

Village of Pentwater

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

Regular Meeting of Village Council August 14, 2023 Park Place 310 North Rush Street

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

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

Absent: None.

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

IV. PUBLIC COMMENTS – On the agenda

Eva Gregwer, Chamber of Commerce – thanked the local business owners and residents for their support our Homecoming festivities were fabulous. I received numerous compliments from business owners, visitors and residents who said it was the best homecoming ever. How do you feel about our town? I was thinking long and hard about why the Pentwater Chamber should keep the building we are discussing. How does everyone in this room feel about the past week? How do you feel about our town and togetherness. I feel happy, proud, elated, and optimistic. The Chamber is exploding with new members and new volunteers. The momentum for the town and community is stronger than ever. We are dedicated to our local businesses and the resources we can provide to our citizens. The Pentwater Chamber of Commerce boasts a well-established presence with a history of over 30 years of dedicated service to the Pentwater area. I have a vision for the future. We all see what can happen in the community when we look at Park Place and the Yacht Club. The projects were not accomplished overnight and had multiple community members involved in the projects. I know the members of the community would step up to make the Chamber building just as pleasing to the public eye. Maybe use some of the historic yellow brick from the old building across the street that the developer will tear down. Why does the Chamber want to buy it for stability, community, presence, equity building, long-term savings, a potential income and investment into the future for long term growth. In closing, please ask the question I ask myself earlier. How do you feel about our town? Really feel? We are happy it is the Chambers job to keep this feeling going and make it even stronger. Let us keep our building, our center core, in the Chambers hands and we will do our job keeping us all smiling and happy for the many years to come.

Sandy Warner, 42 Wheeler St – is in favor of the Chamber keeping the building. In 2017, after selling the Hexagon House I started volunteering for the Chamber. Until you get involved you have no idea how much planning and details go into each event, with very little staff. Location, location, location. We are in the center of town. We are visible for the tourist. I implore the Council chose the bid from the Chamber. I received many texts from other volunteers that could not be here, and they asked me to speak for them also. Thank you.

Jim Lambrix, 471 S Rush St. – I have been in commercial real estate all my life. It puzzles me why a small piece for the plans for downtown is being sold off before the major building deals are complete. It makes sense to keep this property in play and lease it to the chamber on a long-term lease.

V. APPROVAL OF THE AGENDA

President Hodges requested an approval of the agenda. *Motion* by O'Connor supported by Griffis to approve the agenda as presented.

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

VI. CONSENT AGENDA

- A. Approval of Minutes: Regular Council Meeting on July 10, 2023
- B. Disbursements Village: Accounts Payable - \$109,609.80; Payroll - \$93,082.12.
- C. Disbursements from Township: Fire Department – \$67,537.09.
- D. Commission & Board Reports: Planning Commission, Zoning Board of Appeals and City Feasibility Study.
- E. Requests for Village Property use:
 - 1. Joely Burlingame, Wedding Ceremony, September 7, 2024 @ 3:00 P.M.

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

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

VII. ANNOUNCEMENTS

- A. Comments from the President.

I think we all recognize the Chamber of Commerce does a great job. I do not think that is in question. What we do is for the long-term goal for the entire community. In regard to the process of changing to a city form of government, many people spent a lot of time studying this issue. It is a long process. It sounds like some people do not think the village should have an opportunity to decide for themselves what type of government we would like to be governed under. I think that is un-American and very disappointing. Someone talked about “behind the curtain”. The only curtain I know is the one you go behind to vote. Everything was done publicly. We will continue to be transparent. I applaud the people on the committee who did their due diligence. As we move forward, we simply need to educate people and get

the word out so they can form their own opinion. No one is trying to divide anybody. I believe the village registered voter has the right to decide what is the best way to be governed.

VIII. CORRESPONDENCE

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

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

1. William and Bill Bainton.
2. Pentwater Chamber.

IX. VILLAGE DEPARTMENT REPORTS

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

- A. Village Manager - Report submitted in writing.
Chris Brown discussed the criteria and funding for the water service line replacement.

- B. Clerk/Treasurer - Report submitted in writing.
Rande Listerman reminded the public that the policy for correspondence is to submit the items by noon on Wednesday before the Council meeting to be included in the Council packet.

