



# VILLAGE OF PENTWATER

327 South Hancock St. P.O. Box 622 Pentwater, MI 49449

(231) 869-8301 - FAX (231) 869-5120

[www.pentwatervillage.org](http://www.pentwatervillage.org)

## AGENDA

### VILLAGE COUNCIL - Regular Meeting

**August 14, 2017 at 6:00 p.m.**

To be presented before the Village Council in the community room.

1. **Call to Order.**
2. **Council Roll Call.**
3. **Public Comments (not on agenda).**
4. **Approval of the Agenda.**
5. **Public Comments (on agenda).**
6. **Approval of Consent Agenda Items.**

*All matters listed under Item 6. Consent Agenda are considered routine by the Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion of an item is required, it will be removed from the Consent Agenda and considered separately.*

Approval of village council regular meeting minutes that was held on July 10, 2017.

Regular Village bill approval of \$89,640.75.

Fire Department bill approval of \$41,984.50

#### **Requests for Village Property use:**

Wedding ceremony on the Village Green, Katie Harris & Tyler DeBrabander on October 20, 2018 and to set up at 2:00pm for a 4:00 pm wedding.

### 7. **Announcements.**

- a. Fleis & VandenBrink update

### **DEPARTMENT REPORTS**

1. Village Manager – Chris Brown
2. Police Chief – Laude Hartrum
3. Marina Manager – Dick Hutchings
4. Fire Chief - Terry Cluchey
5. Marina Manager – Dick Hutchings
6. Zoning Administrator – Keith Edwards

## **COMMITTEE and BOARD REPORTS**

1. Buildings & Grounds Committee – Angell-Powell
2. Finances Committee - Jared Griffis
3. Ordinances Committee – Dan Nugent
4. Personnel Committee – Dunlap
5. Promotions Committee – Pamela Burdick
6. Services Committee - Don Palmer

## **VILLAGE COMMISSION and BOARD REPORTS**

1. Planning Commission – Ron Christians
2. Zoning Board of Appeals – Mike Castor
3. DDA – Dr. Claudia Ressel-Hodan

## **UNFINISHED BUSINESS**

1. None

## **NEW BUSINESS**

1. Bid Award of Street Improvement Project - Phase I
2. Lot Split 240 Sands Street.
3. Village Green: Proposed property swap at the Hancock Bldg.
4. Public Restrooms at Hancock Building: Proposed 5 to 7 year parking agreement.
5. Approve annual OPEB trust payment of \$30,000, as budgeted.
6. Permission to request bids to repair the municipal marina docks that are underwater.
7. Marina: Permission to request bids to upgrade the electric service at the docks and to make the marina building ADA compliant.

## **ADJOURNMENT**

### **PUBLIC COMMENTS**

1. Will be made ONLY when the Village President opens the meeting for public comments.
2. It is asked that you state your name & address to Council.
3. All comments will be addressed to the Village President.
4. All comments are limited to 3 minutes.

**Thank you for your cooperation**

# Village of Pentwater

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

## Regular Meeting of Village Council MEETING MINUTES July 10, 2017

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

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

Also, present: Village Manager Rob Allard, Clerk/Treasurer Colleen Moser, Police Chief Laude Hartrum, Fire Chief Terri Cluchey Deputy Clerk Barb Siok, Marina Manager Dick Hutchings and Village Attorney Brian Monton.

**Approval of the Agenda** - *Motion* by Palmer supported by Griffis to approve the agenda. Voice vote. AYES: 6 NAYS: 0. Absent: 1. Agenda approve.

**Public Comment on Consent agenda items**- Eva Gregwer, Director of the Pentwater Chamber asked for contact the information for the DHS. Farmer's Market is a Chamber event, no booths can be on the Village Green and she will need to coordinate the tables already on the top of the Green.

**Consent Agenda**- Approval of village council regular meeting minutes held on June 12, 2017. Regular Village bill approval of \$ 93,157.30. Fire Department bill approval of \$4,788.84.

### **Requests for Village Property use:**

- Dept. of Health & Human Services. For Mason/Oceana County needs foster parents and they would like to set up a table, top of the Village Green at 2or 3 of the Village Farmers Markets. The Chamber will let DHS know where they can set up their table.
- Pentwater Arts Council would like to hold its annual photo shoot of everyone on the Village Green at the Homecoming band concert on August 10<sup>th</sup>.
- LASSIE would like to hold the Shake Wag & Roll, Dog walk and Silent auction on August 5th from 9 am to 1 pm.

*Motion* by Griffis, second by Palmer to approve the consent agenda items.

Roll call vote. AYES: 6 NAYS: 0. Absent: 1 – Dunlap. Consent agenda items approved.

### **Announcements.**

President Hodges announced a change of committee chairs. Personnel Committee Chair will be Peter Dunlap and Building & Bounds Chair will be Michelle Angell-Powell. Chair persons for other committees will remain as assigned.

Hodges also stated that Steve Bass has created a presentation as a beautification of Pentwater. The public was encouraged to visit the Village webpage to see the presentation by Steve Bass. The design concepts presented are purely ideas meant to inspire creative thinking, start discussions. It is not a decided plan.

President Hodges also welcomed the new Village Manager, Chris Brown.

## VILLAGE DEPARTMENT REPORTS

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

**Village Manager** – See report.

**SIP (Street Improvement Project/Plan) Update on Phase I:** David Blume of Fleis & VandenBrink, stated the plans and specifications are almost ready for bids. The final construction plans and cost estimates will be discussed at the July 14<sup>th</sup> SIP meeting. Phase I is Clymer Street from BR-31 to Park St. and streets bounded generally by Second St. – Park St. and Ellery St. Blume stated that the information will be ready to bid next week and giving 3 weeks for contractors to work with the information and to make their bids. It is expected but not confirmed that the bid opening will be Friday August 4<sup>th</sup> and have council award the bid at the August 14<sup>th</sup> council meeting. Fleis & VandenBrink and the contractor, will work with the school to coordinate the walkers and busses during construction. They expect to begin in August, right after Homecoming weekend.

**For more information on the SIP go to the home page of the Village website, click on the link/portal Village Street Improvement Project.** The portal will be updated more frequently during the construction process. Village residents can also make comments or issues on the SIP.

**Police Chief** – Chief reported that there were no issues with the many people who came for the July 4<sup>th</sup> fireworks. Angell-Powell stated that Police did an outstanding job with the record breaking number of people in town. The Chief also asked, the public to be aware of a black bear that has been in the outskirts of the Village for a couple of weeks and asked that residents put their trash out on Monday morning, rather than the night before trash collection to avoid attracting the bear. See report.

**Marina Manager** – Hutchings reported that the Marina had gotten very busy in July, and that the fishing dock and the dinghy dock have been repaired and reinstalled. See report. Hodges stated that there is no need to dredge this year.

**Fire Chief** – See meeting minutes.

**Zoning Administrator** – See report.

## COMMITTEE REPORTS

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

**Building and Grounds Committee** – No meeting, no report.

**Finance Committee** – No meeting, no report.

**Ordinance Committee** – Nugent reported on a meeting held July 5<sup>th</sup>. The State is considering new legislation about weekly rentals, Air B & B's, etc. The Village is aware and monitoring the possible legislation changes to weekly rentals; that the Village does not want to overregulate. Camping Permits were discussed and would be coming up under New Business.

**Personnel Committee**- No meeting, no report.

**Promotions Committee** – No meeting, no report.

**Services Committee**- See meeting minutes.

## VILLAGE COMMISSION AND BOARD REPORTS

**Planning Commission-** See meeting minutes.

**ZBA-** See meeting minutes.

**DDA –** See Claudia’s report and the DDA meeting minutes.

### UNFINISHED BUSINESS

None.

### NEW BUSINESS

**Appoint Street Administrator-Chris Brown.** *Motion* by Palmer, second by Burdick to appoint Chris Brown, the Village Manager as the Village of Pentwater Street Administrator. Voice vote. AYES: 6 NAYS: 0. Absent: 1. Motion approved.

**Appoint ZBA Board member- Bruce Koorndyk,** *Motion* by Palmer second by Angell-Powell to appoint Bruce Koorndyk who is also a Planning commissioner, to serve as a liaison between the Planning and ZBA boards. ZBA term expires July 2020. Voice vote. AYES: 6 NAYS: 0. Absent: 1. Motion approved.

**Appoint Planning Commissioner.** *Motion* by Palmer second by Griffis to table the motion to appoint a Planning Commissioner, term expires July 2020. Voice vote. AYES: 6 NAYS: 0. Absent: 1. Motion tabled.

**Resolution Amendment Village Ordinance 150.21.** *Motion* by Palmer second by Angell-Powell to approve the resolution to amend village ordinance 150.21 which shall become effective the sooner of 20 days after approval or date of publication. Roll call vote. AYES: 6 NAYS: 0. Absent: 1 – Dunlap. Resolution approved.

**Resolution to set the camping rate.** *Motion* by Angell-Powell second by Burdick to the resolution to set the camping rate fee as \$30 per 72-hours shall become effective the sooner of 20 days after approval or date of publication. Roll call vote. AYES: 6 NAYS: 0. Absent: 1 – Dunlap. Resolution approved.

**Music Event.** President Hodges asked for a motion to hold a Music Event, like the June 3<sup>rd</sup> event, to be held on August 26<sup>th</sup>, 2017 by the Pentwater Chamber. *Motion* by Palmer, second by Angell-Powell. Voice vote. AYES: 6 NAYS: 0. Absent: 1. Motion approved.

**Adjournment -** Hodges asked for a motion to adjourn. *Motion* by Palmer, second by Griffis Voice vote. AYES: 6 NAYS: 0. Absent: 1. Motion Approved.

President Hodges adjourned the meeting at 6:55 p.m.

