

EMPIRE VILLAGE COUNCIL WORK SESSION
August 10, 2023 @ 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**
 - a. Short Term Rental Committee
 - b. Village Office Committee
- I. OLD BUSINESS**
 - 1) Community Engagement Task Force – Purpose and Intention - Bacon
 - 2) Street Light Procedure - Bacon
 - 3) Rules of Procedure – Section 4. Closed Meetings - Palmer
 - 4) Shalda Park – Rules Sign – Parks Committee
- J. NEW BUSINESS**
 - 1) Approval of Village Council Regular Meeting Minutes 07/25/2023
 - 2) Update Resolution #4 – Palmer
 - 3) RFP for New Village Attorney - Rademacher
 - 4) Review Empire Hill Climb Mass Gathering Application – Palmer
 - 5) Barbed-wire Fence Adjoining Shalda Park -Dye
 - 6) Saturday Sharing with Council - Bacon
- K. PUBLIC COMMENT**
- L. COUNCIL MEMBER COMMENT**
- M. ADJOURNMENT**



The Empire Village Council invites you to
“Meet and Greet”

August 10, 2023 @ 6:30PM

Empire Townhall
10088 W. Front Street, Empire, MI 49630

Residents are encouraged to come and share their thoughts on issues.

The Regular business meeting of the Village Council will begin promptly at
@ 7PM.

Cookies and Coffee will be offered.



Glen Lake Alumni Share & Care Gathering

Open Invite to Glen Lake Area Community & Non-profit Groups!

Sunday, August 13, 2023

Glen Arbor Twp Hall, 1:30pm to ~ 8:00pm

- **Free,** Open public invite Meet & Greet for old friends and to learn about non-profit causes around the Glen Lake Community. All Glen Lake Alumni and area non-profit groups are invited to gather for a ½ day on Sunday (at the conclusion of the Port Oneida Fair weekend) in the Glen Arbor Town Hall.
- **GO LAKERS! Glen Lake Alumni, Classes & Staff:** including memorial boards during the gathering for a tribute to past teachers and lost classmates, esp. Veterans who had served. (i.e. mini Reunion Tables set-up for the 50's & 60's, 70's & 80's, etc.) Memorial letters and photos are welcome & encouraged!
 - Alumni band, sports, clubs, any creative way you want to contribute!
(Plus an open invitation to our friends at Leelanau Schools)
- Meet & Greet, Give Forward: Non-profit causes back in the home area that could be joined or donated to, as a way to give something back to our original home communities. - **Help be the change you want to see !**
- Free tables / chairs for use. Offered food or drink brought in is encouraged but is the responsibility of the group involved. Kitchen sink available but please help clean afterwards. (No alcohol please).

Open Invite to Glen Lake Area Community & Non-profit Groups!

Please help us get the word out early! {i.e. Invitations to those who support the Glen Lake Scholarship Funds, Glen Lake Library, Museum, Fire, or other local funding needs as well as latest with Twp Cemetery, Leelanau Conservancy, Preserve Historic Sleeping Bear, Friends, and Educational, Agricultural, Spiritual, and an open invite for any other non-profit group to at least place some brochures on a few tables around the hall.}

This is a working list, so please call or text to help us clarify organization contacts and invite more!

<http://www.glenlakeschools.org/parents-students/scholarship-info.html>

<https://glenlakelibrary.net/donate/>

<https://www.glenlakewomansclub.org>

<https://phsb.org>

<https://leelanauconservancy.org>

<https://friendsofsleepingbear.org>

<https://empiremimuseum.org>

<https://cedarpolkafest.org>

<https://www.glenlakeassociation.org>

<https://glenarborart.org>

<https://sleepingbearinn.org/>

<https://www.nps.gov/slbe/planyourvisit/pofair.htm>

<https://leelanau.org/community-events-rentals/the-beach-bards/>

Old Settlers Picnic Assoc. > maintained by Glen Lake Garden Club <https://glenarborsun.com/tag/glen-lake-garden-club/>

Plus annual benefit events such as the Lions Club auction, Lions Club Dinner: (Empire Anchor Day), VFW events, etc.

& <https://e-clubhouse.org/sites/empiremi/projects.php> & Roy Taghon Annual Snowmobile Event (Empire)
<https://empirechamber.com/event/empire-snowmobile-drag-race-roy-taghon-memorial/> & Roy Taghon Music Scholarship.

<https://greatnonprofits.org/city/glen-arbor/MI> (< including: Glen Lake Fire & Rescue; Glen Lake Woman's Club; Glen Lake Assoc.; etc.) <https://www.visitglenarbor.com/> also - <http://www.glenarborplayers.org/> & <https://leelanaufarmersmarkets.com>

And the many, many area **churches** of our communities that can share information about worthy causes going on within their congregations: (Empire, Glen Arbor, Maple City, Cedar, etc.)

Special Thanks to the **Glen Arbor Twp Board** for the courtesy & great opportunity to share memories, community goals, and invite others to share in local causes. (It is hoped to make this an annual courtesy).

Note: Short of volunteers that weekend? - You may provide brochures or leaflets that can be displayed on a table for your group.

2023 Sponsors & Hosts (so far) : Overmyer Farm & Forest; Glen Lake Class of 1982; & ____more TBD_____?

Contact: overmyerhistoricals@gmail.com or Lenny @ 231-871-8812 mailings: 17579 Viaduct Rd. Copemish, MI 49625

2023 Prosperity Awards

**Have a project that supports
Michigan's economic development?**

Submit a letter of intent (LOI) to receive as much as
\$250,000 from the Consumers Energy Foundation.

Here's How:

1

**Submit an
LOI online by
August 11**

Visit **ConsumersEnergy.com/Foundation** to learn more about the 2023 Prosperity Awards and submit your LOI. LOIs are due by Friday, August 11, 2023.

2

**Describe your
project and
expected
outcomes**

The Consumers Energy Foundation will review LOIs for projects focused on improving the welfare of whole communities.

3

**Make a
positive
impact in
Michigan**

Top applicants will be invited to submit a full application in September 2023. Grant recipients will be announced this Fall.

Consumers Energy

FOUNDATION

Submit a Letter of Intent

Mission & Purpose

The Consumers Energy Foundation is the charitable arm of Consumers Energy, Michigan's largest energy provider. The Consumers Energy Foundation helps communities thrive and grow by investing in what's most important to Michigan – its people, our planet and Michigan's prosperity.

The Prosperity Awards are the third of three \$500,000 signature grant rounds in 2023, totaling \$1.5 million. The winners of the 2023 Planet Awards were announced in April 2023. The winners of the 2023 People Awards were announced in July 2023.

The Prosperity Awards will provide as much as \$250,000 to two or more Michigan nonprofits or municipalities aiming to support economic development and improve the welfare of whole communities, with a particular focus on funding projects with long-term benefits. The 2023 Prosperity Awards are currently open for letters of intent. Let's make a positive impact in Michigan together!

Impacting Michigan's Prosperity through Economic Development

The Consumers Energy Foundation is dedicated to ensuring Michigan businesses and communities are growing and have world-class cultural resources. We're deeply involved in community development efforts across the State. This year, we are accepting letters of intent in support of our Neighborhood Revitalization and Arts & Culture priorities:

Neighborhood Revitalization: We believe that all Michigan residents deserve a safe, affordable community in which to live and work. That's why the Consumers Energy Foundation supports nonprofits and municipalities that champion programs aiming to transform communities into attractive neighborhoods, revitalize commercial corridors, encourage downtown development, reduce blight, and create safe and affordable housing.

Arts & Culture: We imagine a Michigan where every community is not only livable, but lovable, complete with attractive public assets and attractions that enrich the lives of residents and visitors alike. Arts and culture are integral to the vitality of the communities we serve, providing job and educational opportunities, attracting visitors, and creating vibrant communities in Michigan.

Foundation giving is separate from other company contributions and cannot be used to directly benefit the corporation. The Consumers Energy Foundation is funded by company donations, not included in customer rates.



