

Village of Pentwater

65 S Hancock St., PO Box 622 Pentwater, Michigan 49449
(231) 869-8301 Website: www.pentwatervillage.org

Regular Meeting of Village Council July 10, 2023 Park Place 310 North Rush Street

I. CALL TO ORDER

President Jeff Hodges called the regular meeting of the Pentwater Village Council to order at 6:00 P.M. from Park Place Meeting Center at 310 North Rush Street.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Present: Michelle Angell-Powell, Dave Bluhm, Jared Griffis, Dan Nugent, Kathy O'Connor, Don Palmer, and Jeff Hodges.

Absent: None.

Also, present: Village Manager Chris Brown, Clerk/Treasurer Rande Listerman, Police Chief Laude Hartrum & Zoning Administrator/Rec Director Kate Anderson & Deputy Clerk/Treasurer Renee VanNortwick.

IV. PUBLIC COMMENTS – On the agenda

Valerie McHugh, 163 Green St. – commended the City Feasibility committee for the job they did on the report. She is not convinced this is the best solution. Recommends the council take the time to read the reports, follow the flow chart and hire an outside firm to validate the reports information and then educate the voters.

Norm Shotwell, 474 E First St. - I am not in favor of such a move, particularly because it still leaves our community with two governments. I propose establishing a small group to consider whether a Charter Township could meet creating one government to serve our community, eliminating duplicate services, and saving us all money. The group should have two individuals from the village and two from the township who live outside the village limits. I would be willing to serve as the chairman. Our state government representatives have said that they would be willing to take forward necessary legislation to address the population shortfall.

Kyle Jansen, 360 S. Rush St. - I have talked with many village residents that are genuinely interested at what is involved, they would like to learn more, and they support the change. I think the council should move forward with the process which will allow village residents to decide through the vote.

Kendra Flynn 366 N Wayne Rd. – The vision committee, which I was part of from 3 years ago surveyed the community. I know you have not approved the joint Master Plan since it just came out a couple of weeks ago. I have read it. As I read through it, I kept reading community. I am distressed that the council would consider the idea of splitting the community. I own property in town, and I live in the township. In all the surveys no one talked about splitting us into two

communities. I thought you should take a good look at the Master Plan and see if the council is truly on board with the plan.

V. APPROVAL OF THE AGENDA

President Hodges requested an approval of the agenda. *Motion* by Palmer supported by Angell-Powell to approve the agenda as presented.

Voice Vote: Yes: 7 No: 0. Absent: 0. Motion approved 7 - 0.

VI. CONSENT AGENDA

- A. Approval of Minutes: Regular Council Meeting on June 12, 2023
- B. Disbursements Village: Accounts Payable - \$200,081.91; Payroll - \$158,224.99.
- C. Disbursements from Township: Fire Department – \$6,966.71.
- D. Commission & Board Reports: Planning Commission and City Feasibility Study.
- E. Requests for Village Property use: None.

Motion by Angell-Powell, supported by O'Connor to approve the consent agenda items as presented.

Roll Call Vote: Yes: Angell Powell, Bluhm, Griffis, Nugent, O'Connor, Palmer and Hodges.
No: 0. Absent: 0. Consent agenda approved 7 – 0.

VII. ANNOUNCEMENTS

- A. Comments from the President.

It was a busy week in the Village. Lots of people and the weather was great. I appreciate all the hard work done by the City Feasibility Study Committee members. Education is the key to keep the public informed.

VIII. CORRESPONDENCE

- All correspondence directed to the Village Clerk is received, filed and emailed to the Village Council.

The following citizens sent correspondence to the Village Clerk for the Village Council.

1. Carolyn Hicks
2. Judith Dimichele
3. Linda Haan
4. Norm Shotwell.

IX. VILLAGE DEPARTMENT REPORTS

Reports are in the meeting packet and posted on www.pentwatervillage.org.

