

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

Council President Pro-Tem, Steve Graziano, called the (virtual) Village Council Meeting to order at 7:00 PM via “Zoom”.

Pledge of Allegiance: Yes

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

Absent: Pappa, Zebell, Grosse

Approval of the Agenda as presented by Village President Pro-Tem, Steve Graziano. Moved: Newquist Supported: Thomas Aye: Graziano, Kramer, Thomas, Newquist, Nay: None Absent: Pappa, Zebell, Grosse Abstain: None MOTION CARRIED. Due to the unexpected Covid-19 quarantine of Village Hall employees early in November, items that are normally on the Consent Agenda were unable to be prepared in time for this meeting. There is not a Consent Agenda. Items, Reports and Minutes will be included at November’s meeting.

Two (2) Audience Members stated that they wished to speak during the Public comment section at the end of the meeting.

Audience Member and Village President-elect, Richard Smith reminded everyone that the “Snowflake Stroll” being sponsored by the downtown merchants will take place on Saturday, November 28th when the shops will remain open until 8:00 pm. Richard said that the Christmas tree lighting will take place that evening at 6:00 pm in Carver Park, (squirrel-proof lights have been purchased!), and on Saturday, December 12th, (following the Christmas parade at 5:30 pm) there will be an opportunity to meet with Santa in Carver Park.

- **SNOW PLOWING and SNOW REMOVAL SERVICES AGREEMENT BETWEEN the THREE OAKS TOWNSHIP PUBLIC LIBRARY and the VILLAGE of THREE OAKS:** The Three Oaks Township Public Library reached out to the Village for assistance in snow plowing and snow removal services. This is a service that the Village has provided in past years to the Library. **A Motion was made to approve the Snow Plowing and Removal Services Agreement between the Village of Three Oaks and the Three Oaks Township Library for a sum of \$850.00 annually. Moved: Thomas Supported: Newquist Aye: Graziano, Kramer, Thomas, Newquist Nay: None Absent: Pappa, Zebell, Grosse. Abstain: None MOTION CARRIED.**
- **ELECTRIC CAR CHARGING STATION AGREEMENT:** Further information is needed and further review needs to be done by Village Attorney, Charles Hilmer. This item will be tabled and moved to the agenda for the December meeting
- **FURNACE / AIR CONDITIONER REPLACEMENT at the WATER TREATMENT PLANT:** The furnace at the Water treatment plant is not functioning properly. It is 20 years old and has reached “end of life”. Since the air conditioner unit is also about the same age, it is recommended that both units be replaced at this time. There were two (2) quotes solicited and received for the furnace and air conditioner replacement. One from Don Hatfield Heating and Cooling for \$8,210.00 and one from Roberts Service Company for \$6,920.13. **Council Member, Newquist** asked why there weren’t three (3) quotes solicited and requested that this be done going forward with larger purchases. **A Motion was made to approve the quote from Roberts Service Company (low bidder) for \$6,920.13 for a Bryant 80% Efficient Single Stage Furnace and a Bryant 13 Seer 2.5 Ton Air**

Conditioner System for the Water department. Moved: Newquist Supported: Thomas Aye: Graziano, Kramer, Thomas, Newquist Nay: None Absent: Pappa, Zebell, Grosse Abstain: None MOTION CARRIED.

- **APPROVAL of CONTRACT with WIGHTMAN for STEP 2, "INSTALL SOIL BORINGS and WELLS"**: EGLE states that the issues at the lagoons will become more complicated and expensive to resolve if the process of the designing/permitting/constructing repairs are not started as soon as possible. It is recommended that Step 2 be initiated and the work done as notated on their "Scope of Services" contract. The 1st step has been completed – a Monitoring Well Installation Plan has already been created. Step 2 is to install Soil Borings and Wells. **A Motion was made to approve the funds for Step 2 from the Wightman proposal to install soil borings and wells for the cost of \$8,500.00. Moved: Newquist Supported: Thomas Aye: Graziano, Kramer, Thomas, Newquist Nay: None Absent: Pappa, Zebell, Grosse Abstain: None MOTION CARRIED.**
 - **APPROVE CHRISTMAS BONUSES for FULL and PART-TIME EMPLOYEES and ALL BOARD MEMBERS**: It was recommended that Christmas Bonuses be awarded (as they have in past years) to the full-time and part-time employees and all Board members. **A Motion was made to award Christmas Bonuses in the form of a pre-paid Visa card in the amount of \$50.00 for each part-time employee and each member of the Parks & Recreation Board, the Planning Commission, the DDA Board, and the Zoning Board of Appeals, and a \$100.00 pre-paid Visa card to each full-time employee and the Clerk and Treasurer. Moved: Newquist Supported: Thomas Aye: Graziano, Kramer, Thomas, Newquist Nay: None Absent: Pappa, Zebell, Grosse Abstain: None MOTION CARRIED.**
 - **VALIDITY of VIRTUAL MEETINGS**: Per Village Attorney, Charles Hilmer, the Village will be in violation of the Open Meetings Act after January 1, 2021 unless the Governor's order is extended allowing virtual meetings to be held after January 1, 2021. Attorney Hilmer will advise how to proceed for the January meeting. If an extension is not granted by Governor Whitmer, then an appropriate meeting space will need to be secured for future Council meetings.
 - **PLANNING COMMISSION UPDATES**: **Council Member, Colleen Newquist** reported that the main topic of their next meeting will be a request from the owner of 23 W. Ash Street asking for the property to be rezoned as a Commercial property (as it had previously been many years ago). The property sat vacant for many years and reverted back to a residential property as designated by the zoning map.
 - **PARKS & RECREATION BOARD**: **Council Member, Becky Thomas** reported that the Parks & Recreation Board approved the purchase of a Norway spruce tree for the Christmas tree "lighting" tree in Carver Park. She also said that a small plaque has been ordered for Chamberlain Path and that there is discussion about the possibility of creating butterfly gardens.
- DDA BOARD**: **Chairwoman, Suzanna Bierwirth** said that the board is addressing a "plan of attack" to address the ongoing Covid-19 pandemic and its effect on the downtown businesses. The DDA would like to keep the Café Parking Space patios out through November 28th for the Snowflake Stroll, and they are discussing landscaping possibilities for the downtown area.
- **ZONING BOARD of APPEALS**: No Meeting was held.

