

VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 12-09-20

Council President, Richard Smith, called the (virtual) Village Council Meeting to order at 7:00 PM via “Zoom”.

Pledge of Allegiance: Yes

Roll Call: Present: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith
Absent: None

Approval of the Agenda as presented by Village President, Richard Smith with the following additions and deletions. Per Village Manager, Dan Faulkner, Remove Item #9 – discussion of personnel matters-NO closed meeting will be held per the advice of Attorney Hilmer. Per Village President, Richard Smith, substitute Quentin Clark’s resignation letter for Item #9; Per Council Member, Colleen Newquist, add discussion of the Ballot Initiative’s Marihuana Ordinance; Per Village President, Richard Smith, add the resignation of Planning Commission members to the agenda as Item #10. Moved: Graziano Supported: Newquist Aye: Graziano, Kramer, Thomas, Newquist, Ream, Smith. Nay: None Absent: Hinman (due to Audio problem, Hinman was unable to verbally voice an “Aye” or “Nay” vote. Abstain: None MOTION CARRIED.

NO Public Comment.

NO Correspondence.

Approval of the Consent Agenda to include: Approval of the Public Hearing Minutes from 10-21-20 and the Regular Council Meeting Minutes from 10-21-20 and 11-11-20. Approval of the Police Dept’s report. Approval of Invoices to be paid (\$105,067.56), Disbursements made in October and November, 2020 (\$205,871.87), and Approval of Payroll as paid for October and November, 2020 (\$131,976.55). Moved: Thomas Supported: Newquist Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.

RESOLUTION #12-2020-1 – A RESOLUTION TO MODIFY (ADD/DELETE) the SIGNERS on the VILLAGE’s BANK ACCOUNTS: This resolution is required to update the signers on the Village’s bank accounts by adding new Village President, Richard Smith and removing outgoing Village President, David Grosse from the signature cards for all of the Village’s bank accounts. A Motion was made to approve Resolution #12-2020-1 in order to modify the signers on the Village’s bank accounts by adding (new) Village President, Richard Smith and removing (outgoing) Village President, David Grosse. Moved: Newquist Supported: Thomas Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.

- **RESOLUTION #12-2020-2 – A RESOLUTION TO EXTEND THE MORATORIUM CONCERNING MOBILE FOOD VENDORS WITHIN THE VILLAGE of THREE OAKS:** It was noted that the Village has had a moratorium in place for several years which prohibits Mobile Food Vendors from operating within the Village limits. A Motion was made to approve Resolution #12-2020-2, a resolution to extend the Moratorium prohibiting Mobile Food Vendors within the Village limits until December 31, 2021. Moved: Newquist Supported: Kramer Aye: None Nay: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Absent: None Abstain: None MOTION DENIED. Discussion ensued about the Resolution. Council Member, Graziano asked if the restaurants in town are exempt from the moratorium. Council Member, Thomas and Ream

asked if exemptions could be allowed for special events. Could a Vendor put a request before Council to request an exemption when a special event is being held, such as Wurstfurst? They also said that a Vendor may not be able to make a request in a timely manner at a Council meeting, and suggested that the Village Manager could approve a request made by an established (Village located) brick and mortar business. It was decided to table this resolution until the January, 2021 Council meeting which would allow more time for review and revisions (if necessary) to the resolution.

- **MDOT – PERFORMANCE RESOLUTION for GOVERNMENTAL AGENCIES:** The Performance Resolution is required by the Michigan Department of Transportation (MDOT) for purposes of issuing to a municipal utility an “Individual Permit for Use of State Highway Right of Way”. **A Motion was made to adopt the Performance Resolution for Governmental Agencies as required by MDOT. Moved: Newquist Supported: Thomas Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **RECOGNITION of RESIGNATION OF DDA MEMBERS:** It was noted that resignation letters were received from two (2) DDA members. Because of time constraints, and the challenge of technical difficulties due to the virtual “zoom” meetings, some DDA members were unable to consistently attend the meetings. Resignations were accepted from Karrie Lintner and J.D. Haughey. These positions will need to be filled. **Council Member, Graziano** asked for clarification of who can be on the DDA, what the requirements are for being on the board. A DDA member must either be a Village resident, or a business owner, or can be a non-resident (business owner). The Ordinance also provides for one (1) “at large member”. Village Manager, Dan Faulkner indicated that he would send out clarifying information.
- **RECOGNITION of RESIGNATION LETTER FROM QUENTIN CLARK, WATER/SEWER SUPERINTENDENT:** Quentin Clark, Water/Sewer Plant Superintendent submitted his resignation letter earlier in the month. He indicated that it was not an easy decision, and thanked everyone for the opportunity that he was granted by the Village over the past year and a half. He had a great opportunity presented to him, and decided to take a position with another municipality. **Council Member, Thomas** asked if he had a recommendation for his replacement. She said that she was sorry to see him leave. Quentin replied that his co-worker, Alex, has been working and training with him over the past 9 months, and he will do fine and will be a great asset to a new superintendent. Quentin will wrap up his duties by 12-31-20. **A Motion was made to regretfully accept the resignation of Quentin Clark, Water/Sewer Plant Superintendent effective 12-31-20. Moved: Hinman Supported: Newquist Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **PUBLIC SAFETY COMMITTEE MEMBERS:** The Public Safety Committee (PSC) which has been meeting monthly, needs to assign new members because of the departure of Quentin Clark and Dave Grosse. Village Manager, Dan Faulkner appointed Richard Smith and Alex Keen to the committee along with John Kramer and himself. They have scheduled a meeting for Friday, December, 11, 2020 at 8:30 am.
- **PLANNING COMMISSION UPDATES:** **Council Member, Colleen Newquist** reported that the Planning Commission has asked for more information from Journeyman Distillery regarding their request for a “tasting” room. She also said that a Public Hearing will need to be held in order to hear the rezoning request from the owner of 23 W. Ash asking for this property to be rezoned from R-1 Single Family Residential to C-1 General Commercial. If the request is approved, then the Master Plan will need to be amended. **Newquist** also