FOUNDATION

Request for Letters of Intent – Deadline: 5:00 PM on August 11, 2023

The Consumers Energy Foundation invites Michigan nonprofits and municipalities to submit a letter of intent to express their interest in applying for a 2023 Prosperity Award. The Consumers Energy Foundation will evaluate all letter of intent submittals and select the top projects that meet the program and eligibility criteria. Organizations that make the list through the letter of intent process will be invited to submit a full application in late August. Preference will be made in support of projects that seek to secure permanent and quantifiable results. **The deadline for submitting a letter of intent is 5:00 PM on August 11, 2023.**

Award Requirements / Eligibility Criteria

The letter of intent is the first step in a two-step application process that will result in the award of up to \$250,000 in funding per recipient (\$500,000 total). If you are interested in requesting less than \$100,000 or our grant would be a small component of a large capital campaign, we ask that you submit a grant request using the regular application on our [website](#).

To be eligible, all applicants for the Prosperity Awards must meet the following criteria:

- Candidates must be a 501(c)(3) tax-exempt organization or municipality;
- Candidates must operate in Michigan, or have a project that benefits Michigan;
- The project must impact a territory that is [served by Consumers Energy](#);
- Candidates must submit letter of intent by 5:00 PM on August 11, 2023;
- Funds cannot be used to enhance or improve Consumers Energy property;
- Funds cannot be used for energy-related projects or costs;
- Consumers Energy Foundation must be the majority contributor to overall funding;
- Award recipients are expected to attend any required check presentation event or grant announcement at the Consumers Energy Foundation's discretion;
- Grantees must provide data illustrating positive impact on an annual basis until completion of the project or beyond; and
- Candidates must provide information on any ongoing maintenance requirements necessary to maintain project benefits and how those needs will be met.

Letter of Intent Process

To submit a letter of intent for a 2023 Prosperity Award, please visit: www.consumersenergy.com/community/foundation/prosperity.

If prompted, please sign in or create a login to begin. Select, "\$500,000 Prosperity Awards Letter of Intent" in the dropdown menu.

For more information about the Consumers Energy Foundation, please visit: www.consumersenergy.com/foundation.

New/Renovated Village Office
Village Council Special Committee*

Meeting Minutes

July 28, 2023

9:00 am Via Zoom

1. Purpose of meeting was to meet Jill Ferrari from Renovare Development. The committee shared the following with Ms. Ferrari

A Rotary Charities grant for a feasibility study may be possible in the future. However, the Village Council had sought that kind of grant about a year and half ago when considering the Old School House. That grant requires a purchase agreement or an agreed upon moratorium on selling the property. At this time, the Village has nothing like that in the pipeline with Empire Associates nor any other privately own property in Empire.

We set aside that issue and talked about two options for Renovare:

- a. What could Renovare working with the Village produce for the Village for the big Labor and Economic Opportunity Grant?
- b. If the Village does not go for the big grant, what are the types of services that Renovare provides?

Ms. Ferrari outlined – very briefly – some of their services which includes: Gathering data related to a wide variety of community needs, seeking community input, site plan feasibility (they contract some of this type of work out), site plans, assistance with capital campaigns/financing. Their work with rural “main” streets focuses on identifying and addressing key economic issues such as attainable housing, affordable rental and commercial space. Their philosophy is providing solutions that blend economic benefit with promoting a sense of community.

Renovare offers a unique set of services. They are part planner, part developer and part project manager. There are few other companies in Michigan where those services are under one umbrella.

The call ended with a commitment to convene again on Friday, August 4. The committee needs to flesh out needs: immediate and future. Jill was going to take a look at the grant opportunities and talk with her colleagues about a possible project.

~ Submitted by Maggie Bacon

Committee members are: Chris Webb, Sue Palmer and Maggie Bacon

vc 8/10/23

posted on website
8-3-23

10:30 am

Short-Term Rental Committee of Council
Minutes of Meeting of August 1, 2023
2:00pm at Glen Lake Library

Members of Committee present: March Dye, Meg Walton, Linda Chase
Also present: 9 members of public

1. The charge for the committee was read.
2. March Dye was appointed chairperson for the committee.
3. The "Knowns" from the Seasonal Rental Committee findings of March 24, 2020 were reviewed.
 - a. The various streets of the Village were divided up in order to verify the status of the households. (owner occupied year round, owner occupied seasonally, short-term rental, long-term rental, vacant, under construction)
 - b. The other "knowns" were discussed with notes to update some items.
4. The committee members were asked to find examples of Ordinances which could be used to examine the different types used in various municipalities.
5. Comments were heard from the public.
6. Meeting was adjourned at 3:20pm.

Village Council Meeting Documentation

Date Prepared:	August 2, 2023	
Meeting Date:	August 10, 2023	Meeting Type: Work Session
Subject:	Community Engagement Phase One – Asset Map (includes recommendation for Call for Applicants	Author: Maggie Bacon

Overview or Problem Statement

The Village Council, by a consensus vote at the regular meeting on May 11, 2023 agreed to take steps towards a commitment to greater community engagement. As a result, some initial steps that could only be implemented by the Council have been accomplished. For example, displaying the agenda (and more) via projector and providing more consistent detailed documentation for the agenda.

Discussion

In May, the Council discussed a possible first step outside of the Council: A Citizen's Committee on Community Engagement that would begin by focusing on the creation of an Asset Map. A cursory Internet search results in a large number of ways to described and implement this process. Attached are excerpts from two evaluated, reliable sources. In the end, the Council will need to provide the committee with some leeway about the creation of this Asset Map Project.

Recommendation:

1. Appoint a Community Engagement Task Force with the first task being the development of a Village asset map. (See attached for additional information about asset maps).
2. Work on this initial phase will have a close date of December 1, 2023. The Village Council may extend the task force and modify the charge for a full year to December 2024) without requiring a reappointment.
3. Based on the number of applicants, the membership of the task force should not be limited to a specific number. That is, for example, If 15 people apply, all should be appointed, whereas a large number of applicates apply, a "Plan B" may need to be implemented.
4. While no budget is attached at this point, the Council may need to be prepared for a request for some funding for materials. (Village flash drive for saving relevant documents and printing, primarily).

(Attachment)

Asset Map (excerpted from UCLA)

Purpose

Asset mapping provides information about the strengths and resources of a community and can help uncover solutions. An asset map can be a great start for community dialogue because the map identifies the strengths and assets of a community. Having a concrete list or map (or whatever form it may take in Empire) creates a strong foundation from which to build future ideas—and address challenges when they arise. Although mapping sounds complicated, it can be as simple as creating a list.

From LISC (www.lisc.org)

Assets to identify:

- ✓ Tangible Assets (parks, local businesses clubs, housing)
- ✓ People (local hero's power brokers, community leaders, tradition bearers)
- ✓ Recurring Events (festivals, parades, holidays)
- ✓ History and Traditions (cultural traditions, historical structures)
- ✓ Public Services (public safety, recreations, health, banks?)

Building capacity and being creativity focused.

Asset mapping is a capacity-focused way of reimagining the placemaking practice around the strengths and gifts that already exist in our communities. By gathering the collective knowledge, skills, and resources of the community into one shared document, asset maps are designed to build connection and spark collaboration between individuals, organizations, and local government as your team works together to imagine new ways to shape the spaces and places you love.

How to represent the findings? If mapped spatially, this same information can also begin to show patterns, cultures, and opportunities for community action. (Sample only!)

Suggested wording for web posting:

Asset Map Website posting:

Join your neighbors to be a part of a newly formed Community Engagement Task Force! The task force needs a cross-section of residents - from those who have been here for 50 years to those who moved in just last week!

Your first task will be to dig deep into the cracks and crevices of the Village to create a list (that may take another form, later) of all kinds of assets of the Village.

The list is expected to include, but not be limited to, tangible assets (public spaces), events (asparagus festival), history and traditions (how did the Hill Climb Start?) and public services (did you know there is a compost pile just for residents?). This will be a great opportunity for you to meet new neighbors and maybe reconnect with others.



