

**EMPIRE VILLAGE COUNCIL WORK SESSION**  
**October 10, 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) Sign Ordinance Enforcement (Palmer)
- 2) Personnel – Job Descriptions Discussion (Walton)
- 3) Recycling Center Fence (Bacon)
- 4) Motion on Required Actions
  - a. Approve Minutes of the September 24, 2024 Minutes
  - b. Consumers Energy Resolution – Approval of Fee (Bacon)
  - c. Purchase Steam Cleaner for DPW Garage (Bacon)
  - d. Approve Final Payment to Renovare (Bacon)
  - e. Sign Ordinance Enforcement, if discussion warrants (Palmer)
  - f. Approve Job Descriptions, if discussion warrants (Walton)

**J. NEW BUSINESS**

- 1) RAP Grant Opportunities (Palmer)
- 2) Parks Committee Request to Meet (Dye)
- 3) Cherry Republic Request for an Industrial Development District

**K. PUBLIC COMMENT**

**L. COUNCIL MEMBER COMMENT**

**M. ADJOURNMENT**



## Village of Empire Meeting Documentation

**Meeting Date:** October 10, 2024 - Work Session

**Agenda Item:** Sign Ordinance Enforcement

**Requestor:** Sue Palmer

### **Overview/Statement of Agenda Item:**

The Village of Empire has recently approved a new Zoning Ordinance regarding Signs (3.12-Signs). Our Zoning Administrator will not approach villagers in violation without direction from council. Our attorney has provided his thoughts, and I have attached them to this document.

### **Recommendations:**

The Council needs to make a recommendation to our Zoning Administrator and our residents on how this will be enforced

----- Original Message -----

From: "Timothy J. Figura" <TFigura@mikameyers.com>

To: 'Robert Hall' <za@villageofempire.com>

Cc: Sue Palmer <s.palmer@villageofempire.com>

Date: 09/20/2024 3:56 PM EDT

Subject: RE: sign ordinance violation

Bob,

While I wouldn't exactly say "hands off" during political season, this is sometimes the practical outcome. I also believe that the Village council has received a large amount of feedback on this topic from the public over the years. My quick thoughts on the matter:

- Ordinances should be enforced uniformly as written. If there is ambiguity or any other reason why a ZA believes that strict enforcement cannot or should not be accomplished, the ordinance still must be enforced *uniformly*.
- Zoning administrators typically act on complaints from the public and do not patrol the streets looking for violations. By acting on complaints, the ZA may be (or be seen as) carrying out a partisan agenda aimed at removing certain signs based on their content.
- Our clients often receive requests from the public asking for the removal of political signs for invalid reasons. Even a valid reason, however, would require uniform enforcement and will lead to complaints ("why were these signs removed, but those signs were allowed to remain?").
- Attempting uniform enforcement of political signs would require constant monitoring and may lead to a boondoggle. That being said, I'm not sure that the public would be satisfied with political signs being enforced strictly on a complaint basis for reasons stated above.
- The political sign season is (normally) short, and there are usually few issues with signs remaining up for an unreasonable time after an election. If the signs are addressed after the current election, there is less concern about violation of free-speech rights since the election is done.
- Members of the public are afforded first amendment free speech protections for their political messages. While these rights are abrogated by United States Supreme Court in its 2015 decision in *Reed v. Town of Gilbert*, this issue has not been clarified by the United States Supreme Court since it held that signs may only be regulated by their size/material/location etc. rather than their content. Public bodies are rightly concerned with potential federal litigation related to their enforcement as to political signs. In other words; there is probably room for new Federal Supreme Court case law to be developed as to political signs, and participating in such a lawsuit would be a massive drain on public resources.
- Attorney Richard Wilson at our Manistee office has generally recommended a hands-off approach on political signs during election season because the prospect of a federal free-speech lawsuit and for the other reasons stated above.
- As a counter-point, allowing a single property owner to maintain signs above the limits of the ordinance may be (or be viewed as) a showing of support to those messages. Residents who follow the ordinance will feel that the violator is receiving special treatment via the non-

enforcement. And in the Village of Empire, allowing signs beyond the ordinance limits may be seen as new precedent. It could even lead to more signs on other properties.