Motion by Palmer, supported by Griffis to receive the July 2023 financials as presented.

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

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

- C. Police Chief – Report submitted in writing.
- D. Fire Chief – Report submitted in writing.
- E. Zoning Administrator – Report submitted in writing.
- F. Rec Director – Report submitted in writing.

X. COMMITTEE REPORTS

- A. Building & Grounds – No meeting, no report.
- B. Finances – No meeting, no report.
- C. Ordinances – No meeting, no report.
- D. Personnel – Minutes submitted in writing.
- E. Planning/Economic Development – No meeting, no report.
- F. Services - Minutes submitted in writing.

XI. PUBLIC HEARING

None.

XII. UNFINISHED BUSINESS

A. Planning Commission Appointments.

Motion by Palmer, supported by Nugent to approve the appointment of Mary Marshall to the Planning Commission to replace the term vacated by Mary Temple ending in March 2024.

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

B. DDA Appointments.

Motion by Palmer, supported by Nugent to approve the appointment of John Nagle to the Downtown Development Authority with the term ending December 2026

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

C. Social District Resolution No. 2023-07-18.

Motion by Bluhm, supported by O'Connor to approve Resolution No. 2023-07-18 Social District repealing Resolution No. 2023-07-17 Establish a Social District.
Discussion was held.

Trustee Jared Griffis - had a problem with the previous vote, the President should have recused himself. Also, what is our liability and what is the cost of insurance?

Attorney Brian Monton -my opinion is you should recuse yourself if there is an appearance of conflict. The question of liability there is the issue of governmental immunity.

Village Manager Chris Brown - with governmental immunity our insurance company does not require insurance for Park Place and the Parks now.

Roll Call Vote: Yes: Angell Powell, Bluhm, Nugent, O'Connor, and Hodges.
No: Griffis and Palmer. Absent: 0. Recused: Hodges Motion approved 4 - 2 - 1.

XIII. NEW BUSINESS

A. Resolution No. 2023-08-19 Fee Schedule.

Motion by Palmer, supported by Bluhm to approve Resolution No. 2023-08-19 Fee Schedule as amended.

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

B. Community Outreach and Education.

Motion by Griffis, supported by Bluhm to approve Mary Marshall as the Outreach and Education Director on an interim basis while the City Feasibility Study Committee works on a Request for Proposal for the position.

Discussion was held:

President Jeff Hodges – the Council voted to move forward with bringing this to a vote of the people. It is a long process. The committee is recommending to the Village Council to have one independent spokesperson, so the public has good, accurate, consistent information and any questions answered so they can make their own informed decision.

Trustee Kathy O'Connor – the committee was specific on the reasons why the position needed to be put in place. We outlined several goals we would like to see this position achieve. We talked about this person being available for the village residents, but we wanted to ensure it was outreach to everyone. Moving forward this position would be a point person and work in coordination with the council to ensure that the communication is accurate and consistent. That we would roll out information in a very forthright way. This person is not to be connected to the council and would have more latitude being able to disseminate information for example in small neighborhood meetings and such.

President Jeff Hodges - we do not need to convince anybody. We just want to make sure people are educated and have all their questions answered. The committee met for a year publicly before giving the council their recommendation.

Trustee Don Palmer - does the outreach include the township officials?

Trustee Kathy O'Connor - one of the most important items the committee felt we were looking for in this person we would contract with would be to develop an outreach strategy. We as a council will review that and make sure it is reaching the audience it needs to reach in the way it needs to reach an audience. We look to that person for a well-advised strategy rather than responding to viral comments.

President Jeff Hodges – The whole community is important, but my main concern is to do what is best for the village.

Village Manager Chris Brown - I wanted to clarify one thing for the general public the difference in our two forms of government. Our council is a legislative body only. No one individual council person is empowered to do anything on their own; the council has to appoint people to do those items for them.

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

C. Height Requirements in the C3 District.

Motion by Palmer, supported by Griffis to direct the Planning Commission to change the Zoning Ordinance 99-8, Section 12.04, the C-3 District Regulations, Maximum Height from 35 feet to 47 feet.

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

D. Equipment Disposal.

Consensus is to allow the Village Manager to move forward with the disposal of the equipment.