Empire Village Council Meeting Documentation

Date Prepared:	August 2, 2023	
Meeting Date:	August 10, 2023	Meeting Type: Work Session
Subject:	General Procedure for Adding, removing or temporarily turning off a streetlight.	Author: Maggie Bacon

Overview or Problem Statement: Currently, the Village Office and the Village Council has no written process for addressing requests related to streetlights in the Village.

Issues:

1. Consumer's Energy has a process for removing, adding or temporarily turning off streetlights that the Village must follow. That process should be documented for the Village Office staff.
2. The Village owns some streetlights; others are owned by Consumer's Energy. That information should be documented.
3. Requests for adding, removing or temporarily turning off a streetlight must to be documented and retained by the Village office.
4. It would be useful for the Village website to include information about how residents can report issues directly to Consumers Energy (if the light is a CE light is flickering for example)
5. Prior to taking an action on the addition of streetlights, removal of a streetlight or the choice to not install street, the Village Council will hold a public hearing.

Recommendation for Action:

Attached is a **proposed procedure** for the Village Council in addressing street light requests. This is for the Village Council only. A separate, much more detailed form is in process with the Village Office.

VC 8/10/23

Maggie Bacon 8/2/2023

Village of Empire Street Lighting (DRAFT)

Requests for Streetlight Maintenance

Maintenance requests for the Village owned lights (New Neighborhood and Village Beach Park)

- Contact the Village of Empire Department of Public Works. Email: dpw@villageofempire.com. Phone: 231-326- 5353.

Maintenance requests for Consumers Energy owned lights:

- Residents may report a light outage or maintenance issue for Consumer Energy owned lights via the web: <https://streetlights.consumersenergy.com>.
- The Village Office can also serve as a liaison between a resident and the energy company, if desired.

Streetlight Removal, New Streetlight, Turn Light Off Request

- To request a streetlight removal, a new streetlight or to request no streetlight be added to a development, a signed Village Issues Form must be completed and submitted to the Village Office.
- The requestor must submit proof of support from neighbors within 5 days of submitting the signed Village Issues Form. This can be in the form of letters of support or a signed petition.
- The Village Council will offer an opportunity for all members of the public to provide public comment on the streetlight request by including a public hearing on 'streetlight removal, 'streetlight addition' or 'no new streetlight addition' to the Council meeting agenda.

Meeting:	August 10, 2023
Subject:	Rules of Procedure Update
Author:	Sue Palmer

Overview:

The Council has been updating the Rules of Procedure at our Work Sessions.

Action to be Taken

Council will work through Section 4. Closed Meetings

VC 8/10/23

Rules of Procedure updated at our July 13, 2023 Work Session:

3.3 Communications

3.4 Public Access to Meeting Materials and Minutes – this section will be discussed at a future Work Session.

3.5 Recording of Meetings and Disposition of Tapes.

through our last Work Session on July 13, 2023 and Section 4 for discussion.

This Work Session we will review Sections:

4. Closed Meetings

4.1 Purpose and Procedure

4.2 Minutes of Closed Meetings

Sue is Red

Meg is Purple

Maggie is Blue

March is Green

Tom is Orange

3.3 Communications

All written (physical or electronic) communication received by the Council or an individual Council Member from a member of the public shall be provided to the Clerk. Acknowledgement of the receipt of each communication, its author and subject shall be announced when discussing "Communications" at the Regular Meeting of the Council. The communication or a summary shall be read at that time, unless waived by the author or if no member of council asks that it be read or summarized.

3.4 Public Access to Meeting Materials and Minutes – this section will be discussed at a future Work Session.

All minutes, audio recordings and meeting materials, except for those deemed privileged or confidential, shall be available for public inspection at the Village Office during regular business hours. Council Members shall turn in to the Clerk for proper filing, any personal notes, writings, drawings, etc. when said items are used in a meeting or referred to in a meeting. The Clerk will copy documents and return to Council members upon filing. Cc. Materials shall be presented upon the adjournment of the meeting.

Per the General Law Village Act, 65.5 Section 5 (4) A writing prepared, owned, used, in the possession of, or retained by the council or by the clerk, treasurer, or other officer of the village in the performance of an official function must be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

3.5 Recording of Meetings and Disposition of Tapes.

Council meetings are audio recorded to assist the Clerk/Deputy Clerk in preparing the minutes of the meetings. Audio recordings are not to be considered the official record of a Council meeting. Audio recordings of meetings are considered public records and shall be available to the public upon request. Members of the public may request a copy of the audio recording, using their own storage device, the day following the meeting. The Village offers no guarantee as to the quality of said recording. The audio recording shall be recycled or disposed of 6 months after the Council approves the written minutes.

4. Closed Meetings

4.1 Purpose and Procedure

A roll call vote and purpose for calling a Closed Meeting must be recorded in the minutes of a Work Session, Regular or Special Meeting. ~~Upon a 2/3 roll call vote of the total number of members of the Council (not just the members present),~~ The Council may call a closed meeting for any of the following reasons:

- a. To consider the purchase or lease of real property
- b. To consult with its attorneys regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the Council.
- c. To review contents of an application for employment or appointment, but only when the candidate requests confidentiality. However, an interview must be conducted in an open meeting.
- d. To consider material specifically exempt from discussion or disclosure by state or federal statute.

~~Upon a simple majority roll call vote of the total number of members of Council (not just the members present), the meeting may go into a closed session for the following reasons:~~

- e. To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer or employee, staff member, or individual agent, but only when the named person requests a closed session.
- f. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if/when negotiating party requests a closed hearing.

4.2 Minutes of Closed Meetings

The Clerk/Deputy Clerk shall take a separate set of minutes at the closed session. These minutes ~~and any audiotape do we tape closed meetings? of the closed session~~ will be

retained by the Clerk and shall not be available to the public. **Minutes of a Closed Meeting** ~~and~~ shall only be disclosed if required by a civil action, as authorized by the Michigan Open Meetings Act. These minutes, ~~the audio tape~~ and any attachments may be destroyed one year and one day after approval of the minutes of the Regular or Special Meetings at which the closed session was approved.

Date:	August 3, 2023	Pages: 1
Meeting Date:	August 10, 2023	Attachments: 1
Subject:	Rules Sign for Shalda Park	Author: Parks Committee

OVERVIEW:

The Parks Committee was asked to come up with rules signage for Shalda Park.

RECCOMENDATIONS:

The attached is our suggestion. The sign will be green with white letters as is the present sign at the corner of LaCore and Fisher St.

The sign will be erected on one or two metal posts at the end of Park St. on the right hand side.

ACTION TO BE TAKEN:

Recommend this be added to the next Regular Meeting for approval. The funds will come out of Parks Maintenance.

VC 8/10/23

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

VC 8/10/23

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 are draft minutes for approval at the August 10, 2023, Council meeting.

Meeting:	August 10, 2023
Subject:	Update Resolution #4 of 2013
Author:	Sue Palmer

Overview:

Undersheriff James Kiessel from the Leelanau County Sheriff's Office had requested that the Village of Empire update the Resolution that supports the Sheriff's Office work on Secondary Roads within the Village/township. This is for his annual grant to the state and he feels that an updated letter of support via motion or resolution would be greatly beneficial.

Action to be Taken

Council to schedule a presentation by Mr. Kiessel and/or approve an updated Resolution #4 of 2013 per the attached document.

VC 8/10/23

Updated Resolution

To s.palmer@villageofempire.com <s.palmer@villageofempire.com>

Dear Sue,

I am requesting an updated motion or resolution that supports the Sheriff's Office work on Secondary Roads within the Village/township. Attached is the last one I have, dated 2013. This is for my annual grant to the state and I feel that an updated letter of support via motion or resolution would be greatly beneficial. I am more than willing to attend the monthly board/council meeting to speak to the issue if necessary. Please advise if my attendance will be necessary. I understand that the meetings for August are on the 10th and 22nd. I can make either as long as I know when or where. If you need any additional information please let me know. Thank you.



