

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 September 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, Deputy Clerk/Treasurer Barb Siok and Village Attorney Brian Monton.

Public Comments

President Pierman reminded everyone of the Public Hearing on the bond proposal for Capital Improvement of Village Streets, on Wednesday September 15th at 6:00 p.m. The meeting will be held at the Pentwater Friendship Center, located on 310 Rush Street. Pentwater Services Club is having a Meet the Candidates Night, be held on September 28th also at the Friendship Center at 6:00 p.m.

Approval of the Agenda - *Motion* by Shotwell, supported by Palmer 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 August 8, 2016. Regular Village bill approval of \$71,016.50. Fire Department regular bill approval of \$6,618.13.

Approval of the use of Village Property:

Request to use a charcoal grill at Channel Lane Park on 9-18-16 for a VFW Bingo Party. *Motion* by Maxwell, second by Watkins 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 manager announced that the DNR grant money of approximately \$33,780 for the seawall repair been received earlier that day. Approved sidewalk repairs are paid 50/50 between the owners and the Village. See Village Managers report.

Police Chief – See report.

Fourth Street Road closure for Oktoberfest. Eva Gregwer of the Pentwater Chamber asked for permission to close half of Fourth Street by, Dockside Restaurant to enlarge the area behind the Village Pub, in order to hold a Corn Hole Tournament during Oktoberfest. She stated that she had met with Chief Hartrum as was told that in order to close the street they would need permission from council and the LCC (Liquor Control Commission) in order to close Fourth Street.

Motion by Hoekstra, second by Maxwell to close half of Fourth Street, from Hancock to the condominium driveway, on Saturday October 8th, from 11am to 4 pm, for a Corn Hole Tournament during the Oktoberfest as a 1-time event. The owner, Jeff Hodges will provide proof of insurance with the Village listed as additionally insured and get the permits for the liquor license. Roll call vote. AYES: 7 NAYS: 0 Motion approved.

Palmer asked about the process/progress to clean up 457 Third Street

Palmer stated that he had spoken with the Police Chief regarding the progress of the cleanup of the Third St. property. Palmer and other volunteers had collected over 85 industrial sized garbage bags of returnable bottles and cleaned up the woodpiles. Palmer had attended the court hearing on August 19, regarding the property, to hear the possible outcomes. Palmer stated that he was dissatisfied, that Laude and the Village Attorney had not stated at the hearing, the progress of the cleanup on Third St. Palmer also stated his disappointment because there had not been as much help from the homeowner, since the last council meeting, as Palmer had expected, for the homeowner to comply with the Village Ordinance

President Pierman stated that she recognized that the volunteer group had worked hard with the Third St. property owner; the woodpiles were cleaned up however the actual garbage had not been removed. According to Palmer, the homeowner is unwilling to sell the cut wood. Palmer stated that homeowner is unwilling to recognize a problem.

Griffis asked what kind of help is the homeowner willing to receive, and who is the lead contact if someone wants to participate. Palmer stated he would add Griffis to his list of volunteers.

The Village Attorney stated that he disagreed with the councilor's characterization of himself and the Chief. The photos of the property prior to the motion and the day of the hearing, that are part of the court record, do not show improvement; the property had gotten worse. In addition, the Village attorney requested, at the August Hearing, that the Judge order mental health treatment for the homeowner as part of probation. The Judge did not order treatment therefore; there is nothing more the Village can do.

Fire Chief – See Fire Dept. minutes.

Marina –See report.

Zoning Administrator – See report.

COMMITTEE REPORTS

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

Finance Committee –No meeting, no report.

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 CIP - Street Improvement workgroup that was held on August 18th. See meeting minutes.

Shotwell also reported on the Services committee meeting held on August 18th.

See meeting minutes.

Promotions Committee – Palmer reported that the committee met on Sept. 1 and will meet again on October 13. At the October Council meeting, the Committee will present a list of the activities for the 2017 Village Sesquicentennial Celebration. See meeting minutes.

Ad Hoc Committee - Harbor Research Committee Ad Hoc. No report.

