

VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 01-13-21

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. Moved: Kramer Supported: Newquist Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith. Nay: None Absent: None Abstain: None MOTION CARRIED.

NO Public Comment.

NO Correspondence.

Approval of the Consent Agenda to include: Approval of the Regular Council Meeting Minutes from 12-09-20. Approval of the Police Dept’s report. Approval of Invoices to be paid (\$53,929.38), Disbursements made in December, 2020 (\$72,158.92), and Approval of Payroll as paid for December, 2020 (\$56,849.36). Moved: Hinman Supported: Thomas Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.

- **SET SPECIAL MEETING DATE TO APPOINT COMMITTEE and BOARD MEMBERS:** Council needs to hold a special meeting prior to February’s board meetings in order to appoint members to the open positions for the DDA, the Planning Commission, the Parks & Recreation Board and the ZBA. **A Motion was made to hold a Special Meeting on Wednesday, January 20, 2021 at 7:00 pm in order to appoint new Board and Committee members to the DDA, the Planning Commission, the Parks & Recreation Board and the ZBA. Moved: Thomas Supported: Newquist Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith. Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **INCREASE PAY BY \$1.00/HOUR for NATHAN SMITH, DPW DEPARTMENT, FOR THE USE OF HIS SEWER LAGOON LICENSE:** Upon the resignation of Quentin Clark, (the Water/Sewer Superintendent) the Village needs back-up, support help for the Sewer department. Nathan Smith (DPW Dept.) has the necessary licensing and has agreed to assume additional duties for the Sewer department until September 30, 2021. It is expected that Alex Keen (Water/Sewer dept.) will have his license by then, and can assume those duties at that time. It was discussed that Nathan should be awarded a \$1.00/hour raise for the use of his Sewer license and for the additional duties he would be assuming. A Council Member asked that since he would be “stepping-down” after 09-30-21 would his raise only be effective until that date? It was stated that the raise would be permanent. **A Motion was made to grant a \$1.00/hour raise to Nathan Smith for the use of his Sewer Lagoon license, and for him assuming the duties of a “back-up” operator for the Sewer department until 09-30-21. The \$1.00/hour raise is a permanent raise. Moved: Newquist Supported: Thomas Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **REDEVELOPMENT READY COMMUNITIES (RRC):** There was much discussion how to improve the communications between the Village and its residents, including emails, website, Facebook postings, etc. **Council Member, Newquist** would like to appoint a committee to come up with suggestions, and would like to include not only council members,

but residents. **Council Member, Hinman** suggested calling it a “taskforce”. **Council Member, Ream** would like to see more of an “on-line presence” on a monthly basis – perhaps notices on the back of the water bills. It was noted that if the back of the water bills was used for this, other important information that is currently on the back would have to be removed. Four (4) Council Members indicated that they would be happy to serve on the “task force”, but Attorney Hilmer pointed out that only three (3) members could serve without violating an “open meetings” act each time they met. It was decided that the committee would consist of Newquist, Ream and Hinman. **Council member, Newquist** began talking about surveys that had previously been conducted and/or needed to be conducted for the RRC project and stated that the RRC project has stalled and needs to get back on track. **Council Member, Ream** asked where the Village was at as far as securing a new email service. **Council member, Newquist** asked what other municipalities were using. **Village Manager, Dan Faulkner** replied that it was primarily “Go Daddy” and “Gmail”. **Council member, Thomas** asked if the Village has looked into securing the services of an outside company to help direct them in the search for a new email service and website. **Council member, Ream** wants the website to be user-friendly. **Village President, Smith** asked Dan to seek recommendations about websites that are considered to be “good” ones.

