

VILLAGE OF THREE OAKS REGULAR COUNCIL MEETING - DATE: 11/10/2010

Chair called Village Council Meeting to order at 7:00 PM at the Three Oaks Village Hall.

Pledge of Allegiance

Roll Call: Present: Capiak, Graziano, Kramer, Pappa, Shawver, Whittaker, Grosse.

A Motion was made to approve the agenda as presented. Moved: Capiak Supported: Kramer Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.

Public Comments on the Agenda: None

Approval of the Consent Agenda, to include: Approval of minutes from 10-13-10 meeting, Approval of Invoices to be paid (\$39,008.23), Approval of Disbursements made from October 1 thru October 31, 2010 (\$39,980.73), Acceptance of Prepays, and Payroll as paid (\$40,353.57). Moved: Kramer Supported: Graziano Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.

- **Bret Witkowski, Berrien County Treasurer, accepted a check from the Village of Three Oaks as a token payment for his consulting services to the Village during the financial crisis during 2008-2009. He then in turn donated his payment to the River Valley Schools Football Program. Jeff Degner, the River Valley Football Varsity Coach gratefully accepted the donation.**
- **SET PUBLIC HEARING DATE for JOURNEYMAN DISTILLERY'S REQUEST to ESTABLISH an INDUSTRIAL DEVELOPMENT DISTRICT for the FACILITY.** Shelley Klug, Executive Director of the Southwestern Michigan Economic Growth Alliance, reviewed the procedures. Council set the Public Hearing date for Wednesday, December 8, 2010 at 7:00 p.m.
- **SET PUBLIC HEARING DATE for JOURNEYMAN DISTILERY'S REQUEST for GRANTING an APPLICATION for an INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE:** Shelley Klug, Executive Director of the Southwestern Michigan Economic Growth Alliance reviewed the procedures. Council set the Public Hearing date for Wednesday, December 8, 2010 at 7:10 p.m.
- **SET a PUBLIC HEARING DATE for ESTABLISHING NEW WATER RATES:** Council set the Public Hearing date for Wednesday, December 8, 2010 at 7:30 p.m. Following the public hearing, the new water rates and the effective date for them will be determined.
- **ACCEPT MCKENNA and ASSOCIATES CONTRACT for SERVICES and AUTHORIZE the VILLAGE PRESIDENT to SIGN the CONTRACT:** A Motion was made to accept the contract with McKenna and Associates for a fee of \$28,000 for services to revise the Three Oaks Master Plan, prepare a DDA Development & TIF Plan and prepare a Parks & Recreation Plan and to authorize Dave Grosse, Village President to sign the contract. Moved: Capiak Supported: Graziano Aye: Capiak, Graziano, Kramer, Pappa, Shawver, Whittaker, Grosse Nay: None Absent: None Abstain: None MOTION CARRIED.
- **AUTHORIZE the TRANSFER of FUNDS from POLICE FUND into PARKS and RECREATION FUND for \$8,000.00.** This was tabled until the December 8, 2010 meeting.
- **AUTHORIZE the TRANSFER of FUNDS from GENERAL FUND to RUBBISH FUND for \$15,000.00.** This was tabled until the December 8, 2010 meeting.
- **APPOINTMENT of COUNCIL COMMITTEES and PRESIDENT PRO-TEM:** A Motion was made to appoint Cheryl Capiak as President Pro-Tem, and to accept the appointment of council members (effective on 11-20-10) to the following committees as noted: DPW Committee: John Kramer, Chairperson, John Pappa, Darlene Heemstra, PUBLIC SAFETY Committee: Steve Graziano, Chairperson, John Pappa, Bill Whittaker, ADMINISTRATION Committee: Cheryl Capiak, Chairperson, John Kramer, Steve Graziano, ECONOMIC DEVELOPMENT Committee: Darlene Heemstra, Chairperson, Bill Whittaker, Cheryl Capiak. Moved: Graziano Supported: Kramer Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.
- **APPOINTMENT of OFFICERS:** Pat Yoder recommended that the current Police Chief, Village Clerk and Village Treasurer be appointed for another term. A Motion was made to re-appoint Frank Nekvasil as Chief of Police, Cynthia Moynihan as Village Clerk and Amy Hemphill as Village Treasurer for another one year term. Moved: Graziano Supported: Kramer Aye: Capiak, Graziano, Kramer,

