

**EMPIRE VILLAGE COUNCIL WORK SESSION**  
**June 13, 2024 @ 7 PM**  
**Empire Township Hall - 10088 W. Front Street**

**AGENDA**

**A. CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE**

**B. ROLL CALL**

**C. CHANGES OR ADDITIONS TO THE AGENDA**

**D. ADOPTION OF THE AGENDA**

**E. PUBLIC COMMENTS ON AGENDA ITEMS**

**F. COMMUNICATIONS**

**G. DEPARTMENT HEAD REPORTS**

**H. COUNCIL MEMBER / COMMITTEE REPORTS**

**I. OLD BUSINESS**

- 1) Approve Minutes: Regular Meeting 05/28/2024
- 2) Mass Gathering Application Fee (Palmer)
- 3) Wade Trim Proposal - Sanitary Sewer System Economic Impact Analysis (Palmer)
- 4) Short Term Rental Update and Next Steps (Dye/Walton)
- 5) Beach Parking Fees (Dye)

**J. NEW BUSINESS**

- 1) Wastewater Study Update Task Force - Resignation and Appointment (Palmer)
- 2) Temporary Outdoor Use Application Requests – Beryl Days (Dye)
- 3) Temporary Outdoor Use Application Requests – Anchor Days (Dye)
- 4) Water Rate Presentation Request – Michigan Rural Water Association (Rademacher)
- 5) Review of Master Plan Update and Development Planning (Bacon)
- 6) Sunset the New Village Office Committee (Bacon)
- 7) Master Plan / Development Planning Steering Committee Member Appointments (Bacon)

**K. PUBLIC COMMENT**

**L. COUNCIL MEMBER COMMENT**

**M. ADJOURNMENT**

## **May 28, 2024 – EMPIRE VILLAGE COUNCIL REGULAR MEETING**

### **PUBLIC HEARING – MASS GATHERING ORDINANCE**

Palmer opened the Public Hearing at 7:00 p.m. and requested a roll call. Council members Bacon, Chase, Dye, Palmer, Rademacher, and Walton were present. Webb was absent and excused. Public comment was heard from Terry Bacon regarding the fees charged. Frank Clements commented on data required or utilized for the ordinance. Margaret Ellibee commented on a process for evaluating a waiver as a 501c3. The Public Hearing was closed at 7:07 p.m.

The Regular meeting was called to order at the Empire Township Hall and the Pledge of Allegiance was led by Palmer at 7:07 p.m. Upon a roll call, Council members Bacon, Chase, Dye, Palmer, Rademacher, and Walton were present. Webb was absent and excused. Clerk Smith and DPW Superintendent Friend were also present.

**CHANGES/ADDITIONS TO AGENDA** – Dye requested that Budget Amendments be considered under Financial Statements.

**ADOPTION OF AGENDA - Motion by Bacon, support by Rademacher to approve the agenda. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton. Nays: None. MOTION PASSED.**

**PUBLIC COMMENTS ON AGENDA ITEMS** – Terry Bacon commented on parking fees, the use of such revenue, and requested a reading of the summary of his communication.

**CONSENT AGENDA – Motion by Dye, support by Rademacher to approve the Consent Agenda including minutes of the 5/9/2024 Work Session, 5/16/24 Special Meeting, and Bills totaling \$21,203.45. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton. Nays: None. MOTION PASSED.**

**FINANCIAL REPORTS** – April Cash by Fund reports from the Clerk and Treasurer were received. Totals from each indicate that the general ledger and the bank statements agree. Budget Amendments required for the new office purchase were reviewed. **Motion by Dye, support by Chase to approve the amendments recommend by Smith (handout). ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, And Walton. Nays: None. MOTION PASSED.**

**COMMUNICATIONS** – Dye read a letter from Frank Clements regarding a Short Term Rental. Palmer read the summary portion of a letter from Terry Bacon regarding a Short-Term Rental.

**DEPARTMENT HEAD REPORTS** – The report from the DPW was reviewed by Friend.

**COUNCIL MEMBER / COMMITTEE REPORTS** – Dye reported a STR committee meeting is scheduled tomorrow, 2 p.m. at the library.

### **OLD BUSINESS**

**APPROVE MASS GATHERING ORDINANCE - Motion by Walton, support by Dye to approve Ordinance #119 (replacing the entire previous version) with the deletion of the second sentence of section 3.3.** Discussion included the fee amount and the legal opinion pointing out the risks of a waiver. **ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer,**

**Rademacher, Walton, Webb. Nays: None. MOTION PASSED.** There was consensus to discuss the fee at the next work session.

**RENOVARE CONTRACT CONTINUATION – Motion by Bacon, support by Dye to approve the agreement with Renovare including the changes to the proposal.** Discussion included a review by Bacon of the new scope of work detailed in a provided handout. **ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, and Walton. Nays: None.**

#### **NEW BUSINESS**

**BEACH PARKING FEES – Discussion included the regulatory ordinance and a correlation between the fee and service provided. Motion by Dye, support by Walton to move this to the June Work Session. Upon a voice vote, MOTION PASSED.**

**PERSONNEL POLICY – Motion by Walton, support by Chase to approve the Employee Shirt and Sweatshirt Agreement with signed consent in Personnel files, and addition of the PPE Policy to the Personnel Policy. Upon a verbal vote, MOTION PASSED.**

**SOUTH BAR LAKE WATER TESTING – Motion by Chase, support by Bacon to approve the continued monitoring at South Bar Lake beach. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton. Nays: None. MOTION PASSED.**

**APPROVE PLUMBER BID – Motion by Bacon, support by Rademacher to approve the proposal from Westshore Plumbing not to exceed \$1700. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton. Nays: None. MOTION PASSED.**

**EXTEND END DATE – WASTEWATER STUDY UPDATE TASK FORCE – Motion by Rademacher, support by Dye to extend the end date until August 2024. Upon a voice vote, MOTION PASSED.**

**ASSET MAPPING SOFTWARE FOR DPW – Motion by Rademacher, by Dye to approve \$571 from the Water Fund for one year of Silversmith software. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, and Walton. Nays: None. MOTION PASSED.**

**PUBLIC COMMENT – Linda Young commented on civility and public participation. Steve Weller commented on letters allowing attacks being read at meetings. Frank Clements commented on a response to his letter regarding Short Term Rentals.**

**COUNCIL MEMBER COMMENT – None.**

**ADJOURNMENT** at 8:47 p.m.

Derith Smith Empire Village Clerk

*These are draft minutes for approval at the June 13, 2024, Council meeting.*

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Meeting: June 13, 2024 – Work Session

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Subject: Mass Gathering - Application Fee

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Author: Sue Palmer

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Overview:

Council approved the Mass Gathering Ordinance, at our Regular Meeting on May 28, 2024, with a change in the 3.3 Application Fee as follows:

3.1 Application Fee.

Each application for a mass gathering permit shall be accompanied by a non-refundable fee in an amount established from time to time by the Village Council as established in the Village Fee Schedule. ~~Applicants who are non-profit entities with 501(c)(3) tax exempt status may request waiver of the event fee by submitting a Non-Profit Mass Gathering Fee Waiver Application along with the required Mass Gathering Application.~~

Council agreed to talk about the application fee at our June Work Session.