Undersheriff James Kiessel
Leelanau County Sheriff's Office
8525 E. Government Dr.
Suttons Bay, MI 49682

Office: 231-256-8800
Fax: 231-256-2611
Direct: 231-256-8602

-
- Village of Empire - 2013.pdf (113 KB)
 - image001.jpg (9 KB)

Village of Empire

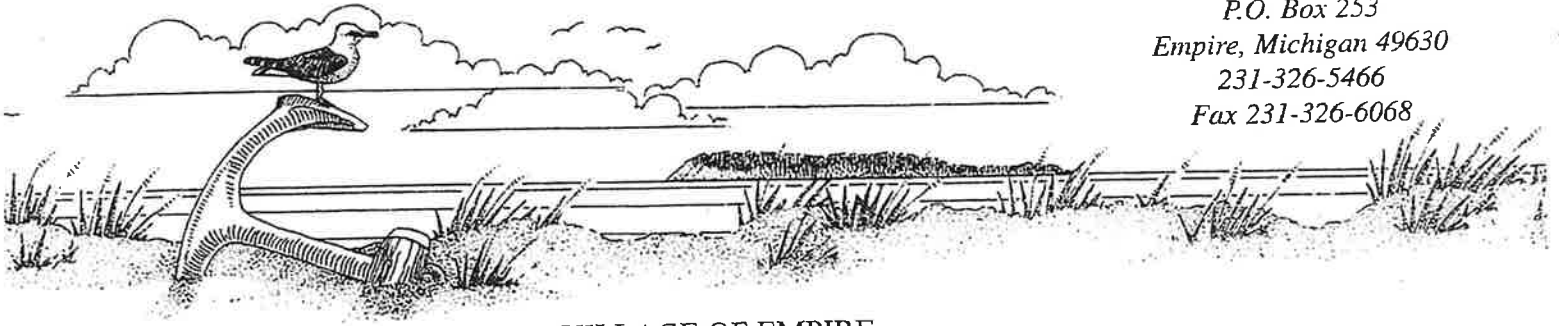
Leelanau County

P.O. Box 253

Empire, Michigan 49630

231-326-5466

Fax 231-326-6068



VILLAGE OF EMPIRE Resolution No. 4 of 2013

A Resolution Requesting Secondary Road Patrol Services From the Leelanau County Sheriff's , Office, as noted in Public Act 416 of 1978, section 51.76 (3).

WHEREAS, Public Act 416 of 1978, section 51.76 (3) provides for service requests from a city or a village to the County;

WHEREAS, the Village of Empire desires that an agreement of this type be entered into;

WHEREAS, a copy of a resolution authorizing this action must be included in the documents submitted with the application for services each year;

NOW, THEREFORE, BE IT RESOLVED that the Village Council of the incorporated Village of Empire requests that the Leelanau County Sheriff's Office be designated to provide Secondary Road Patrol services as described in Public Act 416 of 1978, section 51.76 (3) within the limits of the incorporated Village of Empire.

At the regular meeting of the Village Council of the Village of Empire held on March 26, 2013, adoption of the foregoing resolution was moved by Karen Baja and supported by Gerry Shiffman.

Voting for: Lanny Sterling, Dan Davis, Sam Barr, Cile Plumstead, Gerry Shiffman and
Karen Baja

Voting against: None

The Village President declared the resolution, having been approved by a 2/3 majority vote, was adopted.

Susan A. Carpenter, Village President

CERTIFICATION

The forgoing is a true copy of Resolution No. 4 of 2013 which was adopted by the Village Council of the Village of Empire at a regular meeting held on March 26, 2013.

Patricia L. Zoyhowski, Village Clerk

Prepared: August 1th, 2023

Pages: 1

Meeting: August 10th, 2023

Attachments: 1

Subject: Request for Proposal for Village Attorney Services

Author: Tom Rademacher

Overview:

Now that Dick Figura has retired from the Figura Law firm, they do not have an attorney as experienced in municipal law as Dick was. This Council would be remiss in not having the best attorney, available to council us.

Action to be taken:

Send inquiries to other local law firms that are experienced in dealing with municipalities.

VC 8/10/2023

Request for Proposal

Village Attorney Services

Village of Empire

Proposal Information:

The Village of Empire [Village] (population of less than 400) is governed under the General Law Village Act (Act 3 of 1895). The Village Council consists of seven (7) elected members. The President serves at the head of the Council. The Village government also includes a seven (7) member Planning Commission governed by the Michigan Planning and Enabling Act (Act 33 of 2008). The Village is requesting proposals from attorney's or law firms for village attorney services in the Village of Empire. The Village anticipates that submitted proposals will identify a lead Attorney that works on all Village matters, or one attorney that works solely on civil matters and another that solely works on criminal matters.

Submission Information:

Sealed proposals will be received by the Village Clerk on or before Thursday, February 23rd, 2023 at 2:00 pm. The envelope should be clearly marked "Village Attorney Proposal" to prevent any errors in opening. Proposals will be publicly opened at that time and evaluated by the Village Council at a later time.

All correspondence regarding this RFP should be addressed to:

Village of Empire Clerk
PO Box 253
11518 S LaCore St
Empire, MI 49630-0253

Scope of Services

Village Attorney shall perform the following duties:

- Act as legal advisor to the Council, Clerk, Treasurer, and Planning Commissioners
- Prepare legal opinions for the Village Council or Planning Commission, plus legal research related thereto.
- Prepare or review all ordinances, regulations, contracts, bonds and other instruments as may be required or requested by the Council or the Planning Commission, and provide a legal opinion thereof.
- Prepare and deliver educational programs including but not limited to the Open Meetings Act and Freedom of Information Act.
- Attend meetings of the Village Council or Planning Commission and Board of Appeals meetings when requested.
- Advise the Council relative to hiring outside attorneys.
- Represent or provide a referral to the Village in cases before County, State and Federal courts and other tribunals, including the Tax Commission. These matters may include code violation enforcement actions, income prosecution and all civil suits filed by or against the Village.

- Perform other such duties as prescribed by the General Law Village Act or the Village Council.

Estimated Workload and Support Services

The Village does not guarantee a set workload or billable hours. The Village expects to be charged for services rendered (no retainer), unless a separate agreement for a special project is arranged.

RFP Information

Provide background information on your firm to include at least the following:

- Office location(s)
- Provide information about your firm's specific municipal experience that demonstrates your ability to act as the Village Attorney
- Provide a list of recent or current municipal clients and how they are chartered (General Law Village, Home Rule, City, etc.)
- Provide information about your firm's knowledge of and/or work with Planning Commissions and the Michigan Planning and Enabling Act.
- The RFP submitted shall become part of the Village's bid records and will be available for public review.
- The Village of Empire will not be liable for any costs incurred by any firm in responding to this RFP.
- Provide any other information you consider to of value in evaluating your firm's qualifications.

Cost Proposal

Provide the hourly rate to be charged to perform legal services authorized by the Village Council. Indicate any anticipated cost reimbursement expenses that may be charged to the Village.

Evaluation and Selection

- Firms who submit proposals may be requested to make an oral presentation to the Village Council.
- The Village Council will evaluate each proposal in regards to the ability of the firm to provide the Village of Empire with quality legal services in a cost effective, efficient and timely manner.
- The Village of Empire reserves the right to reject any or all proposals and to waive any irregularities in a proposal and to award a contract that, in the judgement of the Village Council is in the best interest of the Village without regard to cost.

Meeting:	August 10, 2023
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Subject:	Review Empire Hill Climb Mass Gathering Application
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Author:	Sue Palmer
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Overview:

The Empire Hill Climb Mass Gathering Application needs to be reviewed by the Council as detailed in our Mass Gathering Ordinance.

Action to be Taken

Discuss the documents provided and talk about any concern the Council may have.

VILLAGE OF EMPIRE
LEELANAU COUNTY, MICHIGAN

VENDOR/PEDDLER/SOLICITOR LICENSE APPLICATION
8-25-09

(Please Print)

Name Empire Business Association Parcel# 45-041 Village Property
Address PO Box 65 Empire MI 49630 City _____ State _____ Zip _____
(Street)
Phone No. 231-620-1829 Cell Phone No. same E-Mail paulskinner@charter.net
Driver's License No. _____

Which type of license are you requesting?

