

# **\* P R O P O S E D M I N U T E S \***

**VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 05-12-21**

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

**PUBLIC COMMENT: None**

**CORRESPONDENCE: (1) letter concerning the Pear trees in the downtown area.**

**Approval of the Consent Agenda to include: Approval of the Regular Council Meeting Minutes from 04-14-21. Approval of the Police Dept’s report. Approval of Invoices to be paid (\$159,096.10), Disbursements made in April, 2021 (\$64,717.30), and Approval of Payroll as paid for April, 2021 (\$65,493.00). Moved: Thomas Supported: Newquist Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**

- **HYDROGEOLOGIC INVESTIGATION of the SEWER LAGOONS – WIGHTMAN STUDY and REPORT and INVOICE for \$19,770.00:** The recent study conducted by Wightman engineers confirms that the grounds around the lagoons have not been impacted by groundwater beneath and around them. This study shows that the underlying clay meets or exceeds the requirements set forth by the State and that the lagoons do not need to be relined. The invoice for the \$19,770.00 was included and approved in the Consent agenda.
- **ASSISTANCE and FEASIBILITY STUDY by WIGHTMAN for \$33,500.00.** A proposal was submitted from Wightman to assist with the Village’s response to the proposed Administrative Consent Order (ACO) from EGLE (State of Michigan) for \$33,500.00. **Attorney, Charles Hilmer and Wightman engineer, Mary Nykamp,** agreed that the ACO agreement’s two (2-year) timeframe will be difficult to meet in order to fulfill the conditions set forth within it. Mary said that things to be considered are: does the Galien River Sanitation District (GRSD) have the capacity for the additional waste and the type of waste from Three Oaks – should the Village do away with the lagoons –should they tie into GRSD via an underground system already put into place by New Buffalo Township? If those options are not financially feasible, is it any more cost effective to make improvements to the current lagoons – that also would be a very large capital expense and the required paperwork and administrative duties may require an additional employee. **Council Member, Newquist** asked why the Village is even considering this proposal. **Council Member, Graziano** thought that the Village would have to spend millions of dollars to build a new system to improve the lagoons. **Council Member, Thomas** said that it seems like the Village has already spent a lot money doing previous studies – why is this one necessary. **Wightman Engineer, Nykamp** said that the Village would need to upgrade the lagoons – or pass the waste thru to GRSD. This current study/proposal would better define which of these options would be best for the Village. **Village Manager, Faulkner** recommended that this proposal be approved if the Village wants to continue to grow. **Council Member, Kramer** stated that the Village has spent a lot of money recently relying on outside consultants to help with planning, consulting and engineering. He feels that the Village needs to do some of its own

research on future issues. **A Motion was made to accept the proposal from Wightman for the Assistance & Feasibility study for a cost of \$33,500.00. Moved: Graziano Supported: Newquist Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.** After this vote was taken, there was discussion about a "Tolling Agreement" between the State of Michigan and the Village of Three Oaks regarding the six (6) violation and enforcement notices dated between May 28, 2015 and April 10, 2020. This allows that negotiations can continue without disruption while the ACO is being addressed. It was recommended that Attorney Hilmer sign this agreement in order to act on behalf of the Village in response to this ACO. **A Motion was made to have Attorney Charles Hilmer sign the "Tolling Agreement" with the State of Michigan in order to act timely on behalf of the Village of Three Oaks in order to move forward with a response to the ACO. Moved: Graziano Supported: Thomas Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**

