American Legion's property for use as a public park to conduct such activities such as little league baseball or softball games, centennial observances and similar community activities. **A Motion was made to approve and renew a lease between the American Legion Post #204 and the Village of Three Oaks for the Village's use of Memorial Field for a period of three (3) years for a total fee of \$1.00. Moved: Kramer Supported: Thomas Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **APPROVAL of ELECTRIC CAR CHARGING AGREEMENT:** Further information is needed before proceeding with the proposed lease for an Electric Car Charging Station in the Village. The review and approval of the agreement will be postponed until the November 11, 2020 council meeting.
- **VILLAGE MANAGER's 6 MONTH EVALUATION:** The Village council conducted a (6) month performance evaluation for Village Manager, Dan Faulkner. He was rated in ten (10) different categories with an overall rating of 4.0 (out of a possible 5.0). Council members stated that he is doing a great job, they are glad that he is here – he is making a difference, they are appreciative of him, and are glad that he is not just a “yes” man, but will challenge decisions/ideas if necessary. They hope that he will be around for quite a while. **A Motion was made to grant a \$3,000.00 bonus to Village Manager, Dan Faulkner. Moved: Graziano Supported: Zebell Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **TRICK or TREAT– WILL BE HELD on SATURDAY, OCTOBER 31st from 4:00 to 6:00 pm.**
- **CHRISTMAS TREE PLACEMENT in CARVER PARK:** Tyler Reams, from the Parks & Recreation Board reported that the giant tree at Carver Park that is currently being used for the tree-lighting ceremony has problems each year with squirrels eating into the wires and lights. It is very costly to keep replacing the lights and to rent a lift each year to replace and re-string the lights on the tree. Parks & Recreation recommends that a new smaller tree be purchased and planted closer to the pavilion to be used for tree lighting.

CHRISTMAS PARADE and TREE LIGHTING CEREMONY: The tree lighting event is scheduled for Saturday, November 28th at 6:00 pm and the Christmas parade will be held on Saturday, December 12, 2020. A request was made to close Elm, Linden and Maple Streets for a short time about 5:45 pm to allow the parade to proceed. **A Motion was made to close Elm, Linden and Maple Streets about 5:45 pm for a short time for the Christmas parade on Saturday, December 12, 2020. Moved: Graziano Supported: Pappa Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell, Grosse. Nay: None Absent: None Abstain: None MOTION CARRIED.**

- **VIRTUAL MEETINGS:** Attorney Hilmer confirmed that the State is allowing virtual meetings to continue through December 31, 2020.
- **TRUMP CAR RALLY COMING THROUGH TOWN ON OCTOBER 25, 2020:** **Council Member, Becky Thomas** remarked that she felt that the Trump rally slated to come through town is a divisive thing for the Village. She feels that the Village used to be friendly, but that residents are now "separated" and she would like to have the rally stopped. **Council Member, Colleen Newquist** asked that the Village take a look at our Ordinance which says that no procession can take place without a permit from the Clerk (and one has not been issued), and that also there is a noise ordinance which has been superseded by a "Uniform Traffic Control" one. **Council President, David Grosse** replied that driving a licensed vehicle on a public street is legal – they are within their rights to proceed with a rally. **Council Member, Colleen Newquist** asked why the Village should be using their resources for controlling traffic due to a partisan effort. **Council member, Becky Thomas** said that this hurts our town and feels that our town is in a "crisis" right now and she doesn't want them to come thru town. **Council President, David Grosse** said that if they exercise caution while driving thru town with no honking and no squealing of tires that they can exercise their freedom of speech. **Council Member, Colleen Newquist** said that this is a partisan rally and to not use the Village's resources to manage it. **Council Member, Steve Graziano** asked how can we make this a safe procession if we don't use our police? **Council President, David Grosse** suggested that **Village Manager, Dan Faulkner** handle this with our police department. **Council Member, Becky Thomas** said that she can't stand the way our town is acting towards each other and she doesn't feel safe in town any more. **Council Member, Colleen Newquist** reminded Council members not to forget about the merchants in this situation and how the rally might impact them.
- **PLANNING COMMISSION UPDATES:** **Council Member, Colleen Newquist** – No report was presented. Planning Commission Chairman, Gene Svebakken did say that a Public Hearing was held on October 6, 2020 to consider Zoning amendment changes for allowing Marihuana businesses.
- **PARKS & RECREATION BOARD:** Member, Becky Thomas said that board member, **Tyler Reams** is doing lots of great things for them. She reported that Parks & Recreation is moving forward with the Watkins Park project; is working with the Rotary Club to spread wood chips at the Parks and has volunteers to stain the picnic tables and benches.
- **DDA BOARD:** **Village Manager, Dan Faulkner** said there was a guest speaker at the meeting held on October 7, 2020 and that Garth Taylor is spear-heading a project for designating the downtown area as a historical district.
- **ZONING BOARD of APPEALS:** No Meeting was held.
- **PUBLIC SERVICE COMMITTEE MEETING:** **Council Member, John Pappa** said that there has been no feedback yet from EGLE, that the sewer ponds still need attention and he asked if the project to raise the manholes had been completed yet.