Action Requested

I am requesting a change to the fee that we currently assess for a Mass Gathering Permit. The current fee for the permit \$1,500 for all requests. Many townships in Michigan charge a Non-Profit or Profit Fee. Is this something that we might want to consider?

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Meeting:	June 13, 2024 – Work Session Meeting
Subject:	Wastewater Study Task Force – Proposal from Wade Trim
Author:	Sue Palmer

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**Overview:**

The Wastewater Study Update Task Force has interviewed several companies to provide an Economic Impact Study per their charge. The only company that meets our Budgeted amount is from Wade Trim. See their proposal, attached.

**Action Requested**

Council to discuss and prove the proposal from Wade Trim.



Wade Trim, Inc.  
10850 E. Traverse Highway, Suite 2260 • Traverse City, MI 49684  
231.947.7400 • www.wadetrim.com

May 2, 2024

Village of Empire  
10088 West Front Street  
P.O. Box 253  
Empire, MI 49630

Attention: Paul Skinner  
Chair – Wastewater Feasibility Taskforce

Re: Proposal for Professional Planning and Engineering Services  
Economic Impact Analysis of a Proposed Sanitary Sewer System  
Village of Empire, Leelanau County, Michigan

Dear Paul:

We are pleased to submit this professional services proposal to the Village of Empire to support its efforts to analyze the potential economic impacts related to the installation of a proposed sanitary sewer system within the Village. This proposal is based upon our understanding of the scope of work, which was developed through discussions and email and voicemail correspondence between yourself, representing the Village of Empire Wastewater Feasibility Taskforce, and Arthur F. Mullen, AICP.

## PROJECT SCOPE

Wade Trim (WT) proposes the following Project Scope items:

- **Task 1: Analysis of Potential Funding Alternatives:** WT will outline various options available for local units of government to fund the development of new sanitary sewer systems. Special attention will be given to the development of smaller systems that would be comparable in size and number of users with the Village.
- **Task 2: Evaluation of Proposed Sanitary Sewer Systems:** WT will evaluate three sewer system development scenarios as described in the 2017 Gosling Czubak Preliminary Engineering Report titled Wastewater Feasibility Study, Village of Empire, dated October 10, 2017 and the Chamber of Commerce's Village of Empire Feasibility Study for the Community Sanitary Sewer Collection and Treatment System by H. Luzius Engineering, LLC, dated November 16, 2023. WT will assess three of the proposed solutions: 1) Scenario 2 of the Gosling Czubak proposal, and Scenarios C and D of the Luzius proposal. We would analyze each of the three scenarios and confirm their cost estimates including providing the costs related to operation of the system and average annual costs per commercial/industrial and residential user. The affordability index for residential sewer service customers (cost of annual sewer service at or below two percent of the Village's median household income is deemed affordable) will be calculated for each of the three systems.
- **Task 3: Potential Impacts of Redevelopment/Development Sites:** WT will analyze three potential redevelopment/development sites selected by the Village and evaluate the impact of the installation of sanitary sewer at those locations. These three locations are:
  - 1) 10017 W. Front Street (former Empire School)

- 2) 11712-11738 S. Lake Street (former lumber mill/hardware store)
- 3) Parcel 041-824-015-30 (workforce housing site).

We will analyze these sites with the following scenarios: 1) a single development scenario based upon adaptive reuse of the former school; 2) two development scenarios for the former lumber mill/hardware site of differing uses and densities; and 3) a single moderate density workforce housing scenario for the third site. Potential number of permanent jobs, tax revenue, and overall economic impact of each of the four scenarios upon the Village will be estimated.

- **Task 4: Final Report:** WT will prepare a final written report summarizing the analysis and conclusions from Task 1 through 3 and will deliver the report to the Village of Empire Wastewater Feasibility Taskforce. Final deliverables will include an electronic copy (Adobe PDF format) of the final Economic Impact Analysis report and all applicable support materials developed during Tasks 1-3.

For this project, we will require the Village of Empire to provide to Wade Trim a property ownership layer in Geographic Information Systems (GIS) format and the Village's most recent assessing roll in spreadsheet format (Microsoft Excel compatible).

## FEES

We propose to complete the above-described scope of work for a **Lump Sum Fee of \$12,000**. This fee is broken down by task in the table below. Please note, we have included the cost for two additional tasks for the Village's consideration. In-person meetings with the Village will be billed at a flat rate of \$500 per meeting.

Task	Description	Lump Sum Amount*
<b>EMPIRE SANITARY SYSTEM ECONOMIC ANALYSIS</b>		
1.0	Analysis of Potential Funding Alternatives	\$2,000
2.0	Evaluation of Proposed Sanitary Sewer Systems	\$5,500
3.0	Potential Impacts of Redevelopment/Development Sites	\$4,000
4.0	Final Report	\$500
<b>Total Fee</b>		<b>\$12,000</b>

Task	Description	Lump Sum Amount*
<b>ADDITIONAL SERVICES</b>		
1.0 - B	Bond Projections and Revenue Alternatives	\$2,500
2.0 - B	Public Engagement and Alternative Refinement	\$2,500
<b>Total Fee</b>		<b>\$5,000</b>

Our cost for additional effort not included in Project Scope items will be billed on a Time and Material Basis or a mutually agreed upon fee.

## INVOICING PROCEDURE

All effort and cost will be invoiced monthly for our effort to-date. Payment of invoices is expected within 30 days. Any disputes in the invoice amount will immediately be brought to the attention of

Wade Trim. Wade Trim reserves the right to stop work when accounts receivable reach 60 days. All deliverables are the property of Wade Trim until payment obligations are met.

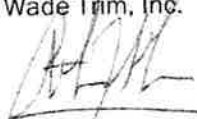
## SCHEDULING

At this time, we are prepared to commence with the work upon receiving receipt of written authorization to proceed. Once authorized, project completion is expected within approximately ninety (90) days.

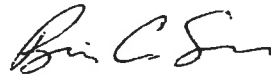
We look forward to working with you on this important project. If you have any questions, please do not hesitate to contact our office.

Very truly yours,

Wade Trim, Inc.



Arthur F. Mullen, AICP  
Professional Planner/Project Manager



Brian C. Sousa, PE  
Area Lead

AFM:BCS:lkf  
AAA 8140-24  
20240502\_Skinner-Ltr.docx



## Village of Empire Council Meeting Documentation

Date: June 5, 2024

Work Session

Meeting Date: June 13, 2024

Subject: STR Special Committee

Author: March Dye

### **Overview:**

The Council asked the STR Committee to try to come to some kind of agreement concerning a STR Ordinance.

The Committee met on May 29 and agreed on two points:

1. There are approximately 60 STRs in the Village at the present time.
2. We agreed by a majority (3-1) that a Cap of 14% would be acceptable. This is excluding the STRs in the M22 Corridor and the Front St. District since they are already in a commercial district. There are 14 STRs in these two districts. That would bring the number of STRs to be included in the 14% down to 46. There are 373 residences in the Village according to the township assessor as of 5/7/24. 14% of 373 is 52. This leaves 6 for new STRs or for STRs that we missed.

We could not agree as to which of the two ordinances presented at the last meeting was in the best interests of the Village. In both ordinances owners who previously STRented their property will be allowed to continue doing so as long as they fulfill the requirements of the ordinances.