Just a few thoughts,

**Timothy J. Figura**



**Mika Meyers PLC**

414 Water Street

PO Box 537

Manistee, MI 49660

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[mikameyers.com](http://mikameyers.com)

E-mail: [tfigura@mikameyers.com](mailto:tfigura@mikameyers.com)

**From:** Robert Hall <[za@villageofempire.com](mailto:za@villageofempire.com)>

**Sent:** Friday, September 20, 2024 12:02 PM

**To:** Timothy J. Figura <[TFigura@mikameyers.com](mailto:TFigura@mikameyers.com)>

**Cc:** Sue Palmer <[s.palmer@villageofempire.com](mailto:s.palmer@villageofempire.com)>

**Subject:** Fwd: sign ordinance violation

Tim -

I've copied Village President Sue Palmer in this communication. Because I am NOT a politician and have no political desires, I wanted to run this by you for comment and NOT a full blown opinion.

Having been in this business for 25 years now, the election season always spawns concerns like expressed in the below email. In other communities (**regardless of the sign ordinances**), I have been advised (**by legal**) that the political signs of the season are best left alone --- period --- hands off!

Your thoughts?

Thank-you,

Bob

----- Original Message -----

From: Steve Young <steve49636@gmail.com>

To: ZA@villageofempire.com

Date: 09/16/2024 10:54 PM EDT

Subject: sign ordinance violation

Dear Mr. Hall,

I am writing to complain of an apparent violation of the Empire Village sign ordinance.

The property at the corner of Wood Street and M-22 (also know as 12000 S. Leelanau Highway, I believe) has, as of this morning, six political yard signs of standard size, despite the Ordinance limit of two signs. In the last few days an additional sign, a large banner, has been added on their front porch railing.

I do not know if the total sign square footage is in excess of what is allowed, but I am guessing the total is about 17 square feet.

Please contact the property owner, at your earliest convenience, to change his or her signage to comply with the Village ordinance.

Sincerely, Steve Young

11970 S. Ontario Street, Empire

Robert (Bob) Hall

**Village of Empire**

**Zoning Administrator**

11518 S. Lacore Street - P.O. Box 253

Empire, Michigan 49630-0253

231-326-5466

[za@villageofempire.com](mailto:za@villageofempire.com)



## Village Council Meeting Documentation

Date Prepared:	10.3.2024	# of Pages:8
Meeting Date:	10.10.2024	Meeting Type: work session
Subject:	Personnel - Job Descriptions	Author: Meg Walton

**Overview:** Revisions of job descriptions for the Clerk, Treasurer, and DPW Superintendent. At the last Council meeting the recommendation was to receive additional input from council members concerning the job descriptions. The Personnel committee originally consulted the appropriate individuals, who are currently performing the work for the village. Job descriptions were presented to council and revisions were made. Further revisions were requested from council members and comments from a resident with HR background and experience. Numerous revisions have been received and incorporated into the job descriptions. This represents the Personnel Committees' contribution for Council approval.

**Recommendation for Action:** Council approve the Job Descriptions and request the personnel committee proceed to work on the remaining job descriptions for village employees.

**Additional note:** The Village Ordinances 133 and 134 specify that the position of Village Clerk and Village treasurer run as 2-year appointments by the Village President and approval of the Village Council. This is the Council's opportunity to approve the posting of the positions with a call for applications. A 30 day notice of non-renewal is required by ordinance.