- **COUNCIL REMARKS:** Council Member, John Pappa remarked that he and his family had recently rented Watkins Park and saw that there were gutters missing and that very few lights were in working order. He asked if these issues could be repaired. Since this is the last Council meeting that Council President, David Grosse is presiding over, Council member, Steve Graziano thanked him for his years of service on the board serving the Village and said that Dave has left the Village in much better shape than when he first came on board in 2008. Council Member, Colleen Newquist expressed her appreciation to Dave. Council Member, John Pappa said that Dave had accomplished a lot for the Village.
- **VILLAGE MANAGER's REPORT:** Dan Faulkner reported that Froehlich's has asked for an extension of the noise ordinance until 1:00 am on New Year's Eve of 2021 in order to hold an event. Council authorized Dan to grant the waiver. He reported that the Lion's Club is interested in working with the community to sponsor Wurstfest next year and that the Water department has started flushing fire hydrants which will improve water clarity and pressure. He reported that the "free" library boxes at Watkins Park/Timber Town and Dillard Park were vandalized, but repairs have been made by DPW. Fall leaf pick-up has started and there is a Rural task force meeting set for November to discuss road projects for 2023-2026. Dan also reported that there is a new School Crossing Guard, and that Police Officer Pat Myers has replaced officer Andrew Taylor who has moved.
- **PUBLIC COMMENTS:** Audience Member, Suzanne Bierwirth called out Dave Grosse for being stubborn, but thanked him for his 12 years of service as Council President. Business owner, Colleen Froehlich texted her "thanks" to Dave. Audience Member, Suzanne Bierwirth said "thanks" to Village Manager, Dan Faulkner saying that he is extremely responsive, honest and available to residents and she is very pleased with him. Audience Member, Darlene Heemstra said that she learned a lot working at the Village and by being on Council and working with Dave. Audience member, Angela Reichert asked the future council to look into future ordinances to restrain these types of "parades" and to consider different ways to measure from property lines to business building lines so that the Village is not "spot-zoning". She said good luck to Dave Grosse. Council Member, Steve Graziano expressed anger towards Angela about comments that were directed earlier to Council Member, Troy Zebell and all Council members about not doing their due diligence regarding visiting marihuana businesses in neighboring towns – Troy actually had done just that. Audience member, Tom Pauly said that he has been here about 1.5 years and is now running for a position on the Library Board. Audience Member, Nick LaFlex stated that some Council members seem to get defensive and the Village seems to be divided. Audience Member, Tyler Ream said that there were a number of trees removed a while back and he asked when the stumps were going to be removed. Audience Member, Joe Hinman said "kudos" to Dan and to Dave. Audience Member, Kim Pruitt said that Dave's heart is "in & for" the Village, but the divide is within the Village. Dave is a "doer" and respects the Village and loves the Village.

