

VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 06-09-21

Village Council President, Richard Smith, called the (in-person) Regular Village Council Meeting, to order at 7:00 PM. This meeting was held in the upper level of Froehlich's Event Center at 19 N. Elm Street (next-door) to Village Hall.

Pledge of Allegiance: Yes

Roll Call: Present: Kramer, Thomas, Hinman, Newquist, Ream, Smith

Absent: Graziano

Approval of the Agenda as presented by Village President, Richard Smith. Moved: Hinman Supported: Newquist Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

PUBLIC COMMENT: Colleen Froehlich would like to speak on Agenda Item #13 (proposed Marihuana Ordinance amendment); Sid Mohn-Agenda Item #7 (proposed Non-Discrimination Ordinance) and Kim Pruitt-Agenda Item #11-(offer to new Building Inspector).

CORRESPONDENCE: (1) letter on the proposed Non-Discrimination Ordinance and (1) letter on the Randolph Street event.

Approval of the Consent Agenda to include: Approval of the Regular Council Meeting Minutes from 05-12-21. Approval of the Police Dept's report. Approval of Invoices to be paid (\$67,967.93), Disbursements made in May, 2021 (\$166,172.73), and Approval of Payroll as paid for May, 2021 (\$52,744.45). Moved: Thomas Supported: Kramer Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

A Motion was made to close the regular Council Meeting at 7:08 pm. Moved: Hinman Supported: Thomas Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED. A Motion was made to enter into the Public Hearing at 7:08 pm for discussion about "Truth in Taxation" which sets the millage for 2021, and the proposed Non-Discrimination Ordinance. Moved: Kramer Supported: Newquist Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED. A Motion was made to close the Public Hearing at 7:18 pm. Moved: Newquist Supported: Thomas Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED. A Motion was made at 7:18 pm to re-enter into the regular Council meeting. Moved: Hinman Supported: Thomas Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

- **TRUTH IN TAXATION– SET THE MILLAGE RATES for 2021 – RESOLUTION #06-2021-1:** Each year the Village must present the proposed millage for the new tax year. The 2021 tax millage for General Operations is set at 8.6585 mills and at 3.4632 mills for Streets. This represents a decrease in the millage rate that was set in 2020. The tax basis has gone up, so there will be no loss of revenue due to the decrease in the millage rate. **A Motion was made to approve Resolution #06-2021-1, a Resolution to set the 2021 Tax Millage Rate at 8.6585 mills for General Operations and at 3.4632 mills for Streets. Moved: Kramer Supported: Newquist Aye: Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: Graziano Abstain: None MOTION CARRIED.**
- **NON-DISCRIMINATION ORDINANCE #222:** Discussion was held during the Public Hearing (see separate minutes). Attorney Hilmer has not had adequate time to review this Ordinance. Council Member, Ream is 100% in favor of passing it, but agrees that the Attorney should review it prior to its adoption. **A Motion was made to "table" the approval of Ordinance #222 – (a Non-Discrimination Ordinance) until the July Council meeting**

in order to allow time for Attorney Hilmer to review it. Moved: Ream Supported: Kramer Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

