

VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING – DATE: 12-11-19
Chair called Village Council Meeting to order at 7:00 PM at Three Oaks Village Hall.

Pledge of Allegiance: Yes

Roll Call: Present: Kramer, Thomas, Pappa, Newquist, Grosse

Absent: Graziano, Zebell

Approval of the Agenda as presented by Village President, David Grosse. Moved: Kramer Supported: Newquist Aye: 5 Nay: 0 Absent: 2 Abstain: 0 MOTION CARRIED.

Public Comment on the Agenda: None

Approval of the Consent Agenda to include: Approval of Minutes of the Regular Council Meeting held on 11-13-19. Approval of the Police Department's Report. Approval of Invoices to be paid (\$156,833.84), Approval of Disbursements made from November 1 through November 30, 2019 (\$48,756.36) and Approval of Prepays, and Payroll as paid (\$72,258.06). Moved: Thomas Supported: Kramer Aye: 5 Nay: 0 Absent: 2 Abstain: 0 MOTION CARRIED.

- **VILLAGE MANAGER SEARCH:** There have been five to six applications received so far with one (1) of the applicants being a potential candidate. Council discussed and agreed to leave the job open for another couple of weeks to see if more interest was generated. They also discussed the possibility of hiring an interim manager.
- **PRESENTATION from RIVER VALLEY SCHOOLS REGARDING (POTENTIALLY) ALLOWING A MARIJUANA DISPENSARY IN TOWN:** Patrick Breen, Principal of River Valley Middle School / High School spoke for the school, its youth and the community. He expressed, on behalf of River Valley Schools, that they are advocates for the youth, and feel that there will be the potential for a negative impact and influence if the sale of marijuana is allowed in the Village limits. He was concerned that the perception of the youth would be that they may think that recreational use of marijuana is Ok if it is allowed in the Village. He asked how it will impact the charm, wholesomeness and culture of the town. He acknowledged the medical benefits of marijuana and the benefits that additional tax revenue would provide. He encouraged residents to read and study the research that has been conducted by other states that have also legalized marijuana. It was noted that the Marijuana committee has completed their report and submitted it to Council members for review and discussion at a future council meeting. The report is comprehensive and makes several recommendations to be considered by Council.
- **CHAMBERLAIN PATH BIDS:** On December 9, 2019, five (5) bids were received for the Chamberlain Path Improvement Project which will begin in the spring of 2020. Bids were received from L.E. Barber, Inc of Benton Harbor, MI (\$77,112.15); Roggow Construction Co. of St. Joseph, MI (\$85,363.80); R. Yoder Construction, Inc. of Nappanee, IN (\$96,201.00); Northern Construction Service Corp. of Niles, MI (\$110,477.11) and Payjay Inc. of New Buffalo, MI (\$162,143.00). After a review of the bids it was determined that L.E. Barber, Inc. of Benton Harbor, MI was the low bidder. **A Motion was made to accept the low bid of \$77,112.15 from L.E. Barber, Inc. of Benton Harbor, MI for the Chamberlain Path Improvement Project slated to begin in the spring of 2020.** Moved: Thomas Supported: Kramer Aye: Kramer, Thomas, Pappa, Newquist, Grosse Nay: None Absent: Graziano, Zebell Abstain: None MOTION CARRIED.
- **PURCHASE of NEW SERVER for the OFFICE:** The 2008 server is no longer supported by Microsoft and therefore updates are not being received any more. It was recommended that the server be replaced immediately. A bid was submitted by Priority Computer Services for

a Windows 10 Pro Server for \$1,499 and labor to install and set it up for \$690. **A Motion was made to accept the bid from Priority Computer Services for a Windows 10 Pro Server and the labor to install and set it up for a total of \$2,189.00. Moved: Newquist Supported: Kramer Aye: Kramer, Thomas, Pappa, Newquist, Grosse Nay: None Absent: Graziano, Zebell Abstain: None MOTION CARRIED.**

