

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 March 11, 2024 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: Dave Bluhm, Phil Frame, 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 & Accounting Clerk John Bartlett.

IV. PUBLIC COMMENTS – On the agenda

Chris Conroy, 560 S Hancock St., Unit 21 - wanted to thank Kate for her work on the corner lot information.

V. APPROVAL OF THE AGENDA

President Hodges requested an approval of the agenda. *Motion* by Nugent, supported by Griffis to approve the agenda with one addition under New Business, Item J. Village Manager's Contract and employment status.

Roll Call Vote: Yes: Bluhm, Griffis, Nugent, O'Connor, and Palmer. No: Frame and Hodges.
Absent: 0. Motion approved 5 - 2.

VI. CONSENT AGENDA

- A. Approval of Minutes: Regular Council Meeting on February 12, 2024.
- B. Disbursements Village: Accounts Payable - \$167,413.77; Payroll - \$95,620.61.
- C. Disbursements from Township: Fire Department – Accounts Payable: \$4,327.16, Payroll \$406.44.
- D. Commission & Board Reports: None.
- E. Requests for Village Property use:
 - 1. Richard Granger, General Assembly Big Band-July 19, 7-9 P.M.
 - 2. Service Club, Start of Summer Party-June 2, 5-7 P.M.

Motion by Palmer, supported by Nugent to approve the consent agenda items with the

removal of check number 50575 for SABO Public Relations, LLC in the amount of \$1,979.00 from the check disbursements.

Discussion was held regarding check number 50575.

Roll Call Vote: Yes: Bluhm, Frame, Griffis, Nugent, O'Connor, Palmer, and Hodges.

No: 0. Absent: 0. Consent agenda approved 7 – 0.

Trustee Palmer asked for clarification on check number 50575 to SABO Public Relations, LLC.

Motion by Bluhm, supported by Nugent, to approve the check disbursement for SABO Public Relations, LLC in the amount of \$1939.00.

Roll Call Vote: Yes: Bluhm, Frame, Griffis, Nugent, O'Connor, and Hodges.

No: Palmer. Absent: 0. Motion approved 6 – 1.

VII. ANNOUNCEMENTS

A. Comments from the President.

On behalf of the Village Council, we are sending our sympathy to the Bluhm family. I've known Bill for a long time, he made such an impact on the whole community, and he will be missed.

VIII. CORRESPONDENCE

- *Correspondence directed to the Village Clerk will be received, filed, and emailed to the Village Council.*
- 1. None.

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 Frame to receive the February 2024 financials as presented.

Roll Call Vote: Yes: Bluhm, Frame, Griffis, Nugent O'Connor, Palmer, and Hodges.

No: 0. ABSENT: 0. Motion approved 7 - 0.

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.

G. Park Place - Report submitted in writing.

X. COMMITTEE REPORTS

- A. Building & Grounds – No meeting, no report.
- 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. Service – Minutes submitted in writing.

XI. PUBLIC HEARING

2024-2025 Truth in Taxation Budget Hearing at 6:15 P.M.

Motion by Palmer, supported by Bluhm to open the 2024-2025 Truth in Taxation Budget Hearing at 6:15 P.M.

Council Questions:

Trustee O'Connor asked questions regarding: 1. the amended budget for 2023-2024.

2. the Capital Outlay in the Motor Pool/Equipment Fund. Discussion was held.

Trustee Griffis stated “ladies and gentleman”, your next finance chair right next to me.”

Trustee Bluhm is it time for the water taxi to be privatized? \$5000 is \$5000.

Trustee Frame can we bid out the water taxi service?

Village Manager Chris Brown stated the historical society receives the profits from the special tours. The contract requires 4 round trips a day 3 times a week. Mostly during events like the Farmers Market.

Trustee Nugent \$5000 budget is \$5000 however it is a good promotional item for the village.

Trustee O'Connor she would like the village to require statistics kept of the number of passengers and runs for the season.

No public comment.

Close the Public Hearing at 6:52 P.M.

XII. UNFINISHED BUSINESS

- A. Pentwater Fire Department Millage Presentation.

Fire Chief Jonathan Hughart - shared the fire department will be requesting an increase in the millage for the department on the November 2024 ballot. Jonathan shared many details on the current status of the Fire Department equipment and personnel. The department will be holding an Open House in June for the public and they are working on a flyer to explain the request with all the financial details to be mailed to all the registered voters in the village and township.

