AGENDA

Village Council, Regular Meeting
August 8, 2016 at 6:00 p.m.
Meeting will be held at Village Hall.

1. Call to Order.
2. Council Roll Call.
3. Public Comments.
4. Approval of the Agenda.
5. Public Comments on Agenda Items.
6. Approval of Consent Agenda Items.

All matters listed under Item 6. Consent Agenda are considered routine by the Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion of an item is required, it will be removed from the Consent Agenda and considered separately.

Approval of Village Council minutes from the regular meeting held on July 11, 2016. Regular Village bill approval of $146,353.69. Fire Department regular bill approval of $7,523.13.

Approval of the use of Village Property:
Oceana MVP’s request use of the Village Green to hold a free music concert on August 12, 2016 from 7-10 p.m.
Pentwater Arts Council requests use of the Village Green for a group photo shoot on August 13, 2016 from 8:30 – 10:30 a.m.

DEPARTMENT REPORTS

1. Village Manager – Rob Allard
2. Police Chief - Laude Hartrum
3. Fire Chief - Terry Cluchey
4. Marina Manager – Dick Hutchings
5. Zoning Administrator – Sara Bizon

The Village of Pentwater is an Equal Opportunity Provider.
VILLAGE OF PENTWATER
Regular Council Meeting Agenda

COMMITTEE and BOARD REPORTS
1. Finance Committee - Jared Griffis
2. Ordinance Committee – April Watkins
3. Buildings & Grounds Committee – Dan Hoekstra
4. Personnel Committee – Bill Maxwell
5. Services Committee - Norm Shotwell
6. Promotions Committee - Don Palmer
7. Harbor Research Committee – Dave Roseman

VILLAGE COMMISSION and BOARD REPORTS
1. Planning Commission – Ron Christians
2. Zoning Board of Appeals – Mike Castor
3. DDA – Claudia Ressel-Hodan

UNFINISHED BUSINESS
1. None.

NEW BUSINESS
1. Reappoint Mike Caster to the ZBA, term exp. August 11, 2019.

2. Village Land Swap with Township- Deed of Ownership.

PUBLIC COMMENTS
1. Will be made when the Village President opens the meeting for public comments.
2. It is asked that you state your name & address to Council.
3. All comments will be addressed to the Village President.
4. All comments are limited to 3 minutes.

Thank you for your cooperation

The Village of Pentwater is an equal opportunity employer and provider.
Village of Pentwater
ON PENTWATER LAKE AND LAKE MICHIGAN
327 South Hancock Street P.O. Box 622 Pentwater, Michigan 49449
(231) 869-8301 Website: www.pentwatervillage.org

Regular Meeting COUNCIL MINUTES
July 11, 2016

Call to Order - President Juanita Pierman called the regular meeting of the Pentwater Village Council to order at 6:00 p.m. at Village Hall in the community room.

Pledge of Allegiance.

Roll Call - Present: Jared Griffis, Dan Hoekstra, Norm Shotwell, Bill Maxwell, Don Palmer April Watkins and Juanita Pierman. Absent: None.

Staff present: Village Manager Rob Allard, Clerk/Treasurer Colleen Moser, Marina Manager Dick Hutchings and Village Attorney Brian Monton.

Public Comments - The following are a candidates running for Oceana County offices and they are asking the public to vote for them on August 2, at the primary election. Allen Blohm of Shelby is running as a republican candidate running for County Road Commissioner. Terry Dykema of Hart is running as Oceana County Commissioner in District 1 (Pentwater, Weare, Crystal).

Approval of the Agenda - Motion by Shotwell, supported by Maxwell to approve the agenda. Voice vote. Ayes: 7 Nays: 0. Agenda approved.

Consent Agenda
Approval of Village Council minutes from the regular meeting held on June 13, 2016. Regular Village bill approval of $136,061.71. Fire Department regular bill approval of $8,745.22.