Vendor: which festival or event Empire Hill Climb

Peddler _____

Solicitor _____

Describe vending, peddling or soliciting location (See Licensing of Vendors, Peddlers and Solicitors Ordinance)

Food Vendor for the spectators attending EHC situated on Wood St.

Describe the nature of the business and method of distributing products Sandwiches

Dates & times of operation being requested 10am thru 6pm 9/18/2021

Do you possess all licenses or permits required by the State of Michigan for the operation of the proposed business? ✓

P.W. Skinner
Signature of Applicant

7/31/2023
Date

Total Fee Paid: _____

Please attach the following:

Copy of Driver's License

List of all products sold

Proof of Non Profit Status

PERMIT

The above application for _____ License (specify type) is hereby approved on the following dates:

_____ to _____, subject to the following conditions:

Date: _____

VILLAGE OF EMPIRE

By: _____
Duly Authorized Agent

CONDITIONS OF PERMIT

VENDING PERMIT REMINDERS AND CONDITIONS

1. No excessive noise within the Village of Empire.
2. No exclusive right to vending location.
3. No operation in congested areas.
4. May not obstruct or impede flow of pedestrian or vehicular traffic.
5. Must display license when requested by any person or enforcement official.

PEDDLING AND SOLICITING PERMIT REMINDERS AND CONDITIONS

1. No excessive noise within the Village of Empire.
2. No peddling at private residences before 10 a.m. or after official sunset time.
3. No peddling at any place where sign is posted stating "no peddling" or similar language.
4. No peddling ready-to-eat food items or any perishable items.
5. May not leave advertising materials at any residence or business without express consent of adult occupant.
6. No entry to private residence under false pretenses.
7. May not remain on premises if owner or occupant has requested you to leave.
8. Must display license when requested by any person or enforcement official.

I acknowledge and agree with the above terms and conditions.

P W Skinner

Signature of Licensee

Date: 07/31/2023

VILLAGE OF EMPIRE
APPLICATION FOR SIGN PERMIT

NAME OF APPLICANTE Empire Business Association _____ DATE 07/31/23

ADDRESS OF APPLICANT PO Box 576 Empire MI 49630 _____

TELEPHONE 231 620 1829 _____ ZONING DISTRICT Village wide _____

PARCEL # 45-041- _____ IS SIGN TO BE ILLUMINATED NO _____

LOCATION WHERE SIGN IS TO BE ERECTED Front St, Johnson Park, Junction Washington & Lake St

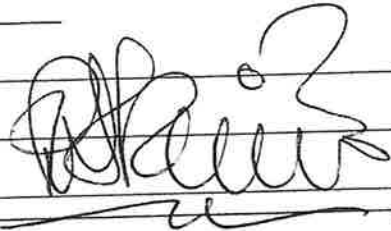
NAME OF PERSON OR BUSINESS ERECTING SIGN Empire Business Association

CONSTRUCTION MATERIAL 12 Canvas 3' X 6' Banners _____

SIGN CONTENTS Signs/ Banners will be erected by Empire Business association and title sponsors of the 2023 Empire Hill Climb _____

Banners will be placed in situ on Friday 15th September and removed 6pm Saturday 16th Sept 2023 _____

SIGNATURE OF APPLICANT _____



7/31/23



SKETCH WITH DIMENSIONS AND SPECIFICATIONS OF STRUCTURE. POSITION OF SIGN IN RELATION TO NEARBY BUILDING OR STRUCTURES.

THE SPECIFICATION OF THIS SIGN HAVE BEEN _____ APPROVED _____ DENIED

FEE _____ DATE PAID _____

SIGNATURE OF ZONING ADMINISTRATOR _____ DATE _____

Leelanau County Pre-Event Plan

EVENT TITLE: Empire Hill Climb 2023

Location: Empire Village

Date: Saturday September 16, 2023

Event Coordinator: Paul Skinner
10126 W. Front Street
P.O. Box 576
Empire, MI 49630
(231) 326-6081 **Cell: (231) 620-1829**
paulskinner@charter.net

Contact for Law Enforcement: Lt. Duane Wright
8525 E. Government Center Dr.
Suttons Bay, MI 49682
(231) 256-8800 **Office: (231) 256-8604**
dwright@leelanau.gov

Contact for Fire & EMS: Chief Bryan Ferguson
P.O. Box 212
6401 W. State St.
Glen Arbor, MI 49636
(231) 334-3279 **Cell: (231) 835-1243**
bryanferguson@glenlakefire.org

Other Support Contact: Matt Ansorge
8525 E. Government Center Dr.
Suttons Bay, MI 49682
(231) 256-8775 **Cell: (231) 432-0084**
mansorge@leelanau.gov

Dispatch Center: (231) 256-8800 or 9-1-1

EVENT

Local volunteers, the National Auto Sports Association (NASA), and the 2023 Empire Hill Climb Organizing Committee are sponsoring the Empire Hill Climb on Saturday, September 16th. The special event is sanctioned by SCCA and will follow their approved rule. The event will host a variety of different cars and race classes. Crowd size will be dependent on the weather and various activities being planned. The Empire Township Hall will be used as their Headquarters / base.

Event Summary:

Date: Friday, September 15th

The course will be set up between 10:00am and 4:00pm.

Registration for the event and the technical inspection area will be available from 6:00pm to 8:30pm at the Lions Club Pavilion, located at the corners of Reynolds and Phillips Streets.

A bonfire will also take place; weather permitting, beginning at 6:00pm at the Lions Club Pavilion.

Date: Saturday, September 16th

Registration will open at 7:30am and continue until 8:00am at the Empire Town Hall, located at 10088 W. Front Street.

Technical Inspection will be available by appointment only, as time is limited, in the designated paddock space on Front Street.

A Volunteer Meeting is scheduled for 8:00am at the Lions Club Pavilion, workers will respond to their assignments by 9:00am.

A Mandatory Drivers Meeting will be held at 9:00am in front of the Empire Town Hall, 10088 W. Front St., lead by the Empire Hill Climb Committee.

The first timed run is scheduled for 10:00am and all events should be concluded around 6:00pm.

Awards will be handed out beginning at 7:00pm at the Empire Town Hall.

Pre-Event Check List:

- ☐ Briefing of volunteers by event organizers to ensure they know how and when and how to access emergency assistance.
- ☐ Ensure event organizers have copies of the pre-plan.
- ☐ Volunteers working on any roadway parking or directing vehicle and or pedestrian traffic, should be wearing a reflective vest.
- ☐ All volunteers and event organizers should be aware of the various activities, their times and locations of each.
- ☐ Fire and EMS are aware of the radio channels assigned to this event.
- ☐ Ensure event coordinators have the ability to contact each other and a means of accessing emergency services.
- ☐ Prior to the start of the events, the grounds / roadways should be completely checked for any safety hazards. The Event Coordinator is responsible for ensuring the area is returned to its normality post-event.
- ☐ Barricades and traffic cones in place if required.
- ☐ Parking areas free of obstructions.

Medical & Fire Coordination:

Glen Lake Fire Department will not have personnel dedicated to this event; however, they will be available from their station if an emergency arises. Event Coordinators will instruct all staff and volunteers to contact 9-1-1 in the event a serious injury, or injuries, occurs.

Law Enforcement Coordination:

The Leelanau County Sheriff's Office will not have personnel dedicated to this event. If call volume allows, they will have units patrol through the area and all appropriate units will respond if an emergency arises. First on scene LE shall notify dispatch of any need for additional support.

Parking:

Parking shall be the responsibility of the Event Coordinators. Spectator parking has been designated in a field on the east side of Lake St just south of Michigan St. Parking for the trailers shall be located at Johnson Park off Reynolds St. and shall not impede the flow of traffic or cause other traffic (vehicles and pedestrian) related safety issues.

Staging:

Any additional fire units shall stage at the Empire Fire Station or as otherwise directed by the IC.