- **CARL DALEY – VACATE PROPERTY BEHIND EAST ASH STREET:** Carl Daley, a property owner on East Ash Street asked the Village to vacate the property behind his home and three (3) other homes. He has been maintaining the property for years, but has no ownership in it. **Attorney Hilmer** told the Council that the Village has no claim to the land and therefore has no authority to vacate it. He said that it is a private matter – not a Village matter. The concerned homeowners should initiate a title search to determine who really owns the property in question and proceed from there.
- **THREE OAKS MAKERS and MERCHANTS ALLIANCE (TOMAMA) – SPECIAL EVENT LIQUOR LICENSE REQUEST for JUNE 12, 2021:** It was reported that the newly formed non-profit organization, Three Oaks Makers and Merchants Alliance (TOMAMA) is planning a fundraiser to introduce the new organization to the public for Saturday, June 12, 2021 from 5:00 pm to midnight. This will be held in the outdoor area at 8 Maple Street with snow fencing around the grass area immediately adjacent to the east side of the building. **Audience Member, Kim Pruitt** said that insurance and a bond will be secured for the event. **Police Chief, Carl Krause** stated that he has no issue with the signing off on the liquor license request to the State. **Village Manager, Faulkner** said that he had received correspondence from a business owner about the competition from current businesses already operating with a liquor license. They felt that this would pull away business from them on Flag Day weekend. **Council Member, Graziano** asked if TOMAMA could hold their fundraiser on a weekend other than Flag Day weekend. How is this supposed to help (but not hurt) other activities already scheduled for the busy Flag Day weekend? **Audience Member, Kim Pruitt** replied that this event is being held with the intention of promoting the Village, and that they will be able to reach large numbers of people on Flag Day weekend. **A Motion was made to show Village support for TOMAMA in their application to the State of Michigan for a Special Event liquor license for June 12, 2021. Moved: Graziano Supported: Ream Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **DDA STREET BANNERS:** The DDA approved the purchase of new street banners at their last meeting. They asked the Village to choose between two (2) designs of the Peace-Love-Pride banner. **A Motion was made to authorize the DDA's purchase of twelve (12) "Peace-Love-Pride" banners from Design #1 (side striping). Moved: Thomas Supported: Hinman Aye: Thomas, Hinman, Newquist, Ream, Smith Nay: Graziano, Kramer Absent: None Abstain: None MOTION CARRIED.**

- PROPOSAL from BEAUDOIN ELECTRICAL CONSTRUCTION for UPGRADING of LIGHTING at the WATKINS PARK PAVILION:** The Parks and Recreation Committee has decided that the lighting needs to be replaced/upgraded at the Watkins Park Pavilion. They had discussed the option of having the Village's DPW department install the lights vs. an outside contractor, but felt that having a licensed electrician do the installation would protect against any future problems with the lighting system. Beaudoin would replace the current twelve (12) surface mounted wrap around lights with four (4) new lamp LED Lamped Light Fixtures. **A Motion was made to accept the proposal from Beaudoin Electrical Construction for the removal of twelve (12) surface mounted wrap-around lights and the purchase and installation of four (4) new lamp LED Lamped Light Fixtures for the cost of \$3,300.00 in the Pavilion at Watkins Memorial Park. Moved: Graziano Supported: Ream Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- DISCUSSION of the (DRAFT) ANTI-DISCRIMINATION ORDINANCE:** A draft copy of an Anti-Discrimination Ordinance was presented to the Council for review. Council will review it and will need to hold a Public Hearing for the proposed ordinance at the next Council Meeting on June 9, 2021. **A Motion was made to set a Public Hearing on June 9, 2021 at 7:00 pm to present a proposed Anti-Discrimination Ordinance. Moved: Hinman Supported: Newquist Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- SIDEWALKS UPDATE-SOUTHWEST MICHIGAN PLANNING to RATE the SIDEWALKS and PROVIDE a PRIORITY LIST:** Discussion on the Sidewalks issue was tabled until the August, 2021 Council Meeting. This is in order to allow time for Southwest Michigan Planning to fully complete its Road and Sidewalk assessment plan for the Village.
- MARIHUANA ORDINANCE – REQUEST to INCREASE THE NUMBER of RETAILERS:** Village Manager, Faulkner reported that he and Council Members, Newquist & Ream met with local Attorney Jessica Fette to consider her as a replacement for the Village's current Marihuana attorney, Joslyn Monahan out of Grand Rapids. **Newquist and Ream** were both very pleased after meeting with her and Village Attorney, Hilmer knows her and is pleased to recommend her as well. **A Motion was made to hire Jessica Fette with the law firm of Banyon Fette from St. Joseph, MI as the new attorney for Marihuana related issues for the Village of Three Oaks. Moved: Newquist Supported: Ream Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.** There was no further discussion on increasing the number of marihuana retail licenses until Attorney Fette can review all the records, the Village's Ordinance and the Ballot Initiative. Discussion will continue at the June meeting.
- PLANNING COMMISSION UPDATES:** Council Member, Colleen Newquist reported that the Planning Commission approved one (1) Special Land Use permit for Bloom Operations and will continue discussion next month for Highway Horticulture. They also discussed the proposed changes for short-term rentals that are being considered at the State level.
- PARKS & RECREATION BOARD:** Council Member, Tyler Ream said that members of the Parks & Rec board are meeting to stain the picnic tables on Friday @ Dewey Cannon Park at 2:00 pm (\*note\*-Tyler sent an email on Thursday, May 13<sup>th</sup> correcting the time to 11:00 am.) He reported they had gone on a hike with Harbor Country Hikers. Council Member, Graziano said that the Masons would be happy to build any more tables or benches that are needed for the Parks. Ream said that the next Parks & Rec meeting will be an "in-person" meeting to be held at the pavilion at Watkins Park at 7:00 pm on June 7, 2021.