Respectfully submitted,

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Colleen Moser, Clerk/Treasurer

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Date

## CHECK REGISTER FOR VILLAGE OF PENTWATER 07/01/2017 - 07/31/2017

Check Date	Check	App	Vendor Name	Description	Amount
07/06/2017	43725	PR	Payroll	netpayroll	90.17
07/06/2017	43726	PR	Payroll	netpayroll	337.40
07/06/2017	43727	PR	Payroll	netpayroll	531.67
07/07/2017	43728	AP	AT&T Mobility	utilities	78.20
07/07/2017	43729	AP	Combs, M	Rec.Program Umpire	80.00
07/07/2017	43730	AP	Consumers Energy Co.	utilities	11,843.52
07/07/2017	43731	AP	DEWARD, DEBRA	exp.reimbrsmnt (DDA/Hist.Flower Pots)	115.85
07/07/2017	43732	AP	Evergreen Solutions LLC	supplies	252.86
07/07/2017	43733	AP	Gillison's Variety Fabrication, Inc	repair/mtc/ red tractor	460.43
07/07/2017	43734	AP	GRATEFUL THREAD EMBROIDERY	supplies	100.80
07/07/2017	43735	AP	Infrastructure Alternatives	prof.svc. (contract Vlg WWT July)	5,000.00
07/07/2017	43736	AP	Integrity Business Solutions	supplies	96.96
07/07/2017	43737	AP	Klotz Auto Parts Inc.	motor pool	49.61
07/07/2017	43738	AP	Lambright, Herman	pump fish cleaning station	400.00
07/07/2017	43739	AP	Lighthouse Car Care Center LLC	motorpool	50.00
07/07/2017	43740	AP	Mike Blackmer Electric, Inc.	prof.svc.	390.46
07/07/2017	43741	AP	MILLER, GLEN	rec.prgm.	60.00
07/07/2017	43742	AP	MML Workers' Comp Fund	insurance (Policy Premium 7/2017 )	12,451.00
07/07/2017	43743	AP	VOID	void	0.00
07/07/2017	43744	AP	Tarnowski, Nate	cell phone reimb.	70.00
07/07/2017	43745	AP	TRACE ANALYTICAL	analytical	562.20
07/07/2017	43746	AP	Turning Leaf Landscaping Inc.	prof. svc.	434.10
07/07/2017	43747	AP	Verizon Wireless	utilities	116.04
07/07/2017	43748	AP	Village of Pentwater	quarterly w & s	3,398.69
07/07/2017	43749	AP	Wilson, Gary	in lieu of insurance	50.00
07/07/2017	43750	AP	WINDRIDGE TEXTILE PRINTING LLC	rec.prgm.supplies	335.00
07/07/2017	43751	AP	Xerox Corporation	lease/mtc	294.55
07/20/2017	43752	PR	Payroll	netpayroll	467.73
07/20/2017	43753	PR	Payroll	netpayroll	551.67
07/20/2017	43754	PR	Payroll	netpayroll	110.82
07/19/2017	43755	AP	Adams Marine Construction, Inc.	prof.svc. launch ramp	12,850.00
07/19/2017	43756	AP	All Seasons Porta-Jons LLC	prof.svc.	72.00
07/19/2017	43757	AP	Barney's Sewer & Drain Cleaners	rpr.mtc. marina	95.00
07/19/2017	43758	AP	Boyko, Aaron	prof.svc. public restrooms	202.00
07/19/2017	43759	AP	Cintas Corporation	prof. svc.	58.93
07/19/2017	43760	AP	Creative Product Source, Inc.	prof.svc. PD promo supplies	236.01
07/19/2017	43761	AP	Dickenson, David dba C&D Cleaning	prof. svc.	2,524.00
07/19/2017	43762	AP	DTE Energy Company	utilities	418.02
07/19/2017	43763	AP	Evergreen Solutions LLC	supplies	108.21
07/19/2017	43764	AP	Frontier	utilities	89.39
07/19/2017	43765	AP	HUNTINGTON NATIONAL BANK	supplies/misc.	534.94
07/19/2017	43766	AP	Integrity Business Solutions	supplies	22.00
07/19/2017	43767	AP	Kraner, Sara	prof.svc. city main plugged	700.00
07/19/2017	43768	AP	Lambright, Herman	pump fish cleaning station	400.00
07/19/2017	43769	AP	Ludington Daily News	subscription	210.80
07/19/2017	43770	AP	MailFinance	prof. svc.	394.95
07/19/2017	43771	AP	MHP - Lakeshore Campus	prof.svc.	14.00
07/19/2017	43772	AP	Republic Services, Inc.	prof. svc.	9,163.93

CHECK REGISTER FOR VILLAGE OF PENTWATER 07/01/2017 - 07/31/2017

Check Date	Check	App	Vendor Name	Description	Amount
07/19/2017	43773	AP	Russell, Mike	tree mtc. program	5,390.00
07/19/2017	43774	AP	VOID	void	0.00
07/19/2017	43775	AP	SHAFFER, DALTON	reimbursement	18.71
07/19/2017	43776	AP	Summers, Troy	reimbursement	15.17
07/19/2017	43777	AP	Temple Display LTD	community promo	5,974.34
07/19/2017	43778	AP	The Home City Ice Company	marina ice supply	189.00
07/19/2017	43779	AP	TRACE ANALYTICAL	analytical	562.20
07/19/2017	43780	AP	WEX BANK	fuel	1,084.68
07/28/2017	43781	PR	Priority Health Insurance	insurance	9,213.74
07/31/2017	43782	PR	POLICE OFFICERS ASSOCIATION	dues	220.00
07/31/2017	43783	PR	TECH, PROF & OFFICE ASSOC OF MI	dues	75.00
07/31/2017	43784	PR	UNITED WAY OF THE LAKESHORE	united way	24.00
					89,640.75

**Pentwater Township  
Payment of Bills**

12a

August 9, 2017

Jul 13 - Aug 9, 17

Date	Num	Name	Amount
07/19/2017	E-pay	United States Treasury	-139.48
07/20/2017	E-pay	United States Treasury	-266.84
07/26/2017	E-pay	United States Treasury	-4,019.32
08/02/2017	E-pay	United States Treasury	-123.14
08/03/2017	E-pay	United States Treasury	-267.42
07/13/2017	19065	Mika Meyers	-3,844.00
07/13/2017	19066	Ken Adams Excavating	-125.00
07/13/2017	19067	Integrity Business Solutions	-146.66
07/13/2017	19068	JONS TO GO	-76.00
07/13/2017	19069	Sue Ann Johnson	-45.21
07/13/2017	19070	Jan Siska	-192.60
07/13/2017	19071	Integrity Business Solutions	-48.48
07/13/2017	19072	Ludington Daily News	-276.76
07/13/2017	19073	Consumers Energy	-86.27
07/13/2017	19074	Village of Pentwater	-1,343.66
07/13/2017	19075	Village of Pentwater	-2,156.90
07/13/2017	19076	STS Computers	-175.00
07/19/2017	19077	ANDERSON, PAUL V.	-33.01
07/19/2017	19078	EGE, LOIS A	-39.62
07/19/2017	19079	MILLER, ROBERT A	-427.07
07/19/2017	19080	MURPHY, MAUREEN H	-34.66
07/19/2017	19081	Republic Services #240	-6,270.70
07/19/2017	19082	Integrity Business Solutions	-131.71
07/19/2017	19083	FLYNN, MICHAEL W	-88.66
07/19/2017	19084	RUGGLES, PATRICK C	-103.44
07/21/2017	19085	Debra Flood	-113.14
07/21/2017	19086	HARTSUIKER, MARY B	-504.25
07/21/2017	19087	ROUGHT, HOLLY L	-491.44
07/26/2017	19088	EDWARDS, KEITH J	-1,116.74
07/26/2017	19089	HICKS, MARTHA W	-1,360.58
07/26/2017	19090	JOHNSON, SUE A	-1,639.29
07/26/2017	19091	JOHNSON, VICKI A.	-1,675.75
07/26/2017	19092	SISKA, JANICE	-1,809.29
07/26/2017	19093	SMITH, CHARLES F.	-1,262.60
08/02/2017	19094	MILLER, ROBERT A	-427.08
08/02/2017	19095	MILLER, ROBERT A	-235.85
08/03/2017	19096	Debra Flood	-113.14
08/03/2017	19097	HARTSUIKER, MARY B	-504.27
08/03/2017	19098	ROUGHT, HOLLY L	-470.73
08/03/2017	19099	SCHOMBERG, JANET K	Void
08/03/2017	19100	SCHOMBERG, JANET K	-44.54
		<b>Prepays</b>	<b>\$ (32,230.30)</b>

*Payroll*

*Reimburse*

*Wages & Reimburse*



**Pentwater Township  
Payment of Bills**

August 9, 2017

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>	
08/09/2017	19101	Oceana County Equalization Department	-3,866.86	<i>my bills or postage</i>
08/09/2017	19102	Charter Communications	-248.38	
08/09/2017	19103	Ricoh USA, Inc.	-131.27	
08/09/2017	19104	Ricoh USA, Inc.	-44.76	
08/09/2017	19105	PENTWATER POST OFFICE	-48.00	
08/09/2017	19106	Mika Meyers	-217.00	
08/09/2017	19107	Integrity Business Solutions	-215.09	
08/09/2017	19108	JONS TO GO	-76.00	
08/09/2017	19109	Ludington Daily News	-603.84	
08/09/2017	19110	BS & A Software	-4,303.00	<i>Annual Assessment + KARESS my bill</i>
		<u>To Be Paid</u>	<u>\$ (9,754.20)</u>	

Jul 13 - Aug 9, 17

TOTAL

\$ 41,984.50

## **Managers Report**

August 14, 2017

### **DPW TEAM**

Way-finder signs have been installed by our DPW Team, this should make it more user friendly for our visitors to find their way around to the School, Library, Friendship center and Museum. Its been a busy month keeping the Village Green in shape with all the activity , shrubs at busy intersections were groomed on West Lowell for safer visibility. Ongoing assistance with Sewer cam assistance in preparation for street improvement project as well as day to day functions of keeping our services operating. With July behind us, we have yet to surpass EQ basin levels from previous years and our waste water plant has kept up with capacity.

### **PLANNING /ZONING**

Mika Meyers becket & Jones, recommend that we hire Mark Van Allsburg to work with Keith and township on zoning separation / amendments. Our Master Plan expires in less than two years, I would like to start our process and update all at one time, it will be a cost savings and reduce the need for many amendments. SENATE BILL UPDATE on short term rentals. These two bills are at committee level, they would allow short term rentals in any community as a right and could not be regulated or treated as commercial. This should be left to individual municipal units to decide. If these bills were to go to a vote today, Senate would likely pass, House is not as favorable. Please urge your State Senators to vote this down and let it be a local decision. The Michigan Relators Assoc. has invested a lot of money towards these bills.