Law Enforcement shall stage at the National Park Service Headquarters Building on M-72 near M-22 in the Village or as directed by IC as well.

Communication:

Responding personnel from Law Enforcement, Fire and EMS will utilize their normal 800MHz talk groups for incident coordination.

Amateur radio operators will be coordinating communications for the event and have personnel stationed at the starting line, at the midpoint near the spectator viewing area, and near the finish line at the intersection of Wilco and Wisniewski Rds.

Weather:

The National Weather Service (NWS) will be monitoring weather for this event and continually updating information to the following web link:

<https://www.weather.gov/forecastpoints?lat=44.799211&lon=-86.057929&clat=44.799211&clon=-86.057929&zoom=19&basemap=stamenterrain&layers=USStates|USCounties|ForecastDotDomain>

In the event severe weather threatens the area, Lt. Dykgraaf with the Glen Lake Fire Department will be the primary contact for the NWS to provide updated information. Matt Ansoerge will be their secondary contact. Decisions will be made with the safety and security of all participants and spectators in mind based upon the information provided by the NWS. From there the Event Coordinator will be contacted to take precautionary measures to ensure the safety of all participants and eventgoers.

**VILLAGE OF EMPIRE
LEELANAU COUNTY, MICHIGAN**

MASS GATHERING ORDINANCE NO. ____

AN ORDINANCE TO PROVIDE A PERMITTING PROCEDURE FOR MASS GATHERINGS TO INSURE THE PUBLIC HEALTH, SAFETY AND WELFARE BY PROPER PLANNING FOR AND USE OF VILLAGE SERVICES AND PERSONNEL.

THE VILLAGE OF EMPIRE ORDAINS:

Section 1. Repealer.

Upon the effective date of this Ordinance, the prior Ordinance No. 119, known as the MASS GATHERING ORDINANCE NO. 119 AS AMENDED is, at the same time, repealed.

Section 2. Definitions.

The following terms, as used in this Ordinance, are hereby defined to mean:

1. **Permittee** shall mean any person to whom an approval is issued pursuant to this Ordinance.
2. **Person** shall mean any natural person, partnership, corporation, Limited Liability Company, association, organization or other legal entity.
3. **Mass Gathering** shall mean an organized outdoor event of three-hundred fifty (350) people or more held at a single location on either public or private land within the Village; provided, however, a mass gathering shall not include an event sponsored by the Village itself, and/or garage/yard sales held at private property, churches, or civic organizations occurring entirely upon the grounds of said private property, church or organization.
4. **Sketch Plan** shall mean a composite drawing on a Village Map that identifies the specific locations of each required amenity and layout of the specific site which includes all requirements of an application.
5. **Sponsor** shall mean any person who organizes, promotes, conducts or causes to be organized, promoted or conducted, a mass gathering.
6. **Village** shall mean the Village of Empire.
7. **Village Ambassador** shall mean a person engaged by the Village to ensure on-site, the commencement and completion of permitted mass gathering events in conformance with this ordinance.

Section 3. Permit Requirements.

3.1 Necessary of Permit and Notification.

A person shall not sponsor, maintain, conduct, promote or permit a mass gathering event in the Village without first obtaining a permit from the Village for such mass gathering. In addition, a person shall not sponsor, maintain, conduct, promote or permit an organized outdoor event of any size in conjunction with or on the same date and at the same location as a mass gathering without

first being included in the application of and being included on the approved permit for the mass gathering.

3.2 Application for Permit.

No less than ninety (90) days before the proposed mass gathering, except as provided for in Section 2.6, the sponsor(s) of the mass gathering shall submit in writing an application for a mass gathering permit to the Village's Enforcement Officer on such forms and in such manner as the Village prescribes.

For the application to be considered by the Village of Empire, the application shall be determined by the Village Enforcement Officer to be administratively complete and shall contain:

1. The name(s), address(es) and telephone number(s) of the proposed mass gathering sponsor(s);
2. The date(s), hours, location, and duration of a mass gathering, and the proposed use(s) of any Village-owned property, if any;
3. A description of the kind, character and type of mass gathering proposed;
4. A written statement from the property owner consenting to the use of the property for the proposed mass gathering;
5. An estimate of the maximum number of people expected to attend the proposed mass gathering;
6. A detailed written statement that indicates how the sponsor(s) will provide for the following:
 - a. Police and fire protection;
 - b. Medical facilities and services, including emergency vehicles and equipment;
 - c. Food and water supply facilities;
 - d. Sanitation facilities;
 - e. Vehicle access and parking facilities;
 - f. Cleanup and waste disposal;
 - g. Noise control; and
 - h. Insurance and bonding arrangements.
7. A sketch plan shall be included with the application which shows at a minimum, areas of staging, parking (i.e., public and private), sanitation facilities, emergency corridors and first-aid stations, ingress and egress locations, traffic control, pedestrian crossing areas, waste disposal, food service (if any), and water facilities and resources.
8. The applicant shall attach a letter from all required entities that they have received a copy of the application and that the applicant/application complies with their requirements.
9. The names and mobile phone numbers(s) of the on-site event coordinator representing the applicant/application organization.
10. Plan for traffic control, if deemed necessary by the Village Enforcement Officer, including the number, location(s) and traffic control goal(s) for on-site traffic control volunteers provided by the applicant.

11. A mass gathering event that is planned to also occur within additional adjoining jurisdictions, e.g., Empire Township, the applicant shall provide proof of notification of the planned event to those jurisdictions.

3.3 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.

3.4 Action on Application.

After receiving an application for a mass gathering permit, the Village Enforcement Officer or his/her appointee, shall review the information contained in the application, and if necessary, investigate and determine the impact of the proposed mass gathering, using the following criteria:

1. Suitability of the site for the proposed mass gathering,
2. Length of the mass gathering, the number of people anticipated to attend,
3. Conflict with other uses of the site,
4. Information received from the County Sheriff, County Emergency Medical Resources and Township Fire Department relating to increased demands,
5. Plans to provide adequate food, water facilities and sanitation facilities,
6. Disposal of solid waste and garbage,
7. Impact on traffic patterns, vehicle parking to and within the site, and applicant's ability to provide controls, and
8. Impact on pedestrian routes to and within the site and the applicant's ability to provide controls.

Prior to granting the permit, the Village Enforcement Officer may at their discretion, seek guidance from the Village Council with regard to the terms and conditions necessary for the issuance of a permit.

If the proposed mass gathering proposes to use Village-owned property, the Village Council must review and approve the proposed use(s) of Village-owned property at the next regular Village Council meeting and before the Village Enforcement Officer can make a final decision on any administratively complete application.

Within thirty (30) days after receiving an application for a mass gathering permit, the Village Enforcement Officer shall either:

1. Approve or conditionally approve the application and issue the mass gathering permit;
2. Deny the mass gathering permit for failure to comply with this Ordinance; or
3. Deny for lack of the provision of a complete application by the Applicant.

If the application is denied, the Village Clerk shall send written notice of the denial, including the reasons for the denial to the sponsor(s) by certified mail within five (5) days of the denial decision.

The Village Enforcement Officer may attach any conditions to the issuance of such a permit which, at his or her sole discretion, deems necessary to protect the public health, safety and welfare.

3.4.1 Village Ambassador.

The Village Council may engage and compensate Village Ambassador(s) to ensure on-site, the commencement and completion of permitted mass gathering events in conformance with this ordinance. The Village Enforcement Officer shall provide the permittee with the name and contact information for an event assigned Village Ambassador(s).

3.4.2 Overlapping Mass Gathering Events

If the proposed mass gathering event is planned that would overlap with another mass gathering event within the Village, the permittee of the second mass gathering may be asked to demonstrate how the proposed mass gathering event will be compatible with the first permitted mass gathering event(s). The review of such permit applications will be on a first-come, first-served basis. The Village Enforcement Officer shall determine mass gathering events compatibility for simultaneous events by the criteria outlined in Section 2.2 of this Ordinance.

