

VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 03-10-21

Village 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 one (1) change. Item #8, a request from Froehlich’s for a car show should be deleted from the agenda. This request has been cancelled. Moved: Hinman Supported: Thomas Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith. Nay: None Absent: None Abstain: None MOTION CARRIED.

PUBLIC COMMENT: Ethan del Stone would like to speak on Agenda Item #11 (marihuana bidding period) and Devin Loker would like to make a general comment about a dispute regarding the property at 6761 U.S. Highway 12.

CORRESPONDENCE: Correspondence was submitted and will be read at Agenda Item #12, the request for rezoning at 23 W. Ash Street.

Approval of the Consent Agenda to include: Approval of the Regular Council Meeting Minutes from 02-10-21. Approval of the Police Dept’s report. Approval of Invoices to be paid (\$69,893.22), Disbursements made in February, 2021 (\$88,519.44), and Approval of Payroll as paid for February, 2021 (\$45,848.00). Moved: Newquist Supported: Thomas Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED. Village Manager, Dan Faulkner said that he would like to see the Police report listed as a separate item rather than under the Consent Agenda, and that he would like the Police Chief to attend the Council meetings.

- **AMENDMENT to the 425 AGREEMENT:** The proposed amendment to the 425 agreement stipulates that the future developer of the land will bear the cost of extending the sewer and water utilities from the Village limits to the Enterprise Park. **Council Member, Ream** asked when the “original” agreement expires. **Council Member, Newquist** said that she believes it expires this year (in November of 2021). She said that it is a (6) six-year agreement and that the amendment needs to be corrected to November 9, 2015 (from December 9, 2015). **Council Member, Ream** asked how the contract will continue after its’ expiration in November. **Three Oaks Township Supervisor, George Mangold** reported that there had been discussion that if the current effort to sell the property fails, the 425 agreement might not renew with the Village when the (6) years is up. **A Motion was made to approve the amendment to the 425 Agreement which states that the future developer of the property shall bear the cost of extending and installing the sewer and water utilities from the Village limits to the Enterprise Park. Moved: Graziano Supported: Kramer Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **RE-DISTRICTING PRESENTATION:** The person scheduled to make the presentation was not available. No presentation was made.
- **EMERGENCY LIST COORDINATION RESOLUTION #03-2021-01:** The Berrien County, Emergency Planning Commission, pursuant to the Michigan Emergency Management Act (Public Act 390 of 1976) asks that each municipality pass a resolution declaring who their primary emergency liaison is and lists their responsibilities in the case of an emergency. A

coordinator contact sheet was also prepared to go along with the resolution. **A Motion was made to approve Resolution #03-2021-01, a resolution to appoint an emergency management coordinator, (his or her) duties and a list of contacts for the Village of Three Oaks in the case of an emergency. Moved: Hinman Supported: Newquist Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**