- A. Village Manager - Report submitted in writing.
- B. Clerk/Treasurer - Report submitted in writing.
Motion by Palmer, supported by Bluhm to receive the June 2023 financials as presented.
Voice Vote: 7 – 0. ABSENT: 0. Motion approved.
- C. Police Chief – Report submitted in writing.
- D. Fire Chief – Report submitted in writing.
- E. Zoning Administrator – Report submitted in writing.

F. Rec Director – Report submitted in writing.

X. COMMITTEE REPORTS

A. Building & Grounds – Minutes submitted in writing.

B. Finances – No meeting, no report.

C. Ordinances – No meeting, no report.

D. Personnel – No meeting, no report.

E. Planning/Economic Development – No meeting, no report.

F. Services – No meeting, no report.

Meeting at Ease at 6:30 P.M.

XI. PUBLIC HEARING @ 6:30 P.M.

Social District.

Ted Towl, 921 N Hancock St. - I see no reason why people have to drink on the street.

Amy LaBarge, 605 6th St. - Does the social district include the parks? Can you give us examples of other towns that have experience with this?

Jilly Barnes, Owner of Jilly's - will it hurt my business. I do not think so. As a business owner I do not think it will change our town.

Chris Chamber, 494 Hancock St.—We are over COVID. I do not think we need this. I would like to hear the positives for businesses.

Bill Frame, 760 E Hanover St. - I am not in favor of this. Does it increase police presence. I feel it will change the family dynamic in town.

Dean Gustafson, 410 Chester St. – I do not think this will add value to our town.

Craig Scheneman, 290 N Wythe St. – I do not see any good that would come from this. Plus, How do we control it?

Roxanne Frame, 760 E Hanover St. – How will you monitor it to see that the drinks were not passed on to minors.

Hearing Closed at 6:40 P.M.

XII. UNFINISHED BUSINESS

A. Planning Commission Appointments.
Postponed until August Council Meeting.

B. DDA Appointments.
Postponed until August Council Meeting.

C. Social District Resolution No. 2023-07-17.

Motion by Bluhm, supported by O'Connor to approve Resolution No. 2023-07-17 Social District with the following amendment "in the Village of Pentwater as approved by the Village Council.

Discussion:

Trustee Jared Griffis – for me it changes the texture of the village if we allow open alcohol on the street. We encourage public intoxication so I encourage you to turn this idea down.

Trustee Don Palmer – I ditto Trustee Griffis' comments. There is more than enough places for people to use the liquids. I will be voting no.

Trustee Dave Bluhm – I would like to have Laude discuss some off the comments we have heard today.

Trustee Chief Laude Hartrum – Social Districting started from COVID since the establishments were closed down to inside service. Ludington and Hart have social districts. I talked to both Chiefs, and they do not have any major problems. I think you have to look at what is possible and what is plausible. There will be confusion at how this is rolled out. We have a lot of visitors so there will be a learning curve. Certainly, there will need to be a police presence.

Trustee Dave Bluhm – My wife and I enjoyed the social district in both Ludington and Hart. We made reservations in both places and walked around while we waited for our table. A great experience in both places.

President Jeff Hodges – I own a restaurant in town. I hope it does not come down to a tie because I am on the fence about this issue. We need to treat them like adults if we have problems we can always repeal this at any time.

Zoning Administrator Kate Anderson –the council sets the location and the times. The State has a sunset on this law of December 2024. Not sure if the Michigan Legislature will vote to extend the law.

Trustee Don Palmer – I think it is easy to say no. I would love to see a study of how many people chose to leave Pentwater because they could not drink socially on the sidewalk.

Trustee Jared Griffis – I agree with Laude that 2 years ago we opened up the Village Green for food and beverage to help them during COVID I think the rationale is gone now.

Roll Call Vote: Yes: Angell Powell, Bluhm, Nugent, O'Connor, and Hodges.

No: Griffis and Palmer. Absent: 0. Motion approved 5 - 2

D. 326 S. Hancock Street.

Motion by Angell-Powell, supported by Nugent to approve the bid guidelines for 326 S Hancock St. 1. The property will be listed for 30 days. 2. Council will award the bid. 3. Village has the right to accept any and all bids. 4. Fair Market Value with no minimum.

