

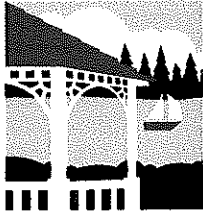
VILLAGE OF PENTWATER

ON PENTWATER LAKE AND LAKE MICHIGAN
327 South Hancock Street, P.O. Box 622, Pentwater, Michigan 49449
(231) 869-8301 - FAX (231) 869-5120
www.pentwatervillage.org

Pentwater Village Zoning Board of Appeals
Community Room – 327 Hancock St.
Wednesday, May 30, 2018
7:00 P.M

Agenda

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Approval of Agenda
- V. Approval of the Minutes of the September 6, 2017 Meeting
- VI. Correspondence / Public Comments
- VII. Unfinished Business
 - A. Review and Consideration of ZBA By-Laws introduced on June 7, 2017.
- VIII. New Business
 - A. Election of Officers.
 - B. Introduction of new ZBA By-Laws Amendment.
- IV. Adjournment



VILLAGE OF PENTWATER
Zoning Board of Appeals
ON PENTWATER LAKE AND LAKE MICHIGAN
327 South Hancock Street – P.O. Box 622
Pentwater, Michigan 49449
(231) 869-8301 – FAX (231) 869-5120

Regular Meeting Minutes – September 6, 2017

Chairperson Castor called the regular meeting of the Pentwater Zoning Board of Appeals Meeting to order at 7:02 p.m. with the pledge of allegiance.

ROLL CALL: Present: Andrew Witt, Nancy Ceton (Alternate), Bill Bainton (Alternate arrived at 7:10 pm.), Jim Young and Mike Castor. **Absent:** Bill O'Donnell.

Others present: Zoning Administrator Keith Edwards

APPROVAL OF AGENDA: Motion by Nancy Ceton, second by Jim Young to approve the agenda as presented. Voice Vote: Ayes: 5, Nays: 0. **Motion carried.**

APPROVAL OF MINUTES of June 7, 2017: Motion by Nancy Ceton, second by Andrew Will to approve the June 7, 2017 minutes as presented. Voice Vote: Ayes: 5, Nays: 0. **Motion carried.**

PUBLIC COMMENTS: None

UNFINISHED BUSINESS:

DISCUSSION OF THE SUGGESTED AMENDMENTS TO ZBA BY-LAWS AS PROPOSED AT THE PREVIOUS MEETING, JUNE 7, 2017: After reviewing the introduction from the last meeting and discussing each suggested change, the ZBA made the following motions:

- **Motion** by Andrew Young, second by Nancy Ceton to recommend the Planning Commission consider amending the Zoning Ordinance, Chapter 18, Section 18.02.A to reflect the change in membership from seven (7) to five (5). Voice Vote: Ayes: 5, Nays: 0. Motion carried.
- **Motion** by Andrew Witt, second by Bill Bainton to change the term “table” to “postpone” in Section 6 and Section 7 of Article VI: Meetings as applicable to the context of those sections. Voice Vote: Ayes: 5, Nays: 0. Motion Carried.
- **Motion** by Andrew Young, second by Nancy Ceton to change the ZBA By-Laws. Article III, Section 1- Membership Composition from seven (7) to five (5) members, and Article VI, Sections 4, 6 and 8 to reflect the appropriate values for quorum and required number of positive votes required to approve dimensional and use variances conditioned upon the Planning Commission and Village Council agreeing to amend the Zoning Ordinance, Chapter 18, Section 18.02 to reflect the change in membership from seven (7) to five (5). Voice Vote: Ayes: 5, Nays: 0. Motion carried.

NEW BUSINESS:

ZONING BOARD OF APPEALS TOOLKIT: Chair Castor presented an overview of the training manual prepared by the Michigan Association of Planning and discussed dimensional variances, use variances, members conflict of interest, the importance of documentation should there be a review of the record of the ZBA in any case they make a decision on. Chair Castor then asked for questions from the Board which were answered by Chair Castor and Zoning Administrator Keith Edwards.

ADJOURNMENT: *Motion* to adjourn by Jim Young second by Bill Bainton. All Ayes. Castor adjourned the meeting at 8:05 pm.

Respectfully submitted by

Keith Edwards
Zoning Administrator
Village of Pentwater

MEMORANDUM

To: Village of Pentwater Zoning Board of Appeals
From: Keith Edwards, Zoning Administrator
Date: May 25, 2018
Subject: **Previously Introduced Amendments to the ZBA By-Laws**

Introduction

At the September 6, 2017, Zoning Board of Appeals (ZBA) meeting, the ZBA passed three motions concerning changes to the ZBA By-Laws as stated in the attached (draft) minutes of September 6, 2017.

One of the motions was dependent upon the Planning Commission considering a change to the number of ZBA regular members from 7 to 5. The Planning Commission considered the change, drafted a Zoning Ordinance Amendment (See attached PC Minutes of October 18, 2017), held the required public hearing on December 20, 2017, and recommended approval of the amendment to the Village Council (See attached PC Minutes of December 20, 2017). The Village Council approved the Zoning Ordinance amendment on January 8, 2018 as Ordinance no. 99-8-1.

Discussion

ARTICLE III: MEMBERS

Sec. 1 - In accordance with the ZBA's motion to approve the change in the number of members from 7 to 5, conditional upon the required change to the Zoning Ordinance, the conditions of that motion have now been fulfilled.

ARTICLE VI: MEETINGS

Sec. 8 VOTING. – If the members are reduced to five (5) above, then it will be necessary to reduce the number of votes required to approve a motion for dimensional variances to three (3), and for use variances to four (4). Again, this change is now complete with the change in the Zoning Ordinance.

Conclusion

The proposed changes to the ZBA By-Laws introduced in June of 2017 are now complete and a revised set of by-laws has been attached for your review which incorporates all proposed changes since June, 2017.



VILLAGE OF PENTWATER

Planning Commission

ON PENTWATER LAKE AND LAKE MICHIGAN
327 South Hancock Street, P.O. Box 622, Pentwater, Michigan 49449
(231) 869-8301 – FAX (231) 869-5120

Regular Meeting Minutes – October 18, 2017

Chairperson Christians called the regular meeting of the Pentwater Village Planning Commission Meeting to order at 7:20 pm, with the Pledge of Allegiance.

