

VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 05-13-20
Council President, David Grosse, called the (virtual) Village Council Meeting to order at 7:00 PM via Zoom.

Pledge of Allegiance: Yes

Roll Call: Present: Graziano, Kramer, Thomas, Pappa, Newquist, Grosse
Absent: Zebell

Approval of the Agenda as presented by Village President, David Grosse with one addition to the agenda. Under agenda item #5b, add the Watkins Park Resolution #05-2020-2 to the agenda. Moved: Newquist Supported: Kramer Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

Public Comment on the Agenda: No Public Comments.

Approval of the Consent Agenda to include: Approval of Minutes of the Public Hearing held on 03-11-20 with the correction of the following sentence “The DNR grant is capped at a maximum of \$50,000.00” to be corrected to read as “The amount of the DNR grant applied for was \$50,000.00.”, Approval of Minutes of the Regular Council Meeting held on 03-11-20, and the Special Meeting held on 03-14-20. Approval of the Police Department’s Report. Approval of Invoices to be paid (\$54,980.26). Approval of A/P Disbursements (including prepaids) made from March 1 through April 30, 2020 (\$202,274.23) and Approval of Payroll from March 1 through April 30, 2020 as paid (\$91,378.17). Moved: Graziano Supported: Thomas Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

- **RESOLUTION #05-2020-1, a RESOLUTION CONCERNING the RETURN of DELINQUENT TAXES:** This resolution is adopted annually and allows the Village of Three Oaks to collect delinquent property taxes on behalf of the County. This also allows the Village the right to collect and retain any penalties or interest associated with the delinquent tax payment. **A Motion was made to approve the “Resolution Concerning the Return of Delinquent Taxes”, Resolution #05-2020-1, which authorizes the Village of Three Oaks to collect delinquent property taxes and all applicable penalties and interest.** Moved: Pappa Supported: Newquist Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Grosse Nay: None Absent: Zebell Abstain: None MOTION CARRIED.
- **AMENDMENT to EXISTING ZONING ORDINANCE CHAPTER 4.2, SECTION 4.203 and CHAPTER 7.1, SECTION 7.102 REGARDING STORAGE and OCCUPANCY of RECREATIONAL VEHICLES on RESIDENTIAL LOTS:** The Planning Commission has proposed an amendment to the Zoning Ordinance to clarify the storage and occupancy of recreational vehicles and to define the term recreational vehicle. The latest version (2017) of the ordinance does not specifically address recreational vehicles, therefore the ordinance needs to be updated. Attorney Hilmer reviewed the final revision. **A Motion was made to approve an amendment to the existing Zoning Ordinance, Chapter 4.2, section 4.203 and to Chapter 7.1, section 7.102 in order to define the term recreational vehicle and to clarify the storage and occupancy of recreational vehicles in the residential district.** Moved: Graziano Supported: Thomas Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Grosse Nay: None Absent: Zebell Abstain: None MOTION CARRIED.
- **WATKINS PARK RESOLUTION #05-2020-2 – A RESOLUTION to SUPPORT the APPLICATION to the MNRTF for a GRANT for IMPROVEMENTS AT WATKINS PARK:** A resolution must be passed specifying the financial commitment that the Village is making for the project, and specifying the amount pledged by the Pokagon Fund for the project. The Village is committing \$27,200 in matching funds, and the Pokagon Fund has pledged

\$50,000.00. The engineering costs are additional costs and estimated at approximately \$23,000 – which is about 18% of the construction cost for the project, bringing the total commitment of the Village to around \$50,200.00. **A Motion was made to adopt Resolution #05-2020-2, a resolution to support the submission of an application titled “Watkins Park Improvements” to the Michigan Natural Resources Trust Fund (MNRTF) for development of Watkins Park located at 411 W. Locust Street, Three Oaks, Michigan. Moved: Thomas Supported: Graziano Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Grosse Nay: None Absent: Zebell Abstain: None MOTION CARRIED.**