E. Bid Review for 330 South Hancock Street.

Chris Brown, Village Manager read the (3) Bids received and opened by the Village Clerk Rande Listerman at noon for 330 South Hancock St.

Trustee Dan Nugent - a lot of information we need to go over. I would like to make a motion to postpone.

Motion by Nugent, supported by Palmer to postpone review of the bid for 330 South Hancock Street until September.

Discussion was held.

Trustee Kathy O'Connor – I concur with Dan this was all unexpected and this is a lot to digest.

Trustee Dan Nugent – I would like to see the plan.

President Jeff Hodges – the only problem is when we sent it out for bid, we did not ask for plans. The council did agree on the bid request process.

Trustee Dan Nugent – when I voted to put the old police station up for bid, I did not know it was going to be contingent on the sale of another property.

Trustee Kathy O'Connor – it did not sound like a bid it sounded like an ultimatum.

Village Manager Chris Brown – it is a bid with a contingency.

Trustee Michelle Angell-Powell – as far as the Planning Commission this is a dream of ours and obviously it encompasses the Chamber. It is the highest bid. It is what we dreamt about at the Planning Commission, they are local, and they put their money where their mouth is and they also have a hotel that is not a chain. What is our next step? How will the discussion take place? I want to make sure we have a plan for the next meeting.

President Jeff Hodges – we cannot go back and ask them for more information. We would have to ask all (3) Bidders if we changed it in the middle, that is not good.

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

Motion by Angell-Powell, supported by Bluhm to approve the bid from Pentwater Enterprises LLC, for Parcel No. 044-681-002-00 at 330 South Hancock Street (former Police Station), in the amount of \$215,000 which includes a 2-year lease for a portion of the building to the Pentwater Chamber of Commerce at \$250 a month. The intention of Pentwater

Enterprises, LLC is to provide the Village with preliminary exterior elevations and a term sheet in the coming weeks with the goal of also signing a purchase agreement for Parcel No. 044-676-001-00 at 327 S Hancock St. (former Village Hall), to develop a Boutique Hotel and Destination Restaurant subject to the terms of the purchase agreement.

Discussion was held.

Trustee Jared Griffis – this is what we want but there are no guarantees moving forward.

Attorney Brian Monton – in the motion make the acceptance of the bid subject to acceptable purchase agreement terms.

Trustee Dave Bluhm – felt this was a win-win. It is a reputable developer and they are accommodating the Chamber. I think this is a good deal.

President Jeff Hodges – it does check the boxes and it gives the Chamber a home.

Trustee Dan Nugent – is concerned about the loss of the Chamber.

Trustee Michelle Angell-Powell – the chamber can have a space in my building.

Trustee Dan Nugent – asked if Trustee Angell-Powell would sell the Chamber space.

Trustee Michelle Angell-Powell - stated she already offered them a space.

Roll Call Vote: Yes: Angell Powell, Bluhm, Griffis, Palmer and Hodges.

No: Nugent and O'Connor. Absent: 0. Motion approved 5 - 2.

XIV. PUBLIC COMMENTS:

Paula DeGregorio, 270 Sands St. – The digital sign downtown just states go to the village website. If we are not going to use the sign let's get rid of it.

Ron Beeber, 605 E. 6th St. – Even putting the old police station on the tax rolls will generate some revenue for the village. You can take some of those funds and place it into promotions, that can help the Chamber.

Richard Raffaelli, 975 96th Ave. Shelby Township – Apologize for the late letter sent only to (5) Council members. I love Pentwater Village. I am a fan of Pentwater. I am fan of the process being transparent and having the right data. I feel the report is flawed and has missing data. I am the Supervisor for Shelby Township. So, I am all about letting the people decide. I think your report is a great report and a great start, but it is missing data. I would encourage you to hire a consultant to put together the financial data. The process creates complexity and there is a cost to that. Simplicity of the new city and the government. I think you have understated Proposition 2 with the cost of elections with the early voting. You have not taken in the cost of changing signage. Grants are not as rosy with your size of population. I am not part of any group I am completely opposed to the group that is asking people to boycott the businesses in Pentwater.

Jean Russel, 5545 Wayne Rd. – about your highest bidder, the highest bid included two buildings 327 and 324. If you figure the other bids were for 324. The highest bid was just \$65,000 more for 327. Was it really the highest bid in terms of property.

