

JULY 25, 2023 – EMPIRE VILLAGE COUNCIL REGULAR MEETING

The Regular meeting was called to order at 7:00 p.m. and the Pledge of Allegiance led by Palmer at Empire Township Hall. Upon a roll call, Council members Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb, Treasurer Acton, and Clerk Smith were present.

CHANGES/ADDITIONS TO AGENDA – Street Light Procedure was removed from the Consent Agenda and added Old Business. 7/13/23 Draft Minutes were removed from the Consent Agenda and added to New Business.

ADOPTION OF AGENDA - Motion by Dye, support by Webb to approve the agenda as amended. Upon a voice vote, MOTION PASSED.

PUBLIC COMMENTS ON AGENDA ITEMS – None.

CONSENT AGENDA – Motion by Dye, support by Walton to approve the Consent Agenda including bills totaling \$19,424.28. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.

FINANCIAL REPORTS – Financial reports were received and indicated that the Treasurer's Cash Balance by Fund report and the Clerk's Cash Summary by Account report agree.

COMMUNICATIONS – Communications received included an opinion from Attorney Figura on the Short Term Rental regulation; Kaye Evans regarding sidewalk repair (read aloud); Barb Ludlow regarding outlet (read aloud); Kevin Bronkhorst regarding outlet public access. All were included in the packet.

DEPARTMENT HEAD REPORTS – Reports from DPW Superintendent Friend and Zoning Administrator Hall were received and read aloud. Gratitude was expressed to Dye for making sure the donated tree at Shalda Park was replaced. Palmer reported the new target date of 7-27-23 for the BP opening and several emails regarding a FOIA request.

COUNCIL MEMBER/COMMITTEE REPORTS – None.

OLD BUSINESS

CONVERSATION WITH COUNCIL TIMELINE AND DISCUSSION POINTS – Motion by Dye, support by Walton to accept the rules to for a Meet and Greet, the document/flyer /email blast to move forward with a meeting on August 10, 2023, prior to the Village Council Work Session. Concern was expressed regarding the format and posting proposed. This motion was rescinded. **Motion by Bacon, support by Rademacher to approve the Clerk's office posting a Special Meeting for the purpose of a Meet and Greet at 6:30 p.m. prior to the August Work Session on 8-10-23. Upon a voice vote, MOTION APPROVED.** **Motion by Bacon, support by Rademacher to approve the Rules for Conversation with Council, provided by Palmer and in the packet, for the Meet and Greet event on 8-10-23 and shall apply to all such meetings in the future. Upon a voice vote, MOTION PASSED.**

TRASH CANS FOR SHALDA PARK - Motion by Dye, support by Rademacher to approve the purchase of Glasdon trash cans, with the addition of logos, for Shalda Park not to

exceed \$1K. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.

SHALDA PARK INTERPRETIVE SIGN - Motion by Dye, support by Walton to approve the ordering the sign from Image 360 not to exceed \$400 and QR narrative to be read by Anne Marie Oomen and Norm Wheeler. It was noted that permission was granted for the use of names included in the sign and QR code. **ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

QUOTE FOR ENGINEERING WASTEWATER FEASIBILITY STUDY – Motion by Rademacher, support by Dye to approve the Proposal from H. Luzius Engineering to Upgrade the Original Feasibility Study for Centralized Treatment System and Drain Field not to exceed \$2500, once the previous study is received by the Village and the proposal is made to the Village rather than the Empire Business Association. There was discussion of the possible scenarios of the properties included, possible technology to be utilized and what would be turned over to RCAP. There was extensive discussion over how the Council might compare the old and new study until the previous study has been received by the Village. Copies of the previous study have been requested, but not received. Rademacher will repeat that request to Paul Skinner. **Ayes: Bacon, Dye, Palmer, Rademacher, Walton, Webb. Nays: Chase. MOTION PASSED.**