reported that the sidewalk report that was done and submitted in 2019 to Council has still not been addressed – no action has been taken on it, but will need to be in 2021. Also, the Planning Commission stated that the issue regarding the parking situation in the downtown area is an issue for Council to deal with – not the Planning Commission. They suggested doing a “Parking Survey” for the area residents and business owners. She also reported that two (2) board members have resigned – Jim Wismer and Jose Hernandez. **Village President, Richard Smith** thanked the residents for serving on the various boards and committees and urged others to consider applying for some of the new openings that have come up.

- **PARKS & RECREATION BOARD:** **Council Member, Becky Thomas** deferred to Tyler Ream, a committee member, who reported that he had met with a member of the Rotary Club about taking on a project which includes using pollinators to attract butterflies, and various other improvements for the Hoadley Trail.
- **DDA BOARD:** **Chairwoman, Suzanna Bierwirth** reported that two (2) DDA board members resigned, Karrie Lintner and J.D. Haughey. She also reported that the DDA is looking into applying for certification of the downtown area to become a historical district.
- **ZONING BOARD of APPEALS:** No Meeting was held.
- **VILLAGE COUNCIL REMARKS:** **Council Member, Ream** said that the parking study was a good idea. **Council Member, Newquist** suggested that the Village consider 15-minute parking spots for quick trips in and out of a business, she asked where the handicap parking spots were, and suggested making the signs bigger for easier reading. **Council Member, Hinman** also would like to see the signage improved. **Council Member, Graziano** asked if the parade was going to be cancelled for this weekend.
- **VILLAGE MANAGER’S REPORT:** **Dan Faulkner** reported that our current email service will no longer store our contacts after February, so he is looking into alternative services. This prompted **Council Member, Thomas** to say that the Village’s website is not user-friendly and perhaps that could be transferred to a different company also to rework it. **Council Member, Newquist** suggested that the Village look for a consultant to manage a transition to a new company. **Council Members Graziano and Ream** said that “Google” is a good file saving and file sharing system. **Dan Faulkner** went on to say that the Office staff and Planning Commission members will need to be trained on how to accept applications for consideration of marihuana licenses. **Council Members Ream and Newquist** asked what the differences were between the Village Ordinance #219 (Marihuana) and the Ballot Initiative Marihuana Ordinance and which one will take precedence if there are differences? Our attorney would have to address that question. **Council Member, Graziano** asked who makes the recommendation to approve a license – he would like to see a “check-list” created – is concerned about the process of choosing who to award licenses to – does not want it to be become political. **Council Member, Ream** asked if Becky Harvey could attend a Council meeting to walk us thru the process. **Village Manager, Dan Faulkner** then turned the “floor” over to Quentin to answer any questions that Council Members had for him. **Quentin** said that the report from Wightman’s regarding the sewer lagoons stated that they had conducted a half dozen soil borings and found very little water – there was virtually no ground water to monitor – therefore there is no contamination. They took core samples, drilled down about 40 feet and the initial reports are very encouraging. The final report should be available after the 1st of the year. **Quentin** also said that Cell #1 & #2 may need to be reconstructed, Cell #3 may need to be relined, but it may be another full year before we get a definitive answer from EGLE regarding those questions. **Council Member, Ream** asked about the B.O.D. levels and discharges. **Quentin** replied that the discharge permits had good results and that

the lagoons are operating fine – they are not exceeding capacity – they are in great shape since the removal of high-strength waste. The lagoons are designed for domestic treatment – not industrial – solids were removed leaving more room for water storage in them. **Council Member, Kramer** (jokingly) asked since nothing was found in the study, should EGLE pay the Wightman bill since they requested the study. **Council Member, Graziano** confirmed with Quentin that the lagoons are performing well, but asked if the sludge still should be removed from Cell #1. **Quentin** also replied that he had started work on a grant for \$1M for the Village. **Village Manager, Dan Faulkner** then returned to his Manager's update report by saying that the Café Parking Space units have been removed for the winter, but they will need to be refurbished before they can be placed back out for use in the spring. He is working on getting a bid prepared for the Michigan Street project next summer. He reported that the Police department has picked up their new vehicle – it needs to be outfitted with equipment and is expected to be on the road in January. He congratulated River Valley Schools for winning their district finals.

- **PUBLIC COMMENTS:** **Audience Member, Kim Pruitt** acknowledged Dave Johnson (Harbor Country News) for his coverage of the Village in the newspaper.
- **VILLAGE PRESIDENT, RICHARD SMITH** reported that all events, including the Christmas parade, the "meet with Santa" and the Prancer open house have all been cancelled for Saturday, December 12th due to Covid-19 concerns and the latest rulings from the Governor. He said that 2020 has been a tough year for everyone, and asked that everyone be kind and work together with a smile in 2021.
- **MEETING ADJOURNED AT: 8:36 pm**

Submitted by:

Cynthia E. Moynihan

Cynthia E. Moynihan
Three Oaks Village Clerk
Minutes for the 12-09-20 Council Meeting
Were **APPROVED** at the 01-13-21 Council Meeting