ROLL CALL

Present: Ron Christians, Michelle Angell-Powell (arrived at 7:25 pm), Mark Benner, Kirstin McDonough & Paul Anderson

Absent: Bruce Koorndyk (excused)

Staff Present: Keith Edwards, Zoning Administrator and Chris Brown, Village Manager

APPROVAL OF AGENDA

Motion by Benner, second by Anderson to approve the Agenda as presented.

Voice Vote: Aye: 4 Nay: 0 Absent: 0 **Motion carried.**

APPROVAL OF REGULAR MINUTES

Motion by Benner, second by Anderson to approve the September 26, 2017 regular meeting minutes as presented.

Voice Vote: Aye: 4 Nay: 0 Absent: 0 **Motion carried.**

PUBLIC COMMENTS – Present in the audience were Claudia Ressel–Hodan, Doug Osborn, Eva Gregwer, Norm Shotwell, and Terry Velanzano. No comments from the audience were submitted at this time.

COMMITTEE/DEPARTMENT REPORTS

A. Zoning Administrator

Motion by Anderson, second by McDonough to accept the Zoning Administrator's report.

Voice Vote: Aye: 5 Nay: 0 Absent: 0 **Motion carried.**

B. Zoning Board of Appeals

The ZBA meeting met on September 6 at 7 pm to discuss an update to the ZBA By-laws primarily regarding changing the number of regular members from 7 to 5, the number of alternates would remain as 2. Recognizing that such a change would also require an amendment to the Zoning Ordinance, the ZBA referred the discussion to the Planning Commission. This item is covered in New Business below.

OLD BUSINESS – None.

NEW BUSINESS

A. Proposed Improvements to Nonconforming Building – 135 Channel Lane by Insignia Homes.

Mr. Edwards reviewed the applicant's file and his report prepared on September 19, 2017 addressing the proposed additions to the home at 135 Channel Lane. The existing home is non-conforming because the north side setback to the Channel Lane right-of-way is only fifteen (15) feet, where seventeen (17) feet is required. The proposed addition which includes additions to the southwest corner and east side of the existing home with a half-story above on the east side. A covered front porch is also proposed which would meet the seventeen (17) foot setback requirement. All new construction meets the Zoning Ordinance requirements for the R2, Single Family Residential Zoning District and the WD, Waterfront District. Mr. Edwards recommended approval by the Planning Commission.

Motion by Anderson, second by Angell - Powell, to approve the expansion of 135 Channel Lane as presented since the house was not being expanded on the non-conforming side and that the proposed addition meets the requirements of the Zoning Ordinance.

Voice Vote: Aye: 5 Nay: 0 Absent: 0 **Motion carried.**

B. Proposed Amendment to the ZBA By-laws requires amendment of Section 18.02.A of the Zoning Ordinance.

The ZBA meeting met on September 6 to discuss an update to the ZBA By-laws regarding changing the number of regular members from 7 to 5, the number of alternates would remain as 2. Such a change requires an amendment to Section 18.02.A of the Zoning Ordinance. After a brief discussion regarding the minimum requirements of the Michigan Zoning Enabling Act and the number of ZBA members in Pentwater Township, the Planning Commission moved to set a date of December 20, 2017 to conduct a public hearing on the proposed amendment to change Section 18.02.A to change the number of regular ZBA members from 7 to 5.

Motion by Benner, second by Angell-Powell to set a date of December 20, 2017 for the public hearing on a Zoning Ordinance Amendment for Section 18.02.A to change the number of ZBA regular members from 7 to 5.

Voice Vote: Aye: 5 Nay: 0 Absent: 0 **Motion carried.**

C. Master Plan Amendment – Downtown Pentwater Plan – a Sub-Area Plan

Mr. Edwards introduced a revised outline dated October 13, 2017 for Planning Commission consideration and discussion regarding a proposed Downtown Pentwater Sub-Area Plan which is intended to be amended to the existing Master Plan. The Planning Commission found the outline acceptable and asked the audience for any input. It was mentioned that Mary Marshall would be assisting the Buildings & Grounds Committee in implementing the Pentwater Design Project, which is also intended to be an amendment to the Master Plan. The audience brought up the idea of assigning the task of Economic Development to a specific person. At this time, the DDA will take the idea to the Village Council for discussion. Mr. Edwards will continue to draw down on the Downtown Pentwater outline and the Planning Commission will discuss the procedures for amending the Master Plan, the limitations of the current Master Plan and the Zoning Ordinance

as it relates to the Downtown and C3, Commercial Business Zoning District at their next meeting.

PUBLIC COMMENTS – None

COMMUNICATIONS FROM PLANNING COMMISSION MEMBERS – None

ADJOURNMENT

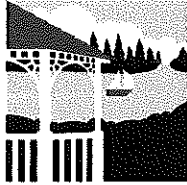
Meeting adjourned by Chairman Ron Christians at 8:43 p.m.

Respectfully Submitted,

Keith Edwards
Zoning Administrator

October 20, 2017
Date

Approved by the Village of Pentwater Planning Commission on November 15, 2017.



VILLAGE OF PENTWATER

Planning Commission

ON PENTWATER LAKE AND LAKE MICHIGAN
327 South Hancock Street, P.O. Box 622, Pentwater, Michigan 49449
(231) 869-8301 – FAX (231) 869-5120

Regular Meeting Minutes – December 20, 2017

Chairman Ron Christians called the regular meeting of the Pentwater Village Planning Commission Meeting to order at 7:02 pm, with the Pledge of Allegiance.

ROLL CALL

Present: Bruce Koorndyk, Michelle Angell-Powell (by telephone), Mark Benner, Ron Christians & Paul Anderson.

Absent: Kirstin McDonough (excused).

Staff Present: Keith Edwards, Zoning Administrator, and Chris Brown, Village Manager.

APPROVAL OF AGENDA

Motion by Anderson, second by Koorndyk to approve the Agenda as presented.

Voice Vote: Aye: 5 Nay: 0 Absent: 1 **Motion carried.**

APPROVAL OF REGULAR MINUTES

Motion by Benner, second by Anderson to approve the November 15, 2017 regular meeting minutes as submitted.