APPROVAL OF COMMUNITY ENGAGEMENT PURPOSE, POSTING OF CITIZENS TASK FORCE APPLICATION INFORMATION - Motion by Bacon, support by Dye to send this issue to the August work session. Bacon felt the reason to move to the August meeting was to answer the basic question: What is the purpose of this task force and what will they do? **Upon a voice vote, MOTION PASSED.**

VILLAGE OFFICIAL LOGO - Motion by Bacon, support by Rademacher that the President make a note to add the purchase of t-shirts and jackets for all employees to the next fiscal budget. Upon a voice vote, MOTION PASSED. Motion by Bacon, support by Dye to request the Personnel Committee work on a uniform policy to be added to be added to the Employee Handbook. Upon a voice vote, MOTION PASSED.

STREETLIGHT PROCEDURE – Motion by Bacon, supported by Rademacher to approve the proposed procedure for Village Council to Address Streetlight Requests. There was extensive discussion of the Draft Procedure regarding Purpose and Requests for Service and several questions. **Motion rescinded.** Bacon offered to incorporate the changes or clarifications discussed and bring it back to the Council at the August work session.

NEW BUSINESS

MASS GATHERING ORDINANCE REVIEW - There was discussion of the waiver of fees for some non-profits and not others when there is an increasing cost to the Village to host such events. A different or graduated fee schedule was suggested, along with, questions on how this might be addressed in the ordinance and the impact on public infrastructure and personnel. The ZA comments on the process were reviewed and it was noted that the current ordinance will be in effect for events with pending applications. **Motion by Bacon, support by Dye to schedule a Public Hearing at the August 22nd Regular Meeting on the changes suggested by the Attorney Figura. Upon a voice vote, MOTION PASSED.**

REVENUE AND EXPENSE REPORT REVIEW – Motion by Dye, support by Webb to schedule this report for the Regular Meeting following the previous month end. There was discussion, questions and continued confusion over the information contained on the date the report is printed. **Upon a voice vote, MOTION PASSED.**

APPROVAL OF MINUTES OF 7-13-23 – Motion by Bacon, support by Palmer to change the minutes to reflect a change in the time of adjournment from 8:38 to 9:38 p.m., and that the Clerk asked about the placement of the porta-john. Upon a voice vote, MOTION PASSED. Motion by Palmer support by Dye to change Palmer’s report under Department Head from FOIA Request to Attorney Contact. Upon a voice vote, MOTION PASSED. Motion by Bacon, support by Dye to approve the minutes of 7/13/23 with the corrections and addition as noted above. Upon a voice vote, MOTION PASSED.

PUBLIC COMMENT – Todd Avis commented on the retention of audio recordings of meetings and on the Village entrance signs. Margaret Ellibee commented on posting the audio recordings on the website. Terry Bacon asked who owns the Village Logo and if there may be a copyright or a trademark issue. He also commented on fees that may be charged for Mass Gatherings and on the portion of his FOIA request as a handout by the President, rather than his request in its entirety. Palmer requested he wrap up his comments as it has been 3 minutes. There was disruption by the audience and a point of order was called by Trustee Bacon regarding inconsistencies in the time allowed per speaker. Palmer allowed Mr. Bacon to complete his comments on his FOIA request. He noted that to date the President has not disagreed with anything said in those emails he has sent regarding his FOIA request. Jeff Hemingway commented on the US Supreme Court’s opinion on shore walking and questioned whether additional parking lines will be repainted as they are difficult to see.

COUNCIL MEMBER COMMENT – The Clerk repeated her question regarding the placement of the handicap bathroom at Shalda Park for accessibility by individuals using a wheelchair. Dye reported that the DPW will move the bathroom once the grass has come in better along the trail and it will be placed adjacent to the paving.

ADJOURNMENT at 8:51 p.m.

Derith Smith Empire Village Clerk

These minutes were approved at the August 10, 2023, Council meeting.