**Village of Empire – Clerk**

Title	Village Clerk
Reports to	Village Council
Appointment	Appointed by the Village President; Approved by the Village Council for a two-year term (as defined in Ordinance No. 133)
Classification	Non-Union; Salary; Exempt
Salary	Based on qualifications and experience, set by the Village Council
Position Summary	Under the direction of the Village Council, serves as the general accountant for the Village of Empire. Performs and/or ensures statutory duties are completed per the General Law Village Act, the Michigan Department of Treasury, and Village Ordinances. The Village Clerk coordinates and manages the support activities, operations, and administration of the Village office. The clerk prepares and maintains official documentation, financial records, and various reports while ensuring citizens can access public records. The clerk must also take meeting minutes regularly and undertake transcription work, archiving, and digital data management. Serves as the Village FOIA Coordinator
Essential Duties and Functions	<ol style="list-style-type: none"> <li>1. Serves as the General Accountant for the Village of Empire.</li> <li>2. Serves as the FOIA Coordinator for the Village of Empire. Responds to Freedom of Information Act (FOIA) requests in conformance with Federal and State of Michigan law.</li> <li>3. Supervises office staff; oversees daily office operations; develops and maintains standard office operating procedures.</li> <li>4. Performs all activities related to payment of payroll and accounts payable.</li> <li>5. Serves as records management officer by overseeing the records management program and maintaining good records management practices; performs grant reporting as required.</li> <li>6. Attends Village Council meetings; keeps and distributes meeting minutes consistent with Michigan law.</li> <li>7. Responsible for timely filing of reports with local and State agencies and updates and publishes as may be required by law, Village Ordinances, Policies and Resolutions as approved by Village Council.</li> <li>8. Maintains custody of the Village seal and all the documents, official bonds, papers, files, and records of the Village, and may administer oaths and affirmations. (1992 PA 116, MCL 24.401 to 24.403 and section 3 1964 PA 105 MCL 691.1103.</li> <li>9. Assists Village Council members in the conduct of their jobs/duties.</li> <li>10. Performs all duties as required by state law, the General Law Village Act provisions MCL 64.5-64.8.</li> <li>11. Receives and coordinates the bid process with professional services providers village.</li> <li>12. Administers the employee health and retirement program.</li> <li>13. Coordinates annual audit.</li> </ol>



<p>Minimum Requirements</p>	<ol style="list-style-type: none"> <li>1. Working knowledge of fund accounting.</li> <li>2. Experience with BS&amp;A and Microsoft Office software is preferred but not required.</li> <li>3. Knowledge of office management and supervision principles and the ability to apply this knowledge.</li> <li>4. Knowledge of clerical and record-keeping procedures; including transcribing, and maintaining such records.</li> <li>5. Knowledge of the laws, ordinances, and other regulations pertaining to records management.</li> <li>6. Ability to establish and maintain effective working relationships and use good judgment, initiative, and resourcefulness when dealing with employees, professional contacts, elected officials and the public.</li> <li>7. Investigate and respond to customer concerns promptly and produce documentation for Village files.</li> <li>8. Submit monthly and annual reports as required by statute, the State of Michigan, or as requested by the Village Council.</li> <li>9. Provide financial reports as the Michigan Department of Treasury Uniform Accounting Procedures Manual describes.</li> <li>10. Provide revenue and expenditures reports by fund incorporating monthly and YTD budget data, as requested by the Village Council.</li> <li>11. Ability to attend meetings or complete work assignments outside regular business hours.</li> <li>12. Keep informed about current issues through continued education. Attend conferences or workshops.</li> </ol>
<p>Education</p>	<p>An associate degree in business or accounting is preferred. A combination of education and experience may be substituted for the education requirement.</p>
<p>Certification</p>	<p>Municipal Clerk certification is encouraged within three years of appointment. Notary Public must be obtained within three months of appointment.</p>
<p>Physical Requirements</p>	<p>The physical demands and work environment characteristics described here represent those an employee encounters while performing the job's essential functions. Reasonable accommodations may be made to enable individuals with disabilities to perform these essential functions.</p> <p>While performing the duties of this job, the Clerk will need to work on a computer, communicate by telephone, email, or in person, access paper files in a filing cabinet, stand for short periods and sit for extended periods.</p>
<p>Comments</p>	<p>The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the role if the work is similar, related, or a logical assignment.</p>

## Village of Empire - Treasurer

Title	Treasurer
Reports to	Village Council
Appointment	Appointed by the Village President; Approved by the Village Council for a two-year Term (as defined in Ordinance No. 134)
Classification	Non-union; Salary; Exempt
Salary	Based on qualifications and experience, set by Village Council
Position Summary	Under the direction of the Village Council, serves as the official treasurer of the Village. Performs and/or ensures statutory duties are completed in accordance with the General Law Village Act and village ordinances. Maintains Village funds and accounts, and keeps Village Council apprised of the Village's financial condition.
Essential Duties and Job Functions	<ol style="list-style-type: none"> <li>1. Serves as Treasurer to the Village Council, responsible for the custody of all money and all evidence of value belonging to or held in trust by the Village.</li> <li>2. Receives all monies belonging to and collected by the Village including Village taxes, fees, utility bills, and other payments due.</li> <li>3. Deposits all monies or funds in depository institutions in accordance with the General Law Village Act, Village Ordinances and policies, and state law</li> <li>4. In collaboration with the Village Clerk, maintains an account of all receipts and expenditures of the Village and authorizes check disbursements.</li> <li>5. Oversees the distribution and collection of property taxes. Directs verification or personally verifies the accuracy of tax bills, disburses funds to other entities, resolves tax issues and questions, receives and records payments, and reconciles with the County.</li> <li>6. Holds such powers, duties, and prerogatives as established by law to enforce the collection of Village taxes.</li> <li>7. In collaboration with the Village Clerk, performs cash management functions including the investment of municipal funds. Investigates and examines various investment options to achieve the best possible rate of return.</li> <li>8. Works collaboratively with the Village Clerk to ensure adherence to financial policies and procedures and the accuracy of accounts.</li> <li>9. Performs other related duties as required by state law, the provisions of the General Law Village Act, or by Village Ordinance.</li> </ol>