Approval of the use of Village Property
Pentwater Preschool request to have info/registration table on top of the Village Green from 7:30 p.m. - 8:30 p.m. on July 21st and August 11th, in 2016. Patterson request to use the Village Green for a wedding on July 30, 2016. Motion by Palmer, second by Hoekstra to approve the consent agenda items. Roll call vote. Ayes: 7 Nays: 0. Consent agenda approved.

VILLAGE DEPARTMENT REPORTS
Reports are in meeting packet and posted on www.pentwatervillage.org.

Village Manager – The garbage totes will be distributed by republic waste on the week of July 18th. If needed, additional garbage may be placed next to the garbage tote. The painted signs on Hancock sidewalks that read, no skateboarding or bikes will be repainted next year. See Managers report.

Police Chief – See report.
Fire Chief - See Fire Dept. minutes.

Marina – Hutchings reported that Adams Marine Construction had almost completed the repair of the North seawall. The repair had taken longer because of a concrete wall that forced the new sea wall to be placed a few feet front of the failed wall. After the north wall is completed, the effected marina docks would be repaired.

The Marina recently had a 43 ft. boat and there have been no complaints on the channel depth. See Marina Managers' report.

Zoning Administrator – See report.

**COMMITTEE REPORTS**

Committee meeting minutes are provided if received in time for the packet.

Finance Committee – Griffis reported on a meeting held on July 7th when the committee reviewed the ballot language resolution for the proposed bond. They also reviewed the OPEB actuarial reducing the liability from $1.2 million to $420,000. See meeting minutes

Ordinance Committee - No meeting, no report.
Building and Grounds Committee – No meeting, no report.
Personnel Committee - No meeting, no report.

Services Committee- Shotwell reported on the June 13th meeting. See meeting minutes.

A Public Hearing on the Street Improvement Plan Bond proposal will be held at the Pentwater Friendship Center located at 310 N. Rush Street in Pentwater on Wednesday, September 14th at 6:00 p.m.

Promotions Committee – Palmer reported no meeting however, there will be a committee meeting on July 21st at 2:00 p.m.

Harbor Research Committee Ad Hoc. No report.

**VILLAGE COMMISSION AND BOARD REPORTS**

Planning Commission- No meeting. no report.
ZBA- No meeting, no report.

DDA – Ressel-Hodan reported the new bike stand would be installed after homecoming. The bike program is very popular and that they are looking for more bike donations. The free bikes are only for day use and the bikes are to be returned to the bike stands each evening. The DDA is looking to put up a 'free Wi-Fi zone' sign near the Hancock restrooms.

**UNFINISHED BUSINESS**

None.
NEW BUSINESS

Ballot Language Resolution for Street Improvement Plan Bond Proposal. Motion to approve the ballot language resolution by Shotwell, second by Maxwell. Roll call vote. Ayes: 7 Nays: 0. Absent 0. Ballot language approved.

Village Land Swap with Township- near Tennis Courts. Village manager requested that Council pass a resolution for the proposed land exchange.

The Village is offering Township parcel 001-438-001-00, which is approximately 1.7 acres in exchange, for Village parcel 044-580-101-00, which is approximately 2.5 acres that Pentwater Township owns. The exchange of property would allow the Village of Pentwater to expand the recreational opportunities near the Village basketball and tennis courts. Motion by Palmer, second by Shotwell to approve land exchange by resolution. Roll call vote. Ayes: 7 Nays: 0. Absent. Motion approved.

Reappoint Paul Anderson to Planning Commission, term will expire July 2019. Motion to approve by Hoekstra, second by Shotwell. Voice vote. Ayes: 7 Nays: 0. Reappointment approved.

Reappoint Terri Lambrix to DDA, term will expire July 2020. Motion to approve by Maxwell, second by Palmer. Voice vote. Ayes: 7 Nays: 0. Reappointment approved.

President Announcements
The Village installed a new bench on the channel's south pier, which was donated in memory of Milt Pugsley.
Anyone interested in running for Village Council must file with the Pentwater Township Clerk by the deadline of Tuesday, July 26th at 4:00 p.m.