Voice Vote: Aye: 5 Nay: 0 Absent: 1 **Motion carried.**

PUBLIC COMMENTS – Present in the audience was Eva Gregwer. No comments from the audience were submitted at this time.

PUBLIC HEARING - Zoning Ordinance Amendment to reduce the number of ZBA regular members from 7 to 5. Chairman Christians opened the public hearing at 7:08 pm.

The Planning Commission took public comments on a Zoning Ordinance amendment to change the number of Zoning Board of Appeals (ZBA) members from seven (7) to five (5), while still retaining two (2) alternates. Eva Gregwer asked how many regular members were currently serving the ZBA, and the answer from the Zoning Administrator was five.

See no further requests to speak from the audience, Chairman Christians closed the public hearing at 7:10 pm.

OLD BUSINESS

Discussion of proposed Zoning Ordinance amendment to change the number of ZBA members from seven (7) to five (5) as requested by the ZBA to change the ZBA by-laws. After taking in only one public comment (see above), the Planning Commission recommended that the Village Council approve the proposed amendment.

Motion by Benner, second by Anderson to recommend the Village Council approve a Zoning Ordinance amendment to change the number of ZBA members from seven (7) to five (5) as requested by the ZBA.

Voice Vote: Aye: 5 (Angell-Powell by telephone) Nay: 0 Absent: 2

Motion carried.

A. Master Plan Amendment for Downtown Pentwater.

1. Review of Chapter 3 of the 2015 Master Plan Update.

Mr. Edwards reviewed his report, commenting primarily on the goals of the 2015 Master Plan Update. Planning Commissioners recommended, among Mr. Edwards proposed changes, adding internet accessibility to infrastructure needs, and cottage industries and work at home opportunities for consideration.

2. Review of Chapter 4 of the 2015 Master Plan Update.

Mr. Edwards reviewed his report, commenting primarily on the Commercial and Residential Uses of the 2015 Master Plan Update. Planning Commissioners discussed the need to gather additional information regarding weekly residential rentals and accessible and affordable housing options.

3. Assignment of information gathering tasks to Planning Commissioners.

Mr. Edwards asked the Planning Commissioners to play a lead role in eliciting information and help from the public and other sources to lead a committee focusing on certain topics and the Planning Commissioners confirmed their involvement except for Kirstin McDonough who was absent:

- Waterfront Community – Bruce Koorndyk
- Garden Community – Kirstin McDonough
- Arts Community – Paul Anderson
- Historic Heritage – Ron Christians
- Downtown Economy – Mark Benner
- Complete Streets and Infrastructure – Michelle Angell-Powell

Planning Commissioners will work with Staff, consultants and the public to address each of the above topics for the Downtown Pentwater Plan.

NEW BUSINESS – Vice Chairperson Michelle Angell-Powell was no longer connected by telephone for the remainder of the meeting.

A. Zoning Ordinance Amendment to Separate the Village of Pentwater from the Pentwater Community Zoning Ordinance. Zoning Administrator Keith Edwards introduced a Zoning Ordinance amendment to rename the Pentwater Community Zoning Ordinance as the Village of Pentwater Zoning Ordinance and remove all references to Pentwater Township from the Zoning Ordinance.

Motion by Koorndyk, second by Anderson to set a date of January 17, 2018 for a public hearing to take public comments on the proposed Zoning Ordinance Amendment.

Voice Vote: Aye: 4 Nay: 0 Absent: 2 **Motion carried.**

B. Zoning Ordinance Amendment to consider a Zoning Ordinance Amendment prohibiting Medical Marihuana Facilities. Zoning Administrator Keith Edwards introduced a Zoning Ordinance amendment to prohibit Medical Marihuana Facilities from the Village of Pentwater.

Motion by Koorndyk, second by Benner to set a date of January 17, 2018 for a public hearing to take public comments on the proposed Zoning Ordinance Amendment.

Voice Vote: Aye: 4 Nay: 0 Absent: 2 **Motion carried.**

COMMITTEE/DEPARTMENT REPORTS

A. Zoning Administrator – Mr. Edwards’ written report was received by the Planning Commission.

B. Zoning Board of Appeals - No meeting, no report.

COMMUNICATIONS FROM PLANNING COMMISSION MEMBERS – None.

PUBLIC COMMENTS – None.

ADJOURNMENT

Motion by Benner, second by Anderson to adjourn the meeting at 8:40 pm.

Voice Vote: Aye: 5 Nay: 0 Absent: 1 **Motion carried.**

Respectfully Submitted,

Keith Edwards
Zoning Administrator

January 2, 2018
Date

Approved by the Village of Pentwater Planning Commission on January 17, 2018.

Village of Pentwater

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

Regular Meeting of Village Council MEETING MINUTES JANUARY 08, 2018

Call to Order - President Jeff Hodges called the regular meeting of the Pentwater Village Council to order at 6:00 p.m. in the Community Room at Village Hall.

Roll Call - Present: Pam Burdick, Peter Dunlap, Jared Griffis, Dan Nugent, Don Palmer, Michelle Angell-Powell and Jeff Hodges. Absent: None.

Also, present: Village Manager Chris Brown, Clerk/Treasurer Rande Listerman, Fire Chief Terri Cluchey, Marina Manager Dick Hutchings and Village Attorney Brian Monton.

Approval of the Agenda. President Hodges requested an amendment to the location for the request for use of Village Property from the Gazebo on the Village Green to the Gazebo at the Marina. *Motion* by Griffis, supported by Palmer to approve the agenda as amended. Voice vote. AYES: 7 NAYS: 0. Amended agenda approved.

Consent Agenda. Approval, of village council regular meeting minutes, from December 11, 2017, 2017. The total of the regular Village Disbursements approval of \$414,245.19 and Payroll Disbursements of \$29,618.31. Fire Department Disbursements approval of \$8,234.13.

Requests for Village Property use: Gazebo at the Marina-June 29th @ 5-8pm
Pentwater Sportfishing Assoc.-Friendship Center & Marina Gazebo for 2018

Motion by Griffis, second by Palmer to approve the consent agenda items.
Roll call vote. AYES: 7 NAYS: 0. Absent: 0. Consent agenda items 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.