Frank Galante, 270 Sands St. – they probably want the chamber building because it is across the street from their future construction site. I apologize to all of you I came here to complain. For the past two days the Pentwater Yacht Club has been using the back half of the Village Green as its private parking lot. I do not know what kind of influence the Pentwater Yacht Club has on our Village authority to be granted this privilege. It is unfair to all the rest of us that use the Village Green. It is a public space. Today, I was at the Farmers Market I saw at least two vendors that had to move. The people that parked on the Village Green are not invalids, they can park on the street like the rest of us do and walk to their destination.

Carl Schruppf, 214 S. Wythe St. – thank you for the parking signs. I did not have to play parking attendant this weekend. I do appreciate that. Every government process has an option for clarification. Just because you received a bid does not mean you must accept it. Finally, the township is holding another Q & A on Thursday, from 6 to 8 P.M. at the Baptist Church.

XV. COUNCIL COMMENTS:

Trustee Don Palmer – I have asked this before can we have a spreadsheet on the Village Council contacts and committee assignments. What is the status on the repair of the alley way near the cardboard recycle bins.

Trustee Kathy O'Connor – I wanted to state that the Short-Term Rental committee took a summer hiatus since we all have guests. We are planning on reconvening in September. The committee has out on the website a SWAT analysis that we have invited the public to view and add to it if they so wish. The SWOT analysis says what are the strengths, opportunities, threats, and weaknesses of having short-term rentals. We invite you to look at this and add to it. Additionally, there is a grid on the website from the surveys we have taken of 17 other communities on the west shore of Lake Michigan what are their short-term rental policies and penalties are in their municipality. Please take time to look at the information.

Trustee Don Palmer – I would hope the short-term rentals effect on the school population year-round will also be look at.

Trustee Dan Nugent – *Read the following letter into the record.* I had the honor during these past few weeks of being one of the individuals singled out through a few email blasts and social media outlets. I have been called many names during the 41 years I've called Pentwater my home. Many labels have been attached to my name. I was a "Village Kid", growing up here and running the streets from sunup to sundown. I was a "Pentwater School Student", Stepping through the West end doors and running out the East end doors 12 years later. I was a "bus boy", a "dishwasher" a "bartender", a "server" at both the historic Nickerson Inn and The Gull Landing. "Pizza Oven Master" is what Tom and Shelly used to refer to me as while spending long summer days and nights working at the Point Wine and Deli.

Coming back every summer through the college years I heard "workaholic", and "College boy". Then when my girlfriend (soon to be my wife), Laura and I were finishing up in

Kalamazoo and trying to figure out if a permanent move back to Pentwater to take a major role in our family business as a third-generation family owner/operator was the right choice for us, I was called "crazy". We made the move anyway and 17 years after settling in my hometown after never missing a Pentwater Summer, I found myself labeled as Husband, Father, Business Owner, Entrepreneur, Community Supporter, and Trustee.

These last couple weeks have offered up two new labels, both "Developer" and "Landlord" per emails and letters to the editor of our local news publications. I guess if by "Developer", they mean someone who rehabilitates and renovates historic buildings, bringing to them new life and creating retail space for our family owned and operated businesses, while appreciating and salvaging as much of their historic content and aesthetic as possible, then I'll wear the developer badge proudly. The Landlord label is interesting, out of all the space my family owns and operates in downtown Pentwater, we do lease out a 600 sq/ft space to another local family who has brought a very desirable business to our community. With almost 200 Golf Carts currently permitted and the hundreds of camp sites in the Village and Township, a Camping Store and Golf Cart rental/ repair shop would be considered a necessity. It's obvious that these two labels were meant to demean and tarnish my name and my family's reputation, to evoke fear of me and the decisions I might make, but considering the source, and the negativity and misinformation they spread, I choose to see a better and more positive meaning, and so have my community of family and friends.

If you would like to boycott the small family-owned businesses that my family and other local families own and operate in beautiful downtown Pentwater, often working 7 days a week and long days, I cannot stop you. That is your right as a consumer. I would however beg you to educate yourselves on the topics in question, ask all the questions, demand the information you seek. Please do not just take your neighbors' word that what they believe to be accurate information, actually is, without doing your own research.