3.5 Requirement for Applicant's Reimbursement to the Village.

1. Additional Cost Determination

After the event, the Village Enforcement Officer will, in consultation with the Village DPW and Clerk, review and determine if additional costs - in services or personnel - were incurred by the Village due to the event. The permittee shall be responsible for reimbursing the Village for those additional costs. Since most events are held on weekends, overtime rates will apply.

Those additional costs shall not include any Village regularly scheduled activities or personnel schedules that would normally be scheduled on the specific dates(s).

2. Reimbursement Requirement for Village Employees

Determination for Village staff hours shall be based on the Village's actual cost to have the lowest paid departmental employee(s) in ascending order for the specific task on duty during the event. Reimbursement shall be based on all costs associated to the specific employee including, but not limited to, regular or overtime pay, fringe benefit reimbursement and insurances.

3. Reimbursement Requirement for Village Equipment or Supplies

Reimbursement to the Village for equipment, vehicles or supplies and services such as refuse disposal cost and vehicles shall be based on actual cost of equipment or services, or vehicle cost based on the State of Michigan's Schedule of Equipment Cost, as amended, and as updated by the State of Michigan Treasury at the time of the event.

4. Reimbursement Payment to the Village

All cost reimbursements due to the Village must be paid in full within thirty (30) days after the final date of the event. The Village shall use any legal means necessary to collect any unpaid cost reimbursements. Non-payment of reimbursement cost may jeopardize any future events scheduled for the permittee and can be grounds for denial of future applications.

The Village Enforcement Officer may require the applicant to post a two thousand-dollar (\$2,000.00) performance bond or cash security deposit as a condition of granting the permit if, in said officer's sole discretion, such performance bond or cash security deposit is necessary to ensure the Village will be reimbursed for its costs as provided for in this Ordinance.

3.6 Exemption from Other Ordinances.

It is the express intent of the Village that all mass gatherings held within the Village shall be governed by this Ordinance and shall therefore be exempt from the provisions of similar Empire Township or Leelanau County ordinances not specifically adopted by the Village Council. The Village Enforcement Officer may accept or reject any review, decision, determination or recommendation by Leelanau County or its officers for any event held or to be held within the Village limits.

Section 4. Village Enforcement Officer.

Unless and until a different person is assigned the authority and duties of the Village Enforcement Officer under this Ordinance, all of said authority and duties shall be performed by the Village's Zoning Administrator who shall serve as the Village Enforcement Officer during such time.

Section 5. Appeals Process.

An aggrieved applicant may appeal any decision of the Village Enforcement Officer to the Village Council. All such appeals shall be filed and heard prior to the event's occurrence. No appeal of the costs imposed by this Ordinance shall be considered for any event after the event's occurrence. The Village Council's decision shall be final for the purposes of this Ordinance.

Section 6. Violations.

6.1 Municipal Civil Infractions.

Any person who violates any provision of this Ordinance shall be responsible for a municipal civil infraction and shall be subject to the penalties and sanctions set forth in the Municipal Civil Infractions Ordinance of the Village of Empire as such ordinance may be amended from time to time. Each day this Ordinance is violated, it shall be considered as a separate violation.

6.2 Enforcement Officials.

The officers of the Leelanau County Sheriff's Department and the Village Enforcement Officer provided for in this Ordinance are hereby designated as the authorized Village officials to issue municipal civil infraction citations directing alleged violations of this Ordinance to appear in court.

6.3 Nuisance *Per Se*.

A violation of this Ordinance is hereby declared to be a *nuisance per se* and is declared to be offensive to the public health, safety and welfare.

6.4 Civil Remedies.

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 the nuisance *per se*

or any other violation of this Ordinance.

Section 7. Severability

The several sections of this Ordinance shall be deemed severable, and should any section, clause, or provision thereof be declared unconstitutional or contrary to the law of the State of Michigan, and therefore voided by any court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part or section so declared to be unconstitutional or invalid.

Section 8. Savings Clause

All proceedings pending and rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 9. Effective Adoption and Date

9.1 Effective Date

The provisions of this Ordinance are ordered to take effect thirty (30) days after publication (as the full text or as a summary thereof) in a newspaper of general circulation in the Village of Empire.

9.2 Adoption

This Ordinance was duly adopted by the Village of Empire Council at its regular meeting called and held on the _____.

Section 10. Publication

The Village Clerk shall cause this Ordinance or summary of this Ordinance to be published in a newspaper of general circulation within Village of Empire within thirty (30) days after adoption.

Sue Palmer, President, Village of Empire

Derith Smith, Clerk, Village of Empire

Village of Empire
Non-Profit Mass Gathering Fee Waiver

This form must be submitted with the application for the corresponding event, following the deadlines for application submission. Failure to include this form at the time of application submission will result in applicable event fees being charge to the event coordinator.

Requested Event Date: 1st choice **: _____

Requested Event Date: 2nd choice (Required) **: _____

**Date choice is not guaranteed until final calendar has been determined by the Zoning Administrator

Organization's Information

Event Title: _____

Applicant Name: _____

Applicant Name: _____

Non-Profit I.D. or Tax Exempt #: _____

Address: _____

City: _____ State _____ Zip _____

Phone: () _____ Cell Phone: () _____

Email Address: _____ Fax Number: () _____

Event Information

Event Type (please select all that apply):

- ☐ Race (run, walk, bike, etc.)
- ☐ Parade
- ☐ Street Fair/Festival
- ☐ Concert

- ☐ Tournament - Type: _____
- ☐ Pass-through
- ☐ Fundraiser - Benefitting: _____
- ☐ Other _____

Event Location: _____

Why are you requesting to waive the Application Fee?

Please identify the hardship incurred (please attach additional pages, if necessary):

Please identify how your organization benefits the Village of Empire as outlined in the criteria below. Please be specific (attach additional pages, if necessary):

CRITERIA CONSIDERED

The Village of Empire will consider the following when reviewing a special event fee waiver request:

- *
- *
- *

Event Representative (signature)

Special Event Coordinator

Prepared:	August 2, 2023	Pages: 1
Meeting:	August 10, 2023	Attachments: 1
Subject:	Barbed-wire fence adjoining Shalda Park	Author: March Dye

Overview:

There is a barbed wire fence on private property which runs along the north end of Shalda Park. This has not been an issue in the past, however, with the installation of the new walking path people are brought closer to this fence than they may have come previously. The concern is that children and/or pets may go off the path and get entangled in the barbed wire.

Part of the fence has a type of 2X4 inch mesh wire topped with a single strand of barbed wire. The other (approximate) half of the fence is all barbed wire which has fallen down in places and is hard to see.

Questions:

1. Should the Village Council do anything?
2. If the issue is to be addressed what are the options?
 - a. Write a letter to the property owner stating the concern and asking if they would replace the barbed wire with a friendlier fence.
 - b. Put up signs warning of barbed wire or private property.

Recommendation:

Write a letter to the property owner asking if they would replace the barbed wire with a friendlier fence.

VC 8/10/23



Village of Empire - PO Box 253 - 11518 S. Lacore Street - Empire, Mi 49630

August 2, 2023

Mr. Buck Doe
452 Something Street
Empire, Michigan

Dear Buck,

You will have noticed the activity in the past months at Shalda Park which adjoins your property. The Village has installed a walking path with exercise stations around the perimeter of the park for the enjoyment of all who come to the park.

It has been called to our attention that there is a fence on your property, fairly close to the trail, which is partially constructed of barbed wire. Part of that fence is fallen down and hard to see. We acknowledge that the fence is on your private property and that visitors to the park should not be on your property.

We would ask, however, that you would consider replacing the barbed wire with a friendlier type of wire fence to prevent any children or animals from getting caught in the barbed wire.

Please feel free to contact the Village Office with any comments on how we can work with you to resolve this issue.