Village Manager – Report Submitted in writing. Manager Chris Brown also asked the Committee Chairs to be prepared to set committee meetings during their report for year-end agenda items

Police Chief – Report Submitted in writing.

Clerk/Treasurer - Report Submitted in writing.

Marina Manager – No Report Submitted.

Fire Chief – Report Submitted in writing

Zoning Administrator – Report Submitted in writing

COMMITTEE REPORTS

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

Building and Grounds Committee – No meeting, no report. Michelle Angell-Powell will get with her committee and set a date and time for a meeting.

Finance Committee – No meeting, no report. Set a meeting date to discuss the Budget on Friday, January 19, 2018 at 2:45 P.M.

Ordinance Committee – No meeting, no report.

Personnel Committee- No meeting, no report. Set a meeting date to discuss various contracts and personnel classifications on Wednesday, January 24, 2018 at 1 P.M.

Promotions Committee – No meeting, no report. Set a meeting date to discuss various contracts and personnel classifications on Wednesday, January 17, 2018 at 8 A.M. Signage for Community Event Notification.

Services Committee- See minutes. Set a meeting date to discuss Street Project on Thursday, January 11, 2018 at 1 P.M. Also set a meeting date to discuss W/S Rate Schedule for 2018 Budget on Friday, January 19, 2018 at 2 P.M.

VILLAGE COMMISSION AND BOARD REPORTS

Planning Commission- See meeting minutes.

ZBA- No meeting, no report.

DDA – Chairperson Dr. Claudia Ressel-Hogdan stated the DDA Board will have a report on the results of the Christmas Advertising Campaign at the next meeting.

UNFINISHED BUSINESS

1. American Tower Contract

Motion by Palmer, second by Dunlap to approve Resolution 01-2018-01 to allow the Village Manager Chris Brown to sign the Contract with American Tower.
Voice vote. AYES: 7 NAYS: 0. Motion approved.

NEW BUSINESS

1. Planning Commission Appointment

Motion by Palmer, second by Angell-Powell to approve the re-appointment of Mark Brenner to the Planning Commission for a term of three years ending in March 2021.
Voice vote. AYES: 7 NAYS: 0. Motion approved.

2. Consumers Energy-Standard Lighting Resolution

Motion by Palmer, second by Griffis to approve Resolution 01-2018-2 with Consumers Energy for lightening service.

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

3. Amended Zoning Ordinance

Motion by Burdick, second by Angell-Powell to approve the Zoning Amendment #Village 99-8.1.

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

4. Amend Appointment of Jack Witt to the DDA

Motion by Palmer, second by Angell-Powell to amend the appointment of Jack Witt to the DDA to end on October 11, 2021

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

Adjournment - Hodges asked for a motion to adjourn. *Motion* by Palmer, second by Griffis.

Voice vote. AYES: 7 NAYS: 0.

President Hodges adjourned the meeting at 8:00p.m.

Respectfully submitted,

Rande Listerman, MiCPT, CPFA, CPFIM
Clerk/Treasurer

Date

VILLAGE OF PENTWATER
COUNTY OF OCEANA, MICHIGAN

NOTICE IS HEREBY GIVEN that on January 8, 2018, the Village Council of the Village of Pentwater adopted Ordinance No. 2018-01, which amends Section 18.02.A of the Pentwater Community Zoning Ordinance, Ordinance no. 99-8. The principal provision of the ordinance amendment decreases the membership of the Zoning Board of Appeals of the Village of Pentwater from seven (7) members to five (5) members.

The amending Ordinance will become effective on January 25, 2018. A copy of the Ordinance may be inspected or purchased at the offices of the Village Clerk, Village of Pentwater, 327 S. Hancock Street, Pentwater, Michigan, during Village office hours.

Dated: January 18, 2018.

PLANNING COMMISSION OF THE
VILLAGE OF PENTWATER

MEMORANDUM

To: Village of Pentwater Zoning Board of Appeals
From: Keith Edwards, Zoning Administrator
Date: May 25, 2018
Subject: Introduction of Proposed Amendments to the ZBA By-Laws

Introduction

The Planning Commission has drafted and the Village Council has approved a Zoning Ordinance amendment changing the name of the Zoning Ordinance from the Pentwater Community Zoning Ordinance separating the Village from the Township, largely for legal purposes, and renaming the Zoning Ordinance as the Village of Pentwater Zoning Ordinance.

Discussion

Thus, it has become necessary to change all references to the Zoning Ordinance in the ZBA by laws from the Pentwater Community Zoning Ordinance.

Conclusion

The proposed changes to the ZBA By-Laws introduced in June of 2017 are now complete and a revised set of by-laws has been attached for your review which incorporates all proposed changes since June, 2017. Items to be removed are shown in red type and items to be inserted in blue type. At this time, Staff requests the ZBA concurrence with this change and will seek ZBA final approval at the ZBA's next meeting.

Village of Pentwater

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

Regular Meeting of Village Council Meeting Minutes FEBRAURY 12, 2018

President Hodges opened the meeting with a moment of silence for Steve Lamb in honor of his service to the Village.

President Hodges led with the Pledge of Allegiance.

Call to Order - President Jeff Hodges called the regular meeting of the Pentwater Village Council to order at 6:00 p.m. in the Community Room at Village Hall.

Roll Call - Present: Pam Burdick, Peter Dunlap, Jared Griffis, Don Palmer, Michelle Angell-Powell and Jeff Hodges. Absent: Dan Nugent.

Also, present: Village Manager Chris Brown, Clerk/Treasurer Rande Listerman, Fire Chief Terry Cluchey, and Village Attorney Brian Monton.

Public Comments - None

Approval of the Agenda - Peter Dunlap requested an amendment to the agenda to add the opinion letter from Brian Monton regarding the Medical Marijuana Facilities and the Resolution Prohibiting Medical Marijuana Facilities Authorized by PA 281 of 2016. The agenda was amended and added as New Business, Item 3(a). *Motion* by Dunlap, supported by Griffis to approve the agenda as amended. Voice vote.
Roll call vote. AYES: 6 NAYS: 0. Absent: Dan Nugent.

