

## VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING - DATE: 04/14/2010

Chair called Village Council Meeting to order at 7:08 PM at the Three Oaks Village Hall.

Roll Call: Present: Capiak, Kramer, Pappa, Whittaker, Grosse Absent: Graziano

A Request was made to remove item 6.1 – Approval of Minutes for the March 10, 2010 meeting from the Consent Agenda, and Approval of the Consent Agenda, Items 6.2 thru 6.4 which includes: Approval of Invoices to be paid (\$29,338.99), Approval of Disbursements made from March 1 thru March 31, 2010 (\$160,672.81), Acceptance of Prepays, and Payroll as paid (\$28,099.83), Acceptance of Treasurer's Report, and Resolution for planting trees along U.S. 12. Moved: Capiak Supported: Whittaker Aye: 5 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

A Motion was made to amend the minutes for the March 10, 2010 meeting to reflect that Bill Whittaker requested that John Kramer investigate the requirements for adopting the section of parking lot between Maple Street and the railroad tracks as a new street. Moved: Whittaker Supported: Capiak. Aye: 5 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

FILL the VACANT TRUSTEE POSITION on the COUNCIL: A Motion was made to appoint Larry Shawver to fill the Open Position on the Council (created by the resignation of Sue Bartos) with the term to expire in November, 2010. Moved: Capiak Supported: Kramer Roll Call: Aye: Capiak, Kramer, Grosse Nay: Pappa, Whittaker, Absent: Graziano, Abstain: None. MOTION CARRIED. Clerk, Cynthia Moynihan then administered the Oath of Office to Larry Shawver, and he took his seat on the Council.

### Committee Reports:

- DPW – Routine Maintenance is being conducted on the streets with lots of cold-patching.
- DPW – Water & Sewer – John Pappa questioned the accuracy of the estimated water bills that are being generated through the billing system and raised the possibility of installing the touch-read meters in any new homes that are built.
- Public Safety: No Report.
- Administration: Committee did not meet – No Report.
- Planning Commission: No Report.
- Correspondence: None.

### OLD BUSINESS:

- AMEND ORDINANCE #132-Regulation of the Sale and Consumption of Alcoholic Beverages within the Parks. A Motion was made to allow alcohol sales in Carver Park subject to regulations as detailed. Moved: Capiak Supported: Kramer Aye: 5 Nay: 1 Absent: 1 Abstain: 0 MOTION CARRIED.
- UPDATE on SCHWARK DRAIN – No building projects have broken ground yet, but Crosby Oaks has had their site plan approved. Substantial completion of the Schwark Drain project is expected by September 1<sup>st</sup>. The 1<sup>st</sup> payment is due February 1, 2011. Discussed whether to use the easement money to make the first 2 to 3 payments, or to begin making payments as scheduled. Pat Yoder will make a recommendation on which method would be most financially beneficial to the Village at the May Council Meeting.
- NEW BUSINESS:
- APPOINTMENTS to PLANNING COMMISSION – A Motion was made to appoint Steve Shimeck to fill the Open Position (which was created by the resignation of Jan Grayson) to the Planning Commission with the term of office to expire in November, 2010. Moved: Whittaker, Supported: Shawver. Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED. A Motion was made to appoint Bill Whittaker to fill the Open Position (which was created by the resignation of Sue Bartos) to the Planning Commission with the term of office expiring in November, 2010. Moved: Kramer Supported: Capiak Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