- **MARIHUANA ORDINANCE BIDDING PERIOD UPDATE:** **Village Manager, Dan Faulkner**, said that there is no update in the marihuana bidding process. It is in the hands of Rebecca Harvey (McKenna & Assoc.) and Joslin Monahan (Attorney). A Council member asked if it goes to the Planning Commission in February and if it is “OK”, then does it go directly to Council for approval? **Dan** stated that a Resolution would need to be adopted. **Council Members, Thomas and Newquist** both stated that their opinion is that Joslyn is not an effective attorney. They don’t feel that things are moving forward in the process, that she does not have good, pertinent information during the meetings when questioned. They asked if the Village had the best counsel and asked how she got hired to represent the Village. Council doesn’t have confidence in her since she doesn’t appear to be prepared when attending our meetings. **Village Manager, Dan Faulkner** replied that he is the one that had recommended her since he had worked with her on the licensing for Marihuana for the Village of Lawrence while he was the manager there. **Council Member, Ream** replied that Rebecca Harvey was well prepared while attending the Planning Commission meetings. **Audience Member and Planning Commission Chairman, Gene Svebaken** said that she is a planning consultant, not a legal authority. **Village Manager, Dan Faulkner** said that Joslin’s primary duty was to write our Marihuana Ordinance and she very effectively accomplished that. **Council Member, Ream** asked if we would still need the services of a “marihuana” lawyer after the training is completed. **Village Manager, Dan Faulkner** replied that “yes” the Village does still need a lawyer. They would assist in the reviewing of the applications for licenses and remain in an advisory position for the Village.
- **POLICE DEPARTMENT – BODY-WORN CAMERA POLICY:** The Village collaborated with Chikaming Township in preparing a policy for body-worn cameras. The body-cams are being worn now by the Village’s police officers. The cameras can be taken off and loaded into a base (docking station) to download the information from them. It was announced that the Berrien County Foundation awarded a \$5,500 grant to the Village for the body-cams. There was discussion about amending the policy to address and specify the method of discipline for the officers if an issue should arise from the information relayed from the body cams. **A Motion was made to adopt the Body-Cam Policy for the Police department (with an amendment to address discipline methods) for the Village of Three Oaks. Moved: Newquist Supported: Hinman Aye: Graziano, Kramer, Thomas, Hinman,**

Newquist, Ream, Smith Nay: None Absent: None Abstain: None **MOTION CARRIED.**

- **COUNCIL RULES of PROCEDURE: Council Member, Ream** asked if Council members can ask Attorney Hilmer questions during the Council meeting regarding agenda items. Attorney Hilmer responded that it is up to the discretion of the moderator, (usually the Village President), if a council member can ask the Attorney a question. It was discussed and agreed that it is acceptable. **A Motion was made to adopt the Council Rules of Procedure as presented, with an amendment in the 1st section under “meetings” to allow a council member to ask the Village’s Attorney a question related to agenda items during council meetings. Moved: Hinman Supported: Ream Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **RESIGNATION of POLICE CHIEF, DENNIS BULLER:** The Village received a resignation letter from Police Chief, Dennis Buller with an effective date of January 2, 2021. **Council Member, Graziano** expressed his thanks to Chief Buller for his years of service to the Village and several other Council members also expressed their appreciation to Chief Buller. **Dan** said that an ad will be placed in several newspapers, and on the MML, the MCOLES and the Village’s websites. There will be three (3) people reviewing the applications and conducting the interviews for the position – Village Manager, Dan Faulkner, Village President, Richard Smith and Berrien County Sheriff, Paul Bailey. **Council Member, Newquist** said that she would like to see a more diverse group doing the interviewing. **A Motion was made to regretfully accept the resignation of Police Chief, Dennis Buller. Moved: Thomas Supported: Newquist Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **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, and that a site plan has been requested. She also reported that the owner of 23 W. Ash who had submitted a request for the rezoning of his property asked for the request to be tabled until the February meeting. He indicated that he will be asking for “conditional zoning”.
- **PARKS & RECREATION BOARD: Council Member, Becky Thomas** said that Steve Diller from the Rotary Club spoke at their last meeting. She said that Council Member, Ream will be taking over the liaison position from herself. **Council Member, Ream** then went on to report that they are looking into planting pollinators and making Hoadley Trail more accessible. He reported that the Village was not awarded the Watkins Park grant, that the State went with some of the larger projects that had applied, but that the Village could decide to reapply. He also said that the Parks & Recreation board tabled discussion of the proposed donation of an ice-skating rink to the Village.
- **DDA BOARD: Village President, Smith** reported that the DDA has asked for reimbursement of the cost of the gift cards that were distributed at Christmas to the DDA. They agreed that the cost should be funded by the General Fund, said that the DDA did not have it in their budget and had not authorized the expense. They approved the allocation of \$6,000.00 from their budget for the upgrading of the website, and asked if there was an update on the car charging station agreement. **Smith** also said that he would be making a recommendation to DDA about appointing **Joe Hinman** as the Village Council liaison to the DDA in his place. **Smith** also suggested that the DDA amend their by-laws to reflect an

excerpt from Michigan's DDA Act 57 of 2018 Section 124.4024. It will be detailed further if and when the change is adopted by the DDA. He reported that **DDA Chairwoman, Bierwirth** and **DDA Member, Reichert** brought up the issue with the large number of stray cats roaming the Village. This has been an ongoing problem. **Village Manager, Faulkner** said that he will check with a trapper that he has previously used in Van Buren County.