### **Discussion:**

The two ordinances are attached.

What are suggestions from the council on how to move forward?

VILLAGE OF EMPIRE  
LEELANAU COUNTY, MICHIGAN  
ORDINANCE NO. XX OF 2024  
SHORT TERM RENTAL ORDINANCE

AN ORDINANCE PURSUANT TO PUBLIC ACT NO. 3 OF 1895, MCL 67.1 AS AMENDED, TO REGISTER, LICENSE AND REGULATE SHORT-TERM RENTALS WITHIN THE VILLAGE OF EMPIRE TO INSURE THE PUBLIC HEALTH, SAFETY AND WELFARE AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF.

THE VILLAGE OF EMPIRE ORDAINS:

**Section 1. Definitions.**

As used in this Ordinance:

**“Agent”** means person, firm or agency authorized to represent the Owner of the tax parcel on which a STR is located in the Village.

**“Bed and Breakfast Establishments”** means any owner occupied dwelling unit used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for compensation.

**“Bedroom”** means a separate room or space used or intended to be used for sleeping purposes.

**“Cap”** means the maximum number of Short-Term Dwelling Units allowed within the Village limits.

**“Dwelling Unit”** means a building or portion of a building, either site-built or manufactured off site and placed on site which contains sleeping, living, cooking, indoor sanitary facilities meeting health department rules and located under one roof, and can accommodate one family, either permanently or transiently. In the case of buildings which are occupied in parts the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

**“Dwelling, Accessory”** means a dwelling unit accessory to a single-family residence or commercial use, located either in the principal structure or an accessory building, such as a garage. An accessory dwelling commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

**“Good Neighbor Guide”** means a document containing guidelines developed by the Village to provide information to STR occupants as to neighborly conduct expected of those transiently staying in the Village, consistent with what is generally expected of all residents.

**“Hotel, Motel or Inn”** means a building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which there are more than five (5) sleeping rooms.

**“Local 24-Hour Contact Person”** means a local Owner or Agent of the owner who is available and authorized to respond to tenant, Village and neighborhood questions or concerns and to take remedial action if necessary.

**“Owner”** means the legal or equitable title holder of the tax parcel on which a STR is located.

**“Occupant”** means an individual over the age of 4 (four)-temporarily residing in a Dwelling Unit or Accessory Dwelling Unit operating as a STR.

**“Short-Term Rental (STR)”** means to permit, provide for, or offer possession or occupancy of a Dwelling Unit or an Accessory Dwelling Unit for commercial use for a period of time less than thirty (30) consecutive days in exchange for consideration.

**“Special Event”** means a gathering that occurs and causes significant disruption to neighbors and the surrounding community.

**“Parcel”** means a parcel of property to which the Property Assessor has assigned a distinct ad valorem property tax identification number.

**“Village”** shall refer specifically to the Village of Empire.

## **Section 2. Applicability**

No STR may occur in the Village unless in conformity with the provisions of this ordinance. This Ordinance applies to all residential Dwelling Units and Accessory Dwelling Units in the Village and to the owners of those dwellings wherein the dwelling is rented for a period of less than 30 consecutive days with the following exceptions:

A. This ordinance does not apply to legally permitted or non-conforming Bed & Breakfasts, motels, hotels or inns as defined in the Village Zoning Ordinance.

B. This ordinance does not apply to rental units wholly contained within a dwelling occupied by an on-site owner.

C. This Ordinance does not apply to a Dwelling Unit or Accessory Dwelling Unit or the owners of said units which will be rented for a total of fourteen (14) days or less per calendar year.

E. This Ordinance does not affect additional or more-restrictive requirements placed on the use of property (or a portion thereof) imposed by deeds, restrictive covenants, association rules, regulations, by-laws, rental agreements, etc.

## **Section 3. License Required**

No owner shall permit or allow a dwelling unit or accessory dwelling unit to be used as a STR nor enter into a STR agreement within the Village without first obtaining a license from the Village pursuant to the requirements of this ordinance.

A. Duration. A short-term rental license shall be valid for the calendar year such license was obtained (January 1 until December 31).

B. Transferability. A STR license may not be transferred from one dwelling unit to another dwelling unit nor from one owner to another.

C. A Cap on the number of STRs permitted in the Village shall be set by the Village Council.

#### **Section 4. Registration and Fee Requirements**

An Owner seeking a license under this Ordinance shall submit a complete registration to the Village Zoning Administrator or his/her designee and pay such fee determined from time to time by resolution of the Village Council. The Registration shall be on a form prepared by the Village and shall, without limitation, include all information reasonably necessary for the Zoning Administrator or their designee, to determine whether the applicable standards for approval have been met.

#### **Section 5. Standards of Approval.**

The Zoning Administrator or their designee shall approve, or approve with conditions, a registration for a STR License only upon a finding that the dwelling unit complies with all of the following applicable standards:

**A. Maximum Overnight Occupancy** - Maximum overnight occupancy for STR shall be up to a maximum of two (2) persons per sleeping room or bedroom , plus two (2) additional persons per property, up to a maximum of twelve (12) persons, excluding children under four (4) years of age.

**B. Per Parcel Limit on Number of Dwelling Units.** Only one dwelling unit/ accessory dwelling unit shall be used as a short-term rental per parcel, except that when a parcel lawfully contains more than one dwelling unit/accessory dwelling unit, each separate dwelling unit/accessory dwelling unit may be used as short-term rental provided that each such dwelling unit/accessory dwelling unit is separately licensed under this ordinance.

#### **C. Parking.**

The owner shall minimally comply with applicable parking requirements under the Village Zoning Ordinance Section 3.16.1. Boats, recreational vehicles, trailers and similar personal property may not be parked, stored, or used in an unimproved front yard area of the licensed premises.

#### **D. Health, Fire and Safety Codes**

The licensed premises shall meet all applicable health, fire and safety codes at all times. This includes codes related to smoke alarms, carbon monoxide detectors, fire extinguishers, and egress windows. The Sanitary Waste System shall have been permitted by the Benzie-Leelanau Health Department.

#### **E. Designated Local 24-Hour Contact Person**

1. The Owner of a STR must designate a Local-24 Hour Contact Person who has access and authority to assume management of the unit and take remedial measures if necessary.

2. The Owner will provide the phone number of the Local 24-Hour Contact Person to all immediately adjacent neighbors along the subject property's boundaries. An Owner meeting the requirement may designate themselves as the Local 24-Hour Contact Person.

**F. Trash.** Provisions for trash disposal must be provided. Trash must be contained in properly sealed receptacles. There must be no overflow that will be attractive to vermin.

**G. No Special Events** are allowed on STR property.

H. The owner shall provide a renter access to the **Good Neighbor Guide**.

I. **Certification by Owner.** As part of the registration, the owner shall certify that the foregoing standards have been met. The Village may deny or revoke a license if the statements or representations made on the application are determined by the Zoning Administrator/ designee to be false or materially misleading. The applicant may appeal the Village Zoning Administrator's decision to the Village Council.

#### **Section 6. Violations**

A. Violations as Municipal Civil Infractions. Any person who violates any provision of this Ordinance shall be responsible for a Class C municipal civil infraction. Each day that a violation occurs constitutes a separate offense.