Pappa, Shawver, Whittaker, Grosse Nay: None Absent: None Abstain: None **MOTION CARRIED.**

- **RESOLUTION #11-2010-1, AUTHORIZING the VILLAGE TREASURER as a SECOND SIGNATORY: A Motion was made to accept Resolution #11-2010-1 which authorizes Amy Hemphill, Village Treasurer, as an additional signatory on the Village's bank accounts. Moved: Graziano Supported: Kramer Aye: 7 Nay: 0 Absent: 0 Abstain: 0 MOTION CARRIED.**
- **RESOLUTION #11-2010-2, AUTHORIZING the ACCEPTANCE of an EASEMENT for PUBLIC RIGHT-OF-WAY from JASON and HOLLY LUMLEY: A Motion was made to accept RESOLUTION #11-2010-2 which grants an easement of a 33 foot wide strip of land for a public right-of-way to the Village of Three Oaks by Jason and Holly Lumley. Moved: Capiak Supported: Kramer Aye: Capiak, Graziano, Kramer, Pappa, Shawver, Whittaker, Grosse. Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **PRESIDENT'S COMMENTS:** Dave Grosse thanked the Masonic Lodge and the American Legion Post for their help in coordinating and facilitating the annual fall "Big Trash" pick-up for Village residents. He also thanked outgoing council member, Larry Shawver, for his dedication and willingness for serving on the council the past 10 months. Dave presented a recommendation from the Treasurer requesting that two (2) transfers be made. **A Motion was made to authorize the transfer of \$2,435 from the Sewer Repair & Maintenance Account to the Sewer Bond Reserve Account, and a transfer of \$50,000 from the Sewer RTS account to the Sewer Repair, Replace and Improvement account. Moved: Capiak Supported: Kramer Aye: Capiak, Graziano, Kramer, Pappa, Shawver, Whittaker, Grosse. Nay: None Absent: None Abstain: None MOTION CARRIED.**
- **VILLAGE MANAGER'S UPDATES:** Pat Yoder reported that he has met with MDOT on the South Elm Street Project. The project's cost is estimated at \$196,364 with a MODOT grant of \$150,000. The projected project start date is July of 2011, however, this is contingent upon how (or if) the Village proceeds with the Water Project. He reported that there are pending grant applications for \$138,000 with the Pokagon Fund and \$7,000 with Partnership for Change. There is a meeting scheduled with the DPW committee on November 12, 2010 to discuss the recommendations for the necessary increase in the water fees. There is a meeting scheduled with Gary Wozniak & Daryl Veldman on November 17th to further discuss the status of the water project. The Water improvement project is awaiting the Rural Development's final review. When that is complete, the Village will get approval to seek bids on the project. Pat stated that this past month he attended the Pokagon Fund Open House, Joint Township Parks Meeting, TOBA meeting, and a MML Seminar entitled the "Power of Growing Jobs, and Entrepreneurship". He reported that a local medical facility is still interested in pursuing the opening of a facility, and he provided information to the Council about changing from a General Law Village to a Home Ruled City
- **ITEMS FOR DISCUSSION:** Bill Whittaker encouraged the Council to research the benefits of becoming a Home Ruled City. A committee was appointed to conduct further research into the pros and cons of becoming a Home Ruled City vs. a General Law Village. Bill Whittaker will be the chairperson, Steve Graziano and a 3rd person to be determined. Steve Graziano expressed his displeasure that the issue of the skunk smell has not yet been resolved. Pat Yoder stated that the Village is working with Serv Pro on various ways to eliminate the odor.
- **PUBLIC COMMENT:** Martha Franklin thanked outgoing Village Trustee, Larry Shawver, for his service this year on the Village Council.
- **Meeting adjourned at 8:04 pm**

Submitted by:

Cynthia E. Moynihan
Village Clerk
Approved on 12-08-10