Adjournment - Motion by Palmer to adjourn, Voice vote. Aye: unanimous. President Pierman adjourned the meeting at 6:34 p.m.

Respectfully submitted,

Colleen Moser, Clerk/Treasurer

Date

The Village of Pentwater is an equal opportunity employer and provider.
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Aug 10, 16

**TOTAL**  
$(7,523.13)$
MANAGERS REPORT

August 8, 2016

ROAD MAINTENANCE
Grading of the Villages gravel roads and cold patching holes in the asphalted streets continue.

CLEAN WATER PLANT
Summertime flows continue.

VILLAGE WATER SYSTEM
The consumer confidence report is on the village website. A link on the home page will direct you to the report. A free copy can be obtained from village hall.

PENTWATER MUNICIPAL MARINA
The repairs to the marina seawall are completed along with cleanup and restoration. The project cost were approximately half of the engineers estimate with final cost at approximately $69,000. The application for the matching grant from the state is being prepared.

GARBAGE PICKUP AND TOTES
The long awaited rollout of the garbage totes took place the week of July 18th. As anticipated, there were a few bumps along the way. The most common problem encountered was missed delivery of carts. Republic worked hard over the last couple of weeks to rectify any problems encountered and will continue to work with the village to satisfy the residents.

HARBOR MAINTENANCE
Due to the weather delays that MCM Marine has encountered in Ludington it was decided on July 18th that any dredging activities for the Pentwater harbor would be postponed until the next year, if still needed. It was the consensus that the monies spent for dredging so late in the season would be an inefficient expenditure. As of the end of July, MCM Marine was still at the Ludington Harbor.

PROPOSED PROPERTY EXCHANGE WITH PENTWATER TOWNSHIP
The title agency was unable to find any clear Deed to the Township owned land abutting the tennis court property prior to 1925. The Village and Township are in discussion of alternate ways that the property swap can continue without incurring additional costs.
Pentwater Police Department
Activity Report
July 2016

Synopsis

July was a very busy month in the Village. We received 119 calls for service.

Activity Highlight

On 7-1-2016 Officers issued a ticket for driving on a suspended license following a traffic stop near Wythe and Sixth Street.

On 7-4-20165 Officers took a report of a hit and run property damage accident in the 100 block of south Hancock.

On 7-7-2016 Officers received a referral from MDHHS of suspected child abuse / neglect in the 300 block of north Third Ave. The report was investigated and no action was taken.

On 7-8-2016 Officers continued their investigation into a zoning violation in the 300 block of east Third Street. The case has been turned over to the Village attorney with a request for a court order to allow the nuisance to be abated.

On 7-22-2016 Officers responded to a report of a suicidal subject in the 200 block of south Hancock. A male subject had attempted to cut his wrists with a stone. After investigation the subject was released.

On 7-23-2016 Officers responded to a report of shoplifting in the 500 block of South Hancock. Two juvenile male subjects were later apprehended. The stolen property was returned and the subjects are completing community service hours.

On 7-29-2016 Officers responded to a report of shoplifting in the 400 block of South Hancock Street. Upon investigation one 55 year old Illinois women was taken into custody and charged with Larceny under $200 and lodged at the Oceana County Jail. A warrant for Possession of Marijuana was also authorized. The case is closed pending court action.

Ongoing Efforts

Officers continued their ongoing efforts to resolve a nuisance ordinance violation in the 300 block of east Third Street. I have attended two meets with citizen who want to assist in clean-up efforts. While some success has been made the group is continuing its work.
Tickets

Last month there were several parking tickets issued and:

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MONTHLY MEETING MINUTES

MEETING DATE: Wednesday, July 6, 2016 19:10 Hours
MEETING LOCATION: Pentwater Fire Department

1. Pledge of Allegiance

2. Reading and Approval of Minutes
   a. Minutes from 6/1/16

3. Reports of Officers
   a. Treasurer Everet Horton-$80,632.13 (35.6%) spent

4. Old Business
   a. The Western Fire Chiefs Fish Boil at Ludington FD is on August 26.
   b. We need to update our Firefighter Right to Know information with area businesses.
   c. The compressed air foam system (CAFS) on 341 has been repaired and is back in service.