- **ZONING BOARD of APPEALS:** No Meeting was held.
- **PUBLIC SERVICE COMMITTEE MEETING:** **Village Manager, Faulkner** said that the PSC held a meeting on 12-11-20 and he related some of the highlights from that meeting. He also welcomed Tom Flint as a new member of the committee. **Dan** reported that the Right-of-Way permit resolution has been issued and L.E. Barber notified so that they can begin work as soon as possible on raising the manholes along US12 in order to alleviate the water infiltration. He said that the boring work has been completed by Wightman, and it was suggested that a camera be run in the line between Sewer Lagoon Cell 2 and 3 after the spring discharge has been completed to check the status and condition of the line. A report was filed with EGLE regarding the 45 gallons of wastewater that inadvertently entered the catch basin next to the Sewer building. **Faulkner** presented a water rate study to the committee with the recommendation that an increase take effect on October 1, 2021. Further discussion on this was deferred until the next meeting. No action was taken on the Sidewalk issue.
- **VILLAGE PRESIDENT REMARKS:** **Village President, Smith** said that the new word for 2021 is "T H I N K". That we can use this to get 2021 started off on the right foot. T = Is it True / H = Is it Helpful / I = Is it Inspiring / N = Is it Necessary / K = Is it Kind. He closed by asking everyone to just "think" before we speak.
- **VILLAGE MANAGER'S REPORT:** **Dan Faulkner** reported that a Coronavirus Relief Local Government Grant was issued to the Village for \$9,550.00. He is continuing research into changing the Village's email service; he said that Alex Keen has completed his online training and will apply to test for the Lagoon L-1 License. He said that Clay, Nate and Alex will rotate "rounds" each week until September; that the new Police Vehicle is in, but needs to be outfitted yet with equipment, and that Police Chief Buller resigned effective January 2, 2021.
- **VILLAGE COUNCIL REMARKS:** **Council Member, Newquist** asked about the recycling stickers – if and when they were going to be installed – she suggested that once spring comes perhaps Council members could do it. She also asked if the Food Truck moratorium was going to be on the agenda for next month and asked what are the "numbers" for short-term rentals. How many rentals vs. regular homeowners? **Council Member, Thomas** asked if the inspections of short-term rentals were being done. She said that housing sales are sky-rocketing and feels that many of those sales are for use as rentals. **Council Member, Newquist** mentioned that Chikaming hired a new company to manage their building inspections and rentals – also said that they substantially raised their rates. **Village Manager, Faulkner** reported that the Village will begin inspecting long-term rentals also. **Council Member, Newquist** asked if the Enterprise Park was in the process of being sold to a marijuana grower and if so, how the cost of the infrastructure would be handled. **Village Manager, Faulkner** said that the 425 agreement stipulates that the Township and Village will have to split the cost of the infrastructure and that it will be very costly. **Council Member, Newquist** asked if the Township can sell the property without the Village's consent – the answer is "yes". **Council Member, Thomas** asked how can a marijuana "grow" operation be handled by our lagoons. **Council Member, Ream** asked if we are doing

anything yet about the Sidewalk issue. **Council Member, Kramer** replied that the biggest issue is how does the Village pay for the repairs – how does it get funded?

- **PUBLIC COMMENTS: Audience Member, Devin Loker with Exclusive Healing** introduced himself to the new council members and requested clarification on applying for a special land-use permit.
- **MEETING ADJOURNED AT: 8:42 pm**

Submitted by:

Cynthia E. Moynihan
Three Oaks Village Clerk
Minutes for the 01-13-21 Council Meeting
Were **APPROVED** at the 02-10-21 Council Meeting