### **2017 STREET IMPROVEMENT PROJECT**

Bids were opened on the 4<sup>th</sup>. F&V is reviewing and making recommendations to Services Committee on the 10<sup>th</sup>. More may be updated for Council meeting, as of my report time deadline I am unable to include further action.

### **TOWER /TANK LEASES**

A review of our Tower / water tower lease we have found \$4,000 plus dollars that AT&T is delinquent on, I forwarded a reconciliation of amounts owed and requested payment.

American Tower has offered \$20,000 for an extension of five years to our current lease. Discussion and recommendation to negotiate.

**MARINA**

a Bid in the amount of \$14,000 was submitted to raise and repair two of the docks that remain underwater and out of service. Recommend we advertise for bids to correct this issue.

Also would like to advertise for engineering bids for electrical upgrades and ADA upgrades for Water Ways grant funding to do these projects. An electrical study was done as a guideline, but not sufficient to proceed with seeking grant funds. Both of these issues are high priority for the Marina and will need to be addressed hopefully sooner than later.

I have hit the road running so to speak with upcoming projects that I will have future updates, to name a few: Water Tower paint project, Well head committee meeting with time lines on new water source, Park and street improvement with DDA and Steve Bass, North end park DNR trust fund grant, Utility rates, update of Employee policy /evaluation programs, Union contract studies, sidewalk replacement program, New Zoning Ord. / Master plan update, Listing and evaluating a Capital Improvement plan looking out 1,2 5 and 10 years.

I have been analyzing costs in various departments and making notes on how to better manage some of the budget items for the next cycle as well.

Respectfully Submitted,



Christopher Brown  
Village Manager

# SENATE BILL No. 329

April 25, 2017, Introduced by Senator HUNE and referred to the Committee on Local Government.

A bill to amend 2006 PA 110, entitled  
"Michigan zoning enabling act,"  
(MCL 125.3101 to 125.3702) by adding section 206b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       SEC. 206B. (1) FOR THE PURPOSES OF ZONING, ALL OF THE  
2 FOLLOWING APPLY TO THE RENTAL OF A DWELLING, INCLUDING, BUT NOT  
3 LIMITED TO, SHORT-TERM RENTAL:

4           (A) IT IS A RESIDENTIAL USE OF PROPERTY AND A PERMITTED USE IN  
5 ALL RESIDENTIAL ZONES.

6           (B) IT IS NOT SUBJECT TO A SPECIAL USE OR CONDITIONAL USE  
7 PERMIT OR PROCEDURE DIFFERENT FROM THOSE REQUIRED FOR OTHER  
8 DWELLINGS IN THE SAME ZONE.

9           (C) IT IS NOT A COMMERCIAL USE OF PROPERTY.

10          (2) THIS SECTION DOES NOT PROHIBIT REGULATION APPLIED ON A  
11 CONSISTENT BASIS TO RENTAL AND OWNER-OCCUPIED RESIDENCES FOR NOISE,

1 ADVERTISING, TRAFFIC, OR OTHER CONDITIONS.

2 (3) AS USED IN THIS SECTION, "SHORT-TERM RENTAL" MEANS THE  
3 RENTAL OF ANY SINGLE-FAMILY RESIDENCE OR 1-TO-4-FAMILY HOUSE OR  
4 DWELLING UNIT, OR ANY UNIT OR GROUP OF UNITS IN A CONDOMINIUM, FOR  
5 TERMS OF LESS THAN 28 DAYS AT A TIME.

6 Enacting section 1. This amendatory act takes effect 90 days  
7 after the date it is enacted into law.

# HOUSE BILL No. 4503

April 25, 2017, Introduced by Rep. Sheppard and referred to the Committee on Tourism and Outdoor Recreation.

A bill to amend 2006 PA 110, entitled  
"Michigan zoning enabling act,"  
(MCL 125.3101 to 125.3702) by adding section 206b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 206B. (1) FOR THE PURPOSES OF ZONING, ALL OF THE  
2 FOLLOWING APPLY TO THE RENTAL OF A DWELLING, INCLUDING, BUT NOT  
3 LIMITED TO, SHORT-TERM RENTAL:

4        (A) IT IS A RESIDENTIAL USE OF PROPERTY AND A PERMITTED USE IN  
5 ALL RESIDENTIAL ZONES.

6        (B) IT IS NOT SUBJECT TO A SPECIAL USE OR CONDITIONAL USE  
7 PERMIT OR PROCEDURE DIFFERENT FROM THOSE REQUIRED FOR OTHER  
8 DWELLINGS IN THE SAME ZONE.

9        (C) IT IS NOT A COMMERCIAL USE OF PROPERTY.

10       (2) THIS SECTION DOES NOT PROHIBIT REGULATION APPLIED ON A  
11 CONSISTENT BASIS TO RENTAL AND OWNER-OCCUPIED RESIDENCES FOR NOISE,

1 ADVERTISING, TRAFFIC, OR OTHER CONDITIONS.

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3 RENTAL OF ANY SINGLE-FAMILY RESIDENCE OR 1-TO-4-FAMILY HOUSE OR  
4 DWELLING UNIT, OR ANY UNIT OR GROUP OF UNITS IN A CONDOMINIUM, FOR  
5 TERMS OF LESS THAN 28 DAYS AT A TIME.

6 Enacting section 1. This amendatory act takes effect 90 days  
7 after the date it is enacted into law.

**Statement:**

The Michigan Municipal League **OPPOSES** legislation that eliminates local zoning authority with respect to short-term rental properties. House Bill 4503 and Senate Bill 329 would require all short-term rentals be treated as a permitted, residential use in any residential zone regardless of local zoning regulations. Municipalities could not require short-term rentals receive a special use or conditional use permit, or be subject to any procedure different from those required for other dwellings in the same zone. This legislation puts in place a preemption upsetting the delicate balance between a healthy tourism economy, property rights and an established, transparent process for zoning (as laid out in the Michigan Zoning Enabling Act) driven by public input through an open process.

**Talking Points:**

- This legislation prohibits local zoning of short-term rental properties, thus forbidding local governments to regulate such properties to protect the health and welfare of residents, visitors and businesses. Why would a short-term rental use be treated different than any other land use a local government determines where best to go. Communities should have the ability to balance various land uses in the appropriate places throughout their community.
- This legislation is a statewide concern and not just an issue for communities with high tourism. It undermines local decision-making and removes the voice of residents rendering local governments powerless to act upon public input received.
- This legislation would allow any landlord to simply adjust the terms of a lease agreement to be a reoccurring 28-day lease to qualify as a short-term rental and not adhere to a municipality's existing non-owner occupied rental requirements since a short-term rental cannot be subject to any procedure different from those required for other dwellings (i.e. owner occupied) in the same zone. Non-owner occupied regulations exist to protect the health, safety and welfare of tenants in those rental dwellings.
- This legislation would consider a dwelling purchased for the sole purpose of renting to short-term renters a permitted residential use instead of a commercial lodging use, creating an unfair advantage over the traditional lodging industry. There would also be no opportunity for any health or safety oversight.





- Short-term rentals are causing problems in many communities around the state by creating commercial activity in residential areas. Residential zoning exists to preserve the character of neighborhoods and protect property values for every home. This legislation preempts that process and silences the voices of residents.
- Concentrations of short-term rentals can negatively impact quality of life in a neighborhood by eroding the social and physical fabric of what makes that neighborhood a great place to live. An over saturation of short-term rentals can also reduce the availability of affordable housing stock, contribute to escalated housing prices/rent and contribute to declining school enrollment. The ability to regulate the proper saturation and nuisance potential is a critical part of zoning that this legislation prevents.
- This legislation pits year-round residents against second homeowners and non-resident investors.

#### **How Can You Help:**

Contact your Legislators to voice your opposition. Also, contact members of the committees where the legislation has been referred to.

#### **House Tourism and Outdoor Recreation Committee:**

Holly Hughes (R) Committee Chair, 91<sup>st</sup> District, 517-373-3436

Curt VanderWall (R) Vice Chair, 101<sup>st</sup> District, 517-373-0825

Jason Sheppard (R) 56<sup>th</sup> District, 517-373-2617

Scott Dianda (D) Minority Vice-Chair 110<sup>th</sup> District, 517-373-0850

Cara Clemente (D) 14<sup>th</sup> District, 517-373-0140

#### **Senate Local Government Committee Members:**

Dale Zorn (R) Committee Chair, 17th District - 517-373-3543

John Proos (R) Vice Chair, 21st District - (517) 373-6960

Jack Brandenburg (R) 8th District - (517) 373-7670

Tory Rocca (R) 10th District - (517) 373-7315

Coleman Young II (D) Minority Vice Chair, 1st District – (517) 373-7346

We love where you live.



## Column: Home-sharing stimulates Michigan economy

Christina Sandefur 10:48 p.m. ET June 11, 2017

The state of Michigan spends tens of millions of taxpayer dollars annually to boost tourism, but the investment hasn't been paying off. For every dollar Michigan taxpayers spend on tourism promotion, they lose 98 cents and create only 2 cents of value for the hotel industry, according to the Mackinac Center for Public Policy. But there is another way — one that won't cost taxpayers a penny.

The "sharing economy" has opened new opportunities for travelers who want to get a better flavor of local communities than they would by staying at traditional hotels. By partnering with home-sharing companies like Airbnb or HomeAway, homeowners can rent out rooms or houses to travelers, which helps them make money, pay their mortgages and improve their local economies. Consumers benefit from more choice and lower prices, and communities benefit by welcoming visitors to support local businesses.

The results are astonishing. Today, Airbnb alone offers more rooms than major international hotel chains like Hilton and Marriott. In 2016, Michigianians earned more than \$25 million and brought 188,000 visitors to the state by sharing their homes on Airbnb. That same year, more than half of Michigan homeowners who rented their homes on HomeAway generated enough rental income to cover 75 percent of their mortgage.

But city bureaucrats nationwide are cracking down on homeowners' right to host overnight guests in their homes. In some places, it's a crime — punishable by tens of thousands of dollars — to let someone stay in your guest room overnight.