<p>Minimum Requirements</p>	<ol style="list-style-type: none"> <li>1. Must be able and willing to acquire and apply knowledge of the General Law Village Act, official Village policies, Village services, organizational structure, and general municipal operations.</li> <li>2. Experience in accounting, financial record keeping, bookkeeping, and banking practices.</li> <li>3. Skill in maintaining and updating records, documents, and financial information, and preparing clear and accurate reports.</li> <li>4. Skill in the use of office equipment and technology, including computers and related software, and ability to master new technologies. Software may include, but is not limited to, Microsoft Office and BS&amp;A.</li> <li>5. Ability to communicate effectively, present ideas and concepts orally and in writing.</li> <li>6. Ability to establish and maintain effective working relationships and use good judgement, initiative and resourcefulness when dealing with elected officials, professional contacts, and the public.</li> <li>7. Ability to work the hours needed to complete all job duties.</li> <li>8. Ability to attend meetings outside of normal business hours.</li> <li>9. Keep abreast of new administrative techniques and current issues through continued education and professional growth. Attends conferences, workshops and seminars at the direction of the Village council.</li> </ol>
<p>Education</p>	<p>An associate degree in accounting is preferred. A combination of education and experience may be substituted for the degree requirement.</p>
<p>Physical Requirements</p>	<p>The physical demands and work environment characteristics described here are representative of those an employee encounters while performing the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.</p> <p>While performing the duties of this job, the Treasurer will need to work on a computer, communicate by telephone, e-mail or in person and to be present in the Village office during office hours on Tax Day.</p>
<p>Comments</p>	<p>The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the role if the work is similar, related, or a logical assignment.</p>

Title	Department of Public Works – Working Superintendent
Reports to	Village President
Classification	Non-union, hourly, non-exempt
Salary	Based on qualifications and experience
Location	Village of Empire, Michigan
Position Summary	<ul style="list-style-type: none"> <li>• Serves as the head of the Department of Public works which includes buildings, grounds, facilities, streets, sidewalks, parks, stormwater infiltrators, and village vehicles</li> <li>• General responsibilities include:</li> <li>• Working in the field alongside <b>staff</b></li> <li>• Ensure the proper maintenance of public parks, and other public lands and facilities within the Village</li> <li>• Oversee all major and local street and sidewalk construction and maintenance projects.</li> <li>• Oversee municipal water system, stormwater operations and related water projects</li> <li>• Ensure the proper operation of the village vehicles and maintenance garage</li> <li>• Create and implement preventative maintenance program for all Village equipment and vehicles.</li> <li>• Supervise all employees of the Department of Public Works.</li> </ul>
Essential Duties	<p>The DPW Working Superintendent role oversees the coordination and management of all operations, support activities and administration of the public works department including construction, maintenance, repair, preventative maintenance and other duties as assigned. The expected level of performance shall ensure the safe, efficient, and effective work performance of all assigned crew and field staff.</p> <ol style="list-style-type: none"> <li>1. Work cooperatively with the Village president, trustees, and other department heads to accomplish all duties</li> <li>2. Submit monthly and annual activity reports to Village Council</li> <li>3. Attend village council meetings and other committee meetings as requested by Village President</li> <li>4. Maintain regular hours</li> <li>5. Respond to customer inquiries pertaining to services offered by the DPW</li> <li>6. Investigate and resolve concerns from customer in matters related to services offered by the DPW</li> <li>7. Maintain DPW records in orderly filing system</li> <li>8. Assist the appropriate council committee in budget preparation and oversight</li> <li>9. Administer an employee training program to fulfill risk assessment and other regulatory agency requirements.</li> <li>10. Assist with the interviews of prospective employees</li> <li>11. Approve employee payroll sheets, leave requests, and labor reports</li> </ol>