B. For a first violation within any calendar year, the penalty is a written notice of violation.

C. After notice and opportunity to correct the first violation further violations within the same calendar year shall be subject to Municipal Civil Infraction Notices, Citation, Actions, and fines as provided in the Village Ordinances 107(Section 5, Subsection A) and Ordinance 149, treating the first such further violation as the first one under such ordinance.

D. Revocation of License. The Village may revoke the STR License for any dwelling or accessory dwelling unit which is the site or subject of at least three (3) separate incidents or violations of this Ordinance (occurring on three (3) separate days) within a calendar year. An owner may appeal a decision to revoke a license to the Village Council within 30 days of the date the written note of revocation was issued.

**Section 7. Enforcement Officials.** The Village Zoning Administrator or his/her designee and law enforcement officials of the Leelanau County Sheriff's Department are hereby designated as authorized officials who are empowered to issue municipal civil infraction notices or citation pursuant to this Ordinance.

**Section 8. Civil Action.** In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the circuit court to abate or eliminate a violation of this Ordinance,

**Section 9. Severability.** If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

**Section 10. Effective Date.**

This Ordinance shall become effective thirty (30) days after publication.

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Sue Palmer, President, Village of Empire

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Derith Smith, Clerk, Village of Empire

Adoption Date:

Publication Date:

Effective Date:



**VILLAGE OF EMPIRE  
SHORT-TERM RENTAL REGISTRATION ORDINANCE  
Ordinance No.**

AN ORDINANCE TO PROVIDE FOR THE REGISTRATION AND TO OBTAIN INFORMATION RELATING TO SHORT-TERM RENTALS WITHIN THE VILLAGE OF EMPIRE.

THE VILLAGE OF EMPIRE ORDAINS:

**SECTION 1: PURPOSE**

The Village of Empire Council finds and declares as follows:

- A. Short-Term Rentals are allowed in whatever districts may allow Single-Family, Two-Family, or Multiple-Family dwellings (by reason of such being dwelling units accommodating one, two, and multiple families, respectively, either permanently or transiently).
- B. The Village has enacted this Ordinance to Register Short-term Rentals and to gather accurate data that may be used to determine if further regulation is needed and appropriate.

**SECTION 2: DEFINITIONS**

As used in this Ordinance:

**Agent:** A person, firm or agency authorized to represent the Owner of Prop # on which a Short-term Rental (STR) is located in the Village of Empire (Village).

**Bed and Breakfast Establishments:** Any Owner occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for compensation.

**Cap:** A limit that may be imposed on how many STR Dwelling Units may be located in all or portions of the Village.

**Dwelling Unit:** A building or portion of a building, either site-built or manufactured off site and placed on site which contains sleeping, living, cooking, indoor sanitary facilities meeting health department rules and located under one roof, and can accommodate one family, either permanently or transiently. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

**Dwelling, Accessory:** A dwelling unit accessory to a single-family residence or commercial use, located either in the principal structure or an accessory building, such as a garage. An accessory dwelling commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

**Fee:** The cost to register a STR as established in this ordinance or amended by the Village Council, by Resolution.

**Good Neighbor Guide:** A document containing guidelines developed by the Village to provide information to STR occupants as to neighborly conduct expected of those transiently staying in the Village, consistent with what is generally expected of all residents.

**Local Contact Person** - A local Owner or Agent of the Owner who is available and authorized to respond to occupant, Village, or neighborhood questions or concerns and take remedial action, if necessary.

**Hotel, Motel or Inn:** A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which there are more than five (5) sleeping rooms.

**Occupant** - An individual transiently residing as a tenant in a STR.

**Owner** - The legal or equitable title holder of the Prop # (or portion thereof) on which a STR is located.

**Property Number (Prop #):** As found in the Property Information section of the Village Tax bill.

**Short-Term Rental (STR)-** A Dwelling Unit or Accessory Dwelling rented for a period of time less than thirty (30) consecutive days, other than a Bed & Breakfasts, Hotel, Motel, or Inn.

**Short-Term Rental Registration** - A Short-Term Rental Registration Form submitted to/filed with the Village.

**Village** - Shall refer specifically to the Village of Empire.

### **SECTION 3: APPLICABILITY**

- A. STR Registration does not authorize rental lodging in a recreational vehicle, camper, or tent.
- B. This Ordinance does not affect restrictions imposed by deeds or contracts.
- C. Notwithstanding any other provision in this Ordinance, registration (or renewal of registration) does not assure continued authorization for locating a STR in the Village, if the Village adopts an Ordinance which imposes a Cap (by whatever means determined). Any such Ordinance may determine if and which existing STRs may continue to be located in the Village.
- D. This Ordinance does not apply to an Owner of a STR that will be rented for a total of fourteen (14) days or less per calendar year.

### **SECTION 4: SHORT-TERM RENTAL REGISTRATION REQUIREMENTS**



A. An Owner shall not locate a STR in the Village without registering the STR with the Village Office, if the STR is rented more than fourteen (14) days per calendar year.

B. Forms for Registration of a STR will be made available through the Village Office and the Village website.

C. Registration will be valid for a period of one (1) year and expire each December 31<sup>st</sup>.

D. A STR Registration Form must be completed by or on behalf of the owner and received by the Village Office. An existing STR may continue in the Village if such a registration is received by the Village within ninety (90) days after the later of (a) the effective date of this Ordinance and (b) notice of adoption of this Ordinance is sent by mail, email, or other adequate means to all listed Owners of Property in the Village. The Registration Form shall include the following:

1. Property Name, Property Address and Property #.
2. Property Owner name, address, phone number, and email.
3. Local contact person's name and phone number.
4. Maximum Occupancy as established by the Owner and if previously used as a STR.
5. Such additional information as may be contained on the Registration Form approved by the Village Council, by Resolution.
6. Signature of Property Owner and date.

E. Year one (1) of this Ordinance will require a Registration Fee of \$25.00 to accompany the Registration Form. Registration is not complete until both the Registration Form and required Fee are received by the Village Office. The Village Council may, by Resolution, change the Fee for STR Registration and post that change on the Village Website, Fee Schedule.

F. The Village will not deny a renewal of an existing STR Registration if the completed renewal Registration Form and Fee are received by the Village on or before the expiration date of the current registration and there are no unresolved violations.

G. The STR Registration shall only apply to the Prop # listed on the completed Registration Form. In the case of a sale or transfer of a Prop #, a new Owner desiring to continue the STR must complete a new Registration Form and pay the Fee within thirty (30) days of the property sale or Closing to continue the STR.

## **SECTION 5: RULES FOR OWNER OF REGISTERED STR**

A. Within thirty (30) days of any change in contact information for the Owner or Local Contact Person, the Owner shall inform the Village of the new contact information.

B. The Owner shall provide renter access to the Good Neighbor Guide before the end of the first day an Occupant rents the STR.

## **SECTION 6: VIOLATIONS**

The following will be considered a violation of this ordinance:

- A. Owner intentionally providing false or misleading material information on the STR Registration Form.

- B. An Owner locating a STR in the Village that is required to be registered, without registering the STR with the Village Office.
- C. Owner failing to comply with updating contact information or providing renter access to the Good Neighbor Guide.