B. Consideration for text amendment change Section 3.05.D and Section 6.04
Motion by Nugent, supported by O'Connor to approve Zoning Official Kate Anderson working with Lynee Wells to complete a study on the Corner Lots with a cost up to \$500.

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

Motion by Frame, supported by _____ to

C. Ordinance No. 1 of 2024 Amend the Village of Pentwater's Zoning Ordinance Sect. 12.04.
Motion by Bluhm, supported by Nugent to rescind the text amendment to the Zoning Ordinance to amend Section 12.04 D to change maximum building height in the C-3 District to 42 feet on the west side of Hancock St. and 47 feet on the east side of Hancock St.

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

Motion by Frame, supported by _____ to
Discussion was held regarding the information Zoning Official Kate Anderson provided on the text amendment change.
Motion died due to lack of support.

XIII. NEW BUSINESS

A. Resolution No. 2024-03-02 Park Place Millage Renewal.

Motion by Palmer, supported by Griffis to approve Resolution No. 2024-03-02 Park Place Millage Renewal as presented.

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

B. Resolution No. 2024-03-03; 2024 Utility Rates.

Motion by Palmer, supported by O'Connor to approve Resolution No. 2024-03-03; 2024 Utility Rates.

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

C. Resolution No. 2024-03-04; 2024 Fee Schedule.

Motion by O'Connor, supported by Frame to approve Resolution No. 2024-03-04; 2024 Fee Schedule as presented.

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

D. Resolution No. 2024-03-05; 2024-2025 Budget.

Motion by Palmer, supported by Bluhm to approve Resolution No. 2024-03-05; 2024-2025 Budget as presented with gratitude for the staff that worked on assembling the information.

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

E. Resolution No. 2024-03-06 Charitable Gaming License–PTW Jr. Sailing Program.

Motion by Bluhm, supported by Nugent to approve Resolution No. 2024-03-06 Charitable Gaming License – Pentwater Jr. Sailing Program.

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

F. Resolution No. 2024-03-07; 2023-2024 4th Quarter Budget Amendments.

Motion by Palmer, supported by Griffis to approve Resolution No. 2024-03-07; 2023-2024 4th Quarter Budget Amendments.

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

G. Pentwater Chamber of Commerce 4th of July Fireworks Permit July 3, 2024.

Motion by Nugent, supported by Frame to approve the Pentwater Chamber of Commerce 4th of July Fireworks Permit for July 3, 2024.

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

H. Pentwater Chamber of Commerce Homecoming Fireworks Permit August 10, 2024.

Motion by Nugent, supported by Bluhm to approve the Pentwater Chamber of Commerce Homecoming Fireworks Permit for August 10, 2024.

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

I. Planning Commission Appointments.

President Jeff Hodges received the resignation from Bruce Koorndyk. President Hodges thanked Bruce for his years of service to the community. He did a great job. President Hodges is not prepared to appoint someone to the seat at this time.

J. Village Manager's Contract and employment status.

Motion by Griffis, supported by Nugent to place the Village Manager on a paid 30-day leave of absence effective immediately and to terminate the Village Manager's contract without

cause pursuant to paragraphs 3 and 8 of the Village Manager's contract and direct the Village Attorney to provide the Village Manager with a 30-day notice of the termination as required by the contract.

Discussion was held:

Trustee Frame - Why?

Trustee Griffis - Loss of confidence vote.

Trustee Frame - By the community or the council?

Trustee Griffis - Council reflects the experience of the community, and the council responds to the community in making the Village of Pentwater a better place to live and work and function together with our neighbors as well.

Trustee Frame - I see no basis whatsoever.

President Hodges - I am wondering if we are opening up ourselves to legalities?

Trustee Frame - I made myself known about that!

President Hodges - It is very disturbing we are coming in as late edition to the council agenda. We try to be open and honest yet there is no discussion prior to this? It is dropped in on the eleventh hour.

Village Manager - Chris Brown asked what was the section sited?

Trustee Nugent - Section 3 and 8. Would you like me to read those?

Village Manager Chris Brown "yes".

Trustee Dan Nugent - Section 3 TERM. The Term of this Agreement shall be for the period commencing April 1, 2021, through March 31, 2025, as provided in this paragraph. Either the Village Manager or the Village Council may terminate this Agreement at any time upon 30 day written notice, subject to section 8 on page 2, with or without cause. Section 8 SEVERANCE. Three month's pay will be received if terminated prior to contract term. The Village Manager shall not be entitled to severance pay if Manager is terminated for just cause.

Trustee Frame - I have not been afforded this contract. I don't have it.