- **RENEWAL of LEASE with BERRIEN COUNTY for OFFICE SPACE at 21 N. ELM STREET:** The current five (5) year contract for the Village's office space expires in March of 2020. A new lease was presented by Berrien County to extend the lease for another five (5) years with an increase in price to \$8,187.00/year (from \$7,442.56/year). This lease payment includes all utilities. **A Motion was made to renew/extend the lease with the Berrien County Board of Commissioners for an additional five (5) years commencing on March 1, 2020 for office space at 21 N. Elm Street in the amount of \$8,187.00/year. The lease amount includes all utilities. Moved: Newquist Supported: Thomas Aye: Kramer, Thomas, Pappa, Newquist, Grosse Nay: None Absent: Graziano, Zebell Abstain: None MOTION CARRIED.**
- **MDOT AGREEMENT for TRAFFIC SIGNAL PROJECT at US-12 & ELM STREET:** The Michigan Department of Transportation (MDOT) has determined it necessary to acquire Village property located at US-12 and Elm Street for a traffic signal project. The market study shows that the appraised market value is \$300.00 and MDOT has offered the Village the full price to acquire the piece of property they need. **A Motion was made to enter into a contract with the Michigan Department of Transportation (MDOT) to acquire property located at US-12 and Elm Street for a traffic signal project for the amount of \$300.00. Moved: Kramer Supported: Thomas Aye: Kramer, Thomas, Pappa, Newquist, Grosse Nay: None Absent: Graziano, Zebell Abstain: None MOTION CARRIED.**
- **ZONING ORDINANCE CHANGES:** The Planning Commission determined that additional language needed to be added to the Zoning Ordinance to allow fines to be collected for violating the Ordinance which would allow enforcement of the zoning regulations. **A Motion was made to add Section 6.803 (Penalties) and Section 6.901 (Fees) to the current Zoning Ordinance. Moved: Thomas Supported: Newquist Aye: Kramer, Thomas, Pappa, Newquist, Grosse Nay: None Absent: Graziano, Zebell Abstain: None MOTION CARRIED.**
- **CHRISTMAS BONUSES for FULL and PART-TIME EMPLOYEES and all BOARD MEMBERS:** It was recommended that Christmas Bonuses be awarded as they have in past years to the full-time and part-time employees and all Board members. DDA Board Chairman, Angela Reichert, suggested that the Board member bonuses be commensurate with individual board member's attendance at their monthly meetings. **A Motion was made to award Christmas Bonuses in the form of a pre-paid Visa card in the amount of \$50.00 for each part-time employee and each member of the Parks & Recreation Board, the Planning Commission, the DDA Board, and the Zoning Board of Appeals, and a \$100.00 pre-paid Visa card to each full-time employee and the Clerk and Treasurer. Moved: Kramer Supported: Thomas Aye: Kramer, Thomas, Pappa, Newquist, Grosse Nay: None Absent: Graziano, Zebell Abstain: None MOTION CARRIED.**
- **PLANNING COMMISSION:** Council Member, Colleen Newquist reported that at their December 3, 2019 meeting that the Marijuana Committee had completed their study and submitted the report to Council for review and consideration. She also stated that the Master Plan had returned to the Planning Commission for further review with the focus on

addressing future land use within the Village. The next meeting is scheduled for 7:00 pm on Tuesday, January 7, 2020.