**SECTION 7: PENALTIES** -The penalties for violations of this Ordinance are as follows:

- A. For a first violation within any calendar year, the penalty is a written notice of violation.
- B. After notice and opportunity to correct the first violation, further violations within the same calendar year shall be subject to Municipal Civil Infraction Notices, Citation, Actions, and fines as provided in the Village Ordinances 107 and 149, treating the first such further violation as the first one under such ordinance.
- C. Revocation of Registration
  - 1. After notice and opportunity to correct the second violation, for any further violation within the same calendar year with respect to a single STR unit, in addition to penalties provided above, the official designated to enforce the Ordinance may revoke the registration for that STR unit, in writing, in the absence of the Owner showing good cause for not revoking the registration. A written notice of revocation will be sent to the addresses (mail and email) of the Owner on the current Registration Form (or update). Receipt of the notice of revocation is deemed to occur by the earlier of: (a) the Owner's actual receipt of the notice or (b) five (5) days after the notice is mailed/emailed to the addresses on the most current Registration Form (or update).
  - 2. An Owner may submit a written appeal to the Village Council of a decision to revoke a registration, such appeal to be received by the Village Office with thirty (30) days of the date the written notice of revocation was mailed to the Owner. In such an appeal, the Village Council will decide the matter *de novo*, upon a vote of a majority of members of Council attending a meeting with a quorum of the Council. The appeal shall be heard at a public session of Council, at which time the Owner may be represented by an attorney under procedures adopted by Resolution of the Council.
  - 3. As of the date written notice of revocation is deemed received by the Owner, a revoked registration is of no effect as a registration, unless and until the revocation is reversed or modified on appeal.
  - 4. If registration has been revoked, the Owner may submit a new Registration Form in the following calendar year if, and only if, all violations have been resolved by cure, satisfaction, withdrawal, dismissal, or settlement.

**SECTION 8: ENFORCEMENT OFFICIAL**

Any person officially authorized by the Village of Empire Council is hereby designated as authorized officials empowered to issue written notice of violation and municipal civil infraction citations to alleged violators of this ordinance.

**SECTION 9: ABATEMENT**

In addition to enforcing this Ordinance through Section 7, the Village may initiate proceedings to abate or eliminate a violation of this Ordinance.

**SECTION 10: VALIDITY**

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

**SECTION 11: EFFECTIVE DATE**

## Village Council Meeting Documentation

Date Prepared: June 5, 2024

Work Session

Meeting Date: June 13, 2024

Subject: Beach Parking Fees

Author: Dye/Parks Committee

### **Overview:**

The Parks Committee had recommended raising the parking fees at the beach from \$1 per hour to \$2 per hour.

There was discussion at our last meeting as to the legitimacy of including both parks in the breakdown of expenses.

If 75% of the costs are applied to the Lake Michigan Beach park (and 25% to Shalda Park) that comes to \$72,300 for the 2023/2024 year. (Includes total cost of beach ambassadors, credit card fees, most of waste disposal)

At \$2/hour estimated revenues are \$75,530.70.

There are also other costs which are not charged to the parks but which contribute to the costs including payment to Lions for additional parking, striping and perhaps pavement repair.

The Bolt v. City of Lansing case was also mentioned.

That case does not seem to apply in this instance.

According to the Bolt court, in order for a fee to be valid and not an impermissible tax, the fee must:

1. Be voluntary - a user must have a way to limit the amount of the service used and the fee incurred. Check - you don't have to park at the beach in order to use the beach.
2. Be reasonable and proportionate to the cost of the service provided. Check - for visitors to park at the beach \$2/hour is reasonable according to the DNR Natural Resources Trust Fund Grant.
3. Serve a regulatory purpose and not be imposed solely for a revenue-raising purpose. Check - the paid parking regulated the haphazard parking that occurred before paid parking was installed.

### **Action Requested:**

Consider raising the parking fee at the beach to \$2 per hour.

## ***Bolt* Refresher**

### **Introduction**

In December of 1998, the Michigan Supreme Court published its decision in *Bolt v. City of Lansing* (587 N.W.2d 264) in which the Court held that a storm water service charge was actually a disguised tax imposed in violation of the Headlee Amendment to the Michigan Constitution. The Headlee Amendment prohibits a unit of local government from levying any new tax without the approval of a majority of the qualified electors of the unit of local government voting thereon.

### **Storm Water Service Charge**

The City of Lansing adopted an ordinance creating a storm water enterprise fund to finance the separation of a remaining portion of the city's combined sanitary and storm sewers. Under the ordinance, the fund would bear a portion of the costs of a combined sewer overflow control program (the "CSO Program"). The city implemented the CSO Program as part of its attempts to comply with the federal Clean Water Act and the National Pollutant Discharge Elimination System requirements thereunder. The city allocated fifty percent of the costs of the CSO Program over a period of 30 years to the storm water disposal system, which share of the CSO Program costs was to be paid from revenues of an annual storm water service charge. The fee was "imposed on each parcel of real property located in the city using a formula that attempt[ed] to roughly estimate each parcel's storm water runoff." *Bolt* at 267. The ordinance allowed the imposition of additional charges, property liens, and attorneys' fees to collect delinquent fees.

### **Is it a "Tax" or a "User Fee"?**

The city billed Alexander Bolt \$59.83 for his 5,400-square foot property, and Bolt filed suit on the grounds that the ordinance violated the Michigan Constitution. The Court concluded that the fee imposed by the ordinance was a tax and not a valid user fee. The Court based its analysis on the general proposition that a fee is exchanged for a service rendered or a benefit conferred, with some reasonable relationship existing between the fee and the value of the service or benefit, while a tax is designed to raise revenue for the benefit of the public at-large (internal quotations and citations omitted). The Court then reiterated the three primary criteria on which to determine whether a particular charge is a true user fee or a tax. The three criteria are:

1. A user fee must serve a regulatory purpose rather than a revenue-raising purpose;
2. A user fee must be proportionate to the necessary costs of the service and correspond to any benefit conferred by the service; and
3. A user fee must be for a commodity or service voluntarily used.

The Court based its conclusion on several factors, including:

- a. **The fee was not proportionate to the necessary costs of service or benefit conferred.** The Court noted that the fee applied to all of the city's property owners even though 75 percent of the city's property owners were already served by a separated sewer system, many of whom previously paid for system separation through special assessments.
- b. **The ordinance and the fee served a revenue-raising purpose rather than a regulatory purpose.** First, the ordinance and the fee did not fully serve a regulatory purpose. They only addressed storm water runoff and not pollutant elimination, since storm water runoff would not be treated before being discharged into a river. Second, the fund replaced revenues previously provided by general fund revenues from property and income taxes. Third, most of the costs of the CSO Program to be paid by the fee and the fund were for capital improvements, the useful life of which would outlive the 30-year period in which the fee was to be charged and which would benefit the public at-large.