	<p>12. Ensure adequate daily staffing of the department</p> <p>13. Allocate work assignments</p> <p>14. Manage inventory of material, tools, and equipment</p> <p>15. Write specifications for new equipment</p> <p>16. Submit required reports with accuracy and timeliness.</p> <p>17. Ensure compliance for safe working conditions with MIOSHA and environmental regulations (EGLE and EPA) for hazardous materials.</p>
Job Functions	<ol style="list-style-type: none"> <li>1. Conducts and coordinates regular inspection and preventative maintenance of buildings and equipment</li> <li>2. Ensures maintenance occurs to keep buildings, structures and grounds in good repair.</li> <li>3. Receives work orders and other orders including verbal and emergency orders. Reviews work orders and provides direction to crew members for assignment.</li> <li>4. Enforces Village and Department work rules</li> </ol>
Minimum Requirements	<ul style="list-style-type: none"> <li>• High school graduate or equivalent (GED), two year or four-year college degree preferred.</li> <li>• Three years or more of with heavy equipment operation and plowing roads</li> <li>• Three years or more of demonstrated leadership and supervisory experience</li> </ul>
Licensing Requirements	<ul style="list-style-type: none"> <li>• Valid Class B Michigan Commercial Driver's License with Air Brakes endorsement and a drive record acceptable to the Village of Empire</li> </ul>
Physical Requirements	<p>The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.</p> <p>While performing the essential functions of this position the employee is regularly required to use hands to finger, handle, feel or operate objects, tools or controls and reach with hands and arms.</p> <p>The employee is frequently required to:</p> <ul style="list-style-type: none"> <li>• stand, walk and hear</li> <li>• talk, sit, climb, balance, stoop</li> <li>• kneel, crouch, crawl and smell.</li> </ul> <p>The employee must regularly lift and move up to fifty- (50) pounds and occasionally move up to one hundred (100) pounds.</p>

	<p>Specific vision abilities required by the job include:  Close vision</p> <ul style="list-style-type: none"> <li>• Distance</li> <li>• Color vision</li> <li>• The ability to focus</li> </ul> <p>Employee can be exposed to fumes, airborne particles, excessive noise, vehicles, dampness/humidity and insects.</p> <p>Employee regularly works in outside weather conditions that include rain, snow and heat.</p> <p>Employee must be able to pass a pre-employment physical and drug/alcohol screening and additional random screenings during employment.</p>
Term	At Will
Comments	<p>This role is required to be available for operational problems, equipment emergencies, widespread storms, power outages and other operations and maintenance emergencies deemed necessary by management after normal working hours, weekends, and holidays. Also, employees in this classification are required to be assigned On-Call and/or On-Call alternate, as required by management.</p> <p>The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the role if the work is similar, related or a logical assignment to the role.</p> <p>The role description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the role change.</p>

Village of Empire – Village Council Documentation

Date: October 3, 2024	Meeting Type: Work Session
Meeting Date: October 10, 2024	
Topic: Recycling Fence	Author: Maggie Bacon

As previously discussed, new fencing is needed at the recycling center. Instead of limiting the new fencing to the current location (but on Village property), additional fencing is recommended. The additional fencing would connect the fence at the end of Fisher with the Cherry Republic fencing to the north, including a gate to allow access to the Conservancy Property. An additional fence would be placed along the south border to block debris from going into the bush and field area (and to slow down animals from dragging debris into the bush and field area).

**Rationale:**

The volunteer group has been reporting less debris. In addition, the volunteers have discussed with GFL the need to stay further away from the fence. This is all good news. It is fair to assume that some debris reduction stems from great volunteers spending time at the site. It may also be a somewhat cyclical occurrence. Kudos to the clean-up crew.

This is an opportunity for us to be proactive.

- Clean-up will be an ongoing issue. It is in every other recycling center in Leelanau and Benzie County.
- The Village can be proactive by adding this additional fencing. It provides a visual cue that clearly defines the space for that use.
- It demonstrates a certain level of pride the Village has in hosting this service.
- Significant debris, such as paper, cardboard boxes, and plastic bags, continues to blow into the trees and field on the south side of Fisher Street; the new fencing will act as a barrier.
- Volunteers have to walk around the fence to retrieve trash on the other side so extending the fence doesn't create any new issue.
- We should not 'go cheap' just because the current situation seems acceptable. This was a mistake made last year, and we can learn from it.
- Just like the brush pile, this is a service our residents care about, and they do not mind seeing us using their tax payer dollars.
- The county's payment to us will offset the cost of the fence in less than 5 years.