Trustee Nugent - It is in the meeting minutes of March 8, 2021.

Trustee Frame - The contract?

Trustee Nugent - That is the date the contract was approved.

President Hodges - Phil would not know that he was not here then.

Trustee Frame - How would I know that? So, it was put on the agenda today for a new board member, a new trustee, to vote on something that they do not have. It is complete sabotage for me. I do not know about anybody else, but for me and as a 37-year lawyer looking at the contract that did exist that I had a chance to review it is over 3 years old and it is full of holes. It was drafted by an amateur.

Trustee Palmer - So you did see a contract or you didn't?

Trustee Frame - I saw an old contract. Not the current contract.

Trustee Nugent - Is that your personal opinion or your professional opinion?

Trustee Frame - That is my personal opinion. I am a trustee; I would like to have the contract that does exist at the present time.

Trustee Nugent - The contract is the same as the 2017 contract except for the amendment from 2018.

Trustee Frame - It is full of holes, that is my personal opinion.

Trustee Nugent - Noted.

President Hodges - So, is this something that has been worked on for a while? Can I ask? We are trying to be open and honest. We have been working on this for a while?

Trustee Griffis – Anybody that is alive in the village has been getting feedback on personnel relations and public relations for some time.

President Hodges – Based on evidence or based on hearsay?

Trustee Nugent – Both.

President Hodges – I have not seen any evidence. Have you seen the evidence because no one brought it to me. I have heard hearsay but no evidence. Has there been legal personnel advising you? As the Village President, I have not been contacted. We talk about being open and honest and this is dropped on us. So, there is a plan here involved. There are a lot of other opinions in this community. I get it. I am appalled by it. I have tried for seven years to stay above it. I guess I have failed. But it seems like whatever those other opinions are they are working. That is very shameful for our community.

Trustee Frame – What you mean by other opinions it's hearsay.

President Hodges – Rumor, gossip.

Trustee Frame – So we are acting on hearsay?

President Hodges – I am very opposed and ashamed by this. We do have a motion is there more discussion?

Trustee Frame – The other part of this is we just had a personnel meeting.

President Hodges – That we have not wrapped up.

Trustee Frame – And I did not hear a thing mentioned at that meeting.

President Hodges – So again, is there more to it that someone would like to tell me at this meeting, openly and honestly? Or is this just based on groups of people getting to other people and getting them to do something that we should not be doing.

Trustee Nugent – What we have is a contract that we are following line 3 and line 8.

President Hodges – And there is due cause? What is the due cause?

Trustee Frame – What they are saying is they do not have any due cause.

Trustee O'Connor – I believe the motion is without cause.

Trustee Nugent – That is the grace, on the table, without cause.

Trustee Frame – The severance portion of the contract says this is what we will pay you if there is no cause and this is what we will not pay you if there is cause. What they are acting on is a termination of an at will contract. They believe that is what they are acting upon right now. At will employment with 30 days' notice.

President Hodges – So again, how long have we been talking about this and with who? Will you give me the courtesy of an answer?

Trustee Griffis – We are operating on a no cause, release of contract. That's it.

President Hodges – So you do not want to tell me who you have been talking too? Is this something you did on your own? You and Dan?

Trustee Palmer - Call the question Mr. President.

Village Manager Chris Brown – I will make it really easy. I will resign voluntarily for breach of contract. I will still get the severance because of no cause. You go ahead and vote and decide the motion.

President Hodges – This will set this village upside down.

Roll Call Vote: Yes: Bluhm, Frame, Griffis, O'Connor, Palmer.

No: Frame and Hodges. Absent: 0. Motion approved 5– 2.

XIV. PUBLIC COMMENTS:

Kate Danforth, 158 6th St. – Represents “Friends of the Pool” at West Shore Community College. The pool is under consideration to be closed. It is the only facility in the area to train in over the winter for athletes. As benefactors of the pool, we would remain as an organization to assist with aquatic events. The Friends of the Pool have a vision to fundraise and then continue as a booster club and provide lifeguard certification opportunities, as well as water safety and swimming lessons. We will collaborate with the college with its operation, for example open swims. We also plan on holding fundraisers to purchase new equipment for the pool, an example is the lifts for handicapped individuals. However, if you are interested in helping us, please send letters to the board of trustees at the college at tmstadler@Westshore.edu

XV. COUNCIL COMMENTS:

None.

XVI. CLOSED SESSION

None.

XVII. ADJOURNMENT

President Jeff Hodges adjourned the meeting 8:38 P.M.

Respectfully submitted,

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

Date