- **FLAG DAY FIREWORKS – SATURDAY, JUNE 12, 2021 at 10:40 pm:** As part of the Flag Day weekend celebration, it was proposed that a fireworks display be held in the field near the American Legion Hall on Saturday, June 12, 2021 at 10:40 pm. It was confirmed that the Fire Chief has signed off on this and that insurance is in place for the event. **A Motion was made to approve the fireworks display in the field near the American Legion Hall on Saturday, June 12, 2021 at 10:40 pm in celebration of Flag Day weekend.** Moved: Hinman Supported: Newquist Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.
- **BUDGET AMENDMENT LINE ITEM for LOCAL STREETS – G/L #203-449-970-000 – INCREASE to \$225,000.00 (from \$192,489.00):** Since the Michigan Street project was projected to come in over the amount currently allotted in the budget, the budget needs to be increased to fully cover the cost of the project. **A Motion was made to increase the budget line item for G/L #203-449-970-000 to \$225,000 (from \$192,489) for the Michigan Street project.** Moved: Ream Supported: Kramer Aye: Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: Graziano Abstain: None MOTION CARRIED.
- **AWARD CONTRACT for the MICHIGAN STREET CONSTRUCTION PROJECT to L.E. BARBER for \$221,847.10:** Notices of RFP's were placed to solicit bids for the Michigan Street project. As a result, there were five (5) bids received and opened on Friday, May 14, 2021 for the Michigan Street Reconstruction Project to be done in the summer of 2021. The bids received (in order by the lowest bid) were: L.E. Barber, Inc. (Benton Harbor, MI) for \$221,847.10; Hollerbach Excavating (Stevensville, MI) for \$247,550.00; PayJay, Inc. (New Buffalo, MI) for \$280,396.00; Northern Construction Service Corp. (Niles, MI) for \$288,729.00 and Kalin Construction Co., Inc. (Sodus, MI) for \$297,491.40. **Council Member, Ream** asked if the Village was familiar with the work of L.E. Barber and was told that they had done the successful Chamberlain Path project two (2) years ago for the Village. **A Motion was made to award the contract to the lowest bidder, L.E. Barber in the amount of \$221,847.10 for the Michigan Street Reconstruction project to be completed during the summer of 2021.** Moved: Kramer Supported: Thomas Aye: Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: Graziano Abstain: None MOTION CARRIED.
- **CONTRACT OFFER TO ED CARPENTER as BUILDING and ZONING INSPECTOR:** Bill Lambert, the Village's building inspector resigned his position about 2 weeks ago. Due to the unexpected opening and the backlog of building permits, **Village Manager, Faulkner** reached out to Ed Carpenter, the Township's building inspector, to check for his availability and interest in working for the Village. He is willing and available immediately. Faulkner recommended that the Village extend a contract position to him for the Zoning Administrator and Building Inspector position which also includes conducting Plan reviews and short- and long-term rental inspections. This is a contract position – a "1099" position and either party can terminate the contract with 30 days' notice. **Audience member, Kim Pruitt** asked why the position wasn't advertised and expressed her concern that Ed was previously employed by the Village 12 years ago and was "let go" by the Emergency Financial Manager at that time. **Council Member, Ream,** wanted to verify that the 30-day notice would be written into the contract agreement. **Council Member, Newquist** also asked why this position was not advertised. **Village Manager, Faulkner** responded to both Pruitt and Newquist that Ed has the qualifications and experience for the position, extensive knowledge of the Village and its

rules and regulations and said that Ed could quickly step into the position to alleviate the back-log of permits. **Council Member, Newquist** asked if Council could get an update on how things are going in 30 or 60 days. **Council Member, Thomas** asked why the Village couldn't employ him as a "regular" employee instead of a "1099" employee. It was explained that this type of work tends to be more seasonal and sporadic and is more cost effective to pay them per each permit/inspection rather than on the regular payroll when there is no work available. **A Motion was made to extend a contract to Ed Carpenter for the Building Inspector and Zoning Administrator position as a "1099" contractor. Moved: Ream Supported: Newquist Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**

- **WAGE INCREASE TO \$15/hour (from \$12/hour) for WATER/SEWER EMPLOYEE, LARS WITTENBURG:** Village Manager, Dan Faulkner made the recommendation that the hourly pay rate for Water/Sewer department employee, Lars Wittenburg be increased to \$15.00/hr. (from \$12/hr.) once he has been with the Village for 90 days. **A Motion was made to increase Lars Wittenburg's pay to \$15.00/hour upon completion of his 90 days with the Village. Moved: Newquist Supported: Thomas Aye: Kramer, Thomas, Hinman, Newquist, Ream, Smith Nay: None Absent: Graziano Abstain: None MOTION CARRIED**
- **MARIHUANA ORDINANCE #221 (AMENDMENT to #219):** There was much discussion about amending the current Marihuana Ordinance #219 to reflect changes that would align it with the ballot initiative that was passed in November of 2020. The proposed amendment would increase the number of retailers to 2 (from 1) and the number of growers in each Class – Class A / B / C to 3 (from 2). This amendment would allow businesses to stack licenses, but zoning restrictions will still prohibit marihuana businesses from locating in the downtown area and restrict them to the Commercial or Industrial district or Enterprise Park, along with maintaining at least 500 feet from each other or a school or 400 feet from Watkins Park. **Audience Member, Froehlich** expressed concerns about the changes being made in Ordinance #221. **Council Member, Newquist** replied that the new amendment will now be consistent with the ballot initiative that was approved by voters last November. **Council Member, Kramer** saw no need to make an amendment to the Ordinance that was passed last October. He felt that compromises had been made at that time and everyone was in agreement at that time. He asked why are we changing it now? **Council Member, Ream** felt that the biggest compromise made by Council members was by not allowing marihuana businesses in the downtown area. **A Motion was made to approve Ordinance #221, an Ordinance to Amend Ordinance #219-The Village of Three Oaks Regulation of Medical and Adult Use Marihuana. Moved: Newquist Supported: Hinman Aye: Thomas, Hinman, Newquist, Ream Nay: Kramer, Smith Absent: Graziano Abstain None MOTION CARRIED.**
- **REQUEST for WASTE WATER TREATMENT CAPACITY – GRSD SEWER AUTHORITY:** Village Manager, Faulkner recommended that as an alternative to treatment system improvements at the Village's wastewater lagoons, that the Village pursue the feasibility of connecting to the GRSD Sewer Authority system. GRSD requires a letter showing our intent prior to them researching and considering the possibility of this. **A Motion was made to authorize Village Manager, Faulkner to prepare and submit a letter to GRSD showing the Village's interest and intent to connect with the GRSD. Moved: Newquist Supported: Thomas Aye: 6 Nay: 0 Absent 1 Abstain: 0 MOTION CARRIED.**