**Considerations**

Estimates for the fencing range between \$4,500 and \$5,500. This is not a budgeted item for the current year. However, according to our last financial report, just \$3,787.58 of the \$16,000 repair and maintenance budget has been spent.

The Village Council should consider purchasing and installing this fencing and the line painting this year.

## **September 24, 2024 – EMPIRE VILLAGE COUNCIL REGULAR MEETING**

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

### **PUBLIC HEARINGS**

**WATER RATE INCREASE** – Karen Baja asked if the increase will be sufficient for some time into the future. It was noted that the water rates will be evaluated annually.

**BEACH PARK ORDINANCE NO. 150** – None.

**ZONING ORDINANCE SECTION 3.12 SIGNS** – Terry Bacon commented that Sec.3.12 (vii) includes language that is not located anywhere else in ordinance. He suggested a moratorium of enforcement of the current ordinance on temporary signs until the new ordinance takes effect. Karen Baja asked about illuminated signs.

Hearings were closed at 7:10 p.m.

**CHANGES/ADDITIONS TO AGENDA** – Bacon removed Job Descriptions from the Consent Agenda. These were tabled until the October Work Session. Dye requested the Lot Combination from Cherry Republic be added to New Business.

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

**PUBLIC COMMENTS ON AGENDA ITEMS** – Terry Bacon commented on the Sign Ordinance.

**CONSENT AGENDA – Motion by Dye, support by Rademacher to approve the Consent Agenda including the 9/12/24 Work Session minutes; bills totaling \$43,232.77 and the Trunk or Treat Street Closure. ROLL CALL: Ayes: Bacon, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

**FINANCIAL REPORTS** – Financial reports were received and indicated that the bank balances and the general ledger match by fund. Revenue & Expenditure reports thru August were received.

**COMMUNICATIONS** – Emails from Dr. Steve Young and Rod Barnes were received by some Council members.

**DEPARTMENT HEAD REPORTS** – DPW report was received and included in the packet. There were several questions that will be passed along by Palmer regarding storm drain cleanout and new office crawl space cleanout. Palmer noted that the request from Cherry Republic to establish an Industrial Development District (IDD). She recommended this be placed on the October Work Session. Bacon reported several issues being addressed on streets: swale on Union, signs on Niagara and Lake.

**COUNCIL MEMBER/COMMITTEE REPORTS** – None.



## **OLD BUSINESS**

**WATER RATE INCREASE – RESOLUTION NO. 8 OF 2024 – Motion by Rademacher, support by Dye to approve the resolution.** There was discussion of when the rates would be effective. The new rates will be reflected on the January 1, 2025 bill. **ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

**BEACH PARK ORDINANCE NO. 150 – Motion by Dye, support by Rademacher to approve the ordinance with the changes and additions noted. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

**ZONING ORDINANCE SECTION 3.12 SIGNS – Motion by Bacon, support by Dye to repeal the current Sign Ordinance and replace with this Ordinance. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

**VILLAGE OFFICE CURBSIDE SIGN – Motion by Bacon, support by Dye to approve the purchase of the sign indicated and not to exceed \$600. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

## **NEW BUSINESS**

**LOT COMBINATION REQUEST – CHERRY REPUBLIC – Motion by Dye, support by Rademacher to approve the lot combination (45-041-719-024-005 and 45-041-719-024-010) as requested. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

**PRESENTATION –** Richard Neihardt of Gabridge & Co. reviewed several sections of the audit for FY 2023-24. Questions from Council were also reviewed.

**PUBLIC COMMENT ON PRESENTATION-** None.

**PUBLIC COMMENT –** None.

**COUNCIL MEMBER COMMENT –** Bacon noted the website that contains all the information for the Master Plan is now up and working.

