

VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 06-10-20

Council President, David Grosse, called the (virtual) Village Council Meeting to order at 7:00 PM via Zoom.

Pledge of Allegiance: Yes

**Roll Call: Present: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell, Grosse
Absent: None**

Approval of the Agenda as presented by Village President, David Grosse with one addition to the agenda. Insert new agenda item #6 – Sidewalks discussion. Moved: Newquist Supported: Thomas Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.

Public Comment on the Agenda: Audience Member, Gene Svebakken, (Chairman of the Planning Commission) would like to comment on the “Sidewalks” agenda item.

Approval of the Consent Agenda to include: Approval of Minutes of the Regular (virtual) Council Meeting held on 05-13-20. Approval of the Police Department’s Report. Approval of Invoices to be paid (\$62,711.49). Approval of A/P Disbursements (including prepaids) made from May 1 through May 31, 2020 (\$49,161.67) and Approval of Payroll from May 1 through May 31, 2020 as paid (\$73,614.57). Moved: Newquist Supported: Thomas Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.

- **PRESENTATION of IMPORTANCE for COMPLETING the 2020 CENSUS:** Kathy Stady, on behalf of the Berrien Community Foundation presented a report showing the importance for each Village resident to complete the 2020 Census. Getting a complete count for each municipality is essential to protect the tax dollars that come from the State and Federal government. The number of residents counted determines the amount of money the Village will receive annually for the next 10 years, as well as the County. These dollars go towards infrastructure (highways/roads/bridges), education, housing, public health, transportation, etc. The Village stands to lose \$1,800 annually, or \$18,000 over 10-years for **each** person that is **not** counted. For example, if 50 people are not counted, the Village will lose up to \$900,000 over 10 years and cannot correct the count until the next census in 2030. As of June 7th, the response rate for the Village is at only 60%. This translates into hundreds of thousands of dollars if that percentage rate does not increase. Kathy encouraged every resident to complete the census as it is especially critical this year.
- **PLANNING COMMISSION UPDATES:** Council Member, Colleen Newquist reported that the Marijuana Ordinance Committee consisting of Colleen, Steve Graziano and Rob Woerdehoff made the recommendation to Council that an ordinance be created to allow one (1) license in each category, including growing, dispensing and transporting. They said that the location of a retail business should be limited to the US12 corridor and not be within 500 feet of a school; that an advisory committee should be appointed; that preference should be given to local people, (Three Oaks Village, Three Oaks Township, Berrien County and State of Michigan residents); and that licenses should be awarded based on a point system. The Zoning ordinances would also need to be updated. The Village is strongly urged to find an attorney before proceeding. However, the committee recommends opting-in to approve recreational marijuana so that the Village can move forward quickly to begin to get things in place. Village Manager, Dan Faulkner does not recommend “opting-in” at this time until more information is gathered and a lawyer is retained to help with the process. Note: The Village already has Ordinance #216 to “opt-out”. That ordinance was adopted on 12-12-18. **A Motion was made to opt-in to allow recreational marijuana licensing within the Village limits. Moved: Newquist Supported: Thomas Aye: Thomas, Newquist Nay:**

Graziano, Kramer, Pappa, Zebell Grosse Absent: None Abstain: None MOTION DENIED. A Motion was made to retain the services of an attorney to look into requirements for opting into the legalization of recreational marijuana licensing within Village limits. Moved: Graziano Supported: Pappa Aye: Graziano, Kramer, Thomas, Pappa, Zebell, Grosse Nay: None Absent: None Abstain: None MOTION CARRIED. Council Member, Colleen Newquist went on to report that the Short-Term Rental Committee consisting of Colleen, Jose Hernandez and Richard Smith after much research and discussion, explained that while there is a perception that the Village has a large number of rental properties, that that is not the reality. There is currently only about 4% of the homes being rented to vacationers, therefore, this situation does not warrant further monitoring. The committee recommends that the number of short-term rentals not be limited at this time, that it should be considered to use a third-party to identify and monitor the number of rentals and manage the inspections, to raise the annual fee to cover the cost of using a third-party and to impose a substantial fine for short-term rental owners who do not register their properties with the Village. They also suggested that the same due date should be imposed for renewals in order to facilitate the record-keeping. It was suggested that the Village refer to South Haven's ordinance which uses a structured tier rate for their fees.

