

Regular Meeting of Village Council
April 8, 2024
Park Place – 310 North Rush Street

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

II. ROLL CALL

Present: Dave Bluhm, Phil Frame, Jared Griffis, Dan Nugent, Kathy O'Connor, Don Palmer, and Jeff Hodges. Absent: None.

Also present: Clerk/Treasurer Rande Listerman, Police Chief Laude Hartrum, Zoning Administrator/Rec Director Kate Anderson, and Deputy Clerk/Treasurer VanNortwick.

III. PUBLIC COMMENTS – On the agenda

Eric Fox, I am here to announce my candidacy for Oceana County Probate Court Judge. Judge Brad Lambrix is retiring this year. I have lived in Oceana County my entire life; my family is originally from Shelby. We have deep connections with Oceana County. I look at this as an opportunity to give back to the community. My wife Deanna is here with me tonight. I would be happy to answer any questions. You may contact me at my office by phone or check out my website or Facebook page. Thank you.

IV. APPROVAL OF THE AGENDA

President Hodges requested approval of the agenda.

Motion by Palmer, supported by Griffis to approve the agenda as presented.

Roll Call Vote: Yes: 7. Bluhm, Frame, Griffis, Nugent, O'Connor, Palmer, and Hodges.

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

V. CONSENT AGENDA

A. Approval of minutes: Regular Council Meeting on March 11, 2024, and Special Council Meeting on March 25, 2024.

B. Disbursements Village: Accounts Payable - \$128,754.38; Payroll - \$95,849.64.

C. Disbursements from the Township: Fire Department – Accounts Payable – \$11,069.04; Payroll - \$39,330.46.

D. Commission & Board Reports: Planning Commission.

E. Requests for Village Property use:

1. General Assembly Big Band, Richard Granger, June 21, 7 to 9 P.M.

2. Movies on the Green, Brian Prescott, June 28, July 26, August 9, August 23.

Motion by Palmer, supported by Frame to approve the consent agenda with one item removed for discussion from the disbursements: Check No. 50633 SABO Public Relations LLC in the amount of \$993.32.

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

Discussion was held regarding the disbursement.

Motion by Frame, supported by Bluhm to approve Check No. 50633 SABO Public Relations LLC in the amount of \$993.32.

Roll Call Vote: Yes: 7 Bluhm, Frame, Griffis, Nugent, O'Connor, Palmer, and Hodges.
No: Palmer. Absent: 0. Motion approved 6 - 1.

VI. ANNOUNCEMENTS

A. Comments from the President:

President Jeff Hodges - it has been an interesting month and a difficult month for me personally. I want to be careful about what I say so I am going to defer a little time to Phil.

Trustee Phil Frame - I requested an opportunity to speak to the council and the community at large. What happened on March 11th in my opinion was neither diplomatic nor appropriate. It lacked integrity, honesty, and transparency with this council. Council is in the privy to do what they did. In 37 years of practicing law, I spent my time honing my skills but also honing my integrity, honesty, and fair dealing with everybody I dealt with lawyers, judges, the public, and the state agencies I represented, and my honesty and integrity were without reproach at all times. It served me well because people could deal with me and not have to wonder whether or not I was telling the truth and providing all the information that they requested and if the information was accurate. Unfortunately, what I saw on March 11th lacked in that forum and diplomacy. I hope to achieve that with our council. I hope we can come together and be a good solid group and work together for the benefit of this community. I love this community. I think it's special. It's a treasure. I want it to stay that way and I want us to advance in the future. The second comment is we have a little case down in Georgia where ethics came into play. I want to remind everybody, that avoiding the appearance of impropriety is not only a legal concept but an ethical concept. It applies to government officials and council members like us. What we need to avoid is the stench of wrongdoing and the stench of corruption. I hate to see the things that happened on March 11th come back and haunt us because there is going to be litigation. Jeff has been in communication with Chris Brown and there is going to be a lawsuit. Unfortunately, it can't be avoided at this point most likely. So, the appearance of impropriety is extremely important to avoid. The last thing, and this is extremely important, Council cannot act simply at the beholding of the community at large. Whatever they wish we do. It does not work that way. I absolutely want to serve the community. We need to do what is right and what is best for this council and this community. If that upsets somebody then it upsets somebody. We are going to do what is right and with diplomacy. I hope to see us come together and use those words to heart.