Consent Agenda - Approval, of village council regular meeting minutes, from January 8, 2018. Approve the total of the regular Village Disbursements of \$167,769.12 and the Fire Department Disbursements of \$14,301.34.

Requests for Village Property use - None

Motion by Griffis, second by Palmer to approve the consent agenda items.
Roll call vote. AYES: 6 NAYS: 0. Consent agenda items approved.

Correspondence - From Don Holley was submitted in writing to the Village Council regarding the 2018 Street Program.

Announcements -

- 1. Street Improvement Plan** - Mike Mattzela from Fleis & VandenBrink was not in attendance until 7 P.M. The report was submitted in writing and the Q & A occurred during New Business; Item 10; Street Improvement Project.

VILLAGE DEPARTMENT REPORTS

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

Village Manager – Report Submitted in writing.

Clerk/Treasurer - Report Submitted in writing.

Police Chief – Report Submitted in writing.

Marina Manager – No Report Submitted.

Fire Chief – Report Submitted in writing

Zoning Administrator – Report Submitted in writing

COMMITTEE REPORTS

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

Building and Grounds Committee – Minutes submitted in writing.

Finance Committee – Minutes submitted in writing. Finance Committee set a committee meeting to review the draft of the proposed 2018/2019 Budget on February 22, 2018 at 8 A.M.

Ordinance Committee – Minutes submitted in writing.

Personnel Committee - Minutes submitted in writing.

Promotions Committee – Minutes submitted in writing.

Services Committee - Minutes submitted in writing. Motion by Palmer supported by Griffis to amend the already amended agenda to add the bid review and approval for Phase 2 the Street Improvement Project as New Business Item 10.

AYES: 6 NAYS: 0. Absent: Dan Nugent.

VILLAGE COMMISSION AND BOARD REPORTS

Planning Commission- Minutes submitted in writing.

ZBA - No meeting, no report.

DDA – Report submitted in writing. Dr. Claudia Ressel-Hodan stated the DDA met on January 19, 2018 to discuss the proposed 2018/2019 Budget which will include funds for the showcase block, marketing, WiFi, increase Christmas decorations, the Bike Share Program and Historical Flower pots upkeep. Next meeting February 14, 2018.

UNFINISHED BUSINESS

1. None

NEW BUSINESS

1. **Set the Public Hearing for 2018/2019 Budget** - *Motion* by Palmer, second by Angell-Powell to set the Public Hearing for the 2018/2019 Proposed Budget on March 19, 2019 @ 6 P.M.
Voice vote. AYES: 6 NAYS: 0. Motion approved.
2. **Zoning Ordinance Amendment to Separate the Village of Pentwater from the Community Zoning Ordinance** - *Motion* by Palmer, second by Angell-Powell to approve the amendment to separate the Village of Pentwater from the Community Zoning Ordinance.
Voice vote. AYES: 6 NAYS: 0. Motion approved.
3. **Zoning Ordinance Amendment to Prohibit Medical Marijuana Facilities**
Discussion was held on the difference between the Zoning Ordinance Amendment and the proposed Resolution Prohibiting Medical Marijuana Facilities. Councilman Palmer asked the village attorney who directed him to provide this memorandum and if he communicated findings with anyone in the Village administration? *Motion* by Griffis, second by Palmer to approve tabling the Zoning Ordinance Amendment to Prohibit Medical Marijuana Facilities and the Resolution Prohibiting Medical Marijuana Facilities.
Roll call vote. AYES: 5, NAYS: 1 (Dunlap). Motion approved.
4. **Pentwater Yacht Club – DEQ Permit**
Motion by Griffis, second by Dunlap to approve sending a letter of recommendation to the DEQ regarding the Permit application by the Pentwater Yacht Club.
Roll call vote. AYES: 3 (Dunlap, Griffis, Hodges) NAYS: 3 (Angell-Powell, Burdick, Palmer).
Motion defeated.
5. **Fire Department – Kidde Fire Trailer Transfer Fee**
Motion by Griffis, second by Angell-Powell to approve the transfer of the Kidde Fire Trailer title to Oceana Training Center so they may insure the equipment.
Voice vote. AYES: 6 NAYS: 0. Motion approved.
6. **Fire Department – 2018/2019 Budget**
Motion by Griffis, second by Palmer to approve the proposed 2018/2019 Pentwater Fire Department Budget.
Voice vote. AYES: 6 NAYS: 0. Motion approved.
7. **Fire Department Election of Officers** – Chief Cluchey shared the results of the 2018 election of officers to begin serving on April 1, 2018. New Chief, Paul Smith; Treasurer, Terry Cluchey; Secretary, Johnson Hubhart.

Motion by Palmer, supported Griffis that we approve the election of officers for the Fire Department for 2018 and to thank Chief Cluchey for his many years of service to Pentwater.

Voice vote. AYES: 6 NAYS: 0. Motion approved.

- 8. 2018 Water/Sewer Rate** - *Motion* by Angell-Powell, second by Griffis to approve the recommendation by the Service Committee to increase the Water/Sewer Rates 3% beginning April 1st, 2018.

Roll call vote. AYES: 6 NAYS: 0.

- 9. CASA of Oceana Banner** - *Motion* by Palmer, second by Angell-Powell to approve the placement of the banners at the Water Tower Park for CASA of Oceana for during the month of April.

Voice vote. AYES: 6 NAYS: 0. Motion approved.

- 10. 2018 Road Project Phase 2 Bids** - Mike Mattzela from Fleis and Vandenbrink gave Council the total amounts of the 3 bids opened on February 8, 2018. 1. Hallack Contracting \$1,999,999.00, Jackson-Merkey Contractors \$2,054,397.75. 3. Kamminga & Roodvoets \$2,325,857.05. Fleis and Vandenbrink is recommending Hallack Contracting be awarded the 2018 Phase 2 bid. Discussion was held regarding the timeline and communications with the property owner. Mike said there will be an inspector on site at all times during construction. The breakdown of the estimated 2018 Project costs are Road and Storm - \$1,302,012.28, Water - \$410,295.91 and Sanitary Sewer - \$286,691.92.

Motion by Palmer second by Angell-Powell to approve awarding the bid to Hallack Contracting for phase 2 of the 2018 Road Project in the amount of \$1,999,999.