- **DDA BOARD: Council Member, Joe Hinman** reported that the DDA discussed (and approved) the purchase of new banners for the downtown area; that there have been no applicants yet for the façade improvement program; that flowers are being planted in the downtown area and that a power supply will be needed for “Pop-Up” Thursdays (scheduled to be held the 1<sup>st</sup> Thursday of each month). They also had discussed an additional café seating parking space for the downtown area and the cost for it, but it was decided it would limit the already limited parking available along Elm Street.
- **ZONING BOARD of APPEALS: Council Member, Kramer** reported that there was a ZBA meeting held on April 19, 2021 to consider a variance request for the placement of a “front-loading” garage on Tulip Drive. The homeowner was granted the variance.
- **PUBLIC SERVICE COMMITTEE:** A Public Service Committee meeting was held on May 7, 2021. **Faulkner** said that discussion included an update on the infiltration along US-12; an update on the line between Cells 2 and 3 at the Sewer lagoons; the MRWA Asset management plan and rate study for water service, thereby proposing a potential increase to \$6.41/thousand gallons (from \$5.18) and that fire hydrant flushing is scheduled to begin the week of May 17th on the north end of town.
- **POLICE CHIEF, CARL KRAUSE** introduced the Village’s new police Officer, Jacob Klnystra. He will be doing field training for about three (3) to four (4) months.
- **RE-DEVELOPMENT READY COMMITTEE (RRC): Council Member, Newquist** reported on the Communications Survey that had been conducted. 185 people responded and 88% are residents of Three Oaks and the surrounding area. The top three (3) comments given to improve the website are (1) Timely updates including meeting agendas and minutes (2) better navigation including layout and graphics and (3) better links for visitors. The RRC has two (2) different proposals, and are currently awaiting one (1) pending proposal from an individual. Then a decision will be made to choose a vendor to revamp the website.
- **GATEWAY COMMITTEE:** There was discussion if two (2) old, large (over 9 feet wide) “Welcome to Three Oaks” signs could be refurbished and placed on the east and west entrances of U.S. 12 Highway coming into the Village.
- **VILLAGE MANAGER’S REPORT: Dan Faulkner** reported that Treasurer, Lois Jones has requested that her position be made full-time; that the bids for the Michigan Street project will be opened on Friday, May 15th; that there is an offer of \$1,500 from Journeyman Distillery to purchase the flag pole that will be removed from Dewey Cannon Park if the Village has no area to relocate it to; that budget requests for the 2021-2022 are being taken, but very few have come in yet, and that budget amendments are being worked on for the current fiscal year of 2020-2021. **Council Member, Ream** said that the Parks & Recreation Board discussed a different placement for the flagpole in Dewey Cannon Park, but no alternative location was arrived at. There is a flag pole right outside the Police Station/A & E Center at 14 Maple Street which is adjacent to Dewey Cannon Park. **A Motion was made to approve the sale of the flag pole to Journeyman Distillery for \$1,500.00. Moved: Newquist Supported: Thomas Aye: Graziano, Kramer, Thomas, Hinman, Newquist. Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **VILLAGE PRESIDENT REMARKS: Richard Smith** highlighted the latest report from Governor Whitmer and the regulations now in place about “returning to normal”. He encouraged everyone to get the vaccine in order to keep everyone safe as workers return to offices and businesses continue to fully open up.
- **VILLAGE COUNCIL REMARKS:** Council discussed requests about returning to “in-person” meetings beginning next month, but said that the Village’s meeting room could not accommodate and properly space people. **Audience Member/Business Owner Colleen**

**Froehlich** then spoke up and offered the use of the upstairs event space at Froehlich's, at 19 N. Elm Street, next door to Village Hall. **A Motion was made to hold the June 9, 2021 Council meeting in the upstairs event space (ballroom) at Froehlich's Event Center located at 19 N. Elm Street. Moved: Graziano Supported: Newquist Aye: Graziano, Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: None Abstain: None MOTION CARRIED.**

- **PUBLIC COMMENTS:** Audience Member, **Angel Reichert** thanked Colleen for the offer of space for next month's meeting @ Froehlich's "ballroom", but asked if there was enough space to accommodate all the Council members, the public and guests as she expects there to be a large turn-out because of the marijuana agenda item. She was assured that there was plenty of space.
- **MEETING ADJOURNED AT: 8:46 pm**

Submitted by:

Cynthia E. Moynihan  
Three Oaks Village Clerk  
Minutes for the 05-12-21 Council Meeting  
Were **APPROVED** at the 06-09-21 Council Meeting