- **COMMENTS by VILLAGE PRESIDENT, DAVE GROSSE:** Dave expressed his thanks to everyone for their faith in him and said that it was a privilege to have served for 12 years on the Council. He thanked the council members he served with and Village employees. He noted that when he took office that there was \$757,000 in the bank, and that 12 years later that balance has grown to \$4.6M! There have been many streets upgraded and water and sewer upgrades made. He recognized the members of the Parks & Recreation board, the Planning Commission and the DDA board who all serve as volunteers without any pay. He also recognized Gene Svebakken as chairman of the Planning Commission. Dave then made a motion to adjourn his last Council meeting at 9:27 pm.
- **MEETING ADJOURNED AT: 9:27 pm**

Submitted by:

Cynthia E. Moynihan

Cynthia E. Moynihan
Three Oaks Village Clerk
Minutes for the 10-21-20 Council Meeting
Were **APPROVED** at the 11-11-20 Council Meeting

VILLAGE OF THREE OAKS PUBLIC HEARING – DATE: 10-21-20

A Motion was made to close the (virtual) regular Council Meeting and enter into the (virtual) Public Hearing (via Zoom) at 7:14 pm to consider the proposed Marihuana Ordinance. Moved: Thomas Supported: Newquist Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: None Abstain: None MOTION CARRIED.

The proposed Marihuana Ordinance has been presented and is open for discussion. **Audience Member**, Devin Loker said that Exclusive Healing (a business) located on US 12 in Three Oaks for about a year is concerned about the accuracy of the “buffer map” that was presented showing the proposed zoning for the location of marihuana businesses. **Audience Member, Marco Chavvary** said that the benefits of locating dispensaries in the Village should be considered. The future council should be more open-minded about the needs of the Village. **Audience Member, Angela Reichert** said that council members have not done their due diligence – that they have not visited area marihuana businesses – that they are shoving people away that want to make an investment in the Village. **Audience Member, Tom Pauly** stated that marihuana will bring in needed income and that we should be actively promoting it. He said that the gun shop has their doors open all the time to the public and there has not been a problem, and that marihuana businesses have more restrictions to entry and are safer and more closely regulated. **Audience member, Dan Milsch** said thanks to the Council for holding the Public Hearing and he asked that the Village not deny the “locals” the opportunity to open a marihuana business due to zoning restrictions. **Audience member, and Chairwoman of DDA, Suzanne Bierwirth** asked Council to not deny the businesses owner the opportunity for additional revenue as marihuana is a highly controlled and regulated business. **Audience Member, Kim Pruitt** said that democracy is about compromise – that there are benefits to allowing the marihuana businesses – she asked why the Village is making it more difficult by proposing the 1,000-foot rule. **Audience Member, Tom Flint** thanked the Planning Commission and said that the Village Council should take their input and work seriously. **Council Member, Troy Zebell** said that there are safety courses you can take for operating a gun safely, but not for using marihuana. **Council Member, Colleen Newquist** seconded what Tom Pauly said. **Audience Member, Jenny Alderink** said that she has kids in school, lives in the Village, shops locally, questioned why so many people did not know that all this was going on in regards to the marihuana issues. She felt that everything is one-sided. **Audience Member, and Planning Commission Chairman, Gene Svebakken** said that the first meeting regarding marihuana was held in April of 2019, with numerous meetings and public hearings held since then. There was ample opportunity for involvement. **Audience Member, Nick LaFlex** stated that the marihuana issue has been researched and studied but it doesn’t seem like there has been a fair and impartial process applied to it here in the Village. It does not increase crime – other municipalities are handling it just fine.

A Motion was made to close the Public Hearing and re-enter into the regular Council meeting at 7:37 pm. Moved: Kramer Supported: Thomas Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: None Abstain: None
MOTION CARRIED.

Submitted by:

Cynthia E. Moynihan

Cynthia E. Moynihan
Three Oaks Village Clerk
Minutes for the 10-21-20 Public Hearing Meeting
Were **APPROVED** at the 11-11-20 Council Meeting