These bureaucrats contend that home-sharing leads to noisy neighborhoods and too much traffic. But banning home-sharing entirely is far too broad to address these problems: After all, we don't ban backyard barbecues just because some get noisy, or prohibit graduation parties because they can make parking difficult. Communities should enforce reasonable restrictions on noise and traffic via nuisance laws, but they should also respect homeowners' property rights, including their right to let people stay in their homes for a fee.

Not only do crackdowns on home-sharing hurt homeowners who need extra cash to pay their bills and local businesses that are patronized by visitors, but they encourage neighbors to spy on one another and require police to spend time on petty squabbles. In Honolulu, Hawaii, the government has spent tens of thousands of dollars hiring officers to peek over people's fences and interrogate tourists to ensure that property owners aren't letting paying guests stay the night. In Santa Monica, California, officials spent half a million dollars creating a full-time task force to enforce its home-sharing ban — and managed to convict just *one* homeowner, fining him \$3,500.

Fortunately, not all states are spending taxpayer money to drive away visitors and turn homeowners into outlaws. Last year, Arizona passed landmark legislation based on a model drafted by the Goldwater Institute that protects home-sharing statewide. The law allows cities to enforce rules against excessive noise and parking violations, while forbidding the one-size-fits-all bans that hurt local businesses and violate property owners' rights.

Michigan lawmakers should see home-sharing for what it is: an opportunity to benefit homeowners, travelers, and the economy. And they have the chance to do it with House Bill 4503 and Senate Bill 329 — legislation that stops local governments from passing blanket bans on home-sharing, while still allowing communities to enforce nuisance rules that ensure quiet, clean, and safe neighborhoods.

Michiganians have always defined themselves by entrepreneurship and warm hospitality. Home-sharing combines these two. By passing this legislation, the Great Lakes State can embrace its changing economy, protect property rights, and give homeowners a better shot at the American Dream.

Christina Sandefur is executive vice president of the Goldwater Institute.

# The Short-term Rental Market Is Booming. Here's Why Cities Should Regulate It.

By Paul Konz on May 30, 2017

*When drafted and enforced thoughtfully, city ordinances work as intended to regulate Airbnb-style short-term rentals — but state preemption is complicating the issue and presenting a new challenge to local governments.*

*This is a guest post by Ulrik Binzer.*

## Short-term rentals are no longer just a vacation destination issue

The dramatic rise of Airbnb and other short-term rental vacation sites has turned short-term rentals into a \$30 billion dollar industry. Whereas vacation rentals used to be confined to beach and mountain towns, the popularity of online platforms such as Airbnb, HomeAway and Flipkey has caused short-term rentals to become a real issue in all types of communities across the country. As a result, many cities and counties have begun regulating the practice of homesharing in an attempt to mitigate negative side effects such as noise, trash, parking and traffic problems as well as more serious issues like the impact of short-term rentals on affordable housing and neighborhood character.

When drafted and enforced thoughtfully, these new ordinances are working as intended: party houses are eliminated, residential neighborhoods are kept residential, and short-term rental hosts are paying their fair share of taxes and permit fees.

## New state laws curtail the ability of local governments to do their job

Just as cities and counties are getting a handle on this new and growing industry, a number of states including Arizona, Utah, Florida, Texas, Illinois, Tennessee and Missouri have or are considering adopting preemptive measures that takes away the ability of local governments to effectively regulate homesharing and short-term rentals in their community.

Generally drafted by lobbyists from short-term rental behemoths such as Airbnb, Expedia and other companies that allow property owners to rent out houses online as lodging for travelers, these preemptive measures are introduced at the state assembly under the guise of protecting property rights, creating a level playing field, or simplifying compliance by eliminating the need for different rules and regulations across cities and counties. But the true intention of these measures is often to take away cities' and counties' land use jurisdiction as it pertains to this particular industry so local governments can no longer put in place restrictions on the practice of homesharing.

The consequences of these types of preemptive measures cannot be understated. For example, cities and counties would lose their right to put in place primary residency requirements, zoning restrictions and safety requirements and to place restrictions on the number and types of allowed short-term rentals. These are the same regulatory tools that make short-term rental ordinances effective on the ground — and by removing these regulatory options, state regulators are effectively creating a free-for-all marketplace with no protections for neighbors and other “innocent bystanders.”

## Preemption in the short-term rental market sets a dangerous precedent

State preemption in the short-term rental market is problematic on a number of levels, resulting in real problems on the ground and countering the general principle that local problems are best solved at the local level. Preemption also erodes 100 years of municipal Home Rule law, which grants the power to regulate persons and property for the purpose of securing the public health, safety, welfare, comfort, peace and prosperity of the municipality and its inhabitants to local governments.

Adopting state-level preemptive measures when it comes to homesharing could therefore be the beginning of a slippery slope under which the ability of local governments to regulate other controversial industries such as marijuana dispensaries and sober homes are also revoked in favor of statewide, “one-size-fits-all” measures written by industry lobbyists.

## City leaders must stand together against state preemption

With short-term rental companies coming under increased pressure to ensure compliance with local rules, it is likely that more attempts will be made to enact statewide rules to preempt them. Local government leaders must remain aware of these initiatives — and, when necessary, stand up for their right to enact sensible and fair short-term rental ordinances in their community.

*In addition to homesharing and short-term rentals, NLC finds that states limit city power through preemption in a number of other policy areas ranging from labor protections to taxing authority. For more details, read our full report, [City Rights in an Era of Preemption: A State-by-State Analysis](#).*

*Featured image: In 2015, the city of San Francisco began to regulate the short-term rental market, requiring rentals to have registration numbers. An additional ordinance passed in July 2016 requires that listings on sites like Airbnb publish these registration numbers, and holds both the host and the short-term rental company potentially liable for non-compliance. (Getty Images)*

*About the author: Ulrik Binzer is the founder and CEO of [Host Compliance](#), an industry leader in short-term rental monitoring and compliance solutions for local governments. A pioneer in the short-term rental enforcement solution space, Ulrik developed the first compliance monitoring tools and now uses his expertise and insights to help local governments across North America implement, monitor, and enforce short-term rental regulation.*

**Tags:** [city legislation Airbnb](#), [local governments regulate homesharing](#), [preemption homesharing](#), [regulate short-term rentals](#), [sharing economy regulation preemption](#), [short-term rentals benefits of local regulation](#)

**Chris Brown**

---

**From:** Kathy Raedy <kraedy@lyleco.com>  
**Sent:** Wednesday, July 26, 2017 5:19 PM  
**To:** Chris Brown  
**Subject:** RE: American Tower Site # 414737V

Chris:

Thank you for taking the time to review. Let me know if anything changes and I will continue to check periodically to see if you need anything and keep you up to date as to activity and available options on the tower site. Keep in mind the rent and revenue would not change by extending the lease- they would continue in full effect and continue to increase annually. This is just American Tower asking to essentially re-write Section 6 of your lease. The additional extensions language in this section would be replaced by this Amendment and would be slightly longer (30 instead of 25 years) as well as updates to legal terms. We can always review again when you are available to reconsider the option.

Please do not hesitate to contact me if you need anything.

Regards,

Kathy Raedy  
The Lyle Company Lease Consultant  
Authorized Vendor of American Tower  
PHONE: 661-979-3037  
FAX : 661-588-4012  
[kraedy@lyleco.com](mailto:kraedy@lyleco.com)

*Handwritten note:*  
20/25 K  
FOR FIVE years  
extension same  
??

RELIANCE, CONFIDENTIAL, PROPRIETARY and PRIVILEGED: This email, and any attachments, are for discussion purposes only. The parties will not be bound in any respect until and unless a written agreement is signed by all parties. The information contained in this e-mail and any attachments constitutes proprietary and confidential information of the Lyle Company and its affiliates. The communication is intended for the use of the addressee only. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by return e-mail and destroy any copies, electronic, paper or otherwise, which you may have of this communication. Thank you for your cooperation.

---

**From:** Chris Brown [cbrown@pentwatervillage.org]  
**Sent:** Wednesday, July 26, 2017 7:34 AM  
**To:** Kathy Raedy  
**Subject:** RE: American Tower Site # 414737V

Hello Kathy,

After review of our current lease and revenue calculations, I think we will pass on this offer at this time. Thank you for keeping me up to date on any offers and information regarding our current lease

Sincerely

# Mika Meyers PC

900 Monroe Ave NW Grand Rapids, MI 49503  
Tel (616) 632-8000 Fax (616) 632-8002  
Web mikameyers.com

## Attorneys at Law

David R. Fernstrum  
Fredric N. Goldberg  
John H. Gretzinger  
Richard M. Wilson, Jr.  
Douglas A. Donnell<sup>4</sup>  
Daniel R. Kubiak  
Scott E. Dwyer  
William A. Horn<sup>5</sup>  
Mark A. Van Allsburg  
Neil L. Kimball  
George V. Saylor, III  
Elizabeth K. Bransdorfer

Randall L. Velzen  
John C. Arndts  
James F. Scales  
Ross A. Leisman  
Neil P. Jansen  
Andrea D. Crumback  
Daniel J. Parmeter, Jr.  
Mark E. Nettleton<sup>2</sup>  
Nathaniel R. Wolf  
Jennifer A. Puplava  
Benjamin A. Zainea  
Christopher D. Mathysse

Ronald M. Redick  
David S. Lefere  
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Stephen J. Mulder  
Scott S. Brinkmeyer  
Daniel J. Kozera, Jr.

**Also Admitted In**  
<sup>1</sup>Delaware  
<sup>2</sup>Illinois  
<sup>3</sup>New York  
<sup>4</sup>Ohio  
<sup>5</sup>Wisconsin

July 21, 2017



Chris Brown, Manager  
Village of Pentwater  
327 S. Hancock Street (BR 31)  
P. O. Box 622  
Pentwater, Michigan 49449

Re: Legal services for Village

Dear Chris:

I want to thank you, Colleen and Keith for taking the time to meet with me last Friday. I truly enjoyed touring the Village with Keith and discussing the positive things happening within the Village. There are wonderful opportunities for growth. I can see where improvements to your zoning ordinance may encourage that growth and foster stability.