VII. CORRESPONDENCE

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

VIII. VILLAGE DEPARTMENT REPORTS

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

- A. Village Manager – No report.
- B. Clerk/Treasurer – Report submitted in writing.
Motion by Palmer, supported by Frame to receive the March 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.

IX. COMMITTEE REPORTS

President Jeff Hodges would like the council trustees to still consider adding a meeting once a month called the “Committee of the Whole.”

- A. Buildings & 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.
Would like to set up a public information meeting regarding the Short-Term Rental.
- F. Service - No meeting, no report.

X. PUBLIC HEARING

None.

XI. UNFINISHED BUSINESS

- A. Consideration for text amendment change Section 3.05.D and Section 6.04.

Zoning Official Kate Anderson reminded Council they need to set the footage and then Attorney Brian Monton will create the amended ordinance to be presented at the next meeting.

President Hodges - questioned the error in the report from Lynne Wells stating 30 feet from the corner lot.

Zoning Official Kate Anderson - agreed there was an error in the report. Trustee Frame clarified the report is not in favor of the 6 feet, but the report does recommend 10 – 12 feet.

Trustee O'Connor - does this pertain just to the Middlesex section of the village? *Zoning Official Kate Anderson*, no she recommends we treat the entire village uniformly.

Motion by Frame, supported by Palmer to approve the text amendment language to be 10 feet and primary designated as the street with the front door.

Discussion was held:

Trustee Palmer - did we not already have this definition years ago?

Zoning Official Kate Anderson - yes, but this was the text amendment change that was requested.

Trustee Bluhm - I feel like we are throwing darts at a dart board. I do not see the real benefits. I think it is problematic to look at it community-wide.

Roll Call Vote: Yes: 3. Frame, Palmer, and Hodges.

No: 4. Bluhm, Griffis, Nugent, O'Connor. Motion failed 3 - 4.

- B. Ordinance No. 1 of 2024 Amend the Village of Pentwater's Zoning Ord. Sect. 12.04. No action was taken. Remove from the agenda.

XII. NEW BUSINESS

- A. Resolution No. 2024-04-08 2024-2025 Annual Appointments.

Motion by Palmer, supported by Griffis to approve Resolution No. 2024-04-08; 2024-2025 Annual Appointments with one change remove the 4% cost of living for the Village Manager position.

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

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

- B. Resolution No. 2024-04-09 Approval of Bank Depositories.

Motion by Griffis, supported by Bluhm approve Resolution No. 2024-04-09 Approval of Bank Depositories as presented.

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

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

C. Ludington Lock & Key

President Hodges shared his concern that the order to change the locks was not approved through the proper channels. However, the payment was approved during the consent agenda. A reminder that we need to follow proper procedures and stay in our lanes.

Motion by Frame, supported by O'Connor to add this item to the Special Council meeting agenda on April 12, 2024, per Attorney Brian Monton's advice.

Discussion was held.

President Hodges - will check with Attorney Brian Monton on the proper way to proceed.

Trustee O'Connor and Trustee Palmer - agreed that we are dealing with a personnel issue and that person clearly has a right to request a "Closed Session".

Trustee Frame - stated it is not a personnel issue at all. It is a problem that President Hodges is having when wearing your other hat acting "Village Manager". As Village Manager, you set the policy regarding expenditures under \$10,000.

Trustee Palmer - I believe our Village President stated that there is a person that did this and so therefore it is a personnel issue.

Trustee Frame - the employee did this at the request of a council member.

Trustee Palmer - so is it one issue or two issues?

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

D. CWP Infrastructure Alternatives Approval of the Repair and Maintenance Quotes.

Motion by Frame, supported by Nugent to approve the quote No. 24-027 from Infrastructure Alternative for pulling membranes, cleaning reactors and installing new membranes in the amount of \$27,500.

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 O'Connor to approve Quote No. 24-030 from Infrastructure Alternatives in the amount of \$14,750 to change out process blower.

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

Motion by Frame, supported by Griffis to approve Quote No. 24-028 from Infrastructure Alternatives in the amount of \$20,500 to empty pre-air tank #1, remove all debris, and change the air diffusers.

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

E. Raymer Quote for 12" Type 1 Public Water Supply Well.

Motion by Palmer, supported by Griffis to approve Quote No. 4061 from Raymer in the amount of \$79,950 for a 12" Type 1 Public Water Supply Well for the DWSRF Project.