Roll call vote. AYES: 6 NAYS: 0.

Adjournment - Hodges asked for a motion to adjourn. *Motion* by Palmer, second by Griffis to adjourn the meeting at 8:25 P.M.

Voice vote. AYES: 6 NAYS: 0.

Respectfully submitted,

Rande Listerman, MiCPT, CPFA, CPFIM
Clerk/Treasurer

Date

**VILLAGE OF PENTWATER
OCEANA COUNTY, MICHIGAN**

**NOTICE OF ADOPTION OF ZONING ORDINANCE AMENDMENT
AND SUMMARY OF THE REGULATORY EFFECTS THEREOF**

PUBLIC NOTICE IS HEREBY GIVEN that on February 12, 2018, the Village Council of the Village of Pentwater adopted Ordinance No. 2018-05-11, amending the Pentwater Community Zoning Ordinance, and reaffirmed the adoption of Ordinance No. 2018-05-11 on May 14, 2018. The principal provisions of the amending ordinance can be summarized as follows:

1. Pentwater Community Zoning Ordinance. Ordinance No. 2018-05-11 amends the Village of Pentwater Zoning Ordinance, formerly known as the Pentwater Community Zoning Ordinance, removing provisions and references that apply to the Township of Pentwater, rather than the Village of Pentwater. The ordinance revises several definitions to refer to the Village and makes other language changes to clarify that the Village of Pentwater Zoning Ordinance, as amended, is no longer a joint ordinance applicable to both the Village and the Township.

2. Effective Date. The ordinance shall become effective on May 31, 2018.

A copy of the zoning ordinance amendment may be inspected or purchased at the Village of Pentwater offices, 327 S. Hancock Street, within the Village, during Village office hours.

Dated: May 24, 2018

VILLAGE COUNCIL OF THE
VILLAGE OF PENTWATER

**PENTWATER VILLAGE
ZONING BOARD OF APPEALS
BY-LAWS AND RULES OF PROCEDURE
(AMENDED SEPTEMBER 6, 2017)
Proposed Revision May 30, 2018**

ARTICLE I: NAME

Sec. 1 The name of the organization shall be the "PENTWATER VILLAGE ZONING BOARD OF APPEALS."

ARTICLE II: AUTHORITY AND DUTIES

Sec. 1 These by-laws and rules of procedure are adopted by the Pentwater Zoning Board of Appeals pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Sec 2 The Zoning Board of Appeals shall perform such legally permissible duties and shall carry out such processes and procedures as may be required by the Michigan Zoning Enabling Act or the ~~Pentwater Community Zoning Ordinance~~ Village of Pentwater Zoning Ordinance including the following:

- A. Act on applications for variances, appeals, interpretations, or other matters as required by the zoning ordinance and Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, MCL 125.3101, et seq.
- B. Prepare an annual budget for the Zoning Board of Appeal's activities and submit to the Village Council.
- C. Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of a Zoning Board of Appeals member, and for which appropriations of funds have been approved by the Village Council as needed.
- D. Perform other duties and responsibilities as requested by the Village Council or as may be specified in another Village ordinance.
- E. Conduct site visits as deemed necessary to evaluate an application and supporting material. Site visits shall be conducted individually.

ARTICLE III: MEMBERS

Sec. 1 MEMBERSHIP COMPOSITION. The Pentwater Village Zoning Board of Appeals shall consist of five members appointed by the Pentwater Village Council. In addition, the Village Council may appoint not more than two (2) alternate members.

Sec. 2 COMPENSATION. All appointed and alternate members of the Board may be compensated at a rate to be determined by the Village Council.

Sec. 3 RESTRICTIONS. An alternate member shall only serve on the board in the absence of a regular member or during the abstention of a regular member for reasons of a conflict of interest. The alternate members shall serve in the case until a final decision, in accordance with the ~~Pentwater Community Zoning Ordinance~~ Village of Pentwater Zoning Ordinance, has been made.

Sec. 4 TERMS OF OFFICE. The terms of office of regular and alternate members shall be three (3) years arranged such to provide as nearly as possible for the appointment of an equal number of members each year.

Sec. 5 VACANCIES. A vacancy on the Board occurring otherwise than through the expiration of the term shall be filled for the unexpired term by the Village Council.

Sec. 6 VOTING RIGHTS OF ALTERNATE MEMBERS. Alternate members shall only have the right to vote upon those specific matters in which they have been called upon to serve in the absence of a regular member or called upon to serve due to the abstention of a regular

member as a result of a conflict of interest. The alternate member shall then continue to hear those cases for which they were called to serve until final disposition of those cases.

ARTICLE IV: OFFICERS

- Sec. 1 SELECTION. At the first regular meeting in May of each year, the Pentwater Village Zoning Board of Appeals shall elect its Chairman and Vice Chairman from amongst the regular members of the Board. The Board may create and fill such other of its offices as it may determine to be necessary.
- Sec. 2 TERMS OF OFFICERS. The terms of the Chairman and Vice Chairman shall be one (1) year in length or until their successors are elected, with eligibility for re-election.
- Sec. 3 OFFICER DUTIES. The chairman shall preside over all meetings of the Board and shall perform the duties prescribed by these by-laws and by the parliamentary authority adopted by the Board. The Vice Chairman shall perform the duties of the Chairman in the absence or disability of the Chairman.
- Sec. 4 PLANNING COMMISSION REPRESENTATIVE. The planning commission representative to the Board shall report the actions of the Board to the planning commission and update the Board on actions by the planning commission that relate to the functions and duties of the Board.
- Sec. 5 VACANCIES. If a vacancy should occur in any office, the Board shall elect another person to fill such vacancy in the same manner and under the same conditions outlined above for the remainder of the term of said office.
- Sec. 6 RECORDING SECRETARY. The Recording Secretary shall be responsible for keeping a written record in the English language of the resolutions, transactions, findings, and determinations of the Board, which record shall be a public record subject to the provisions of the Michigan Freedom of Information Act, Public Act 442 of 1976, as amended. The Recording Secretary shall also be responsible for the preparation and dissemination of Board meeting and public hearing notices pursuant to the Michigan Open Meeting Act, Public Act 267 of 1976, as amended. The Recording Secretary shall also perform other duties as prescribed by these by-laws, State and local laws, and the parliamentary authority adopted by the Board.