VILLAGE COMMISSION AND BOARD REPORTS

Planning Commission- See meeting minutes.

ZBA- No meeting, no report.

DDA – See meeting minutes.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Customer credit \$10,000, \$7,500 budget amendment for current fiscal year if the \$10,000 was approved.

Motion by Shotwell, second by Hoekstra to issue a \$10,000 credit to Lakewood Mobile Home Park, Inc., to be paid in the form of a credit towards the utility bill, to be spread out over the next 4 quarters, at \$2,500 per quarterly utility bill.

The customer claimed that he had been overbilled for water and sewer by almost \$20,000 over the past 5 years. The committee decided that the water supply disconnect of the Village ordinance did not apply and unanimously approved a \$10,000 credit to the mobile home park utility bill.

Griffis stated that the issue is, the number of units the customer was being billed, the Village did not change number of units being billed however, the empty lots had no water usage, so the credit addresses the issue. President questioned that when her rental, when empty, should not have to pay for water? Shotwell stated the difference is the quantity of users of the mobile home park. The park pays the bill and then charges the residents of the mobile home park.

Watkins asked if there was a mechanism for the owner to report reduction of units but also additional units. Palmer stated the owner/ manager was unaware that he was to report to the Village the number of occupied sites each year in order to have the mobile home park utility bill adjusted. Maxwell asked who is responsible to count, the Village or the owner of the mobile home park. The mobile home park manager was required to report to the township assessor the number of occupied sites. Griffis stated that there was not a mechanism for either side to count the occupied sites.

Village attorney stated that he had advised the Services Committee of his opinion that the Village has no legal obligation to issue a refund. Monton continued that it would be a change in Village policy to issue a refund. The customer requested a refund but there is no legal obligation of the Village to issue a refund. Village attorney said that his opinion that the owner has the responsibility to report a change in the number of units.

The Village Manager stated that historically any change in the number of units has to be a written request of the customer and the manager would then go inspect the property for a change in the number of units to be billed. If there had been a change, the

Village did not retro credit a customer. When additional establishments have been discovered, the Village has not gone back and retro billed a customer. Pierman asked if the owner had ever notified the Village of an increase or a decrease in the number of occupied sites. The owner said that he had not, he had also not been involved in the number of units billed and did not know where the number of units originated. He purchased the property and added on going from 31 sites to about 39 sites. Pierman stated that the Village was not notified of an increase in the number of sites.

Hoekstra stated that when summer residents leave they drain the pipes and turn off the water, yet they are still charged a ready to serve. Water and sewer is available at every site per the mobile home park manager.

Watkins asked if this would cause an increase in rates to the mobile home residents. The mobile home park owner responded, no. Shotwell said the credit should cause a reduction in rates to the mobile home park residents.

The Village Manager stated that going forward from the date of the owner's letter to reduce the number of units; the utility bill would be reduced from 34 to 29 occupied sites, reducing the quarterly bill mobile home park bill by approximately \$955 per quarter.

Pierman asked council if they were ready to make a decision or table the motion. Shotwell asked for a decision with no objection.

Roll call vote. AYES: Shotwell, Griffis and Palmer. NAYES: Hoekstra, Maxwell, Watkins and Pierman. *Motion* did not pass.

Pierman asked the Ordinance committee to review the Water and Sewer Ordinances

Motion to amend the budget was only if the previous motion had passed.

Annual OPEB payment \$10,000.

Motion by Palmer, second by Griffis to make the \$10,000 payment to OPEB (Other Post Employee Benefits) trust as in the current budget. Roll call vote. AYES: 7 NAYS: 0. Motion approved.

Reappoint Andrew Witt to the Zoning Board of Appeals.

Term will expire Sept. 11, 2019. *Motion* to approve by Maxwell, second by Shotwell. Voice vote. AYES: 7 NAYS: 0. Reappointment approved.

Adjournment - Motion by Palmer, second by Shotwell to adjourn.

Voice vote. AYES: 7 NAYS: 0 President Pierman adjourned the meeting at 7:10 p.m.

Respectfully submitted,

Colleen Moser, Clerk/Treasurer

Date