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

F. Dumpster Placements.

Discussion was held regarding the village cardboard recycling dumpster behind 330 S. Hancock Street. The Village President Jeff Hodges worked with Republic Services on the best location for the dumpster. It will be moved to the grassy area at the east end of the municipal parking lot on Hancock Street.

G. Miller Canfield Bond Counsel Engagement Letter.

- a. 2024A Capital Investment Bonds DWSRF Fund Loan Program.
- b. Water Supply System Improvement Open Market Bonds.

Motion by Bluhm, supported by Griffis to approve the Bond Counsel Engagement - 2024A Capital Improvement Bonds Drinking Water State Revolving Fund Loan Program in the amount of \$1,837,000 attorney fee at \$15,500. In addition, the Bond Counsel Services – Water Supply System Improvements "Open Market Bonds" single series of bonds in the approximate amount of, \$1,800,000 with the an attorney fee of \$15,500.

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

H. Planning Commission Appointments.

Motion by Griffis, supported by Frame to approve the appointment of Tim Kelly to fulfill the vacancy left by Bruce Koorndyk on the Planning Commission with a term ending September 2027.

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

The Council expressed their appreciation to Bruce for his many years of service to the Village on the Planning Commission.

I. Zoning Ordinance Text Amendment Change; Chapter 21, Section 21.09.

Motion by Griffis, supported by Palmer to approve the text amendment change to Chapter 21, Section 21.09

Roll Call Vote: Yes: 3. Frame, Griffis, Palmer.
No: 4. Bluhm, Nugent, O'Connor, Hodges. Absent: 0. Motion failed 3 - 4.

XIII. PUBLIC COMMENTS:

John Morrissey, 268 W. Lowell – would like the Police Chief to address the speed on Lowell Street. Also, with the zoning amendment text change not passing will there be enforcement on those that are not in compliance.

Ron Cox, 124 N. Rutledge – representing Pentwater School District regarding \$7,595,000 Bond issue to enhance safety and upgrades to Pentwater facilities. Three words “warm, safe and secure.” This is the third try, we are now at 1/3 of the original bond proposal. The plan is to upgrade interior facilities, a partial roof replacement, safety, and reorientating the front door entry must pass through the office. The millage rate will be 1.21 mills. Questions about sinking fund, after 10 years, we would only have \$3,500,000. We will have more public meetings. Ron and his wife made the choice to choose Pentwater for their children. Invest in your school and the students.

Mary Marshall, 237 S. Rutledge via Zoom – thanked the Council members for the open dialogue tonight. Your discussion assists the public with the nuances of all the decisions that you make on our behalf.

Sue Johnson, 318 E. Hanover – requested that the public be allowed to ask to record the Zoom meeting while the meeting is in session. Also, YouTube has a channel which you may broadcast for free. The Open Meeting Act is really clear on what you may go into Closed Session for.

Chris Conroy, 560 S. Hancock, Unit 21 - confused about the conversation regarding SABO. I do know you also received a brief from Dr. Lewis Bender he made several recommendations to address. I am hoping that the document will feed into the SABO report.

Mark Trierweiler, 6378 Iroquois Rd. Pentwater Twp. - felt Trustee Frame’s comments were pugnacious and disrespectful. He is not the only one that loves this community, I respectfully disagree with what was said.

XIV. COUNCIL COMMENTS:

Trustee Griffis - thank you Kate for the Planning Commission training. Particularly the second presenter. Also, I would like to thank Rande Listerman for your high skills used on behalf of the community. Thank you very much.

Trustee Bluhm - I also wanted to thank Rande, Renee, John, and Jeff for really stepping up in the last month, keeping us afloat, and addressing the day-to-day business. I am anxious to see us move forward. Second item, a couple of years ago I suggested that we have an annual or semi-annual meeting with the township to tackle issues big and small. I would like to see us do that.

Trustee O’Connor - also would like to thank Kate for arranging our Zoning and Planning training. My epiphany during the training is wow, I really needed all of this from day one. What I found that it is the norm for the governing body and planning commission to meet throughout the year. I feel we would have smoother meetings and much less discussion if we met together regularly.

XV. CLOSED SESSION

None.

XVI. ADJOURNMENT

President Jeff Hodges adjourned the meeting at 7:54 P.M.

Respectfully submitted,

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

Date