

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

Council President, David Grosse, called the (virtual) Village Council Meeting to order at 7:02 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. Moved: Thomas Supported: Newquist Aye: Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: Graziano Abstain: None MOTION CARRIED.

Public Comment on the Agenda: Audience Member, Angela Reichert would like to speak regarding the proposed Zoning ordinance changes related to Marihuana.

Approval of the Consent Agenda to include: Approval of Minutes of the (virtual) Regular Council Meeting Held on 08-12-20 and the (virtual) Special Meeting held on 08-19-20.

Approval of the Police Department's Report. Approval of Invoices to be paid (\$99,583.84). Approval of A/P Disbursements (including prepaids) made from August 1 through August 31, 2020 (\$56,249.03) and Approval of Payroll from August 1 through August 31, 2020 as paid (\$52,873.13). Moved: Thomas Supported: Kramer Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: None Abstain: None MOTION CARRIED.

A Motion was made to close the regular Council meeting and enter into the Public Hearing at 7:05 pm in order to present the 2020-2021 Budget. 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 Public Hearing and re-enter into the regular Council meeting at 7:08 pm. Moved: Newquist Supported: Thomas Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: None Abstain MOTION CARRIED.

- **ACCEPTANCE of SEALED BIDS for SALE of (2) DPW TRUCKS:** Bids were taken for the sale of two (2) DPW trucks that have not been in use for years. One was a 1996 Ford F-350, 2-wheel drive, 1-ton pick-up truck and the other was a 1986 L8000 Ford Dump truck. The high bid for the 1996 Ford F-350 truck was \$401.00 from Mark Quartuch from Porter, Indiana and the high bid for the 1986 Ford Dump truck was for \$500.00 from Rick Strauss, Three Oaks, MI. A Motion was made to accept the bid of \$401.00 from Mark Quartuch of Porter, IN for the sale of the 1996 Ford F-350 truck. Moved: Thomas Supported: Pappa Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell, Grosse. Nay: None Absent: None Abstain: None Motion Carried. A Motion was made to accept the bid of \$500.00 from Rick Strauss of Three Oaks, MI for the sale of the 1986 L-8000 Ford dump truck. Moved: Thomas Supported: Pappa Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: None Abstain: None MOTION CARRIED.
- **PROPOSAL for CARVER PARK PAVILION MAINTENANCE CONTRACT:** The south-facing exterior beams on the pavilion at Carver Park have weathered and need refurbishing. A proposal was accepted from Matt Barrett of Barrett-Deezal Construction to strip, sand, and apply three (3) coats of varnish to the exterior beams of the pavilion at Carver Park for

\$3,600.00. A Motion was made to accept the proposal from Matt Barrett, Barrett-Deezal Construction for the refurbishment of the exterior beams of the pavilion at Carver Park for the amount of \$3,600.00. Moved: Pappa Supported: Graziano Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: None Abstain: None MOTION CARRIED.

- **FALL CLEAN-UP/LARGE ITEM PICK-UP SCHEDULED for the VILLAGE:** The annual Fall Clean-up for residential properties within the Village has been scheduled for Saturday, October 3, 2020 from 8:00 am to noon. A big thank-you goes out to Lakeshore Recycling for providing the equipment and manpower and to the Three Oaks Masonic Lodge for their assistance and manpower in facilitating this large undertaking for the Village residents.
- **APPROVAL of the 2020-2021 BUDGET:** A Motion was made to accept the 2020-2021 fiscal budget as presented by Village Manager, Dan Faulkner. Moved: Newquist Supported: Kramer Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: None Abstain: None MOTION CARRIED.
- **APPROVAL of 2.0% COST OF LIVING INCREASES for EMPLOYEES:** A Motion was made to approve a 2.0% Cost of Living Increase for all employees effective 10-01-20. Moved: Pappa Supported: Graziano Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: None Abstain: None MOTION CARRIED.
- **SET DATE for SPECIAL COUNCIL MEETING TO APPROVE BUDGET AMENDMENTS for the 2019-2020 BUDGET YEAR:** It was agreed to set the date of Wednesday, September 23, 2020 at 7:00 pm to hold a Special Meeting to review and approve the budget amendments for the 2019-2020 budget year.
- **SET DATE for PUBLIC HEARING for the REVIEW of the PROPOSED ADULT USE MARIHUANA ORDINANCE:** A Public Hearing was scheduled for 7:00 pm on Wednesday, October 14, 2020 (prior to the regular Council meeting) to present and review the proposed Adult Use Marihuana Ordinance.
- **PLANNING COMMISSION UPDATES:** Council Member, Colleen Newquist reported that the Planning Commission has a Public Hearing scheduled for 7:00 pm on Tuesday, October 6, 2020 (prior to their regular meeting) to present and review the revised proposed zoning changes to the Marihuana ordinance. Council began discussion of the proposed ordinance by asking the Village's attorney, Charles Hilmer if he had any comments on it. He stated that he did not, except that the petition that had been signed by residents allowing a ballot initiative to be placed on the November 3, 2020 ballot was very detailed, and that the ballot initiative (the wording on the ballot itself) is not very detailed which could lead to confusion among voters. Council Member, John Pappa asked if the Village's ordinance was going to protect us from the ballot initiative. Audience Member, Angela Reichert said that Joslin Monahan (the marihuana attorney) and Becky Harvey (from Abonmarche) did a great job preparing an ordinance that will protect the Village. Audience member, Suzanna Bierwirth asked what are we trying to "protect"? Council member, John Pappa wants to protect family values, is concerned about more crime and does not want marihuana businesses allowed in the downtown area. Attorney Joslin Monahan helped to further define and clarify what the different licenses will allow and said that there potentially could be up to 19 grow operations in the Village. She said that a grower can "stack licenses" – own multiple ones. A Motion as made to allow one (1) each of Class A / B / C licenses with a maximum of two (2) growers for either medical or recreational marihuana. Moved: Pappa Supported: Graziano Aye: Graziano, Kramer, Pappa, Zebell, Grosse Nay: Thomas, Newquist Absent: None Abstain: None MOTION CARRIED. There was