I cannot imagine a scenario, under any circumstance, where I would threaten my fellow community members by saying things like, "I won't volunteer at the school for concessions during sports events, or I won't donate to the Rec Program, or I won't support the local hard working business owners." All because I feel like I am not getting my way, and throwing a fit because I don't agree with someone else. My family will continue to support and donate both time and money to local charities, 5K races, sports programs, school functions, and any other needs that we can within our means, no matter what you choose to believe or how you choose to think of us and support the things we are working so hard to accomplish in our hometown.

I can assure you that my opinions, my standards, my ethics, my vote, will not be bought or skewed or easily waived. I will not be bullied. This is my home, my family and friends live here, my fellow business owners and many alumni live here, so many more friends and families we have grown such strong personal relationships with visit here year after year, some are finding ways to move here and get involved on a positive level within our community. I found myself in this seat as a council member because all of you believed in me and trusted me to make decisions based off information, facts, and research, knowing that my vote would always be what is best for our community as a whole. What is best for everyone, not just a select group of people or interests. I hope that everyone who entrusted

me with a seat on our council knows these things and continues to believe in me as much as I believe in our Village, our Township, our community as a whole.

My vote to continue on with the possibility of the Village becoming a city was to continue the research, the accurate information, the conversations, about what would be best for all of us. made it very clear at our July meeting that I believe this decision is best made in the hands of the resident voters, after any and all information has been gathered, compared, and presented. That is my exact stance currently on the matter.

As for the keyboard warriors, the guys putting all their energy into divisiveness, brewing negativity, and distrust, I will combat all of your negative energy and behaviors with positivity and knowledge. You have only inspired me to work harder, to stay positive, and see with my own two eyes the challenges and possibilities that lie ahead. You have helped continue to flare up an already blazing flame inside of me to accomplish more, create more, and dream bigger, so for that I thank you.

I hope these words give you a glimpse of who I am, what I stand for and why, the struggles and challenges that I face on a daily basis, and exactly where my decisions will come from. Pentwater is my heart, and my heart belongs to Pentwater. Those of you that know me already know that, and I hope those of you that don't know me would take a chance and have a conversation with me, before taking on as truth someone else's incorrect assumptions.

Trustee Michelle Angell-Powell – I could not agree with Dan Nugent more in my life and we do not always agree but we try hard to work together. I also wrote a letter very similar to Dan's. I am disappointed we are not working harder together. I am disappointed in the keyboard warriors that loved to spread fear and misinformation. I beg you to have a conversation with us or the committee members that are working on this issue. The council works hard, it is not a glamorous job, it has affected my health, family, and work. It is easy to sit behind a keyboard and be a bully and not get involved. Step out of the shadows and ask questions. If I don't have the answer or the committee does not have the answer, we will find you someone with the correct answer. We know it is a process and it is not simple, we have known this for years and years. That is why we are in this exploration process, and we will unearth what is there. Thank you.

Trustee Jared Griffis – Thank you for your comments, Dan. I also felt a little demoralized this past week, but we must look at the bigger picture. As a council we assign the work to the committees, and they do the footwork most of the time we accept their recommendation and move forward. In the case of the City Feasibility Committee who met for a year on this issue, the council felt it would be foolish to throw their work away. We needed to put this in the hands of the voters.

Trustee Kathy O'Connor – I would like to add one more thing. About the recommendation to the Council to pursue the city form of government. The City Feasibility Study Committee worked at the direction of the Council under Claudia's leadership to research and determine what the pros and the cons were of a city form of government and to make that recommendation to the Council. It was the first of many steps and it was to answer the

question, are there enough pros versus cons to move forward? The City Feasibility Study was never meant to be the alpha and omega on the city form of government. It was a recommendation from a citizens' group saying to the council we believe as a group of citizens there is enough here to move forward, and the council needed to take the next steps to validate and decide how to move forward. I want people to understand we never wanted that report to be the end all be all. It was the work of citizens researching the pros and cons.

Trustee Don Palmer – I hope all citizens will join my wife and I this Thursday at the Baptist Church.

XVI. CLOSED SESSION

None.

XVII. ADJOURNMENT

President Jeff Hodges adjourned the meeting 7:45 P.M.

Respectfully submitted,

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

Date