

# Village of Pentwater

327 S Hancock St., PO Box 622 Pentwater, Michigan 49449  
(231) 869-8301 Website: [www.pentwatervillage.org](http://www.pentwatervillage.org)

## Regular Meeting of Village Council MEETING MINUTES AUGUST 12, 2019

### CALL TO ORDER

President Jeff Hodges called the regular meeting of the Pentwater Village Council to order at 6:00 pm. in the Community Room at Village Hall.

### ROLL CALL

Present: Michelle Angell-Powell, Pam Burdick, Jared Griffis, Dan Nugent, Don Palmer, Claudia Ressel-Hodan, Jeff Hodges.

Absent: None

Also, present: Village Manager Chris Brown, Clerk/Treasurer Rande Listerman, Chief Laude Hartrum, & Zoning Administrator Keith Edwards.

### PUBLIC COMMENTS – On the agenda

None

### APPROVAL OF THE AGENDA

President Hodges requested an approval of the agenda. *Motion* by Palmer supported by Ressel-Hodan to approve the agenda.

Voice vote. AYES: 7 NAYS: 0 ABSENT: 0. Agenda approved.

### CONSENT AGENDA

- *Approval of Minutes: July 8, 2019 Special Joint Meeting: July 11, 2019*
- *Disbursements Village: Accounts Payable - \$679,118.67; Payroll - \$47,634.66.*
- *Disbursements from Township: Fire Department – \$34,093.44.*
- *Commission & Board Reports: Planning Commission, Zoning Board of Appeals & DDA.*
- *Requests for Village Property use:*
  1. 2020 Chamber of Commerce Events on Village Green – See List
  2. 2020 Chamber of Commerce - Business 31 Road Closures-See List
  3. Foster Parent Appreciation Picnic – August 30th, 11 A.M. – 4:00 P.M.

*Motion* by Griffis, second by Palmer to approve the consent agenda items with two corrections on the Minutes for Regular Council Meeting July 8, 2019; 1. Change last name from Kerr to Carey regarding the Proclamation for the Community Foundation. 2. Add the missing comments from the Public Comment, not on the agenda.

Roll Call vote. AYES: Angell-Powell, Burdick, Griffis, Nugent, Palmer, Ressel-Hodan, Hodges.

NAYS: 0 ABSENT: 0. Motion approved.

### ANNOUNCEMENTS

**1. Street Improvement Plan**

See report from Fleis & VandenBrink.

**VILLAGE DEPARTMENT REPORTS**

*Reports are in the meeting packet and posted on [www.pentwatervillage.org](http://www.pentwatervillage.org).*

**Village Manager** - Report submitted in writing.

**Clerk/Treasurer** - Report submitted in writing.

*Motion* by Ressel-Hodan, second by Palmer to approve the financials as presented.

Roll Call vote. AYES: Angell-Powell, Burdick, Griffis, Nugent, Palmer, Ressel-Hodan, Hodges.

NAYS: 0 ABSENT: 0. Motion approved.

**Police Chief** – Report submitted in writing.

**Fire Chief** – Report submitted in writing.

**Zoning Administrator** – Report submitted in writing.

**Parks & Rec Director** – Report submitted in writing.

**COMMITTEE REPORTS**

- 1. Building & Grounds – Minutes submitted in writing.
- 2. Finances – No meeting, no report
- 3. Ordinances – No meeting, no report
- 4. Personnel – No meeting, no report
- 5. Planning/Economic Development – Minutes submitted in writing.
- 6. Services – No meeting. Committee Chair Palmer said the committee discuss the Second Street Change order at the last meeting and agrees with the proposal.

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

**1. Hallack 2019 Street Improvement – Payment #3**

*Motion* by Palmer, second by Ressel-Hodan to approve the 2019 Street Improvement payment #4 to Hallack Construction in the amount of \$179,529.39.

Roll Call vote. AYES: Angell-Powell, Burdick, Griffis, Nugent, Palmer, Ressel-Hodan, Hodges.

NAYS: 0 ABSENT: 0. Motion approved.

## **2. 2019 Street Improvement 2<sup>nd</sup> Street Change Order**

*Motion* by Palmer, second by Ressel-Hodan to approve the 2019 Street Improvement 2<sup>nd</sup> Street Change Order in the amount of \$136,998.19.

Roll Call vote. AYES: Angell-Powell, Burdick, Griffis, Nugent, Palmer, Ressel-Hodan, Hodges.  
NAYS: 0 ABSENT: 0. Motion approved.

## **3. Pentwater Friendship Center Renovations**

*Motion* by Angell-Powell, second by Palmer to approve the Building & Grounds Committee proposed budget for the renovation at the Friendship Center in the amount of approximately \$186,870 with funding available of \$75,000 and seeking to borrow up to an additional \$114,000 from the General Fund to be paid back from of the funds out of the Pentwater Friendship Center Millage.