**ADJOURNMENT** at 8:25 p.m.

Derith Smith Empire Village Clerk

*These are draft minutes for approval at the October 10, 2024, Council meeting.*



A CMS Energy Company

**CEM Support Center**

Consumers Energy, Lansing Service Center, Rm. 122, 530 W. Willow St., Lansing, MI 48906-4754

September 24, 2024

NOTIFICATION #:  
1071545740

VILLAGE OF EMPIRE  
PO BOX 253  
EMPIRE, MI 49630-0253

REFERENCE: 10099 AYLSWOTH STREET, EMPIRE

Dear Valued Customer,

Thank you for contacting Consumers Energy for your energy needs. Please note the Notification Number above and include it on any correspondence you send. Please note the Account Number, located above the Account Name on your invoice, when submitting payment.

Enclosed for approval and signature is the original Authorization for Change and Resolution covering the replacement and/or installation of streetlight(s). You are responsible for the final restoration.

The estimated cost for your energy request is as follows:

Non Refundable Agreement for Installation of Electric Facilities:	
Winter Construction Costs:	\$ -
Installation Charge:	\$ 8.00
Additional Costs	
<b>Total Estimated Cost:</b>	<b>\$ 8.00</b>
Less Prepayment Received:	\$ -
<b>Total Estimated Cost Due:</b>	<b>\$ 8.00</b>

Please sign and return the original Authorization for Change and Resolution in the enclosed self-addressed envelope or email to: [POBoxCEServiceRequest@cmsenergy.com](mailto:POBoxCEServiceRequest@cmsenergy.com). Payment in full is required before the installation can be scheduled for construction.

Please review all attached materials carefully and direct inquiries for your request to:

Tanya Gilroy at 616-251-0574



VILLAGE OF EMPIRE  
PO BOX 253  
EMPIRE MI 49630-0253

**Amount Due: \$8.00**  
Please pay by: October 08, 2024

Invoice Number	9327495336
PO Number	
PO Date	
Bill Date	09/24/24

Account: 3000 2281 1172

10099 AYLSWOTH STREET EMPIRE - STREETLIGHTING - NOTIFICATION NUMBER (S): 1071545740

### NONENERGY INVOICE

DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
Electric Streetlights-Disconnect	1.0 EA	\$8.00	\$8.00
<b>TOTAL DUE:</b>			<b>\$8.00</b>

**See Page 2 for Payment Options.**  
Consumers Energy is regulated by the Michigan Public Service Commission, Lansing, Michigan

INVOICE QUESTIONS - Contact: Tanya Gilroy -616-251-0574 -

Fold, detach and mail this stub with your check made payable to Consumers Energy. Please write your account number on your check.



CONSUMERS ENERGY  
CEM Support Ctr - Lansing RM 122  
530 W Willow St  
Lansing, MI 48906-4754

PREPAYMENT REQUEST

Account: 3000 2281 1172

**Amount Due: \$8.00**  
Please pay by: October 08, 2024  
Enclosed:

6 330036555952 000000008003 0000 2056 2 300022811172 H



### DISCONNECT/RECONNECT LIGHTING FOR ENERGY CONSERVATION PURPOSES

Consumers Energy Company is hereby authorized as of 9/12/24, by the VILLAGE of EMPIRE, to make changes, as listed below, in the lighting system(s) covered by the existing Standard Lighting Contract between the Company and the VILLAGE of EMPIRE, dated \_\_\_\_\_.

- Disconnect Lighting for Energy Conservation Purposes as identified in Exhibit A.
- Reconnect Lighting as identified in Exhibit A.

The following is agreed upon for energy conservation purposes as provided for on Sheet D-51.00 of the Company's Electric Rate Book:

1. The luminaires as identified in Exhibit A will be disconnected for a period of six months or more. The charge per luminaire per month, for each disconnected luminaire, shall be 40% of the monthly rate set forth above.
2. However, should any such disconnected luminaire be reconnected at the customer's request after having been disconnected for less than six months, the entire monthly rate shall apply to the period of disconnection.
3. An \$8.00 per luminaire disconnect/reconnect charge shall be made at the time of disconnection except when the estimated disconnect/reconnect cost is significantly higher than \$8.00, the estimated cost per luminaire shall be charged.

**Total Cost to Disconnect/Reconnect the Listed Luminaires in Exhibit A is \$ 8**

Notification Number 1071545740

Construction Work Order Number \_\_\_\_\_

Except for the changes in the lighting system(s) as herein authorized, all provisions of the aforesaid Standard Lighting Contract dated \_\_\_\_\_, shall remain in full force and effect.