5. New Business
   b. Drafting on 371 is out of service.

6. Training
   a. There are trees down across some of the Pentwater Plains trails. We're going to make sure the major lanes are clear.
   b. Oceana County Water Emergency training at PFD on Saturday, July 30.

7. Discussion on Last Month's Calls
   a. There were 2 fire and 24 medical calls for service for June.

8. Public Comment (held to two (2) minutes on all issues)

9. Adjourn - a motion to adjourn by Wayne was seconded by Everet.

Secretary - Ray Hasil
Officer Meeting Minutes

Meeting Date: Wednesday, July 6, 2016 19:10 Hours
Meeting Location: Pentwater Fire Department
Call to Order

I. Reading and Approval of Minutes
   a. Minutes from 6/1/16

II. Reports of Officers
   a. Treasurer Everett Horton- $80,632.13 (35.6%) spent

III. Old Business
   a. The Western Fire Chiefs Fish Boil at Ludington FD is on August 26.
   b. We need to update our Firefighter Right to Know information with area businesses.
   c. The compressed air foam system (CAFS) on 341 has been repaired and is back in service.
   d. Drafting on 371 is out of service.

IV. New Business

V. Training
   a. Countywide Water Emergency Training at PFD on Saturday, July 30.

VI. Discussion on Last Month's Calls
   a. There were 2 fire and 24 medical calls for service for June.

VII. Public Comment (held to two (2) minutes on all issues)

VIII. Adjourn- a motion to adjourn by Terry was seconded by Everett.

Secretary- Ray Hasil
PENTWATER MUNICIPAL MARINA REPORT

JULY 2016

TO: PENTWATER VILLAGE COUNCIL

PENTWATER VILLAGE MANAGER ROB ALLARD

July has been a good month for the Marina with all the good weather and very little rain or wind.

The Launch Ramp has been a little slow for the month with very few fisherman. The fishing has very slow until the end of the month and then the fish showed up with a lot of large fish. The fish cleaning station has had a hard time grinding the heads.

The North sea wall was completed and Adams Marine Construction did a very nice job installing the wall and cleaning up the area.

Respectfully Submitted

Dick Hutchings
Marina Manager
Finance Committee Meeting Minutes
July 28, 2016

Chair, Jared Griffis called the meeting to order at 8:10 a.m. in the Community Room at Village Hall.
Present: Jared Griffis, Norm Shotwell and Bill Maxwell.
Staff Present: Village Manager Rob Allard and Clerk/Treasurer Colleen Moser.

The committee met in order to review the 1st quarter financials. The financials were as expected and no budget amendments were needed as of 6/30/16.
The repair of the seawall had been 50% paid by the cash of the marina's fund balance. The remaining amount due would be temporary loaned from the general fund until the marina is reimbursed by the Michigan Waterways grant. Council agreed to pay for the seawall repair by resolution in order to receive the grant.
Motion by Shotwell to allow General Fund money not to exceed 32,000 to be temporary loaned to the Marina. The Marina will repay the General Fund once the Waterways grant money is received, second by Maxwell. Voice vote. Ayes: All, Nayes: 0. Motion approved.

Griffis adjourned the meeting at 8:55 a.m.

Respectfully Submitted,

Colleen Moser,
Village Clerk/Treasurer

The Village of Pentwater is an equal opportunity employer and provider.
Chair April Watkins began the workgroup at 3:05 P.M.

Members Present: April Watkins, Don Palmer and Dan Hoekstra

Also Present: Village President Juanita Pierman, Village Manager Rob Allard, Clerk/Treasurer Colleen Moser, Police Chief Laude Hartrum, Zoning administrator Sara Bizon and Councilor Norm Shotwell.

**Skateboarding, Bicycles and pedestrian traffic in the Village.**

Watkins stated that she had been receiving complaints regarding no skateboarding on Hancock Street; the Village need not be recognized as having too many rules. However, some bicyclists and skateboarders are going too fast on Hancock sidewalks. Citizens are to walk their bikes or carry skateboards for the safety of the pedestrians.