ARTICLE V: MEETINGS

- Sec. 1 REGULAR MEETING. Regular meetings of the Zoning Board of Appeals shall be held as needed in Pentwater Village Hall on a date established by the Board. The dates and times shall be posted at the Pentwater Village Hall and a notice should be published in accordance with the Open Meetings Act. Any changes in the date or time or location of the regular meetings shall be posted and noticed in the same manner as originally established.
- Sec. 2 ANNUAL MEETING. The regular meeting of the Board in May of each year shall be known as the Annual Meeting and shall be for the purpose of electing offices, receiving annual reports of offices and committees, and for any other business that may arise.
- Sec. 3 SPECIAL MEETINGS. Special meetings may be called by the Chairman. The purpose of the meeting shall be stated in the call. The business which the Board may perform shall be conducted at a public meeting of the Board held in compliance with the Michigan Open Meetings Act. Public notice of the time, date, and place of the special meeting shall be given in the manner required in the Open Meetings Act, and the Village Clerk shall send written notice of a special meeting to Board members not less than one (1) day in advance of the meeting, except that any such meeting at which all regular members of the Board are present or have waived notice in writing shall be a legal meeting for all purposes without notice, subject to the Michigan Open Meetings Act. Applicants to the Zoning Board of Appeals may request a special meeting, of which all costs shall be paid by the applicant; if there is more than one applicant, the costs shall be shared equally between all applicants.
- Sec. 4 QUORUM. Three (3) members of the Board shall constitute a quorum of the Board for the conduct

of business, except that it shall be necessary to have a minimum of four (4) members present and voting in the affirmative to approve land use variances permitted in the Zoning Ordinance. When a quorum is not present, no official action of the Board, except for closing of the meeting, may take place. Due to its quasi-judicial nature, the Zoning Board of Appeals shall not engage in discussion on any matter during any time in which a quorum of the Board is not present for the conduct of business. All public hearings without a quorum present shall be rescheduled for the next regular or special meeting and no additional public notice shall be required, provided that the date, time and a place for the rescheduled public hearing is announced at the meeting.

Sec. 5 ORDER OF BUSINESS. A written agenda for all regular and special meetings shall be prepared and followed. The order of business shall, at a minimum, be:

- Call to Order
- Roll Call
- Approval of Agenda
- Approval of Minutes
- Scheduled Public Hearings
- Correspondence
- Unfinished Business
- New Business
- Adjournment

Sec. 6 HEARINGS. Hearings shall be scheduled and due notice given in accordance with the provisions of the Michigan Open Meeting Act and the Michigan Zoning Enabling Act under which the public hearing is being held. The applicant or representative of the applicant must be present at the scheduled public hearing for an appeal or the complaint, or the issue will be tabled by the Board. Public hearings conducted by the Board shall be run in an orderly and timely fashion, which shall be accomplished by adhering to the following public hearing procedure:

- A. OPENING ANNOUNCEMENT. The Chairman shall give an official opening announcement of the public hearing indicating the basic nature of the request and citing how public notice was provided of the hearing.
- B. ANNOUNCEMENT OF ORDER OF HEARING. The Chairman shall explain the order of the public hearing as being as follows:
 - (1) Comments and explanations by the Zoning Administrator
 - (2) Comments and explanations by the Applicant
 - (3) Questions by the Board
 - (4) Responses by the applicant and/or Zoning Administrator
 - (5) Opening of hearing for public comments
 - (6) Closing of hearing to public comments
 - (7) Consideration of action by Board.
- C. RULES OF CONDUCT. The Chairman shall then announce the rules of conduct of the public hearing as follows:
 - (1) All comments shall be addressed to the Chair;
 - (2) Each person shall be given an opportunity to be heard, but second comments; will not be permitted until every person has had the opportunity to speak for the first time;
 - (3) In the interest of fairness to the public, statements from the floor should be as concise as possible;
 - (4) The Chairman reserves the right to terminate a presentation or ask for a summation if comments become excessively repetitive or stray from the issues at hand;

- (5) For large hearings, a time limit of three (3) minutes per person shall be placed on public comments;
- (6) At all times during the public hearing, the Chair expects courtesy from all participants. Catcalls, booing, or other outbursts from the public shall not be tolerated; and
- (7) Decision of the Board shall be based upon accurate fact and the authority vested in the Board by State statute and ~~Pentwater Community Zoning Ordinance~~ Village

of Pentwater Zoning Ordinance.

- D. **PRESENTATION OF PROPOSAL.** The Chairman shall recognize the Zoning Administrator and applicant for presentations. The Zoning Administrator presents a report outlining the request and the specific sections and requirements of the Zoning Ordinance that are impacted by the subject request. The applicant then presents a concise review of the reasons for the appeal and responds to questions raised by the Board.
- E. **OPENING OF HEARING TO FLOOR.** The Chairman then opens the public hearing to comments from the floor, reminds the public of the rules of conduct, and indicates that once a person has been recognized by the Chair they shall stand and give their name and address and a concise statement of their questions and/or concerns. In the event of large hearing, the Chairman may encourage groups in attendance to be represented by a spokesperson. When individual time limits have been imposed, the Chairman reserves the right to limit the amount of time allocated to be a spokesperson to avoid filibustering. The Chairman may elect during the course of public comments to obtain clarification of facts from the Village administration or from the applicant if such comments may expedite the hearing. The Chairman shall receive for the official record any letter and/or petitions received by the Board regarding the matter at hand and shall read and/or summarize these materials.
- F. **CLOSING OF PUBLIC HEARING.** When all public comments have been received, the Chairman shall close the public hearing.
- G. **CONSIDERATION OF MATTER BY BOARD.** Once the public hearing has been closed to public comments, the Chairman may recognize any Board member to discuss and seek additional information from others concerning the matter at hand. Board members shall address the Chairman when speaking and shall request additional information through the Chairman. When discussion and fact finding on the matter at hand by Board members has been completed, the Board may take one of the following four actions on the matter: (1) Approve the request as presented; (2) Approve the request with conditions; (3) Deny the request as presented; or (4) postpone the matter to a future meeting.