- c. **The fee was “effectively compulsory.”** Property owners had no choice whether to use the storm water disposal system and could not limit the use of the service without giving up rights of property ownership.
- d. **Collection of the fee could be secured by property lien.** The Court recognized that the ability to impose a property lien for unpaid fees would not transform a proper fee into a tax. However, where, as in the *Bolt* case, the fee was disproportionate to the necessary costs of the service and benefit conferred, the ability to lien property to collect the fee supported the conclusion that the fee was actually a disguised tax.
- e. **The fee was billed through the city assessor’s office and was sent with the December property tax statements.**

## Key Points

- The *Bolt* decision does not prohibit usage-based utility charges. However, such charges must reflect the actual costs of use, metered with relative precision in accordance with available technology, and such charges may include some capital investment component.
- User fees should reflect the actual cost of use of a service provided, and such fees should be borne by those who stand to benefit from the service financed with such fees.
- User fees should be imposed in connection with a voluntary service, where those intended to use and benefit from such service have some control over whether to use the service.
- User fees should fully serve the regulatory purpose for which they are intended.
- Billing methods for such user fees should be consistent with the method used for other usage-based services.
- The *Bolt* decision gave rise to a number of cases with varied treatment of “user fees” and “taxes.” Caution and a careful analysis should be used when considering a new “user fee.”

This publication was written by the law firm of Dickinson Wright PLLC.

# BOLT VS CITY OF LANSING

## A Taxing Question for Michigan's Local Governments

By Mark Nettleton

In 1978, Michigan voters adopted the "Headlee Amendment" to the Michigan Constitution. The amendment revised existing provisions and added new ones including an express limitation on the ability of local governments to enact new taxes or increase existing taxes without a vote of the electors. Following the adoption of the Headlee Amendment, taxpayers began to challenge local government fees, such as sewer and water connection fees, on the basis that the fees were invalid and impermissible taxes.

In 1998, the Michigan Supreme Court decided the seminal case, *Bolt v City of Lansing*, to address the "fee" versus "tax" question. Since the *Bolt* decision, local governments have struggled to determine whether proposed or adopted fees would survive a "Bolt challenge" by a taxpayer, thus raising a taxing question for local governments.

### VALID USER FEE VERSUS AN INVALID TAX

Municipalities frequently charge numerous fees: application fees; permit fees; sewer and water connection fees; cable franchise fees; and commodity fees. In *Bolt*, the Michigan Supreme Court tried to clarify when such fees are valid.

The city of Lansing had, for many years, a combined sanitary sewer and storm water system. During heavy rain events, the combined sewer systems became overwhelmed and untreated or partially treated sanitary sewage flowed into the Grand and Cedar Rivers.<sup>1</sup> The city sought to remedy the overflow by separating the storm sewers from the sanitary sewers. At that time, the estimated cost to separate the two systems was \$176 million over 30 years.<sup>2</sup> To pay the project cost, the city imposed an annual stormwater service charge on each parcel of property located within the city. The revenue from the charge was expected to pay half of the capital cost of the separation project; the balance of the cost was to be paid from the city's general fund.

The charge was roughly based on estimated stormwater runoff from each parcel and factored in parcel size and the amount of the parcel covered by impervious surfaces: blacktop, sidewalks, patios, and buildings, for example. Residential parcels under two acres were charged a flat fee. The annual charge was included in the city's property tax bill and, if not paid when due, was considered delinquent and then collected as a delinquent tax.

Alexander Bolt, a property owner within the city of Lansing, challenged the annual stormwater fee alleging the fee was an impermissible tax imposed without a vote of the city's electors, in violation of *Headlee*. The Michigan Supreme Court agreed.

In invalidating the fee, the Court noted that a valid user fee is "exchanged for a service rendered or a benefit conferred, and some reasonable relationship exists between the amount of the fee and the value of the service or benefit."<sup>3</sup> In contrast, taxes are "exactions which are imposed primarily for public rather than private purposes.... Revenue from taxes, therefore, must inure to the benefit of all, as opposed to exactions from a few for benefits that will inure to the persons or group assessed."<sup>4</sup> The Court held that a valid fee must serve a "regulatory purpose," but concluded that the city's fee was imposed to raise revenue, as evidenced by the city's intent to use the revenue to pay half of the cost of the project. The Court also determined that the

<sup>1</sup> *Bolt* at 155; <sup>2</sup> *Id.*; <sup>3</sup> *Id.* at 161; <sup>4</sup> *Id.*; <sup>5</sup> See *Graham v Township of Kochville*, 236 Mich App 141 at 155 (1999); <sup>6</sup> See *Mapleview Estates, Inc v City of Brown City*, 258 Mich App 412 (2003); see also *Graham at v Township of Kochville*, 236 Mich App 141, 155-156; <sup>7</sup> See *Lapeer County Abstract & Title Co. v Lapeer County Register of Deeds*, 264 Mich App 167 (2004); <sup>8</sup> See *Wheeler v Charter Township of Shelby*, 265 Mich App 657 (2005); <sup>9</sup> See *Meadows Valley, LLC v Village of Reese*, Case No. 309549 (Mich Ct App. unpublished opinion, 06/11/2013); <sup>10</sup> See *Tobin Group LLP v Genesee County*, Case No. 248663 (Mich Ct App, unpublished opinion, 12/14/2004); <sup>11</sup> See *In re Petition for Foreclosure of Certain Parcels of Property v Township of Chesterfield*, Case No. 309229 (Mich Ct App, unpublished opinion, 05/27/2014); see also *County of Jackson v City of Jackson*, 302 Mich App 90 (2013)

amount of the fee was not proportionate to the service provided to those paying the fee because the fee was imposed on properties that were already served by separated storm sewers. Without such a corresponding benefit, the fee is no different than a tax imposed on all property owners. Finally, the Court determined that the fee was not voluntary—Mr. Bolt could not avoid paying the fee.

According to the *Bolt* Court, in order for a fee to be valid and not an impermissible tax, the fee must:

- 1 **SERVE A REGULATORY PURPOSE AND NOT BE IMPOSED SOLELY FOR A REVENUE-RAISING PURPOSE;**
- 2 **BE REASONABLE AND PROPORTIONATE TO THE COST OF THE SERVICE PROVIDED; AND**
- 3 **BE VOLUNTARY—A USER MUST HAVE A WAY TO LIMIT THE AMOUNT OF THE SERVICE USED AND THE FEE INCURRED.**


The Court noted that the three criteria are not to be considered in isolation, and subsequent courts have held that the criteria should be considered “in their totality,” such that a “weakness in one area would not necessarily require a finding that the charge at issue is not a fee.”<sup>5</sup>

## WITHSTANDING A *BOLT* CHALLENGE

Since *Bolt*, numerous challenges to fees have been filed and decided. Courts have upheld mandatory connection to, and connection fees for public sewer and water;<sup>6</sup> utility debt service fees; fees for copying public microfilm records;<sup>7</sup> waste hauler fees;<sup>8</sup> sewer “ready to serve” charges;<sup>9</sup> and sanitary sewer and public water capital improvement charges,<sup>10</sup> to name a few. Key to upholding these fees are the facts underlying the fee structure. Fees that pay for, or approximate, the municipality’s cost to provide the service to only those customers that benefit from the service, serve both a regulatory purpose and are proportionate. Further, even where payment of the fee is mandatory, such as a sewer or water connection fee, if the customer can regulate its use of the commodity (by using less water, for example), the courts are more likely to determine that the fee is “voluntary” under the *Bolt* “test.”

Fees are typically invalidated when they are imposed for a revenue-raising purpose, or when the fee is disproportionate to the cost of the service provided.<sup>11</sup>

## CONCLUSION

When enacting new fees or adjusting existing fees, local governments must carefully analyze whether the fee complies with the three-part *Bolt* test to ensure the fees will not be invalidated. 