We touched on several goals for the Village. In the C-3 Downtown Commercial District, the Village may seek to expand year-round residential uses (particularly in the upper floors of downtown buildings), tackle the challenges of downtown parking, and supplement seasonal business with strong year-round service providers, professionals and businesses. Zoning amendments may enable these initiatives to move forward quickly and more easily. Zoning provisions could also pave the way for an assisting living center or senior care facility, medical services, clinics and other off-season commercial uses.

With respect to general uses in the C-3 Downtown Commercial District, improvements could be made addressing uses such as marinas, equipment rental, miniature golf courses and other recreational activities, movie theatres, grocery stores, issues arising with open air restaurants, the possibility of food trucks, convenience stores and a host of other uses that may or may not be considered desirable by the Village Council.

Chris Brown, Manager  
Village of Pentwater  
July 21, 2017  
Page 2

In prior conversations, Keith and I discussed the issue of so-called “dockominiums,” that is, certain accessory buildings located on waterfront parcels. The parcels contains a dock, but no other primary structure. Blighted and/or dilapidated properties are also a concern.

As to administrative matters, I would encourage the Village Council to implement an improved escrow system. An applicant or developer would be required to pay the costs for review and document preparation by Village consultants, including engineering costs, attorney costs, planner costs and such similar consultant services. By requiring the applicant to pay these costs, the Village may feel more comfortable obtaining the services necessary to better assure favorable results for the long-term vitality of the Village. The Village escrow policy could be re-written for roughly \$500 or less.

Parking needs and options for the downtown area should be evaluated as to residential and commercial uses. Creative alternatives are available, including use of “off-site” parking arrangements, shared parking arrangements, parking credits and/or parking requirement reductions if specified criteria are met. In cases where there are mixed uses, if peak-hour parking requirements complement each other, flexible arrangements may serve the downtown effectively. A variety of options could be presented to the Planning Commission.

Depending on what the Planning Commission and Council desire, revisions to the parking arrangements could be discussed and incorporated into the zoning ordinance for approximately \$1,000 to \$1,500. Other revisions to the C-3 District might entail approximately \$2,500 in changes, although these numbers are currently estimates.

With respect to the dockominium issue, this matter could be addressed for roughly \$400. Future variances, if necessary, would be handled by fees that would be reimbursable under the escrow policy suggested above, thereby resulting in no further out-of-pocket expense for the Village.

You had mentioned the need to engage in a substantial review of the zoning ordinance, perhaps with the revision or replacement of significant portions of the ordinance. We regularly undertake this sort of re-writing project, incorporating a new vision and a new, cleaner set of regulations. We would be happy to assist the Village in such a review. We can discuss the costs that might be associated with re-writing the ordinance.

One of the advantages our firm will bring to these zoning tasks, and other municipal law tasks, is our breadth of experience with municipal matters. We represent well over 100 communities. We handle the entire scope of local government law, including litigation, public project financing, bonding and construction matters, labor law issues (including collective bargaining), zoning matters, election issues, water and sewer systems, special assessments and in general, all legal matters that might arise in connection with the jurisdiction and services of local



Chris Brown, Manager  
Village of Pentwater  
July 21, 2017  
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governments such as the Village. That being said, one exception is that we generally would not be acting as a "registered municipal advisor" under the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub.L. 111-203).

Although I would be your primary contact with the firm, we tend to share work among attorneys, looking for the best, most cost-effective way to address each issue. This might also involve use of legal assistants to perform services that need not necessarily be performed by a lawyer.

We do typically bill for our out-of-pocket expenses, including travel, express delivery charges, postage and other similar expenses, but we have found that we can handle most matters effectively through the telephone, fax machine and e-mail. We have many clients that are some distance from our main office, but we have found that the distance is not an impediment to effective service. Additionally, Mika Meyers has a Manistee office staffed with lawyers that are familiar with municipal matters, and who can assist on local items if called upon.

It would be a privilege for us to assist you in your legal needs. Many of our public sector clients have been our clients for many years, some more than 50 years. If given the opportunity, we intend to render legal services of such quality, timeliness and economy that our attorney-client relationship will continue on a long-term basis, whenever legal services are required. I assure you that if we are permitted to assist the Village, we will do all we can to merit your trust and confidence and to achieve an effective working relationship, to the lasting benefit of the Village.

Very truly yours,



Mark A. Van Allsburg

Direct Dial/Fax (616) 632-8039  
E-Mail [mvanallsburg@mikameyers.com](mailto:mvanallsburg@mikameyers.com)

dlo

cc: Jeffrey Hodges, President  
Colleen Moser, Clerk/Treasurer  
Keith Edwards, Zoning Administrator

*By E-mail Only*

**Pentwater Police Department  
Activity Report  
July 2017**

Synopsis

July was a very busy month in the Village. We received 143 calls for service.

Activity Highlight

On 7-3-2017 Officers took a report of a Property Damage Accident near 5<sup>th</sup> St and Carroll Street.

On 7-7-2017 Officers took a complaint of a dog bite at the Mears State Park. Minor injuries.

On 7-7-2017 Officers responded to a call for assistance when a Kite Surfer was observed struggling in Lake Michigan off the Mears State Beach. No injuries

On 7-7 Officers took a threats complaint in the 200 block of Carroll Street. The case was unfounded and closed.

On 7-8-2017 Officers arrested on subject on a "Failure to Appear" bench warrant. The subject was transported to Oceana County Jail.

On 7-12-2017 Officers arrested one subject near Chester Street Park on an outstanding warrant. The subject was later transported to Wayne County.

On 7-18-2017 Officers took an Identity Theft report. The case was later determined to be a civil situation.

On 7-18-2017 Officers took complaint of a "road rage" incident that occurred in the Artisan Center parking lot. The case remains open.

On 7-20-2017 Officers took a complaint of MDOP when several sprinkler head were destroyed near Lites Cottages. The case remains under investigation.

On 7-21-2017 Officers took 7 larceny reports at Mears State park after unknown subjects entered unlocked vehicle and removed items and money. These cases remain under investigation.

On 7-24-2017 Officers assisted the United States Coast Guard and arrested one subject for possession of controlled substances. One subject was placed under arrest and transported to Oceana County Jail.

Ongoing Efforts

Officers continued their ongoing efforts to resolve a nuisance ordinance violation in the 300 block of east Third Street.

We had a very busy month last month. There was a 20% increase in complaints over last year.

Respectfully submitted,  
Chief Laude Hartrum

Pentwater Police Department – Activity Detail

<b>Complaints</b>	<b>Totals</b>
Alarms	2
Breaking and Entering	1
Medical Calls	4
Trespassing	3
Controlled Substances	3
911 Hang Up Calls	1
Abandon Vehicles	1
Assists	7
Attempt to Locate	1
B & E in Progress	2
Car Deer Accidents	1
City Ordinance	7
Misc. Complaints	4
Controlled Substances	3
Disturbance	1
Dog Bite	2
Domestic	1
Fireworks	4
Follow Up Investigation	5
Found Property	1
Harassment	1
Illegal Dumping	1
Larceny	7
Lost Property	2
MDOP	2
Marine Complaint	2
Motorist Assist	6
Noise Complaint	1
OWI	1
Property Damage Accidents	6
Reckless Drivers	2
Stray / Barking Dogs	1
Suspicious Vehicle	6
Suspicious Situation	2
Threat Complaint	1
Traffic Stops	35
Traffic / Road Hazard	4
Transport for Law Enforcement	1
Personal Injury Accident	1

Vin Inspection	1
Warrant Pick Up	2
Well Being Check	3
Wires Down	1
<b>Total</b>	<b>143</b>

Tickets

OWI	1
Refusing a PBT	1
Parked Blocking Corner	1
Parking Tickets	7
Expired License Plate	1
<b>Total</b>	<b>10</b>



## PENTWATER FIRE DEPARTMENT

486 E. Park Street • P.O. Box 1117  
Pentwater, Michigan 49449  
Phone (231) 869-5987 Fax (231) 869-8511  
[www.pentwaterfiredepartment.com](http://www.pentwaterfiredepartment.com)

### Officer Meeting Minutes

---

Meeting Date: Wednesday, July 5, 2017 19:00  
Meeting Location: Pentwater Fire Department  
Call to Order

---

- I. Pledge of Allegiance
- II. Reading and Approval of Minutes
  - a. Minutes from 5/3/17
  - b. No June 2017 meeting was held.
- III. Reports of Officers
  - a. Treasurer Raymond Hasil- no report available
- IV. Old Business
  - a. Fireworks on July 3 went as expected and the new LED lights on 341 worked very well.
  - b. Respirator evaluations- return your completed forms.
  - c. Shelby-Benona Fire/Lewis Farm Market Safety Day Saturday, August 12 from 10AM to 1PM. Paul is going and will leave at noon.
- V. New Business
  - a. Two new roadway safety signs is now in service. They are stationary, 6 foot diamonds that say "Emergency Ahead".
  - b. Two new Stop/Slow signs are now in service.
  - c. Department pictures are in September. Let Terry know if you need any uniform items.
  - d. 341 needs to go to Midland for repairs to the overhead condenser.
- VI. Training
  - a. CPR re-certification is at our August meeting.
- VII. Discussion on Last Month's Calls
  - a. There were 7 fire and 21 medical calls for service for June.
- VIII. Public Comment (held to two (2) minutes on all issues)
- IX. Adjourn
  - a. A motion to adjourn by Pat Ruggles was seconded by Paul Smith.