Sec. 7 **MOTIONS.** Motions for approvals or denials and motions to postpone a matter to a future meeting should include reasons for such actions. Motions for postponing should also include the date, time, and place at which the matter will be further considered. Motions shall be restated by the Chairman before a vote is taken. The name of the maker and those who seconded the motions shall be recorded. Motions should be considerate of the following:

- A. The Board shall determine whether the respective requirements of the Pentwater Community Zoning Ordinance have been met by the applicant and;
- B. The Board shall determine whether the reasons set forth by the applicant justify the variance, and that the variance is the minimum variance that will make possible the reasonable use of land, building, or structure.

Sec. 8 **VOTING.** An Affirmative vote of the majority of the Board's regular membership shall be required for the approval of any requested action or motion placed before the Board, except that at least four (4) members voting in the affirmative shall be required to approve a variance of any land use permitted under the ~~Pentwater Community Zoning Ordinance~~ Village of

Pentwater Zoning Ordinance. Voting shall ordinarily be by voice vote; provided however that a roll call vote shall be required if requested by any Board member or directed by the Chairman. All members of the Board including the Chairman shall vote on all matters, but the chairman shall vote last.

- Sec. 9 **NOTICE OF DECISIONS.** A written notice containing the decision of the Zoning Board of Appeals shall be sent by the Village Clerk to petitioners and originators of a request.
- Sec. 10 **MEETING MINUTES.** Board minutes shall be prepared by the Office of the Village Clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording of votes; complete statement of the conditions or recommendations made on any action; and recording of attendance. All communications, actions, and resolutions shall be attached to the minutes. The official records shall be deposited with the Village Clerk upon approval by the Board.

ARTICLE VI: ABSENCES, REMOVALS, RESIGNATIONS, VACANCIES AND ALTERNATES

- Sec. 1 To be excused, zoning board of appeals members shall notify the Village Clerk or Zoning Board of Appeals Chairperson or other zoning board of appeals member when they intend to be absent from a meeting. Failure to make this notification prior to a meeting shall result in an unexcused absence.
- Sec. 2 Members of the Zoning Board of Appeals may be removed by the Village Council, after written charges have been prepared and a hearing conducted, for nonperformance of duty, misconduct in office or upon failure to declare a conflict of interest. For purposes of this section, nonperformance of duty shall mean two or more consecutive, unexcused absences. Alternates shall be notified to attend a meeting any time a regular member will be absent for one or more meetings.
- Sec. 3 A member may resign from the Zoning Board of Appeals by sending a letter of resignation to the Village Clerk, Village Council or Zoning Board of Appeals Chairperson.
- Sec. 4 Vacancies shall be filled by the Village Council as soon as possible after a resignation or removal of a member of the zoning board of appeals. Successors shall serve out the unexpired term of the member being replaced, with the exception of the planning commission representative, whose term shall run consecutively with the term as planning commissioner. The Zoning Board of Appeals, in its recommendation to the Village Council, should give priority to elevate Alternates to become members to fill such vacancies.
- Sec. 5 The Village Council may appoint not more than two alternates to the Zoning Board of Appeals. The alternate member may be called to sit as a regular member as provided in the zoning ordinance and the Michigan Zoning Enabling Act.

ARTICLE VII: CONFLICT OF INTEREST

- Sec. 1 Zoning Board of Appeals members shall declare a conflict of interest and abstain from participating in hearings, deliberations or voting on a request when:
- A. A relative or other family member is involved in any request for which the Zoning Board of Appeals is asked to make a decision;
 - B. The Zoning Board of Appeals member has a business, organizational or financial interest in the property involved in the request, or has a business or financial interest in the applicant's company, agency or association;
 - C. There is a reasonable appearance of a conflict of interest, as determined by the Zoning Board of Appeals member declaring such conflict.

ARTICLE VIII: OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

- Sec. 1 All meetings of the Board shall be open to the public and shall be held in a place available to the general public. All deliberations and decisions of the Board shall be made at a meeting open to the public. A person shall be permitted to address a hearing of the Board under the rules established by these by-laws. A person shall not be excluded from a meeting of the Board except for breach of the peace committed at a meeting. All records, files, publications, correspondence, and

other materials are available to the public for reading, copying, and other purposes as governed by the Freedom of Information Act.

ARTICLE IX: EMPLOYEES

Sec. 1 The Board may appoint employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the Village.

ARTICLE X: CONTRACTS

Sec. 1 The Board may contract with city planners, engineers, architects and other consultants for such services as it may require, subject to Council approval as to expenditures.

ARTICLE XI: EXPENDITURES

Sec. 1 All expenditures of the Board shall be within the amount appropriated for Board purposes by Council. The Council shall provide the funds, equipment and accommodations necessary for the Board's work. The Board, through the Zoning Administrator, shall prepare the recommended budget for the ensuing fiscal year for submission to the Village Manager.

ARTICLE XII: PARLIAMENTARY AUTHORITY

Sec. 1 The rules contained in the current edition of ROBERTS RULES OF ORDER NEWLY REVISED shall govern the Zoning Board of Appeals in all cases to which they are applicable and in which they are not inconsistent with these by-laws and any special rules of order the Board may from time to time adopt.

ARTICLE XIII: CONFLICTING PROVISIONS

Sec.1 In the event of a conflict of provisions between these Bylaws and the Pentwater Community Zoning Ordinance, the provisions contained in the Zoning Ordinance shall prevail.

ARTICLE XIV: AMENDMENT OF BY-LAWS

Sec. 1 These by-laws may be adopted and amended at any regular meeting of the Board by a two-thirds vote, provided that the amendment has been submitted in writing at the previous regular meeting. All by-laws amendments shall be subject to final approval by the Village Council.

THESE BY-LAWS WERE DULY ADOPTED BY A TWO-THIRDS VOTE OF THE PENTWATER VILLAGE ZONING BOARD OF APPEALS DURING ITS REGULAR MEETING HELD ON THE DAY OF , 2018.

Pentwater Zoning Board of Appeals

Michael S. Castor, Chairperson

This 30TH Day of MAY 2018