Thank you,

Deputy Clerk

SAMPLE ONLY

Empire Village Council Meeting Documentation

Date Prepared:	August 2, 2023	
Meeting Date:	August 10, 2023	Meeting Type: Work Session
Subject:	Saturday Sharing with Council	Author: Maggie Bacon

Overview or Problem Statement:

Our Village residents are tall, short, outgoing, introverted, perceptive, intuitive, confident and shy. A theme for the Council this year is providing the public with opportunities to feel heard outside of a Council meeting. One option being employed is the Meet and Greet before the occasional Council meeting. It would be expected that outgoing, social individuals will naturally gravitate to the Meet and Greet. Some residents are not comfortable in that type of social setting – they want to have a lower profile and may be seeking a different venue for sharing their thoughts.

Recommendation:

Using the same criteria for the Meet and Greet, offer residents an alternative, once a month, “Saturday Sharing with Council”. Per our attorney’s recommendation from the Coffee with Council days, these occasions will be notices with a limit of 2 council members at each event. During the warmer months, we can reserve Johnson (Lion’s) Park. For the colder months, the Township Hall may be an option. Council members may sign up for a Saturday shift (completely voluntary!). The goal is a low-key, safe environment for residents to talk with one of two Council members.

Saturday Sharing with Council Rules

1. No Village resources (other than posting) may be used
2. Pack it in – pack it out
3. Listen, no promises
4. No group lobbying efforts will be allowed
5. No more than 2 Council members will be present for any single event.

Saturday Sharing with Council Rules

6. No Village resources (other than posting) may be used
7. Pack it in – pack it out
8. Listen, no promises
9. No group lobbying efforts will be allowed
10. No more than 2 Council members will be present for any single event.

Attachment: OMA and Notice

15.265 Public notice of regular meetings, change in schedule of regular meetings, rescheduled regular meetings, or special meetings; posting; statement of date, time, and place; website; recess or adjournment; emergency sessions; emergency public meeting; meeting in residential dwelling; limitation; notice; duration requirement.

Sec. 5. (1) A meeting of a public body shall not be held unless public notice is given as provided in this section by a person designated by the public body.

(2) For regular meetings of a public body, there shall be posted within 10 days after the first meeting of the public body in each calendar or fiscal year a public notice stating the dates, times, and places of its regular meetings.

(3) If there is a change in the schedule of regular meetings of a public body, there shall be posted within 3 days after the meeting at which the change is made, a public notice stating the new dates, times, and places of its regular meetings.

(4) Except as provided in this subsection or in subsection (6), for a rescheduled regular or a special meeting of a public body, a public notice stating the date, time, and place of the meeting shall be posted at least 18 hours before the meeting in a prominent and conspicuous place at both the public body's principal office and, if the public body directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, on a portion of the website that fully accessible to the public. The public notice on the website shall be included on either the homepage or on a separate webpage dedicated to public notices for non-regularly scheduled public meetings and accessible via a prominent and conspicuous link on the website's homepage that clearly describes its purpose for public notification of those non-regularly scheduled public meetings. The requirement of 18-hour notice does not apply to special meetings of subcommittees of a public body or conference committees of the state legislature. A conference committee shall give a 6-hour notice. A second conference committee shall give a 1-hour notice. Notice of a conference committee meeting shall include written notice to each member of the conference committee and the majority and minority leader of each house indicating time and place of the meeting.

(5) A meeting of a public body that is recessed for more than 36 hours shall be reconvened only after public notice that is equivalent to that required under subsection (4) has been posted. If either house of the state legislature is adjourned or recessed for less than 18 hours, the notice provisions of subsection (4) are not applicable. Nothing in this section bars a public body from meeting in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when 2/3 of the members serving on the body decide that delay would be detrimental to efforts to lessen or respond to the threat. However, if a public body holds an emergency public meeting that does not comply with the 18-hour posted notice requirement, it shall make paper copies of the public notice for the emergency meeting available to the public at that meeting. The notice shall include an explanation of the reasons that the public body cannot comply with the 18-hour posted notice requirement. The explanation shall be specific to the circumstances that necessitated the emergency public meeting, and the use of generalized explanations such as "an imminent threat to the health of the public" or "a danger to public welfare and safety" does not meet the explanation requirements of this subsection. If the public body directly or indirectly maintains an official internet presence that includes monthly or more frequent updates of public meeting agendas or minutes, it shall post the public notice of the emergency meeting and its explanation on its website in the manner described for an internet posting in subsection (4). Within 48 hours after the emergency public meeting, the public body shall send official correspondence to the board of county commissioners of the county in which the public body is principally located, informing the commission that an emergency public meeting with less than 18 hours' public notice has taken place. The correspondence shall also include the public notice of the meeting with explanation and shall be sent by either the United States postal service or electronic mail. Compliance with the notice requirements for emergency meetings in this subsection does not create, and shall not be construed to create, a legal basis or defense for failure to comply with other provisions of this act and does not relieve the public body from the duty to comply with any provision of this act.

(6) A meeting of a public body may only take place in a residential dwelling if a nonresidential building within the boundary of the local governmental unit or school system is not available without cost to the public body. For a meeting of a public body that is held in a residential dwelling, notice of the meeting shall be published as a display advertisement in a newspaper of general circulation in the city or township in which the meeting is to be held. The notice shall be published not less than 2 days before the day on which the meeting is held, and shall state the date, time, and place of the meeting. The notice shall be at the bottom of the display advertisement, set off in a conspicuous manner, and include the following language: "This meeting is open to all members of the public under Michigan's open meetings act".

(7) A durational requirement for posting a public notice of a meeting under this act is the time that the notice is required to be accessible to the public.

History: 1976, Act 267, Eff. Mar. 31, 1977; Am. 1978, Act 256, Imd. Eff. June 21, 1978; Am. 1982, Act 134, Imd. Eff. Apr. 22, 1982; Am. 1984, Act 167, Imd. Eff. June 29, 1984; Am. 2012, Act 528, Imd. Eff. Dec. 28, 2012.

FIGURA LAW

11470 S. Leelanau Hwy, Ste. 105
PO Box 447
Empire, MI 49630
www.figuralaw.com

Statement

Invoice No: Vg Emp-1197
Date: 8/4/23
Group: Empire Village
bill group

Empire, Village of
Derith Smith, Clerk
11518 LaCore Street
PO Box 253
Empire, MI 49630

Multiple Matters

General Matters

Hourly Fees

<u>Date</u>	<u>Description</u>	<u>Timekeeper</u>	<u>Time</u>	<u>Rate</u>	<u>Amount</u>
7/31/23	Conference with S. Palmer re: FOIA response process and next steps after receipt of a FOIA.	Timothy J. Figura	0.3 hrs	\$160.00/HR	\$48.00
7/27/23	Telephone conference(s) with S. Palmer re: July 25, 2023 FOIA request.	Timothy J. Figura	0.5 hrs	\$160.00/HR	\$80.00
7/19/23	Telephone conference(s) with S. Palmer re: correspondence regarding FOIA request.	Timothy J. Figura	0.2 hrs	\$160.00/HR	\$32.00
7/14/23	Email to S. Palmer, D. Smith, A. Acton re: short term rental ordinance authority and potential conflict with restrictive covenants, master deeds, PUD agreements.	Timothy J. Figura	2.6 hrs	\$160.00/HR	\$416.00
7/14/23	Conference with S. Palmer re: FOIA-related correspondence.	Timothy J. Figura	0.6 hrs	\$160.00/HR	\$96.00
7/10/23	Telephone conference(s) with S. Palmer re: FOIA requests.	Timothy J. Figura	0.3 hrs	\$160.00/HR	\$48.00

7/7/23	Continued review of Mass Gathering Ordinance and application. Email to S. Palmer, D. Smith, and A. Acton re: recommended changes to mass gathering ordinance and concerns/recommendations regarding waiver of event application fee.	Timothy J. Figura	2.2 hrs	\$160.00/HR	\$352.00
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7/5/23	Conference with S. Palmer re: New Neighborhood street dedication and correspondence received regarding a pending FOIA request.	Timothy J. Figura	0.7 hrs	\$160.00/HR	\$112.00
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Total Hourly Fees	7.4 hrs	\$1,184.00
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Matter Total: \$1,184.00

Invoice Subtotal

\$1,184.00

Balance: \$1,184.00