- **APPLICATION FROM the ACORN THEATRE FOR RENTAL of DEWEY CANNON PARK for FESTIVAL FUNDRAISERS:** The Acorn Theatre has requested that Council consider allowing them to rent Dewey Cannon Park in order to hold fundraisers for their theatre on Sunday, July 12 and/or Sunday, July 19, 2020. They have also requested that permission be granted in order to serve alcohol. They will take care of all necessary licenses and precautions in order to safely and legally hold these events if they are approved. These would be held only “if and when” the Covid-19, “Stay Home, Stay Safe” order is lifted. Attorney Hilmer said that our ordinance states that an event must be a “community-wide” event in order to qualify for a special permission permit for the use of the park. He said that the Flag Day and Wursthfest festivals qualify, but questioned if an event from a private, non-profit business qualify? It would have to be determined as to how the ordinance is interpreted. **Council Member, John Pappa** said that it would only be a direct benefit to the Acorn Theatre, not the community at large. He is concerned that this would open the door to other businesses making like-wise requests. **Council Member, Becky Thomas** felt that because it was a non-profit business the request could and should be handled differently than one from a private, for profit business. **Tom Abrahamson, (spokesperson from the Acorn Theatre),** asked if there might be an alternative location that it could be held, such as the parking lot by Dewey Cannon since our local ordinance states that alcohol is not permitted in our parks? This request will be further researched in order to give an answer to the Acorn Theatre.
- **PROPOSED STREET PROJECTS for 2020 – RESOLUTION #05-2020-3:** Due to the Covid-19 pandemic, the revenue that the Village (and all municipalities) will be receiving from the State for the rest of 2019 for Revenue Sharing and gasoline and sales tax will be reduced by an estimate as high as 25%. This will impact the amount that can be spent on road projects this summer. However, Village Manager, Dan Faulkner reported that there are “Category B” grant monies available from MDOT that can be applied for. It is a grant that is not widely known about, so the Village has a good chance of being awarded it. The deadline to submit it is June 1, 2020 – a short time frame, but Dan will be able to facilitate it in time. It was recommended that the Village wait and see if the grant money is awarded before moving ahead and determining which Street projects can be done this summer/fall. If the grant comes through, more Street work can be done than originally anticipated. **A Motion was made to authorize Village Manager, Dan Faulkner to apply to MDOT for a “Category B” grant in the amount of \$119,853.75 for 2020 Street projects and submit the paperwork to the State by June 1, 2020. Moved: Pappa Supported: Thomas Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Grosse Nay: None Absent: Zebell Abstain: None MOTION CARRIED**

- OPTIONS FOR RECYCLING SERVICES:** The Village temporarily took over paying for the cost of recycling services from March 1, 2019 thru June 30, 2020. It previously had been funded with a grant from the Pokagon fund. There are two (2) options available if the Village and its residents want to continue with the service. Either the cost can be assessed Village-wide and added as an assessment on the summer property tax bill to all homeowners, or the Village can stop the service and residents can choose which company they want to use and enter into a private contract of their own. Council Member, Colleen Newquist said that she has talked with several residents who are very concerned that recycling is not really happening because too much garbage is being mixed in with the recyclables and the loads are being denied/returned from the recycling center and sent to the landfill anyhow. Dave Grosse and Dan Faulkner met with the owner of Lakeshore Recycling to address these concerns. Previously, Lakeshore Recycling had prepared a letter and the Village mailed it to all residents outlining the changes in their policy along with a defined list of which items are deemed acceptable as recyclables. It was suggested that the Village either look into another company to use for recycling, and/or further educate the residents on how to properly recycle. A decision will need to be made early next month in order to get this on the tax bills if the Village decides to continue with recycling services.
- PARKS and RECREATION BOARD:** Council Member, **Becky Thomas** reported that the Watkins Park Resolution has been completed, and that the work on Chamberlain Path would begin soon. The Village will take delivery of the picnic tables, benches, etc. once the work is completed. The next meeting is scheduled for 7:00 pm on Monday, June 1, 2020.
- PLANNING COMMISSION:** Council Member, **Colleen Newquist** reported that the amendment to the ordinance regarding RV vehicles has been revised and submitted back to Council for approval, that a revision is being considered for the Schedule of Fees, and that a sub-committee has been appointed to create a sample marijuana ordinance. The next meeting is scheduled for 7:00 pm on Tuesday, June 2, 2020.
- DDA BOARD:** Council Member, **David Grosse** reported that the DDA board met via Zoom on 05-06-20. At their meeting they decided to cancel the Wurstfest festival for 2020 due to concerns and uncertainty about the current lock-down due to the Governor's "Stay Home – Stay Safe" executive order because of the Covid-19 pandemic. In the meantime, they will work on how to restructure and fund Wurstfest for 2021. Dave also said that the Farmer's Market is opening this Saturday. The Market will follow the CDC's guidelines including the wearing of masks and social distancing. Dave further noted that terms expired in April for two of the DDA board members - J.D. Haughey and Janet Schuttler. They need to be reappointed. **A Motion was made to re-appoint J.D. Haughey and Janet Schuttler to the DDA Board for (4) year terms expiring in April of 2024. Moved: Thomas Supported: Newquist Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Grosse Nay: None Absent: Zebell Abstain: None MOTION CARRIED.** The next DDA meeting is scheduled for 5:30 pm on Wednesday, June 3, 2020.