*Mark Nettleton is an attorney with Mika Meyers Beckett & Jones. You may contact him at 616-632-8048 or [mnettleton@mmbjlaw.com](mailto:mnettleton@mmbjlaw.com).*

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Bacon Calculations for Beach Parking Costs (June 2024)

Item	Cost/year
Parking Meter	\$ 1,000
Paper and Supplies	\$ 350
Credit Card Fees	\$ 2,258
Digital Fees	\$ 450
Beach Ambassadors	\$14,892 (includes ss and medicare)
Parking Lot striping	\$ 1900
Supervision and Office support	\$ 6000 (includes ss and medicare)
DPW - Cleaning	\$ 1400 (rounded up)
DPW General Parking Lot Support	\$ 2000 (Time and Equipment estimate)
Expenditures	\$30,250

Revenue

Item	Revenue/year
Parking Fees	\$40,600 (2023)

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Meeting: June 13, 2024 – Work Session

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Subject: WW Study Update Task Force - Resignation/Appointment

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Author: Sue Palmer

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**Overview:**

I have received a call from Bill Dickenson that he will need to resign from the WW Study Update Task Force Committee effective immediately. This leaves a vacancy in the Task Force. We had received several applications for the Task Force at its inception. An appointment to fill this vacancy is needed.

**Action Requested**

An appointment to the WW Study Update Task Force will be made.

## Village of Empire Council Meeting Documentation

Date: June 5, 2024

Work Session

Meeting Date: June 13, 2024

Subject: Beryl Days

Author: March Dye

### Overview:

The Skrocki's are planning a celebration on June 29th of 20 years in business for Sleeping Bear Surf and calling it Beryl Days in honor of Beryl Skrocki.

The Skrocki's are asking for use of the Open Space between Post Office and the Surf Shop between the hours of 2pm and 10pm. They are planning games, face painting, a video playing on the side of the surf shop, and music. (There will be no food truck and any food sold will be sold on Mel & Fell's property which is the Weese property).

They are also asking for LaRue Street to be closed from 2pm to ~~4~~<sup>5</sup>pm from Front Street to the alley. (Access to the alley will not be blocked)

They have filled out a Temporary Outdoor Use Permit/Application and are asking for the \$100 fee to be waived since this is a celebration open to the entire community free of charge.

### Recommended Action to be taken:

Put the following on the consent agenda for the June 25th regular meeting:

1. Allow for the Closure of LaRue St from Front St. to the alley on June 29,2024 from 2pm to 4pm.
2. Grant the Skrocki's use of the open space on June 29,2024 from 2 to 10pm.
3. Waive the \$100 Temporary Outdoor Use Permit fee.

**June 29, Saturday**

**Beryl Days!!! Sleeping Bear Surf Celebrating 20 years of business in our awesome Village of Empire**

We expect a regular flow of people we have met as loyal customers and dear friends over these past 20 years. The following provides you with the schedule of activities we will be offering over the course of the day. We are asking the village for the use LaRue St from Front St. to the alley next to our shop (would like it closed off from 2 to 5) and we will also want to use the Green Space(Open Space) between us and the post office for the afternoon and evening after the farmers market is done. We will have music on the Green Space as well. The music will not go beyond 10pm.

**12:00 pm - 2:00 pm @ Empire Beach**

- **A most Radical, Rambunctious Relay Race** ~ Sponsored by Sleeping Bear Surf
- **Sand Castle Building Contest** (*begins at 12:30pm*)
- **Stone Skipping Contest** (*begins at 1:00pm*)

**2:00 pm - 4:00 pm @ The Shop**

***In La Rue Street***

We would like La Rue next to our shop to be closed off from 2pm through 5pm from Front St to just before the alley so we can use it for the following activities. We have permission from the residents that live on this street and they are all for it.

- **Surf Swap**
- **Wetsuit Repair**
- **Skate Jam** sponsored by Sector 9

***In Store***

- **T-Shirt Folding Competition**

***Games in the Green Space***

We will be using the green space next to our shop for some fun activities between 2 and 4pm.

- **Cherry Pit Spitting Contest**
- **T-Shirt Tie-Dye Party**
- **Face Painting Booth**
- **Additional Super Fun Games for the whole family !**

**4:00 pm - 10:00 pm @ Shop and Green Space**

- **Video playing on the side of our building.**
- **Food and Drink Available for purchase from our local restaurants and catering businesses.**
- **Main Stage Music & Speakers. Stage set up next to the Surf Shop.**

# TEMPORARY OUTDOOR USE PERMIT/APPLICATION

Required by the Village of Empire Zoning Ordinance Section 3.23

Applicant Name: The Skrocki Family Date June 5, 2024

Address: 12022 Lake St, PO Box 347, Empire

Phone #: 231-342-1115 E-mail address: frank.skrocki@gmail.com

Location of Event: 10288 W. Front St

Tax ID 45-041-824-003-00 Date of Event: 6-29-24

Property owner/s: Weese Family Partnership

Purpose of Event: Celebration of 20 years in business of Sleeping Bear Surf.

Type of Event: Drop in event w/ games, food, music, surf swap

Hours of Operation: 2pm - 10pm <sup>on public space</sup> Expected Attendance: 100 at a time <sup>No more than</sup>

Is adequate on-site parking available for anticipated attendance? YES / NO. If no have arrangements been made for overflow parking and where: Just in case overflow at Johnson Park OK'd by Trish Baker.

Applicate Signature [Signature]

Application Fee: \$ \_\_\_\_\_ Paid By: \_\_\_\_\_

Permit Granted / Denied. If denied, ZA reason for denial: \_\_\_\_\_

\_\_\_\_\_

ZA Signature and Date: \_\_\_\_\_

## Village of Empire Council Meeting Documentation

Date: June 5, 2024

Work Session

Meeting Date: June 13, 2024

Subject: Anchor Days Street Closures

Author: March Dye

### **Overview:**

EACC (Empire Area Community Center) is hosting the Anchor Days parade and street dance on July 20, 2024 and are requesting street closures as described in attached document.

### **Recommendation For Action:**

Approve closure of parade route on July 20th from 11:45 to 1:30.

Approve closure of Front Street from Union to just past the Library from 8:45 to 11pm.

Waive Temporary Outdoor Use Permit Fee.

June 5, 2024

To the Empire Village Council,

The Empire Area Community Center is once again hosting the Anchor Day Parade and Street Dance on July 20th. This will be a fun day with the Parade, Lion's Chicken Dinner, Street Dance and Glen Lake Library Book Sale all in the works.

The parade will be starting at noon at Lions Park. It will be traveling from the park up Phillip St.; right turn onto Union St., through to Front St.. Right turn down Front St. to Lake St.; Left turn on Lake; Left on Wilce; Left on Union and around again down Front and repeat.

We would request that the roads on the parade route be closed from 11:45 to 1:30 (it usually doesn't last that long). Cars will still be able to go through on Niagara except when the parade is passing through.

The Street Dance with live music by "Bob Roberts and Friends" will be from 9 to 11 pm. We are requesting the closure of Front St. from Union to just past the Library from 8:45 to 11 pm.

Thank you in advance!