Roll Call Vote: Yes: Angell Powell, Bluhm, Griffis, Nugent, O'Connor, Palmer and Hodges. No: 0. Absent: 0. Motion approved 7 - 0.

XIII. NEW BUSINESS

A. Master Plan.

Motion by Angell-Powell, supported by Palmer to approve the draft of the Master Plan for distribution.

Discussion was held that the council is ready to make the draft of the Master Plan out to the public for review for the 63 days.

Roll Call Vote: Yes: Angell Powell, Bluhm, Griffis, Nugent, O'Connor, Palmer and Hodges. No: 0. Absent: 0. Motion approved 7 - 0.

B. City Feasibility Study.

Motion by O'Connor, supported by Angell-Powell to approve the recommendation from the City Feasibility Study committee that the Village Council pursue incorporating as a city and take the steps towards the goal of a city form of government.

Discussion was held:

President Hodges – this issue has been in discussion for a number of years. Chairperson Claudia Ressel-Hodan assembled a great crew. Half of the committee was not in favor of becoming a city. However, after meeting for a year and doing the detailed research this is their unanimous recommendation. The committee should be commended for the detailed report that was created over a one-year time frame at no cost to the village, except for the materials to print the report. The report the township commissioned from the Citizens Research Council indicates the township will be fine.

Trustee Bluhm – I support this. It needs to be in the voters' hands. There is a need for public awareness piece. That is how we get it to the voters. I have been very disappointed with the misleading information that has been on Facebook. There are self-serving erroneous efforts out there. We need to get the right information out so good decisions are made by the voters.

Trustee Don Palmer – the council was elected by the voters. So if a majority of the council voted against moving forward that would end this.

Trustee Griffis - with respect to Norm and Kendra we appreciate your comments, but we need exploratory time to get this into the hands of the voters.

President Jeff Hodges – this is a long process, and the voters have several opportunities to voice their opinions.

Village Manager Brown – stated the committee that worked on this was very cautious of how they compiled the information that was put in the report. I applaud their high ethical standards of what was placed in the report was truthful and had facts to back it up.

Roll Call Vote: Yes: Angell Powell, Bluhm, Griffis, Nugent, O’Connor, Palmer and Hodges. No: Palmer. Absent: 0. Motion approved 6 - 1.

C. Ordinance Amendment No. 2023-06 Section 17.02(D).

Motion by Angell-Powell, supported by Palmer to approve Ordinance Amendment No.2023-06 Section 17.02(D).

The Planning Commission and Village Council shall, at minimum, consider the following before taking action on any proposed amendment to the text of this Ordinance:

- A. Compatibility with the basic intent and purpose of the Ordinance;
 - Yes, all agree the amendment is compatible.
- B. Consistency with the goals, objectives, and future land uses of the Village of Pentwater Master Plan, including a sub-area or corridor studies;
 - Yes, all agree the amendment is consistent with the goals, objectives, and future land uses.
- C. The requested amendment will correct an error and/or clarify an ambiguity in the Ordinance;
 - Yes, all agree that the amendment will help clarify parking for Short-Term Rentals in the C-3 District.
- D. The requested amendment will resolve an inequitable situation created by the Ordinance and does not grant special privileges;
 - Yes, all agree this will resolve the situation and does not grant special privileges.
- E. The requested amendment will not result in unlawful exclusionary zoning;
 - Yes, all agree that the requested amendment will not result in unlawful exclusionary zoning.
- F. There is documentation from Village staff or the Zoning Board of Appeals indicating problems and conflicts in implementation or interpretation of specific sections of the Ordinance;
 - Yes, there is documentation from Village Staff supporting there was a conflict in interpretation of Section 17.02(D).
- G. The requested amendment will address changes in state or federal legislation or regulations or other Village ordinances; and
 - Yes, the requested amendment addresses a change to the Village ordinance.
- H. The requested amendment will resolve potential legal issues or administrative problems with the Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.