- VILLAGE MANAGER’S REPORT:** Dan Faulkner reported that his first month on the job has been a busy and informative one! He stated that an update of the Emergency Response Plan has been completed; that the County will be doing center and edge striping on the major roads; that there will be additional ADA parking spaces and striping in front of Journeyman’s and the Acorn Theatre, and that the Calvary Church will hold its annual flower sale at Carver Park while following the CDC guidelines for social distancing, etc. due to the Governor’s order because of the Covid-19 pandemic. He also addressed the violation letter from EGLE saying that a SOP is being currently worked on and will be submitted to EGLE prior to their deadline of June 5, 2020. **An Audience member** asked who was responsible for the reporting of the quality of the sludge removed during the dredging last fall – the Village or the contractor? It was a miscommunication between the Village and the contractor which resulted in it not being reported at all. Dan thanked Clay & Nate for putting down mulch in the downtown area and in the Parks saying that it looked great. He also mentioned that the Village does not belong to Miss-Dig and he suggested that the Village sign up for the program. The set-up fee and annual (pro-rated fee) is \$2,038 for the remainder of 2020. Thereafter, the annual fee will run approximately \$800 to \$900. **A Motion was made to enroll the Village of Three Oaks in the Miss-Dig program and to pay the set-up fee and annual (pro-rated) fee of \$2,038.00 for 2020. Moved: Pappa Supported: Newquist Aye: Graziano, Kramer, Thomas, Pappa, Newquist, Grosse Nay: None Absent: Zebell Abstain: None MOTION CARRIED.**
- PRESIDENT’S REMARKS:** Dave Grosse reported that the Flag Day parade has been cancelled due to concerns, restrictions and uncertainty because of the Governor’s “Stay Home-Stay Safe” executive order due to the Covid-19 pandemic. He did say to keep your eyes “peeled” for June 14th. Dave also stated that the Council needed to set a date and time to hold (2) Public Hearings – one for setting the 2020 Millage rate and one for discussing options for recycling services and then a Special meeting to address and vote on both items. It was decided to hold the Public Hearings and Special Meeting as a (virtual) meeting via Zoom beginning at 7:00 pm on Wednesday, June 3, 2020.
- Audience Member, Derek Sever from Abonmarche Engineering,** asked if the Village was pursuing any smaller grants for various projects.
- MEETING ADJOURNED AT: 7:58 pm**

Submitted by:

Cynthia E. Moynihan,
 Three Oaks Village Clerk
 Minutes for the 05-13-20 Council Meeting
 Were **APPROVED** at the 06-10-20 Council Meeting