- **PUBLIC SERVICE COMMITTEE MEETING:** After the next PSC meeting, a plan of action will be determined for the sewer lagoon projects. They do recommend that our lagoons should be lined, starting with Cell #3.
- **VILLAGE MANAGER's REPORT:** **Dan Faulkner** welcomed and congratulated the three (3) new Council members, President, Richard Smith and trustees, Joe Hinman and Tyler Ream. They will begin their duties at the December meeting. Dan discussed the two (2) marijuana ordinances, the Village's ordinance that was passed on 10-21-20 and the ballot initiative ordinance that was passed by Village voters in the November 3rd election and their (possible) conflicting differences. He reported that the Village is still waiting for the Consent Order from EGLE regarding the Sewer lagoons; that the lights have been purchased for the new Christmas tree at Carver Park; that the leaf and yard waste pick-up is continuing, and that the police department has picked up their new police vehicle. It will need to be outfitted with all the necessary equipment and is expected to be on the road early in January.
- **PUBLIC COMMENTS:** **Audience Member, Ellie Mullins** expressed concerns about the ongoing Covid-19 pandemic and asked the Village to present their plan on how they are managing it, perhaps with signs, and by displaying a "plan" on the Village's website. She urged the Village to show how they are keeping their employees and residents and visitors safe in the town. **Audience Member, Suzanne Bierwirth** said that the Village should have a strong philosophy and enforce the law – establish our own Village rules and response to the pandemic. She also stated that some businesses are not enforcing the "occupancy" rule as ordered by the Governor. Suzanne also said that she would like for the Village to help the owner at 23 W. Ash and felt that that address should be zoned as a commercial property. She also said that if the Village had to revert to "in-person" Council meetings, that the Social Club would be a nearby and safe space which would allow proper distancing in order to conduct the meeting. **Council Member, Colleen Newquist** asked how the Village can enforce the rules issued for Covid-19. **Village Manager, Dan Faulkner** replied that the Village has no power to enforce the rules – that the power lies with the Berrien County Health department. **Council Member, Colleen Newquist** asked if we shouldn't be proactive – that if we see something wrong that we should call the business and tell them that they need to comply otherwise the Health department will be notified. **Council Member, Steve Graziano** suggested that a slogan could be created, that the Village could make a "Mask Up" effort – perhaps with a Three Oaks logo. **Council Member, Becky Thomas** suggested that a campaign be organized. **Audience member, Richard Smith** suggested that perhaps the DDA has money in their budget that could go towards a billboard. **Audience Member, Derek Sever** suggested "window clings". **Council Member, Becky Thomas** encouraged the Village to be a "safe" community, perhaps create a citizen's watch. **Audience Member, Angela Reichert** stated that she was uncomfortable with giving Christmas bonuses to Board members that don't regularly attend their meetings. She said that the DDA will be addressing this issue at their January meeting. **Audience Member, Suzanne Bierworth** said that there is heavy, fast-moving traffic on Elm Street and asked if the cross-walks could have cones placed in them, or new signage. **Council Member, Steve Graziano** said that a motorist must yield to a pedestrian in a cross-walk, however, a motorist does not need to stop to let someone cross the street if they are not already in the cross-walk. **Audience Member, Tom Flint** said that the Police Chief encourages that street crossings be done only in the cross-walk.

- **MEETING ADJOURNED AT: 7:48 pm**

Submitted by:

Cynthia E. Moynihan

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Three Oaks Village Clerk

Minutes for the 11-11-20 Council Meeting

Were **APPROVED** at the 12-09-20 Council Meeting