- Yes, the requested amendment will resolve administrative problems and potential legal issues in the future.

Roll Call Vote: Yes: Angell Powell, Bluhm, Griffis, Nugent, O'Connor, Palmer and Hodges.
No: 0. Absent: 0. Motion approved 7 - 0.

D. Equipment Disposal Bid.

Motion by Griffis, supported by Palmer to the Equipment Disposal Bids process for the following items:

Accepting sealed bids for the following equipment. The Village has the right to reject any or all bids. Bids will be accepted sealed at Village Hall, 65 S Hancock Street , or mailed to P.O. Box 622 Pentwater, 49449. Bids will be accepted until Noon on Friday, July 28th, Questions and photos by request to: cbrown@pentwatervillage.org

B2320 KUBOTA TRACTOR WITH CAB WITH 1a 304 LOADER

B2781 A FRONT MOUNT SNOW BLOWER

BX 2537A BROOM

RCK54-29B MOWER DECK

BUCKET MOUNT FORKS

MID MOUNT PTO ADAPTOR

619 HOURS

TOTAL PACKAGE MIN BID \$15,000.00

2002 INTERNATIONAL Cummins w/ Allison auto trans

39,480 miles

3,494 hours

12' MONROE UNDERBODY SCRAPER

FRONT HUSTING FOR WING PLOW

5 YARD DUMP BOX

NEW RUBBER WITH LES THAN 200 MILE

MIN BID \$ 18,000.00

2009 FORD F 350 SUPER DUTY PICK UP

91,358 MILES

WESTERN UNIMOUNT PLOW FRAME AND HARNESS

MIN BID \$ 7,000.00

Roll Call Vote: Yes: Angell Powell, Bluhm, Griffis, Nugent, O'Connor, Palmer and Hodges.
No: 0. Absent: 0. Motion approved 7 - 0.

XIV. PUBLIC COMMENTS:

Jilly Barnes, 8347 Oceana Dr. – shared her concerns regarding the sculpture on the Village Green and let the council know of where we are with the Art Walk and the meeting with the art council. Volunteers did offer the art council the funding to move the sculpture but they declined. Jilly would like the Village Council to consider some sort of resolution moving forward. I do not like to see a sign on the Village Green.

Jean Russell 5545 Wayne Rd. – The township is having it's informational meeting on Thursday, July 20 from 6:00 - 7:30 P.M at the Baptist Church.

Karl Schrumpf 214 S Wythe St. – He would like signs east of Hancock regarding the parking Ordinance when we have large events. Parking tickets are not inviting to our visitors.

Paula DeGrigorio, 270 Sands St. – My understanding is there is no on street parking in the winter. Where should they go?

Dave Editor of the Ludington Daily News – I wanted to say hello and look forward to working with the Village of Pentwater.

Eva Gregwor, Chamber of Commerce – Thank you to the village, township residents and visitors. The Fireworks were a huge success. I hope that as you choose the bid for the building you will remember the Pentwater Chamber is invested in the community.

XV. COUNCIL COMMENTS:

Trustee Don Palmer – Thank you to Claudia Ressel-Hodan for her assistance with our family’s rental of Park Place. She was great to work with. Our thoughts go out to the family of Milly Peterson Hamlin who passed away at 99 years old. Milly was a former council member. Wondering where we are at with the sign/sculpture on the Village Green. Who put the golf cart parking signs on Hancock Street?

President Jeff Hodges – Chris and I met with the Art Council on Tuesday, June 13th.

Discussion was held on the crosswalk safety on Hancock Street. New signage was purchased and placed last weekend.

XVI. CLOSED SESSION

None.

XVII. ADJOURNMENT

President Jeff Hodges adjourned the meeting 7:55 P.M.

Respectfully submitted,

Rande Listerman, MiCPT, CPFA, CPFIM, MiPMC
Clerk/Treasurer

Date