- **DDA – APPROVE ORDINANCE #220 (which AMENDS ORDINANCE #187):** It was proposed that an amendment be made to Ordinance #187 stating that the Board should consist of the President of the Village Council of Three Oaks – OR – the President’s designee from the Village Council in addition to (8) eight members appointed by the President. **A Motion was made to approve Ordinance #220, an amendment to the DDA’s Ordinance #187. Moved: Newquist Supported: Thomas Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED**
- **DDA – CAR CHARGING AGREEMENT with RED E CHARGING and THE VILLAGE of THREE OAKS:** It has been discussed and proposed that a car charging station with (2) TWO 80a Level 2 EV Chargers be installed on Oak Street (East of Elm) next to the municipal parking lot. RED E CHARGING will share revenue generated from the EV Chargers in the amount of \$.02 per kilowatt-hour payable to the Village on the 10th day of each month. **Council Member, Newquist** said that it appeared that the cars would be parked on the street while being charged. She asked if the designated parking spots were allowed only for “charging” purposes. She felt that the only time it might be an issue was during the Farmers Market. It was confirmed that 2 parking spots would be designated specifically for and used only by electric cars using the charging station. **A Motion was made to approve the Car Charging Station Agreement between Red E Charging and the Village of Three Oaks. Moved: Thomas Supported: Newquist Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **MARIHUANA RESOLUTION #03-2021-02 – a RESOLUTION TO SET THE BIDDING PERIOD for MARIHUANA APPLICATIONS.** The proposed bidding period to accept applications for Marihuana Licenses is July 19, 2021 thru July 29, 2021. **Council Member, Newquist** asked why the date was set so far in advance. **Village Manager, Faulkner** responded that due to the processing and approvals of Special Land Use permits that are coming in, and vacations that are scheduled and the workload at that time of year it was determined that it would be the best time for Village staff to accept and review the applications. **Audience Member Ethan del Stone**, a partner in Green Koi, stated that he has already submitted a Special Land Use (SLU) permit. **A Motion was made to approve Resolution #03-2021-02, a resolution to set the initial bidding period to accept applications for marihuana licenses from July 19, 2021 thru July 29, 2021. Moved: Newquist Supported: Thomas Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **REQUEST TO REZONE 23 W. ASH STREET:** An email was read from **Charles Zabel**, property owner at 27 W. Ash Street, stating that he was not in favor of allowing the rezoning of 23 W. Ash Street. He prefers that the property remain as R-1 (residential) as indicated on the zoning map. **Council Member, Newquist** said that a Public Hearing was held regarding the re-zoning of 23 W. Ash and all other neighbors are in favor of it – they had no opposition since it has been operated as a commercial property for many years. **Village Manager, Faulkner** said that the Master Plan shows that 23 W. Ash is listed as an R-1 district on the

map. He said that the Village would be spot-zoning. **Council Member, Ream** then asked Attorney Hilmer if this would be considered spot-zoning. **Attorney Hilmer** responded that 23 W. Ash has always been designated as R-1. He said that spot-zoning is discouraged and it does not go along with the Master Plan. If the rezoning is approved, the conditional agreement needs to be in the format of a “recordable” document in order to record it with the Berrien County Register of Deeds office. He further stated that even though the Planning Commission approved the re-zoning of 23 W. Ash Street to C-1 (from R-1), they are not an elected body – they are a “recommending” body. **A Motion was made to approve the Conditional Rezoning Agreement for 23 W. Ash Street, Three Oaks, MI, allowing it to be rezoned to a C-1 designation from its current R-1 designation. Moved: Ream Supported: Graziano Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream Nay: Smith Absent: None Abstain: None MOTION CARRIED.**

- **DISCRIMINATION ORDINANCE DISCUSSION:** **Council Member, Ream** asked if the Village has legislation in place for a discrimination policy. **Village Manager, Faulkner** replied that Title 6 is in place which is a discrimination policy that the Village adheres to. Council discussed that they would like to see a separate policy in place such as other communities are putting into place. There will be some research done and the discussion will continue at the April meeting.
- **POLICE CHIEF EMPLOYMENT OFFER:** There was one (1) applicant, and that candidate was interviewed. It was proposed after the interview was conducted that an offer would be extended to Sergeant Carl Krause for position of Police Chief. **Village Manager, Faulkner** recommended a salary of \$47,000.00. **Council Member, Hinman** said that he has had positive interactions with Carl. **Council Member, Graziano** felt that he has always conducted himself very professionally. **Village President, Smith** said that Carl is a resident of the Village and an experienced, long-time police officer. **Audience Member, Heemstra** said that Carl has always gone “above and beyond” his duties. **Audience Member, Christner** said that Carl is a wonderful choice. All council members were pleased to be able to offer him the position. **Village Manager, Faulkner** stated that this offer would be pending Carl’s background check and that he would prepare a formal offer letter for Carl for the Police Chief’s position. **A Motion was made to extend an offer to Sergeant Carl Krause for the position of Police Chief at an annual salary of \$47,000.00 pending the results of a background check. Moved: Graziano Supported: Ream 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 had formed a new joint committee.
- **PARKS & RECREATION BOARD:** **Council Member, Tyler Ream** said that discussion continued about creating pickleball courts which could double as an ice-skating rink in the winter.
- **DDA BOARD:** **Village President, Richard Smith** reported that **Joe Hinman** (Council member) encouraged everyone to take the survey that is on the Village’s website which will help determine the needs for the new website. Joe said that Revize provided a quote and website template for their review. **Richard** reported that **Colleen Newquist** (Council member) offered to write a press release and **Janet Schuttler**, (DDA Vice-Chair) offered to distribute a flyer to merchants regarding the Façade program that is available. **President Smith** initiated the idea of a “pop-up” on Thursdays with musicians at various locations around town to encourage visitors. **Suzanna Bierwirth**, (DDA Chair) said that she would send a letter to merchants to gauge their interest level. **Bierwirth & Schuttler** are