- **PLANNING COMMISSION UPDATES:** **Council Member, Colleen Newquist** reported that the Planning Commission had approved four (4) Special Land Use permits at their last meeting and that a Public Hearing for the Journeyman Distillery expansion was planned for June 16, 2021.
- **PARKS & RECREATION BOARD:** **Council Member, Tyler Ream** said that the picnic tables in Dewey Cannon Park have been stained and he thanked everyone that assisted in that project. They are continuing discussions about improvements about Watkins Park and their next meeting will be held on July 12th at Watkins Park.
- **DDA BOARD:** **Council Member, Joe Hinman** reported that the Farmers Market is still running, and that in July the DDA is sponsoring the Chikaming Trail challenge. They discussed the Randolph Street project, the proposed Journeyman expansion project, the IPP program, and the approval of spending up to \$500.00 for the Gateway signs leading into the Village.
- **ZONING BOARD of APPEALS:** No Meeting was held this past month.
- **PUBLIC SERVICE COMMITTEE:** A Public Service Committee meeting was held on June 4, 2021. **Village Manager, Faulkner** said at that meeting it was proposed that Lars Wittenburg be given a \$3.00/hr raise taking him to \$15.00/hour; that there was discussion about a potential water rate increase and that the bottles have been ordered for the mandated Lead and Copper Sampling tests.
- **RE-DEVELOPMENT READY COMMITTEE (RRC):** **Council Member, Newquist** reported that they had received two (2) bids and were awaiting the bid from a third (3rd) vendor for the revamping of the Village's website. Their next meeting is scheduled for June 22, 2021, at which time they plan to make a decision.
- **VILLAGE MANAGER'S REPORT:** **Dan Faulkner** reported that all the fire hydrants on the north side of town are flushed, and that the lead and copper testing will begin soon. The flag pole has been removed from Dewey Cannon Park and Journeyman Distillery has been billed for it. **Faulkner** said that in the next month the Village will reach out to business owners in order to have a meeting to discuss the IPP and what needs to be done to comply with the ACO. He also reported that the Randolph Street Market was very successful. He did note that if there had been two (2) wedding venues booked for that weekend the Village and its police force would have been overwhelmed. **Council Member, Newquist** asked what the cost was to the Village for directing all of the extra traffic. **Police Chief, Krause** said that the "Reserves" handled most of it over the weekend, that it did not really impact regular police patrols. There also was a letter submitted on behalf of the manager of the Randolph Street Market expressing sincere thanks for the traffic management for the event and the great support of everyone from the Village and the Police department and the Sheriff's office.
- **VILLAGE PRESIDENT REMARKS:** **Richard Smith** reported that many things were happening in the Village in June. There is Harbor Country Pride week with various events, the Randolph Street Market, Pop-up Music tomorrow night on June 10th, Flag Day weekend this weekend, Father's Day weekend next week, the debut of the new TOMAMA organization and the on-going "Music in the Park" every Saturday evening. The Village is vibrant and busy.
- **PUBLIC COMMENTS:** **Audience Member, Jennifer Alderink**, on behalf of the River Valley School Board, talked about the "Mustangs Moving Forward" campaign which detailed the board's efforts to rebuild the PTO and obtain funding for building improvements. She stated that it had been a difficult year for both the school and the students. **Audience Member, Marco Chavarry** thanked the Council for the amazing Harbor Country Pride Week celebration and for the community making them feel safe and welcome. **Audience member,**

Tom Pauly said that the Randolph Street Market increased business greatly in the downtown area. **Audience member, Colleen Froehlich** said that the DDA has TIF money available, therefore has the funds to make a dog park and an ice-skating rink happen. **Audience member, Devin Loker** from Exclusive Healing hopes to be one (1) of the two (2) retailers awarded a license for selling marihuana. **Audience Member, Angela Reichert** thanked the Council for accepting the ballot language in amending the Marihuana Ordinance.

- **MEETING ADJOURNED AT: 8:30 pm**

Submitted by:

Cynthia E. Moynihan
Three Oaks Village Clerk
Minutes for the 06-09-21 Council Meeting
Were **APPROVED** at the 07-14-21 Council Meeting