Roll Call vote. AYES: Angell-Powell, Burdick, Griffis, Nugent, Palmer, Ressel-Hodan, Hodges.  
NAYS: 0 ABSENT: 0. Motion approved.

## **4. Pentwater Yacht Club – Use of Village Launch Ramp August 24<sup>th</sup>**

*Motion* by Griffis, second by Ressel-Hodan to approve the Pentwater Yacht Club using the boat launch for the 2019 Wooden Boat Show free of charge the weekend of August 24<sup>th</sup>.

Voice call vote. AYES: 7 NAYS: 0 ABSENT: 0. Motion approved

## **5. Pentwater Yacht Club – Use of Village Green for Boat Exhibits**

*Motion* by Griffis, second by Nugent to approve the use of the Village Green for exhibiting the boats for the 2019 Wooden Boat show.

Voice call vote. AYES: 7 NAYS: 0 ABSENT: 0. Motion approved

## **6. VMCCA Muscle Car Tour – Tuesday, June 23<sup>th</sup> @ 11 A.M. - 2 P.M.**

*Motion* by, Palmer, second by Ressel-Hodan to approve the 2020 VMCCA Muscle Car Tour to park between 20 and 55 vehicles in the parking spaces on Hancock between 2<sup>nd</sup> and 1<sup>st</sup> Street and on 2<sup>nd</sup> Street between Hancock and Dover while the group shops and eats in the local restaurants. The council will authorize the closing of the streets to be determined closer to the event when the total car count is provided to the Village Clerk.

Voice call vote. AYES: 7 NAYS: 0 ABSENT: 0. Motion approved.

## **7. MDOT Warranty Pavement Resolution #2019 - 08 - 21**

*Motion* by Ressel-Hodan, second by Burdick to approve MDOT Warranty Pavement Resolution #2019 – 08 -21.

Roll Call vote. AYES: Angell-Powell, Burdick, Griffis, Nugent, Palmer, Ressel-Hodan, Hodges.  
NAYS: 0 ABSENT: 0. Motion approved.

## **8. Vacate of the 2<sup>nd</sup> St. Right of Way adjacent to 189 S. Hancock Street**

*Motion* by Ressel-Hodan, second by Burdick to approve setting the Public Hearing for vacating of the 2<sup>nd</sup> Street Right of Way adjacent to 189 S. Hancock Street.

Roll Call vote. AYES: Angell-Powell, Burdick, Griffis, Palmer, Ressel-Hodan, Hodges.  
NAYS: 0 ABSENT: 0 ABSTAIN 1. Motion approved.

## **9. Spinnaker Condo Association Correspondence**

Discussion was held regarding the letter received from Spinnaker Condo Association correspondence. The village attorney will send a response back to the association on behalf of the council.

### **PUBLIC COMMENTS**

*Dave Spittler Pentwater Township Supervisor* – “The engineering work should be wrapped up soon on the status of the road. Report will go to the road commission relative to the structural strength and the support underneath and the surface condition. That needs to be done to put together a plan and then the mitigation can begin. They don’t anticipate the level of the lake will go down next year very much. The plan calls for the piers to go down into something solid. Then you basically build a road on top of that which essentially creates another bridge. Last, Monday, I called a meeting with Eddie Powers from the county commission, Dean Gustafson, Jim Duram the County Emergency Manager. The best way to get some funding is through the disaster mitigation program through FEMA. If we start work before hand, we cannot get it back. We will keep people informed. Dave will try to update every two weeks on the Village, Township and Road Commissions website.”

*Susan Zonnebelt President of the Spinnaker Condo Association Board and Chair of the Building and Grounds* – “I know you have the letter that was sent to each of you from the Spinnaker Condo Association. I talked to 2 or 3 Developers and I have searched all over for a signed copy. They talked about a gentleman agreement with a handshake. In good faith for 38 years the Spinnaker Condo has maintained the seawall, dock. The government vessels are what was stipulated in the agreement. We are a residential community. Some of the proposals are noisy. Good ideas but not in a residential area. We have 26 condos and a whole membership is opposed to the use of the dock. “

*Russ Seymore 373 Spinnaker* – “In response to your comment I was there during the building time. I did not have anything to do with the agreement. The Northern Light was parked on the southside in the 80’s. There were not as many people on the other side of the lake back then. The noise carries and it goes out into the whole community.”

*Dan Filius 513 W. Lowell* – “I would like to commend Tony a new employee for doing such a great job with the maintenance of the Channel Lane Park. The condition that is in Tony has a lot to do with it.”