Secretary- Ray Hasil



## PENTWATER FIRE DEPARTMENT

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Phone (231) 869-5987 Fax (231) 869-8511  
[www.pentwaterfiredepartment.com](http://www.pentwaterfiredepartment.com)

### Monthly Meeting Agenda

---

Meeting Date: Wednesday, August 2, 2017 19:00

Meeting Location: Pentwater Fire Department

Call to Order

---

- I. Pledge of Allegiance
- II. Reading and Approval of Minutes
  - a. Minutes from 7/5/17
- III. Reports of Officers
  - a. Treasurer Raymond Hasil
- IV. Old Business
  - a. Respirator evaluations- return your completed forms.
  - b. Shelby-Benona Fire/Lewis Farm Market Safety Day Saturday, August 12 from 10AM to 1PM. Paul is going and will leave at noon.
  - c. Department pictures are in September. Let Terry know if you need any uniform items.
- V. New Business
  - a. 341 is in Midland for service on the overhead AC unit that was leaking into the cab.
- VI. Training
  - a. CPR re-certification is tonight.
- VII. Discussion on Last Month's Calls
  - a. There were 6 fire and 31 medical calls for service for July
- VIII. Public Comment (held to two (2) minutes on all issues)
- IX. Adjourn

Secretary- Ray Hasil



## PENTWATER FIRE DEPARTMENT

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### Monthly Meeting Minutes

---

Meeting Date: Wednesday, July 5, 2017 19:00

Meeting Location: Pentwater Fire Department

Call to Order

---

- I. Pledge of Allegiance
- II. Reading and Approval of Minutes
  - a. Minutes from 6/7/17
- III. Reports of Officers
  - a. Treasurer Raymond Hasil- not available
- IV. Old Business
  - a. Fireworks on July 3 went as expected and the new LED lights on 341 worked very well.
  - b. Respirator evaluations- return your completed forms.
  - c. Shelby-Benona Fire/Lewis Farm Market Safety Day Saturday, August 12 from 10AM to 1PM. Paul is going and will leave at noon.
  - d. The generator needed to be drained and have new fluids and hoses added.
- V. New Business
  - a. One of two new roadway safety signs is now in service.
  - b. Department pictures are in September. Let Terry know if you need any uniform items.
  - c. Tonight was Everet Horton's last meeting as a member. He has been on the department since 1986 and has served in numerous officer positions including Lieutenant, Treasurer and Safety Officer. We wish him the best in his future endeavors.
- VI. Training
  - a. CPR re-certification is at our August meeting.
  - b. Training will be on the new roadway signs, loading some new hose lines and marking air bottles for hydrostatic testing.
- VII. Discussion on Last Month's Calls
  - a. There were 7 fire and 21 medical calls for service for June
- VIII. Public Comment (held to two (2) minutes on all issues)
- IX. Adjourn- a motion to adjourn by Everet Horton was seconded by Aaron Boyko.

Secretary- Ray Hasil



## PENTWATER MUNICIPAL MARINA REPORT

JULY 2017

July was a good month for the Marina with lots of boats and some good weather. The fishing was up and down and had some very nice fish on the good days.

The Dingy dock and the fishing dock were repaired and put in place for use. Adams Marine did a nice job of repairing and rebuilding the docks.

The launch ramp had to be repositioned due to the high water. The board wall on the east side of the launch ramp is going to need some serious attention soon.

The high water has caused the Marina to block off two docks and lose four slips for transients. The Marina is in danger of losing another dock and two more slips if the water keeps rising.

The fish cleaning station is being pumped every week now, trying to keep the smell under control.

Respectfully Submitted

Dick Hutchings  
Marina Manager



# **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](http://www.Pentwatervillage.org)

## **ZONING ADMINISTRATOR'S REPORT**

**August 4, 2017**

The following is a summary of activity conducted by the Zoning Administrator in July, 2017.

### **Code Enforcement**

Nothing outstanding at this time.

### **Planning Commission**

The Planning Commission met on July 19 to consider a lot split for 240 Sand Street, the Streetscape presentation prepared by Steve Bass, discuss residential issues in the C3 - Central Business District and to discuss a future meeting schedule.

### **Zoning Board of Appeals**

The Zoning Board of Appeals did not meet in July. The ZBA is considering a minor change in its bylaws to reduce the number of members from 7 to 5 and plans to meet again September 6 to discuss the proposed change.

### **Zoning Permits**

The following Zoning Permits were issued in June 2017.

1. 63 N. Dover for a fence.
2. 714 E. Second St. for a deck and ramps.

Sincerely,

*Keith J. Edwards*

Keith Edwards  
Zoning Administrator



**Village of Pentwater**  
327 South Hancock Street  
Pentwater, MI 49449  
Phone 231-869-8301 Fax 231-869-5120

## **Services Committee Meeting Minutes July 14, 2017**

Members Present: Griffis, Hodges

Members Absent: Palmer, Dunlap

SIP members present: Chris Brown Village Manager, Colleen Moser Clerk/ Treasurer, Terry Valenzano, Norm Shotwell, Ted Cuchna, Don Holly

Griffis called the meeting to order at 1:40 pm

### **Update on the SIP (Street Improvement Project)**

Engineers from Fleis & VandenBrink, David Bluhm and Mike Mattzela reviewed Phase I of the SIP copies of the draft plans and drawing were provided to everyone prior to the meeting. The engineer's estimated costs of Phase I is \$482,000. The committee suggested adding an alternate to the bid in to widen two streets, by two feet. To widen Clymer Street from 20 to 22 feet, between Park and Second streets, and Morris Street from 16 to 18 feet, between Park and Concord Streets. Bluhm stated the widening of streets could be added to the project and depending on the additional cost to Phase I the Village could then decide.

Bluhm expected to have the bid ready and out within a few days. Bluhm expected Village could hold a bid opening on August 4 and hoped that Village Council would be able to award Phase I of the SIP at the August 14<sup>th</sup> council meeting.

The engineering fees from Fleis & VandenBrink for the survey, design, bidding, construction, inspection, and staking is \$82,800.

The Services committee plans to meet again the week before the next council meeting to review the bids.

With no further matters before the Committee, the meeting was adjourned at 3:10 pm.

Respectfully Submitted,

Colleen Moser,  
Village Clerk/Treasurer



# 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 – July 19, 2017

Chairperson Christians called the regular meeting of the Pentwater Village Planning Commission Meeting to order at 7:05 pm with the Pledge of Allegiance.

#### ROLL CALL

**Present:** Ron Christians, Michelle Angell-Powell, Mark Benner & Paul Anderson

**Absent:** Bruce Koorndyk & Kirstin McDonough

**Staff Present:** Keith Edwards, Zoning Administrator

#### APPROVAL OF AGENDA

**Motion** by Anderson, second by Angell-Powell to approve the Agenda as presented.

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

#### APPROVAL OF REGULAR MINUTES

**Motion** by Anderson, second by Benner to approve the June 21, 2017 regular meeting minutes as presented.

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

#### PUBLIC COMMENTS ON AGENDA ITEMS – None

#### PUBLIC COMMENTS ON NONAGENDA ITEMS - None

#### COMMITTEE/DEPARTMENT REPORTS

##### A. Zoning Administrator

Mr. Edwards referred to his written report which was accepted by the Planning Commission.

##### B. Zoning Board of Appeals

No meeting in June, No report.

#### OLD BUSINESS - None

#### NEW BUSINESS

##### A. Proposed Lot Split – 240 Sand Street

Mr. Edwards reviewed his written report which stated that the proposed division of 240 Sands into two lots met the Zoning Ordinance requirements and he recommended the Planning Commission recommend approval to the Village Council.

**B. Presentation of a Streetscape Design Concept – Created by Steve Bass and presented by Keith Edwards.** Mr. Edwards narrated the 73 slide presentation for the Planning Commission and small audience comprised of Jeff Hodges, Village President, Chris Brown, Village Manager, and Barry and

Susan Monroe, members of the Hancock Building Condominium Association. Planning Commissioners were presented with a Streetscape Design Concept with 3D computer graphics and text prepared by Steve Bass a Pentwater Citizen and Professional Designer. The deck of conceptual designs includes seven projects along Hancock Street and two landscape designs for the entrances to the Village along Monroe and Hancock Streets, part of US Business 31. The presentation was given a warm reception by all and the Planning Commission will consider adding the ideas as a sub-area plan to the Village Master Plan.

**C. Discussion of Residential uses in the C3 - Central Business District.**

Edwards presented highlights from his written report dated July 18, 2017. The report states specific barriers in the Zoning Ordinance to promoting downtown residential uses, and raised concerns about other facets of land use and regulation in the C3 and C1 Commercial Districts. The report also alludes to some conflicts with the 2015 Master Plan Update, Zoning and the potential for accommodating uses on upper floors of existing buildings and providing for all types of senior housing. Lastly, use of the Planned Unit Development overlay as a Zoning tool was introduced. Mr. Edwards will return to the next meeting with some specific changes proposed for the Zoning Ordinance and Master Plan. The Village Council will also be considering hiring an attorney specialized in zoning matters to assist the Village and Mr. Edwards with these revisions.

**D. Planning Commission Meeting Schedule**

Mr. Edwards will be attending a training session on August 16, 2017, which is the next regularly scheduled Planning Commission meeting and at least two other members would not be able to meet on August 16. Some suggestions for altering the 2018 meeting schedule were also discussed and will be brought up again in December.

**Motion** by Benner, second by Angell-Powell to reschedule the August 16 meeting to August 23, 2017.

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

**PUBLIC COMMENTS**

Barry Monroe informed the Planning Commission that he was appreciative of the Planning Commission's desire to review the barriers to residential use of the upper stories of existing buildings in the C3, Central Business District.

**COMMUNICATIONS FROM PLANNING COMMISSION MEMBERS - None**

None.

**ADJOURNMENT**

Christians adjourned the meeting at 8:45 p.m.

Respectfully Submitted,

\_\_\_\_\_  
Keith Edwards  
Zoning Administrator

June 26, 2017  
Date

Approved by the Village of Pentwater Planning Commission on \_\_\_\_\_

# MEMO



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**To:** Pentwater Village Council

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**From:** David W. Bluhm, P.E.  
Client Services Manager  
Fleis & VandenBrink

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**CC:** Chris Brown, Pentwater Village Manager

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**Date:** August 10, 2017

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**Re:** Pentwater Street Improvement Project (SIP) Update

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The following provides an update of July engineering activities for the SIP program:

- Plummer's Environmental continues to work on CCTV of the Village's sewer system ahead of the design work for 2018 construction.
- 2017 construction bidding documents were completed in early July and reviewed with the Services Committee on July 14. Final revisions were made based on this meeting and bidding documents were made available to contractors July 18. The construction bid opening was held at Village Offices on August 4.
- The Services Committee will meet on August 10 to review bids and consider a recommendation for award. This recommendation is scheduled to be brought to the Village Council for action at the August 14 meeting.

Anticipated work for rest of August will include the following:

- If action is taken to award 2017 construction work, contracts will be finalized and a pre-construction meeting will be held in late August. Additional meetings ahead of 2017 construction will be scheduled with residents, the school, police and emergency services.
- Field survey work for 2018 design has begun and will continue through August and into September.
- F&V will update the project portal link on the Village's website after the August 14 Council meeting.