continuing to receive bids and info from companies regarding the landscape planters in the downtown area. **DDA** approved allocating a maximum of \$200.00 for banners to advertise the Farmers Market. There also was discussion about what would be entailed to obtain a historical designation for the Village and if there is an interest in pursuing it.

- **ZONING BOARD of APPEALS:** No Meeting was held.
- **PUBLIC SERVICE COMMITTEE:** A Public Service Committee meeting was held on March 5, 2021. **Faulkner** said that there was a presentation from Michigan Rural Water regarding their water rate study of the Village and he reported that the Village was dealing with fixing a water leak.
- **POLICE CHIEF's Report:** Police Chief, Carl Krause reported that the E-citation program was up and running as of today, 03-10-21.
- **RE-DEVELOPMENT READY COMMITTEE (RRC):** **Council Member, Newquist** reported that they have received 144 responses from the survey so far. She reported that the joint committee has not yet met.
- **VILLAGE MANAGER's REPORT:** **Dan Faulkner** reported that the water main at the corner of Tulip Drive and U.S.12 developed a leak. Burkholder Excavating was hired to install 2 valves to isolate the leak and then remove the pipe under the road and replace it. He said that Wightman will be conducting our bridge inspection this fall and that the State is now allowing up to 25 individuals to meet indoors while allowing virtual meetings to continue at least until March 31, 2021. He also reported that additional direct aid will be released to all local governments as a result of Covid-19 and as more details emerge, they will be shared with Council.
- **VILLAGE PRESIDENT REMARKS:** **Richard Smith** acknowledged Women's History month and thanked all the women that are serving on committees, boards, the Council and the office staff for the Village of Three Oaks.
- **VILLAGE COUNCIL REMARKS:** **Council Member, Newquist** asked if the Café Seating units could get out quickly once the weather broke. **Council Member, Thomas** asked if garbage cans could be replaced.
- **PUBLIC COMMENTS:** **Audience Member, Devin Loker** reported that a great deal of money was allocated to municipalities as a result of marijuana businesses from sales in 2020. **Audience Member, Kim Pruitt** congratulated Carl Krause in his new position as Police Chief. She then addressed the speeding on Elm Street and asked about reducing the speed limit on U.S. 12 Highway while entering and exiting the Village. **Police Chief, Krause** responded that a traffic study would have to be conducted and it could have a detrimental effect – the posted speed limit could actually go higher if that is what the study showed was the average speed of vehicles.
- **A Motion was made to amend the Agenda to include Flag Day requests for the weekend of June 12th and June 13th, 2021. Moved: Thomas Supported: Kramer Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.** A Motion was made to allow street closures as needed for the 5k run on Saturday, June 12, 2021, and the parade on Sunday, June 13, 2021. The Motion also included the extension of the noise ordinance for Saturday, June 12, 2021 extending it by 1 hour past midnight until 1:00 am on Sunday, June 13, 2021. Moved: Graziano Supported: Ream Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.
- **MEETING ADJOURNED AT: 8:52 pm**

Submitted by:

Cynthia E. Moynihan
Three Oaks Village Clerk
Minutes for the 03-10-21 Council Meeting
Were APPROVED at the 04-14-21 Council Meeting