*Rich Dudley 389 Spinnaker* – “My wife and I have been property owners for over 25 years. The village clerk was helpful to provide a copy of the minutes from the previous meeting where it stated there were no public comments. I would like to note that my wife and I were in attendance and I did speak in opposition the water taxi and the schooner picking up and dropping off passengers. I expressed a number of concerns, about that at the last meeting. We were all happy campers until a couple of weeks ago until the discussion about a water taxi and a possible schooner docking. Council member Griffis is correct what the village took under consideration is changing a cooperative agreement between the Village and the Condo Association is a major public use so if you would please reflect that in the minutes. At the last meeting I express a concern about noise, a lack of parking, a lack of restroom facilities and other problems with

turning a residential property into a public use. When my wife and I appeared at your last meeting we were courteous and respectful. We have always been good neighbors. We shop and dine locally. We patronize local businesses whenever we have work done, we employ local businesses. We are not here from a foreign country. I must share with you tonight I am very disappointed. We love Pentwater and the history and the traditions of this community. I am not particularly interested in ancient history about this property. I think it's more important about where we are today and where do we go forward. But frankly it was very hurtful to sit here tonight and listen to an inaccurate and incomplete and bias description of the history from your village manager. Tonight, the good people who are residential property owners in this community have been told they are not good citizens. Some person that has not been at his job I wrote down what you said. That we do not have the true history here. The letter you received was written by the property owners who reside in this village. We could have retained an attorney we deliberately chose not to, to try and signal our desire to work with you in the spirit of cooperation. Frankly, if you want to go get a lawyer, we can go get a lawyer. My experience is attorneys are wonderful professionals, not necessarily the best way to solve problems. So, I hope we would not go down that road. We heard tonight that we have stolen property rights. We have property rights too. I don't know who did that and I am not especially interested in what happen 20, 30 or 40 years ago. I am concerned about where we are today moving forward. I heard tonight that "we want to dictate, we will do as we see fit". That does not sound like a signal from the village that you want to resolve this in a cooperative way. Tonight, for the first time I heard that our property is not a part of the DDA. That is new information for us and that was helpful. And I can't speak for all property owners but if that is a concern of yours, then it is a concern of ours. I would certainly like to listen to what you have to say. But again, I want to keep the focus on the concern that you initiated with talk about a water taxi loading and unloading on that dock. I look at that dock every morning, every afternoon and every evening. For years and years and years the only governmental use has been law enforcement. And the only thing we say to the Sheriff's department, the Coast Guard or the DNR when they park there, "Is would you like a bottle of water?" And thanks for all the good work you do. Whether the agreement was signed or not as Susan said we have upheld our end of the bargain. I know especially in small communities' things were informal handshakes were good enough and they are not today and that's o.k. But there are some serious problems with this use. After the last meeting, my wife and I talked to the gentleman that would like to dock the schooner. He had not bothered to check the depth of the water. Even at the current high water levels a sailboat with a 5 to 6-foot keel would be able to dock there today. Again, we would like to work with you to resolve this in a cooperative way. Thank you for letting me speak I truly appreciate your courtesy."

*Linda Focet 325 Spinnaker* – "There is a big issue with safety and ADA compliance. The overall parking in the area. What is the best thing for the community and the best thing for safety. We as residents need to look at this together."

*Susan Zonnebelt President of the Spinnaker Condo Association Board and Chair of the Building and Grounds* – "We do not want to get an attorney, but if you get an attorney, we will have to get an attorney."

*President Jeff Hodges* – "The village does have an attorney on retainer. He reviews all documents for the village council and gives his opinion when needed. The council must do what is in the best for all residents of the village."

*Steve Schroeder 351 Spinnaker* – “I am late to this discussion. What I can discuss is boats. There are some serious conditions that need to occur. A schooner with the amount of horsepower that it takes to move a boat like that will really stir up some muck at a part that is really a river and send it past our complex and down to the yacht club.”

*Tom Rice 309 Spinnaker* – “My mother owns the condo. I do think we have a good government of public use right now that just needs to be acted on by signature after discussion with the building groups right away.”

*Susan Zonnebelt President of the Spinnaker Condo Association Board and Chair of the Building and Grounds* – “A few residents that have been here a long time that have called me to say that they are concern about the integrity of the dock holding a 65-foot schooner. It is a concern. It has already sifted from ice flow or wind or combination. Sounds like a lot of discussion and research needs to happen before a decision is made.”

*Chris Brown, Village Manager* – “I hope it was not misconstrued. Based on the current history between Spinnaker and the Village no real document does exist. That is the whole purpose of saying the we need to establish some grounds, so this does not get misconstrued in the future as another unsigned document. That is not fair to the residents of the Village.”

*President Jeff Hodges* – There has been a lot of talk about the Schooner. The Schooner is a private individual that wants to open a non-profit. I think the Schooner is a long way off. It did open the conversation about public owned property and where the Village can place docks. Now Lee Price happens to work for the village as a captain of the water taxi. He does not own the water taxi and the water taxi was not his idea. The property rights of the village still must be maintained for all the residents for the village. Chris Brown has done a very thorough job at looking at all the village assets. The Council wants to come up with the best solution for all the citizens. You are welcome at all public meetings to be informed regarding the plans of what is in the best interest of the Village.”

## **ADJOURNMENT**

President Hodges adjourned the meeting at 7:45 P.M.

Respectfully submitted,

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Rande Listerman, MiCPT, CPFA, CPFIM  
Clerk/Treasurer

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Date