- **ADOPT REVISED EMPLOYEE MANUAL.** Cheryl Capiak complimented the work that Pat Yoder put into the updating of the Employee's Handbook, and thanked him for so quickly completing the update. There was discussion about the requirement for supervisors to take at least one consecutive week (5 days) of vacation, discussed the new State Health care plan as an option in 2011, and discussed the option to allow full-time employees to opt out of the Village's Medical Insurance coverage and in lieu of the insurance, be reimbursed \$200/month for opting out. This would create a savings for the Village and will offer an incentive to the employees to opt out of the coverage. Pat Yoder will check with the current insurance company to determine if dropping employees from our coverage will affect the Insurance Policy. **A Motion was made to adopt the Employee Manual as presented. Moved: Capiak Supported: Shawver Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**
- **REQUEST from ACORN THEATER** – The Acorn Theater has requested to hold their Bi-annual "Extreme Beer Fest" outdoors on Saturday, May 29, 2010 from 1-4 pm. They requested permission to hold this in the parking lot adjacent to the theater; however, this is actually a public road, Generations Drive. General opinion of the council is that a public road should not be closed for the use of a private business. It was suggested that they hold it on their property behind the theatre. Further discussion was tabled until May.
- **AWARD BIDS for PAVING CONTRACTS:** John Pappa requested that the storm sewers be documented/filmed with a camera prior to the Paving work being done. **A Motion was made to accept the bid from Rieth-Riley Construction Company for the work on Locust Street, Paw Paw Street and Hickory Street in the amount of \$142,377.50 Moved: Kramer Supported: Pappa. Roll Call: Aye: Capiak, Kramer, Pappa, Shawver, Whittaker, Grosse Nay: None Absent: Graziano Abstain: None MOTION CARRIED.** A Motion was made to authorize Wightman & Associates to issue a change order to Rieth-Riley Construction Company to eliminate (in its entirety) the Hickory Street project in the amount of \$21, 426.00, and a change order to remove and replace the curbs and gutters on Locust Street at a cost not to exceed \$10,000.00, and a change order to rebuild Paw Paw Street from Oak Street to Elm Street at a cost not to exceed \$22,000.00. The projected completion date for the projects is May 28, 2010. **Moved: Capiak Supported: Kramer, Roll Call: Aye: Capiak, Kramer, Pappa, Shawver, Whittaker, Grosse Nay: None Absent: Graziano Abstain: None MOTION CARRIED.**
- **DISPOSITION of OLD ELM STREET BRICKS:** Discussed the disposition of approximately 20,000 antique bricks. **A Motion was made to authorize the Village Manager to advertise and sell the bricks to the highest bidder. Moved: Capiak Supported: Whittaker Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**
- **SEASONAL EMPLOYEE:** A Motion was made to authorize the Village Manager to advertise for a Seasonal employee for lawn mowing and other duties as determined. **Moved: Pappa Supported: Kramer Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**
- **TREASURER RESIGNATION:** The Council regretfully accepted the resignation of Darlene Heemstra, Treasurer and expressed their appreciation for her tireless work and dedication in helping restore the Village to financial stability. **A Motion was made to authorize the Village Manager to advertise for the position of Village Treasurer. Moved: Capiak Supported: Whittaker, Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**
- **STATE of MI, 2010 AUDIT PROPOSAL:** A Motion was made to enter into agreement with the State of Michigan to contract for Audit services for the 2009-2010 Fiscal year at a rate of \$92.00/hour with Audit hours not to exceed 85 hours. **Moved: Whittaker Supported: Capiak Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.**
- **PUBLIC ARTS INITIATIVE SCULPTURE AGREEMENT:** It was discussed that the Village Council will have the opportunity to approve sculptures as they are rotated for future projects, that there will be no expense to the Village for maintenance, outside of routine lawn mowing, and the anticipated installation date is May 6 or 7, 2010. **A Motion was made to enter**

into agreement with the Harbor Country Public Arts Initiative for the placement of 3 sculptures in the Chamberlain Path area. Moved: Capiak Supported: Whittaker Aye: 6 Nay: 0 Absent: 1 Abstain: 0 MOTION CARRIED.

- **FEATHERBONE RESTAURANT and LOUNGE** – Requested a one (1) hour time extension of the noise ordinance for the dates of May 29<sup>th</sup>, June 11 & 12, July 3, July 16, August 7 and September 25, 2010. A Motion was made to grant a one (1) hour time extension (1:00 a.m.) for the evenings of May 29, June 11 & 12, July 3, July 16, August 7 and September 25, 2010 pending Chief Frank Nekvasil's approval. Move: Kramer Supported: Shawver, Aye: 6 Nay: 0, Absent: 1 Abstain: 0 MOTION CARRIED.
- **DISCUSSION ONLY:**
- **BUDGET POLICY STATEMENT and BUDGET PREPARATIONS:** Remind Department Supervisors to meet with Cheryl and Pat to begin work on the upcoming budget.
- **DISCUSSION of STREET and WATER PROJECTS:** Daryl Veldman from Wightman & Associates reported that their firm had evaluated the Water System and completed the Water Reliability Study. They determined that there is low-flow in some sections of the Village, the Water Tower needs to be painted inside and out, there is no back-up power on the Tower or Wells, the Water Tower can't be monitored, water meters will be replaced with touch meters, Well House #3 & #4 need upgrades. The proposed bond and grant will enable the Village to update their Water System.
- **FLAG REPLACEMENT:** Will be replacing approximately 20 flags.
- **PUBLIC COMMENT:** Resident suggested planting a public garden (adjacent to the school) that would consist of 3 sections, "School" / "Community" / "For the Hungry". The garden would be enclosed by a waist-high fence. Will look into possible funding from the Pokagon Fund to pursue this project.
- **Meeting adjourned at 9:12 PM**

Submitted by:

*Cynthia E. Moynihan*

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Village Clerk

(Proposed)