# Village of Pentwater

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

## Bid Opening Meeting Street Improvement Project, Phase I Held on August 4, 2017 at 1:00 pm

The meeting was called to order at 1:00 p.m. and was held at Village Hall.

Present: Village Manager Chris Brown, Clerk/Treasurer Colleen Moser, Village Councilor Don Palmer and Michael Mattzela, PE from Fleis & VandenBrink

Also present: David VanderMolen from McCormick Sand Inc. and Randy Misener from Rieth-Riley Construction Co., Inc.

The Village of Pentwater received 3 sealed bids. The Village Clerk opened and read the bids as follows:

Bidder	Amount	Signed	Bid Bond	Other
McCormick Sand Inc. 5430 Russell Rd. Twin Lake, MI 49457	\$670,017.75	Yes	Yes	N/A
Hallack Contracting 4223 West Polk Rd. Hart, MI 49420	\$538,300.15	Yes	Yes	N/A
Rieth-Riley Construction Co., Inc. 5565 W, First St. Ludington, MI 49431	\$543,292.35	Yes	Yes	N/A

Fleis and VandenBrink will review the bids and expects to have a recommendation ready for the Services Committee next week. The bid is expected to be awarded at the next regular Village Council meeting to be held on August 14, 2017.

The bidding was closed and meeting was adjourned at 1:05 p.m.

Respectfully submitted,



Colleen Moser  
Village Clerk/Treasurer





## RECOMMENDATION OF AWARD

August 9, 2017

Chris Brown, Village  
Manager Village of Pentwater  
327 N Hancock Street  
Pentwater, MI 49449

**RE: 2017 Street Improvements Project**

Dear Chris,

We have reviewed the bids received on August 4, 2017 for the 2017 Street Improvements project. Three bids were received, and the bid summary is attached. The low bidder is Hallack Contracting of Hart, Michigan with a bid amount of \$538,300.15. This bid came within a few thousand dollars of our engineer's estimate.

Hallack Contracting's bid is conditional upon pushing the substantial completion date back to May 18, 2018. Rieth-Riley Construction was second low bid; however, they had an addition error which brought their bid to \$565,792.35, which amounts to \$27,492.20 more than Hallack Contracting. It should be noted that Rieth-Riley has listed Hallack Contracting as a subcontractor for the underground work. We have spoken with Amber Burden of Hallack Contracting, and she stated that the project can be started and likely finished this year, but they do not want to commit to the 2017 deadline and take a chance with Liquidated Damages due to unknown conditions so late in the season (i.e. weather).

Based on the above information, we recommend award of the 2017 Street Improvement project to Hallack Contracting for the amount of \$538,300.15 with a substantial completion date of May 18, 2018.

Sincerely,

FLEIS & VANDENBRINK ENGINEERING, INC.

A handwritten signature in blue ink, appearing to read "Don DeVries", is written over a horizontal line.

Don DeVries, P.E.  
Project Engineer

Enclosure

316 Morris Avenue, Suite 230  
Muskegon, MI 49440  
P: 231.726.1000  
F: 231.726.2200  
www.fveng.com



**Village of Pentwater**  
Oceana County, Michigan

**2017 Street Improvement Project**  
Project #830950

**BID SUMMARY**

<b>Bidder</b> (listed below from low to high)	<b>Total</b>
1. Hallack Contracting	\$538,300.15
2. Rieth-Riley Construction	\$565,792.35
3. McCormick Sand	\$670,017.75

## MEMORANDUM

**To:** Village of Pentwater Village Council  
**From:** Keith Edwards, Zoning Administrator, Village of Pentwater  
**Date:** August 4, 2017  
**Subject:** Proposed Lot Split – 240 Sands, Property Tax ID No. 64-044-580-109-00

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### **Introduction**

Mark & Donna Ryan, owners of the property know as 240 Sands Street, on the northeast corner of Sands and Wythe Street, in the Village of Pentwater are seeking approval to divide the existing lot into two lots.

### **Background**

The current owners of 240 Sands Street purchased the property in July of 2014, and in August of 2014, the existing home and garage were demolished. Only the concrete slab of the former garage remains in the southeast corner of the property. The existing legal description of the property is listed on the attached survey. The lot, also known as Lot 109 of Plat B of the Village of Pentwater is approximately 0.52 acres or 22,672.28 sq. ft. in area with 198.12 feet of frontage on Sands Street and 114.34 feet of frontage on Wythe Street. The property is located within the R2, Single Family Residential Zoning District, where the minimum lot area of 8,000 sq. ft. and a minimum lot width of 66 feet is required for single-family residential uses.

AT their regular meeting of July 19, 2017, the Village Planning Commission recommended approval of the requested lot split.

### **Discussion**

The applicants, Mark & Donna Ryan propose to split or divide the lot into two lots of unequal size. The smallest of the two, shown as 'Parcel A' on the attached survey has a lot area of 10,077.32 sq. ft. or 0.23 acres with a lot width of 88.11 feet on the Sands Street side of the lot and represents a corner lot which would have two front setbacks at 17 feet, and two side setbacks of 6 feet. Corner lots do not have a rear yard or a rear setback requirement. 'Parcel B' is proposed at 12, 592.87 sq. ft. or 0.29 acres with a lot width of 110.01 sq. ft. Thus, both proposed lots would meet the minimum requirements for the R2, Single Family Residential Zoning District for single-family residential use. Additionally, Section 3.27 of the Zoning

Ordinance requires that no parcel shall be created with a lot depth that exceed 4 times the lot width. Both proposed lots meet this requirement.

Additionally, the property is served by both municipal sanitary sewer and potable water.

### **Process and Village Council Review**

Although the Lot Split process is the sole responsibility of the Village Council, it has been the practice of the previous Zoning Administration to forward Lot Split requests to the Planning Commission for review against the Zoning Ordinance. Again, the Planning Commission found that the application meets the requirements of the Zoning Ordinance and recommended approval. Thus, the request currently seeks review and approval by the Village Council.

In addition to the minimum requirements of the Zoning Ordinance, Chapter 150: General Provisions, of the Code of Ordinances for the Village of Pentwater addresses lot splits in three subsections as follows:

Section 150.35 states that lot splits are prohibited unless approved by a majority of Council members present;

Section 150.36 states that an application must be filed with the Village Clerk; and,

Section 150.37 states that a lot cannot be divided more than four times, must meet the State requirements as stated in Public Act 288 of 1967 and that the minimum width and area as required in the Zoning Ordinance is met.

### **Recommendation**

Staff finds that the provisions of the Village Code as stated in Chapter 150 will be met upon Council's approval of the request; and that the requirements of P.A. 288 are met along with the Zoning Ordinance requirements for land divisions and the creation of new lots. Therefore, Staff recommends the Village Council approve the proposed lot split for 64-044-580-109-00, a.k.a. 240 Sands Street, as proposed into two lots as shown on the attached application and survey prepared by Hepworth Land Surveying, LLC on June 13, 2017.

# CERTIFICATE OF SURVEY

**PARENT PARCEL:** PP# 64-044-580-109-00

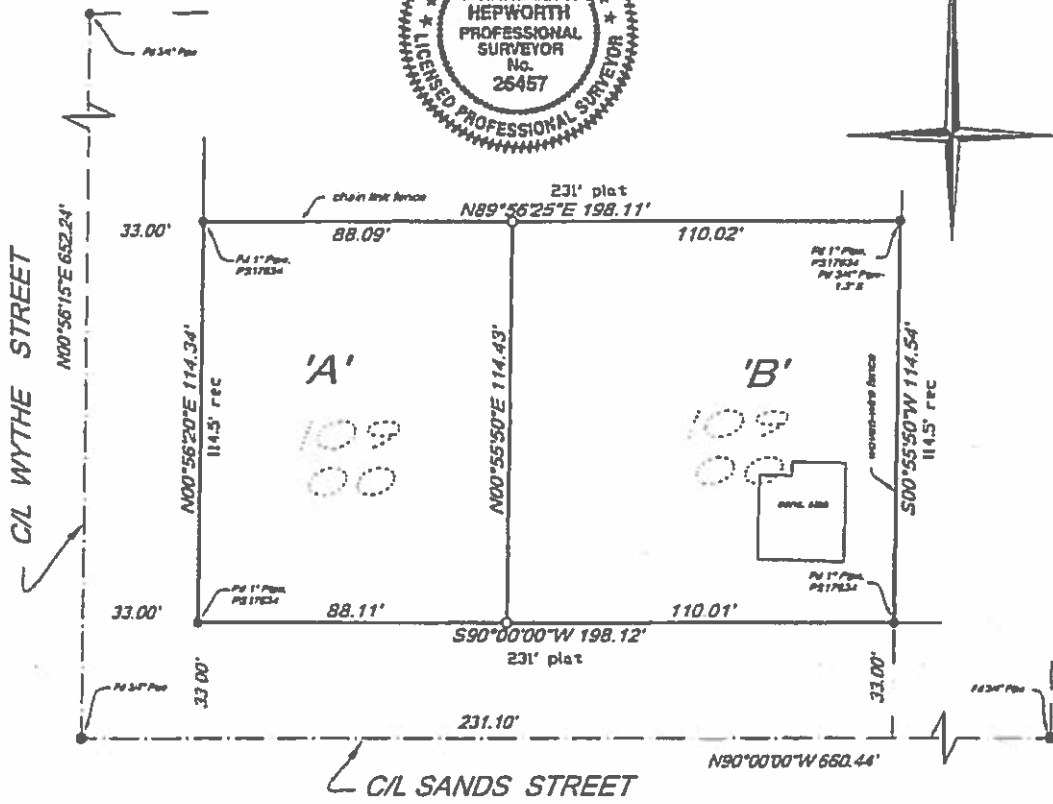
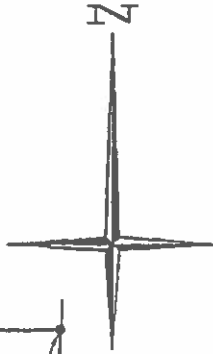
The South 114.5 feet of Block 109 of PLAT 'B' of the OFFICIAL MAP OF THE VILLAGE OF PENTWATER, according to the recorded plat thereof, Village of Pentwater, Oceana County, Michigan; being also known as Block 109, Except the North 100 feet thereof.