- **DDA BOARD:** DDA Board Chairman, Angela Reichert reported that at their December 4, 2019 meeting there was discussion regarding the possibility of restructuring events at Wurstfest next year, rolling out a façade program for downtown businesses in the spring and that the DDA's advertising campaign is on-going. The next meeting is scheduled at 5:30 pm for Wednesday, January 8, 2020 (moved from its regular day of January 1st due to the holiday).
- **PARKS and RECREATION BOARD:** Council Member, Becky Thomas reported that the Board welcomed its new members at their meeting held on December 2, 2019. The next meeting is scheduled for 7:00 pm on Monday, January 6, 2020.
- **COUNCIL REMARKS – Council Member, John Pappa** suggested that while the Council is looking for a new Manager (after the departure of Village Manager, Michael Greene), that an interim manager needs to be appointed. David Grosse, Village President successfully took on that role a couple of years ago and was asked if he would consider stepping in again on an interim basis. He said that he would be willing. **A Motion was made to appoint David Grosse as Interim Village Manager effective retroactively to November 27, 2019 with a pay rate of \$2,000.00/month. Moved: Pappa Supported: Kramer Aye: Kramer, Thomas, Pappa, Newquist, Grosse Nay: None Absent: Graziano, Zebell Abstain: None MOTION CARRIED.** Council Member, John Pappa then asked if the easement for Journeyman's has been resolved yet. He stated that this has been going on for over a year. Attorney Hilmer stated that he is still working on a satisfactory agreement that will make both parties happy. **John** also asked about the dredging that still needs to be done and the vegetation removal and whether the Village has heard back from EGLE (formerly MDEQ). David Grosse replied that he expects to hear back in January on the next steps the Village needs to take to upgrade its sewer system and also what the fine might be that will be assessed. **John** asked if the Village knew what Journeyman's intentions were - their future plans regarding perhaps moving some of their distilling operations to Valparaiso, IN. If so, that would impact the upgrades and related costs that would need to be made to the Village's sewer lagoons.
- **INTERIM VILLAGE MANAGER'S UPDATES:** David Grosse, Interim Village Manager, reported that the 2nd sewer discharge has begun; that trees will be trimmed in the downtown area in the springtime; that lights in the downtown area will be replaced with LED lights; that the 2015 police car was hit from behind while on a traffic stop and an insurance claim has been filed, that a survey of all the water lines will be conducted to determine if they are lead pipes and need to be replaced.
- **AN AUDIENCE MEMBER** requested that the replacement LED lights in the downtown area be "warm" lighting – not the harsh "blue" lighting and also reminded everyone that the downtown area merchants were holding a "Three Oaks After Dark" event on December 20th & 21st. **AUDIENCE MEMBER, MARK SMITH**, a resident of Sawyer and owner of the Green Door Marijuana Dispensary in Bangor, MI spoke on behalf of the industry and urged council to look at studies where rigorous testing has been done, and stringent regulations are in place before making their decision. **AUDIENCE MEMBER, and MARIJUANA COMMITTEE MEMBER, ANGELA REICHERT** urged Council to represent the people of Three Oaks, stating that allowing marijuana businesses in the Village would bring full time year-round jobs and more tourism and additional revenue to the Village. **AUDIENCE MEMBER, TYLER REAM** voiced his opinion that he was concerned with the Fall sewer discharge and felt that the sewer ponds were being manipulated to get a "clean" discharge. He also asked that

studies on the marijuana industry be carefully evaluated. **AUDIENCE MEMBER, TOM FLINT** asked if fines had been assessed yet by the State of Michigan. Dave Grosse replied that the Village was still waiting to hear back from EGLE (formerly MDEQ). **AUDIENCE MEMBER, DEREK SEVER with ABONMARCHE** stated that there is a \$5,000.00 placement grant available for "Public Spaces" that the Village may be able to land for the Chamberlain Path project. The grant is called "Lighter, Quicker, Cheap". Abonmarche will work on writing the grant and submitting it for the Village. **AUDIENCE MEMBER, ANGELA REICHERT** commended the Planning Commission and the Marijuana Committee for their comprehensive report and stated that allowing marijuana related businesses in the downtown area would be beneficial because of the revenue generated, the jobs that would be created and the additional tourism that would be brought into town.

- **MEETING ADJOURNED AT: 8:01 pm**

Submitted by:

Cynthia E. Moynihan,
Three Oaks Village Clerk
Minutes for the 12-11-19 Council Meeting
Were **APPROVED** at the 01-08-20 Council Meeting