**Village Water Ordinance.**

Shotwell suggested the Water Ordinance be reviewed because some homeowners are using apartments, living spaces, for family overflow and not a rental unit but are still charged as if they are renting. The suggestion was the non-income producing apartments, not attached to the home, would not be charged as an additional unit.

Village Manager Rob Allard stated that the Village could lose $80,000 in revenue. The Village water and sewer users are charged a ready to serve charge and if the number of units were reduced then the ready to serve charge would spread over fewer users. Also, there would be difficulties in rental units possibly saying they are for family overflow, which would then cause the Village staff to have more inspections.

Watkins Closed the working session at 3:35 P.M.

Respectfully submitted,

Colleen Moser, Clerk/Treasurer
Village of Pentwater
Village of Pentwater
Ordinance Committee Meeting Minutes
July 20, 2016

Chair April Watkins called the meeting to order at 3:36 P.M.

Members Present: April Watkins, Don Palmer and Dan Hoekstra

Also Present: Village President Juanita Pierman, Village Manager Rob Allard, Clerk/Treasurer Colleen Moser and Zoning administrator Sara Bizon

**Village Water Ordinance.**
Discussion whether the Water Ordinance should be changed. Some homeowners are using additional living spaces of their property, for family overflow and not a rental unit but are still charged as if they are renting.
Kitchen could be a possible deciding factor if an additional dwelling. Question arose, should the Ordinance be changed or should the Zoning be changed.
Moved by Palmer that the discussion between the verbiage dwelling and resident be sent to planning commission for review. Second by Hoekstra. Voice Vote, All.

Palmer asked if there was a need to look into the Ludington Ordinance, to registering rental properties. Allard stated that the Village would spend a lot of time doing inspections.

**Public Comment:** Larry Konopka stated that there was a Supreme Court ruling that vacation rental properties are considered a commercial business. He was concerned that the vacation rentals could become an uncontrolled commercial business in the Village and possibly in areas that are zoned as residential. Too many vacation rental properties would put strain on Village services.

President Pierman asked to make a comment; Councilor Hoekstra removed himself from the room, after which Pierman commented that as an owner of a summer cottage rental, that the 6-8 weeks of renting was not very lucrative.

Watkins stated that more information was needed. The manager will look into what other communities are doing with regard to the vacation rentals.

Watkins stated that in light of the new information, regarding vacation rental businesses that the words dwelling and residence should not be used interchangeably.

Watkins closed the meeting at 4:12 P.M.

Respectfully submitted,

[Signature]

Colleen Moser, Clerk/Treasurer
Village of Pentwater
Regular Meeting Minutes – July 20, 2016

Chairperson Christians called the regular meeting of the Pentwater Village Planning Commission Meeting to order at 7:03 P.M. with the Pledge of Allegiance.

ROLL CALL
Present: Bruce Koorndyk, Dan Hoekstra, Ron Christians, Mark Benner, Michelle Angell-Powell, & Paul Anderson
Absent: Kirstin McDonough
Others Present: Sara Bizon, Zoning Administrator

APPROVAL OF AGENDA
Motion by Hoekstra second by Anderson to approve the agenda as presented.
Voice Vote: Aye: 6  Nay: 0  Absent: 1  Motion carried.

APPROVAL OF REGULAR MINUTES
Motion by Koorndyk second by Hoekstra to approve the May 18, 2016 regular meeting minutes as presented.
Voice Vote: Aye: 6  Nay: 0  Absent: 1  Motion carried.

PUBLIC COMMENTS ON AGENDA ITEMS
None

COMMITTEE/DEPARTMENT REPORTS
A. Zoning Administrator

Bizon provided the Commission with her May 2016 and June 2016 Monthly Reports. She reported that she issued 3 permits in May and 4 permits in June. She also noted that the seawall repairs are complete and the Garrett house that had a fire is in the process of getting permits to demolish.