**PARCEL 'A':** PP# 64-044-580-109-00 (part of)

The South 114.5 feet of Block 109 of PLAT 'B' of the OFFICIAL MAP OF THE VILLAGE OF PENTWATER, according to the recorded plat thereof, Village of Pentwater, Oceana County, Michigan; EXCEPT the East 110 feet thereof.

**PARCEL 'B':** PP# 64-044-580-109-00 (part of)

The East 110 feet of the South 114.5 feet of Block 109 of PLAT 'B' of the OFFICIAL MAP OF THE VILLAGE OF PENTWATER, according to the recorded plat thereof, Village of Pentwater, Oceana County, Michigan.



To Mark Ryan :

I hereby certify that to the best of my knowledge, information and belief I have surveyed and mapped the property as described and platted herein, that the ratio of closure of such survey was less than one part in 5000; and that I have substantially complied with the requirements of PA 132 of 1970 as amended.

Furthermore, if the Surveyor's signature is not purple colored, the plan is a copy that should be assumed to contain doubt or alterations. This certification shall not apply to any copies.

*J. Randolph Hepworth*  
J. Randolph Hepworth, PS 26457

BEARING BASIS - ASSUMED

- = SET 1/2" X 24" IRON
- = FOUND IRON AS SHOWN



FOR:  
MARK RYAN

---

DWN. JRH. CHK.

**HEPWORTH LAND SURVEYING, LLC**

5774 WAYNE AVE  
PENTWATER, MI 49449

TEL 231-869-2391

DISK: 2017 CRD. S97041

SCR: 517086

DATE: JUNE 13, 2017

JOB NO.: 17086

SHEET 1 of 1

VILLAGE OF PENTWATER  
 PETITION TO DIVIDE, SPLIT OR OTHERWISE ALTER EXISTING  
 PROPERTY BOUNDARIES IN THE VILLAGE

MARK & DONNA RYAN  
 (Applicant)

1282 THORNDALE LN  
 (Address)

LAKE ZURICH, IL 60047  
 (City, State, Zip Code)

847 691 7904  
 (Telephone)

BSBALLMOM12@SBC  
 (E-mail) GLOBAL.NET

OFFICE USE ONLY	
Application number	_____
Date Rec'd	_____
Fee Rec'd	_____
Approval Date by Planning Commission	_____
Approval Date by Village Council	_____
Date Recorded	_____

APPLICANT'S CAPACITY IF NOT PROPERTY OWNER (circle one):  
 Builder / Have Option to purchase / Agent / other \_\_\_\_\_

PROPERTY OWNER:	MARK & DONNA RYAN		
PROPERTY ADDRESS:	240 SANDS STREET		
PARCEL NUMBER:	64-044-580-109-00		
RECORDED PLAT OR SUBDIVISION NAME:	PLAT 'B'		
BLOCK:	109	LOT(S):	*OR ATTACH LEGAL DESCRIPTION
ZONING DISTRICT:		PRESENT USE:	
WATER: <input type="checkbox"/> Yes <input type="checkbox"/> No		SEWER: <input type="checkbox"/> Yes <input type="checkbox"/> No	
CURRENT STRUCTURE ON LOT		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Name: MARK & DONNA RYAN  
 Date: 6-27-17

AFFIDAVIT: I attest that the information on the petition is, to the best of my knowledge, true and accurate. Further, I agree that all applicable sections of the Pentwater Community Zoning Ordinance will be complied with. Also, I agree to give permission for officials of Village of Pentwater to enter the property subject to this application for purposes of inspection. Finally, I understand any zoning action approved for this application conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, building code, deed restriction or other property rights.

Signed: Mark Ryan  
Date: 6-27-17

When completed send to:  
Village of Pentwater Zoning Administrator  
327 S. Hancock Street – P.O Box 622  
Pentwater, Michigan 49449  
Phone: (231) 869-8301 Fax: (231) 869-5120

OFFICE USE ONLY

HEARING DATE: \_\_\_\_\_

DATE SUBMITTED TO PLANNING COMMISSION: \_\_\_\_\_

**[THIS FORM MUST BE DISTRIBUTED TO THE PLANNING COMMISSION WITHIN 30 DAYS OF RECEIPT]**

OFFICE USE ONLY

Response requested from:  
 DPW \_\_\_\_\_  
 Police \_\_\_\_\_  
 Fire \_\_\_\_\_  
 Other \_\_\_\_\_

*Please attach your response and RETURN WITHIN 10 DAYS OF THIS REQUEST to the Zoning Administrator*

**SETBACKS FROM PROPERTY LINES OF CURRENT STRUCTURES:**

**PRINCIPAL BUILDING**

<b>FRONT:</b> N/A	<b>RIGHT SIDE:</b> N/A	<b>LEFT SIDE:</b> N/A	<b>REAR:</b> N/A
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**ACCESSORY BUILDING**

<b>FRONT:</b> N/A	<b>RIGHT SIDE:</b> N/A	<b>LEFT SIDE:</b> N/A	<b>REAR:</b> N/A
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**PURPOSE OF PETITION:** DIVIDE LOT SO SONS WILL  
BE ABLE TO HAVE THEIR OWN HOME.

(Attach sheets if necessary)  
 attached

**ATTACHED A CERTIFIED SURVEY (IF REQUESTED BY THE ZONING ADMINISTRATOR OR PLANNING COMMISSION),** (completed by a professional surveyor or engineer for the property at issue [including a written drawing showing structures and stakes set on the property boundaries or corners] in order to insure that all requirements of the Zoning Ordinance will be met.) *See Pentwater Community Zoning Ordinance – Section 19.15*  
 attached

**ATTACH A TENTATIVE PARCEL MAP DEPICTING THE PROPERTY,** including dimensions, layout of the alteration(s), and connecting streets/alleys/easement.  
 attached

**ATTACH LEGAL DESCRIPTION OF NEW PARCELS**  
 attached

*\*A word document containing the current legal and proposed descriptions must be e-mailed to zoning@pentwatervillage.org*

**NUMBER OF ATTACHED SHEETS:** 1

1. <input checked="" type="checkbox"/> Current Legal Description	Number of Pages:
2. <input type="checkbox"/> Proposed Project	Number of Pages:
3. <input checked="" type="checkbox"/> Survey	Number of Pages: <u>1</u>
4. <input type="checkbox"/> Proposed Map	Number of Pages:
5. <input type="checkbox"/> New Legal Description	Number of Pages:
6. <input type="checkbox"/> Other:	Number of Pages:



## Proposal

### Proposal for property Exchange between Village of Pentwater and Hancock Building Condominium

The Hancock Building Condominium proposes to the Village of Pentwater an exchange of property adjacent to the Hancock Building and the Village Green to facilitate cleaning up of property boundaries and clarification of parking currently being used by the Hancock Building.

#### Proposal Elements:

- Hancock Building Condominium proposes providing the Village of Pentwater:
  - 18" of land on the southern boundary of the Hancock Building and adjacent to the Village Green. Property size is 18" wide by 131'6" long (197.25 ft sq)
  - 20" of land on the North side of the Hancock Building on which the current Village Sidewalk exists. Property size is 20" wide by 131' 6" long (219.16 ft sq)
  - Total square footage offered by HBC is 416.41 square feet
  - The HBC has historically allowed the Village use of its property on the south boundary of the Hancock Building and adjacent to the Village Green. The HBC will allow continued use of a like nature by the Village. The HBC reserves full ownership rights with respect to this property including but not limited to future development for use by HBC.
- Village provides to the HBC
  - Parcel of property on the west boundary of the current property line with HBC to the existing picket fence on the west to the north boundary of the sidewalk and to the proposed property line extension of the newly above described south boundary with the HBC. Approximate size is 10'3" to the west by 51.75 feet to the south. Total square footage calculated at approximately 520.25 square feet. Roughly 417 square feet of this parcel is currently and has historically been used for residential parking by the Hancock Building.
  - Village provides easement, license, variance (whatever the proper legal vehicle) to the HBC to add a balcony on the north side of the building which extends over the Village sidewalk and is supported vertically on the same plane as the existing railing on the north side of the Hancock Building.

Aug 3, 2017, BM

## Proposal

### Parking Agreement between HBC and Village of Pentwater

HBC proposes Village of Pentwater and HBC enter into a five to seven year agreement to create parking space on Second Street adjacent to the HBC for use by HBC to meet Village Parking requirements for two new (converted) condominium spaces within HBC. Property proposed is the green space currently owned by the Village, but not developed for parking. Proposal

- Agreement is for 5-7 years. Reviewed and potentially renewable at the end of the agreed to time period.
- HBC improves entire green space adjacent to HBC and north of sidewalk adjacent to Second Street. This will create a minimum of four and a maximum of five new parking spaces. The spaces will be constructed and striped to match the existing asphalt in accordance to Zoning ordinance standards for parking space and Village Standards for street construction, (if any).
- Village provides agreement for exclusive use of a portion of the improved parking for the use of HBC 2<sup>nd</sup> floor residential condominium units currently designated as 2G, 2F and 2H sufficient to meet Village Zoning requirements.
- Village retains additional improved parking spaces for their exclusive use and designation.
- HBC provides Village the following:
  - Waiver of any general assessments for capital improvement during the term of the agreement
  - An ongoing annual fee structure equal to 50% of the allocated association dues for the term of the agreement
  - New fee structure begins 1-1-18
- Village rescinds any association and voting rights and assumes responsibility for utilities, liability insurance, loss/theft insurance and maintenance of interior space, awning, entry doors and any other expenses typically associated with the cost of ownership.



231-869-2196

**Adams Marine Construction**  
8956 N OCEANA DR  
PENTWATER, MI 49449  
(231)869-2196  
adamsmarineconstruction@gmail.com

**ADDRESS**  
Village of Pentwater

**ESTIMATE 1261**

**DATE 07/26/2017**

ACTIVITY	QTY	RATE	AMOUNT
<b>Services</b> Raise and install new piling. Re-fabricating dock to fit new piling.		14,000.00	14,000.00

**TOTAL \$14,000.00**

Accepted By

Accepted Date