further discussion of how many retail establishments should be allowed. **Council Member, Becky Thomas** said that other communities seem to have no problems – asked why the Village is anticipating so many problems. **A Motion was made to offer one (1) medical marihuana provisioning center license and to add language expressly stating that the Village will not prohibit an adult use retail establishment from operating at a shared location with such medical marihuana provisioning center. Moved: Graziano Supported: Kramer Aye: Graziano, Kramer, Pappa, Zebell, Grosse Nay: Thomas Newquist Absent: None Abstain: None MOTION CARRIED.** A Motion was made to allow two (2) marihuana processors, one (1) safety compliance and one (1) secure transporter license to be issued. **Moved: Kramer Supported: Graziano Aye: Graziano, Kramer, Pappa, Newquist, Zebell, Grosse Nay: Thomas Absent: None Abstain: None MOTION CARRIED.** Council was unable to have a discussion of the location of these businesses because the most current copy of the proposed zoning ordinance changes was not available, however, **Council Member, Steve Graziano** brought up the issue of whether a distance of 500' or 1,000' from a school or another marihuana business would be allowed. The Planning Commission is holding a Public Hearing on the zoning portion of the marihuana ordinance at 7:00 pm on Tuesday, October 6, 2020 prior to their regular meeting. Council scheduled a Special Meeting for 7:00 pm on Wednesday, September 23, 2020 to further discuss the proposed zoning portion of the marihuana ordinance as it relates to both medical and recreational marihuana. Council scheduled a Public Hearing for 7:00 pm for Wednesday, October 14, 2020 to present the revised marihuana ordinance. The two (2) motions that were made and approved tonight will be sent back to the Planning Commission for them to consider and possibly implement in their revised update of the zoning ordinance for marihuana.

- **PARKS & RECREATION BOARD:** There was no update given by **Council Member, Becky Thomas**.
- **DDA BOARD:** **Village President, Dave Grosse** reported that the DDA is looking into designating the downtown area as a historical district and they are researching the possibility of locating an electric car-charging station across from Big C Lumber.
- **ZONING BOARD of APPEALS:** No Meeting was held.
- **PUBLIC SERVICE COMMITTEE MEETING:** No meeting was held.
- **COUNCIL REMARKS:** **Council Member, Colleen Newquist** asked why Water/Sewer Superintendent, Quentin Clark had not yet purchased a camera used for viewing the sewer/water lines if Council had approved the purchase. It was noted that that request had not been made or approved yet. She was actually referring to another piece of equipment that had been previously approved for the Water/Sewer department.
- **VILLAGE MANAGER's REPORT:** **Dan Faulkner** reported that the annual energy savings report has been completed by Jonathan Burke from Tactical Energy Group and his invoice (a one-time charge) has been submitted for \$5,305. This charge is 50% of the (\$10,611) savings that the Village realized over the past year and further future savings will result from this energy analysis. Dan stated that the Village received a letter from the Village of Clinton asking for monetary support to join with 20 plus cities and villages to challenge the State ruling which will result in costly lead and copper pipe upgrades to the municipalities. **A Motion was made to contribute up to \$2,000.00 to pursue action (along with other cities and villages) against EGLE for replacement of lead pipes. Moved: Pappa Supported: Kramer Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Zebell, Grosse Nay: None Absent: None Abstain: None MOTION CARRIED.** He also reminded everyone that the large item pick-up is scheduled for October 3<sup>rd</sup>. He said that