B. Zoning Board of Appeals

No meeting. No report.

OLD BUSINESS

A. Zoning Ordinance Sub-Committee Report

Bizon reported that the Township has cancelled several meetings and that there is nothing new to
NEW BUSINESS

A. Discussion on Possible Lot Split on Channel Lane (pending opinion from Village Attorney)

Bizon stated that the owners of 174 Channel Lane would like to make 3 lots into 2 lots. Tonight’s information was just an FYI as to what may be forthcoming. Bizon will wait for a formal application and will consult with the Village attorney. After that point it may come back to the Planning Commission for review and then be forwarded onto Village Council.

COMMUNICATIONS FROM PLANNING COMMISSION MEMBERS

A. Ongoing Discussion on Master Plan (if needed)

There was no discussion on the Master Plan.

Hoekstra, as the Village Council Representative, brought forth the Ordinance Committee’s request to further define/clarify “Dwelling”, “Residence”, and “Establishment”. These terms are used differently in the Codified and Zoning Ordinances. This request came as a result of a meeting on Water Billing and Establishments in the Codified Ordinance. The Commission discussed the matter and no decision was made. Hoekstra also informed the Commission that the Ordinance Committee is starting a discussion on “Cottage Industries.”

ADJOURNMENT

Motion by Hoekstra second by Koorndyk to adjourn the meeting.
Voice Vote: Aye: 6    Nay: 0    Absent: 1  Motion carried.

Christians adjourned the meeting at 8:10 p.m.

Respectfully Submitted,

Sara S. Bizon
Zoning Administrator

Date
July 27, 2016

Township of Pentwater  
Attention: Mr. Charles Smith  
327 S. Hancock Street  
P.O. Box 512  
Pentwater, MI 49449

RE: Deed of Ownership for Lot 101 in the Village

Dear Mr. Smith:

In connection with the Pentwater Township's proposed land swap with Pentwater Village, you had authorized this Title Company to research the County Register of Deeds records to try to locate the acquisition Deed whereby the Township acquired its property in Lot 101 of Plat B of the Village of Pentwater. You authorized the expenditure of up to $500.00 for that purpose. We have spent considerable time in the Register of Deeds indexes looking for the Deed and owe you a report of our efforts and our findings.

1. We were unable to find any Deed whereby the Township acquired ownership of any land in Lot 101 of Plat B of the Official Map of the Village of Pentwater.

2. We did find a Deed dated March 28, 1925, recorded in 1951, whereby Pentwater Township conveyed a portion of Lot 101 to John and Lillian Stockwell. This conveyance was by Warranty Deed which allows us a pretty good assumption that at least in 1925 Pentwater Township owned some portion of Lot 101.

3. Examination of the descriptions on all four of the tax bills that include any part of Lot 101 causes us to believe that the description on Pentwater Township the tax bill (044-580-101-00) is incorrect. The three other tax parcels for portions of Lot 101 on the assessment roll give us the pretty firm conclusion that the South 264 feet of Lot 101 lying East of the highway is entirely owned by those three other property owners.

4. We know you did not ask us to come up with a description for the Township owned property, you merely asked us to try to locate your acquisition Deed, we might offer as a suggestion the following as a description for what the Township owns in Lot 101:
ADVANCED LAND TITLE AGENCY, INC.

Township of Pentwater
Attn: Mr. Charles Smith, Supervisor
Re: Deed of Ownership for Lot 101 in the Village
July 27, 2016
Page Two

Lot 101, Official Map, Plat "B" of the Village of Pentwater, Oceana County Michigan, per the Plat of record, EXCEPT that part of the South 264 feet thereof lying Easterly of the highway, and subject to the highway right-of-way.

You may wish to consult with your own attorney as to the propriety of this description.

Thank you for giving us the opportunity to work on this. Our Invoice for this work is attached.

Very truly yours,

ADVANCED LAND TITLE AGENCY, INC.

[Signature]
James R. Prince
JRP:hjr

cc: Village of Pentwater Attorney