- **PARKS & RECREATION BOARD:** Council Member, Becky Thomas, was unable to attend the meeting on June 1, 2020 and suggested that residents could refer to the Minutes of the meeting. She thanked Village resident, Tyler Ream who is growing sunflowers at Dillard Park, selling them at the Farmer's market and then donating the proceeds to raise money for the park. Becky also said that the work being done on Chamberlain Path looked great! Village Manager, Dan Faulkner, reported that the Parks & Recreation Board after reviewing their budget asked for an increase in the capital improvement category; that the Harbor Country Hikers will lead a 1.6-mile hike on June 27th and Dan said it was reported that the Community Garden is running well this year. Dan went on to say that an ADA - compliant ramp along with repainting of two parking spots near the ramp is needed at Carver Park. Village President, Dave Grosse noted that this work should have been included with the original plans when the park was redone several years ago. The Village has a proposal from L.E. Barber to build it for \$1,800.00. A Motion was made to enter into a contract with L.E. Barber of Benton Harbor, MI to construct an ADA-compliant ramp at Carver Park for the amount of \$,1800.00 Moved: Pappa Supported: Newquist Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: None Abstain: None MOTION CARRIED. Derek Sever, an engineer with Abonmarche, reported that the Chamberlain Path project was close to being finished, and suggested that the Village consider expanding the electrical panel for future use and planning.
- **DDA BOARD:** Village Manager, Dan Faulkner reported that the DDA's budget request has been turned in for the upcoming fiscal year and that word was just received that the "Match on Main" grant had been (unfortunately) denied for the downtown businesses.
- **ZONING BOARD of APPEALS:** No Meeting was held.
- **DISCUSSION of SIDEWALKS:** Village President, Dave Grosse asked Village Manager, Dan Faulkner to conduct a survey of the condition of all the sidewalks, prioritize the need for replacements and come up with pricing and present the report to Council at the July meeting. He said that in order to make any changes, the current Sidewalk ordinance would need to be amended which requires a Public Hearing to be held prior to an amendment.

- **COUNCIL REMARKS:** Council Member, Colleen Newquist said that since the Master Plan has been approved, she asked how does the Village go about taking action on certain projects, accumulating funds, and going after grant money in order to put together an action plan for a project. She also asked if a statement has been issued from our Police department in response to all the unrest and protests across the country against police officers. Village Manager, Dan Faulkner said that no statement has been prepared, but that the officers have signed up for additional training classes thru MCOLES.
- **VILLAGE MANAGER'S REPORT:** Dan Faulkner reported that two handwashing stations have been installed in the Village in order to help control the COVID-19 virus, that the spring discharge from the Sewer lagoons has been completed, and that an ADA parking space has been added in front of Journeyman's. He said that the DDA and the Village submitted the application for the "Match on Main COVID-19" grant money that was available for downtown businesses, but just prior to the meeting received word that it had been denied. Dan told Council members and any residents that are interested to see Village Clerk, Cynthia Moynihan for paperwork to fill out regarding one of the (3) open trustee positions or the (1) open president position available on the Village Council. The deadline to submit your election forms is 4:00 pm on Tuesday, July 21, 2020 to the Township Clerk, Liz (Cummings) Zabel.
- **PRESIDENT'S REMARKS:** Dave Grosse reported that the Village is waiting for the reply from EGLE regarding the next steps to take for the upgrades on the Sewer lagoons. Dave appointed a committee of himself, John Pappa and John Kramer to work with Water/Sewer Supervisor, Quentin Clark, and Village Manager, Dan Faulkner to meet at least monthly and come up with a status report that can be presented to Council each month regarding the lagoon projects and their status. Dave also said that the new police car is here – needs to be outfitted with all of the equipment, but should be ready for the road in about a month.
- **Audience Member, Gregg Fraley** asked how was the parade even allowed to happen on Friday, June 5th. **Council Member, Colleen Newquist** said that it appeared that more than 200 people attended which was against CDC rules and the governor's orders limiting crowds to 100 people. **Council Member, Steve Graziano** said that he observed social distancing and did not feel it created a problem. **Audience Member, Kim Pruitt** said that plans to hold the parade weren't properly put before Council before-hand and that procedure wasn't properly followed. She also asked if the State of the Village report could be done as a "Door-to-Door" mailing on a quarterly (rather than annual) basis in order to keep residents up-to-date. **Audience Member, Joe Hinman**, asked if a statement could be issued from the Police department, that he felt it would be important to do so. **Audience Member, Tyler Ream** also reiterated that a statement should be issued and he asked what action was being taken for police training moving forward. Tyler thought it was great that the Village put the hand sanitizing stations in place. He said that the restaurants and stores are doing everything they can to reopen and operate safely.
- **MEETING ADJOURNED AT: 8:19 pm**

Submitted by:

Cynthia E. Moynihan

Cynthia E. Moynihan,

Three Oaks Village Clerk

Proposed Minutes for the 06-10-20 Council Meeting