work on raising the 3 manholes and fire hydrant flushing should begin in October. Dan also reported that MDOT is tentatively scheduling a road resurfacing project on US12 highway for 2024; that police officers, Carl Krause and Andrew Taylor have completed additional Police One Academy courses and that the new 2020 Ford Explorer police vehicle has arrived and been placed into operation. The Treasurer and Clerk reviews are completed. Both positions are classified as part-time, but Lois has asked that her position be changed to a full-time position along with short- and long-term disability insurance. A Civil Rights Complaint that was received by the Village was determined to actually be a complaint that is in the Township's jurisdiction. Dan said that he is continuing to work with Wightman and Associates to address EGLE's concerns, to work on a Sidewalk Ordinance, continue on with a water rate study and investigate wellhead protection.

- **PRESIDENT'S REMARKS:** Dave Grosse reported that it is time to conduct the 6-month evaluation for Village Manager, Dan Faulkner. He asked that the evaluation forms be returned to him in a sealed envelope at least one week prior to the next Council meeting. He also reported that the lease between the American Legion Post and the Village expired in April of 2019, therefore, a new lease needs to be written and adopted. In addition, he told Council that Merlin Hanson, who had started up his company, (Weldun, Int'l) many, many years ago in the upstairs level of the Three Oaks library had reached out to the Village with an offer of one (1) mile of train track and the refurbished trains from the House of David. Merlin has offered to donate the track and trains to the Village if there is an area that they can be located and operated in within the Village. This could be a wonderful tourist attraction and draw to the area, and is a generous offer. Dave also reminded everyone that a life-saving award was being given to the Village's police officer, Andrew Taylor and the ceremony is scheduled for 11:00 am on Wednesday, September 16, 2020 right in front of Village Hall. Dave also reminded everyone to remember 9/11 on Friday.
- **Audience Member, Johnny Borter** – the marijuana issue took a large amount of meeting time again tonight and he asked that the term "reefer" not be used because of its negative connotation. **Audience Member, Angela Reichert** stated that Council has "gutted" what the Planning Commission originally wanted regarding the marijuana ordinance. She asked that they go and visit businesses in other towns to see how they are operating. **Audience Member, Josh Colton** stated that restricting the number of marijuana licenses is detrimental and deters high quality applicants. Restrictions will result in litigation – please create the opportunity to attract high-quality applicants.
- **MEETING ADJOURNED AT: 9:20 pm**

Submitted by:

*Cynthia E. Moynihan*

Cynthia E. Moynihan,  
Three Oaks Village Clerk  
Minutes for the 09-09-20 Council Meeting  
Were **APPROVED** at the 10-21-20 Council Meeting



**VILLAGE OF THREE OAKS PUBLIC HEARING MEETING – DATE: 09-09-20**  
**Council President, David Grosse, called the (virtual) Public Hearing Meeting to order at 7:05 PM via Zoom.**

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

**PRESENTATION of the 2020-2021 BUDGET:** The proposed budget for 2020-2021 was presented by **Village Manager, Dan Faulkner**. It was agreed that over all the budget looked good, but **Council Member, Colleen Newquist** had several questions about it. She asked if the pending fines from sewer lagoon violations cited by EGLE had been budgeted for. Dan replied that by showing EGLE that the Village is being pro-active, by continually addressing the issues and increasing monitoring that perhaps they will go easier on the Village in determining the level of fines to be assessed. **Newquist** also asked why there was such a large difference in the Sewer budget from last year to this year. That is mainly because the cost for dredging was included in last year's budget. She also questioned the lower amount budgeted for general administration and the Police budget, and asked why revenue for the Street funds had increased if the State indicated and warned that funding would be down for this year because of the Covid-19 pandemic. It was also noted that the budget amount for Rubbish revenue increased because of the additional assessment for recycling. **DDA Chairperson, Suzanna Bierworth** said that the budget for DDA was "refocused" in different areas for this year.

• **PUBLIC HEARING ADJOURNED AT: 7:08 pm**

Submitted by:

*Cynthia E. Moynihan*

Cynthia E. Moynihan,  
Three Oaks Village Clerk  
Minutes for the 09-09-20 Public Hearing  
Were **APPROVED** at the 10-21-20 Council Meeting