JoAnne (Yogi) Beare  
EACC Vice President

# TEMPORARY OUTDOOR USE PERMIT/APPLICATION

Required by the Village of Empire Zoning Ordinance Section 3.23

Applicant Name: EACC (Empire Area Community Center) Date 6-5-24

Address: Empire

Phone #: 231-633-9054 E-mail address: marchdye@gmail.com

Location of Event: Trot St + Parade Route

Tax ID 45-041- NA Date of Event: 7-20-24

Property owner/s: Village of Empire

Purpose of Event: Parade and Street dance  
for community enjoyment.

Type of Event: Parade and Street dance

Hours of Operation: Parade - 11:45 - 1:30 No more than  
Dance: 8:45 - 11pm Expected Attendance: 150

Is adequate on-site parking available for anticipated attendance? YES / NO. If no have arrangements been made for overflow parking and where: \_\_\_\_\_

Applicate Signature March Dye

Application Fee: \$ \_\_\_\_\_ Paid By: \_\_\_\_\_

Permit Granted / Denied. If denied, ZA reason for denial: \_\_\_\_\_

ZA Signature and Date: \_\_\_\_\_



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Meeting: June 13, 2024 – Work Session

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Subject: Request for Water Rates Presentation

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Author: Tom Rademacher

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Overview:

The Water Committee met with Kyle Bond, Michigan Rural Water Association, to talk about the water rates in Empire. He is willing to have a presentation to talk about the current rates and how they determine the rates should be.

Action Requested

I am requesting that Council approve this presentation for our Regular June meeting. This would allow council and the public to ask questions.

## Empire Village Council Documentation

Date: June 6, 2024	Meeting type: Work Session
Meeting Date: June 13, 2024	
Topic: Review of Master Plan Update and Development Planning  Informational - No action required	Submitted by: New Office Committee

### Overview:

At the May regular meeting, the Village Council approved the change in scope with Renovare. At the June Planning Commission meeting, the Planning Commissioners supported the changes that included consultant assistance for the Master Plan Update process.

### Information

This project is multi-faceted. The attached PDF was provided to the Planning Commissioners and is now in your hands.

1. Renovare will be partnering with Place Strategies and Placecraft in updating the Master Plan update. This will include updating the data, analysis, and include community open houses.
2. Renovare will be offering 3 Economic Development Priority Work Sessions throughout the summer that will be joint Planning Commission/Village Council Meetings.
3. Renovare will prepare conceptual designs, site plans and proposed redevelopment tools for **2 sites in Empire**: One adaptive reuse, one new construction based on **community** feedback.
4. Develop site plans/small area plans for public review or create one Downtown Empire Concept Plan to provide a complete Downtown Vision.

Empire Village Council Documentation

Date: June 6, 2024	Meeting type: Work Session
Meeting Date: June 13, 2024	
Topic: 1. Sunset the New Office Committee 2. Master Plan/Development Planning Working Committee Council Member appointments.	Submitted by: Maggie Bacon

**General Information:**

With the completion of the purchase of a new office building, the original charge for the special village council committee has ended.

Our Master Plan Update and Development Planning consultants have recommended appointing those committee members to the Working Committee for the Master Plan and Development Planning (which includes Planning Commissioners already selected to work on the Master Plan update). This will provide a level of consistency and institutional knowledge to the process. These council members have been working as team for the last year with Renovare starting with looking at site plans for a new office to the discussion about redevelopment opportunities.

**This committee:**

1. Is the primary advisory partner with the consultants,
2. Will advocate for the Master Plan update,
3. Will be ambassadors to the public - before and during community engagement sessions and throughout the community questionnaire process,
4. Will act as the recommending body to the Planning Commission and Village Council.

As a reference, the revised scope of work is attached.

**\*Bold Tasks** – Original tasks for Renovare contract, not yet complete.

## Part One: May (Post-Contract Revision)

1. Secure existing working files, plans, data, and studies.
2. Review the existing master plan and past survey responses to get up to speed.
3. Coordinate input sessions from regional stakeholders such as, but not limited to, Michigan Economic Development Corporation, Housing North, Leelanau County, Empire Township, and the Asset Mapping Task Force.

## Part Two: June

1. Meeting #1 - Kick-Off Meeting, which will include:
  - a. Introduction of the team, deliverables, scope of work
  - b. Economic Development Work Session #1**
  - c. Goals and Data Validation
    - i. Initial core values exercise
    - ii. Discussion on how core values shape strategy
    - iii. Review past goals and determine their validity today.
  - d. Present an outline of the community questionnaire.
    - i. Structure of questions
    - ii. Size of survey
    - iii. Mode of delivery (digital and written)
2. Assemble Community Questionnaire
3. Assemble updated demographic data
4. Meeting #2 – Questionnaire and Data Review
  - a. Economic Development Work Session #2**
  - b. Introduce updated census data and projections
  - c. Review the Community Questionnaire and make any necessary changes
  - d. Present timeline for Questionnaire release and closing
  - e. Coordinate methods for receiving responses
5. Release the Community Questionnaire

## Part Three: July

1. **Host Public Open House**
  - a. Provide various stations based on topic areas of focus, based on questionnaire.
  - b. Allow for community participation through various channels: writing, talking, reading, and questionnaire.**
  - c. The focus is on education, feedback, and as many written responses as possible.**
2. Close the Community Questionnaire within a week of the public open house.
3. Compile data and responses to the public open house and community questionnaire
4. Meeting #3 – Review Materials
  - a. Economic Development Work Session #3**
  - b. Review feedback from the Community Questionnaire and Public Open House
  - c. Review current recommendations for goals and objectives
  - d. Discuss opportunities for updates to the recommendations
  - e. Choose site plan focus areas in addition to Village Office/DPW (one adaptive reuse, one new construction) based on community feedback**
5. **Develop site plans/small area plans for public review** or create one Downtown Empire Concept Plan to provide a complete Downtown Vision.

## Part Four: August

1. Assemble plan updates as a draft for public review
2. Host a Public Input Session with recommendations for the plan updates and site plans
  - a. Gain insight into the various topics of the master plan update
  - b. Receive feedback on site plan concepts and adjustments**
3. Deliver plan updates in advance of Meeting #4 for review by the Steering Committee

## Part 5: September

1. Meeting #4 – Review plan and public input
  - a. Present proposed concepts with development tools**
  - b. Present the plan elements and recommendations draft
  - c. Provide feedback on public input earlier at Meeting #4
  - d. Discuss changes to the recommendations as drafted and confirm which changes to be made
2. Update final plan updates
3. Deliver final plan updates in the preferred working format(s) to the Village of Empire for a public hearing process.

Renovare original contract	\$70,000
Billed to date	<u>(\$40,000)</u>
Remaining fee on original contract	\$30,000
Total Labor Fee to complete Renovare Tasks with Master Plan Update Tasks (as outlined)	\$40,000
<b>Additional Labor Fee to complete Master Plan Update</b>	<b>\$10,000</b>

### ***Deliverables:***

4x Meetings with the Planning Commission including:

- 3x economic development work sessions
- Master Plan Update tasks

2x Public input sessions

1x Community questionnaire

3x Small Area Plans or 1x Downtown Concept Plan for Visioning purposes, including economic development tool approaches

1x Draft and Final Master Plan Update Document and working files