\_\_\_\_\_

By: \_\_\_\_\_  
Its

\_\_\_\_\_

**RESOLUTION**

RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the lighting service as provided in the Standard Lighting Contract between the Company and the  City  Village  Township of \_\_\_\_\_, dated \_\_\_\_\_, in accordance with the Authorization for Change in Standard Lighting Contract dated as of \_\_\_\_\_, heretofore submitted to and considered by this  Commission  Council  Board; and

RESOLVED, further, that the \_\_\_\_\_ Clerk be and are authorized to execute such authorization for change on behalf of the  City  Village  Township.

STATE OF MICHIGAN                    )  
  ) ss  
COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, Clerk of the  City  Village  Township of \_\_\_\_\_ do hereby certify that the foregoing resolution was duly adopted by the  Commission  Council  Board of said municipality, at the meeting held on \_\_\_\_\_.

\_\_\_\_\_  
 City  Village  Township Clerk

Dated:  
\_\_\_\_\_



Village of Empire – Village Council Documentation

Date: October 3, 2024	Meeting Type: Work Session
Meeting Date: October 10, 2024	
Topic: Hot Water High Pressure Washer	Author: Maggie Bacon

Extending the life of our large (plow truck, dump truck) and small (tractors) equipment requires consistently performing daily, weekly, and monthly maintenance.

As John and Joey discussed ways to better maintain our equipment, the need to start with the essentials—clean, debris-free equipment—rose to the top of the list. A hot water pressure washer or commercial-grade steam cleaning machine is an important addition to the DPW maintenance protocol.

Brand new, these machines can cost between \$1500 and \$6,000. Joey located a used machine for \$600 on the Marketplace. He feels confident that the purchase of this machine is in line with what is needed to enhance the maintenance of equipment for the DPW. John has indicated he agrees with Joey's assessment.

In addition, we believe this machine can be used to deep clean the beach restrooms. Even better, it can reduce weed growth in sidewalk seams and between the sidewalk and streets.

Purchasing on the Marketplace presents a few challenges. Bills are paid at the end of the month, yet we do not want to let this opportunity slip through our fingers. Additionally, the machine is located in the northern Grand Rapids area. One of our DPW staff will have to make a full-day trip there.

This was not a budget item. However, the equipment budget for supplies was set at \$12,000 with only 1/3 of that spent as of August 31.

**Action**

Motion to approve the purchase of a used hot water pressure washer/steam cleaner for \$600.

Motion to approve expenses for the day trip to the Grand Rapids Area.

Motion to direct the Village Office to draft a purchasing policy for Marketplace purchases for the future.





## Steamer

\$599 \$990

ARCTIC STEAMER - RETAILS, FOR 6-8K MADE IN USA (MAINLY)  
300 MI/HR ROUND TRIP 5 HOURS DRIVE TIME ESTIMATED  
HIGH TEMP, LOW PRESSURE, SAFE ON HYDRAULIC LINES -  
BUILT TO OPERATE @ -20°F ON KEROSENE/DIESEL





## Village of Empire Meeting Documentation

**Meeting Date:** October 10, 2024 - Work Session

**Agenda Item:** RAP Grant Opportunity

**Requestor:** Sue Palmer

### **Overview/Statement of Agenda Item:**

We have recently received an email from the Michigan Economic Development Corporation that a Revitalization and Placemaking (RAP Fund) Grant program. There may be some opportunities for our Village.

### **Recommendations:**

I am asking for a discussion about how we might take advantage of this source for

# REVITALIZATION AND PLACEMAKING (RAP FUND) PROGRAM

## GUIDELINES

### Program Overview

The Revitalization and Placemaking (“RAP”) Program is an incentive program that will proactively deploy state funding to address community revitalization needs in Michigan communities by investing in projects that enable population and tax revenue growth through rehabilitation of underutilized buildings and historic structures, and development of permanent place-based infrastructure associated with social zones and traditional downtowns, outdoor dining, and place-based public spaces. Administered by the Michigan Economic Development Corporation (“MEDC”), this tool provides access to development gap financing for 1) real estate rehabilitation and development projects; 2) public place-based infrastructure projects; or 3) façade improvement program implementation projects. Grants will be awarded for individual projects; however, grants for place-based infrastructure and/or façade program implementation may be awarded to subgrant programs. Awards may be made based on individual application or based on funding rounds as determined by the MEDC.

### Program Goals

Through the RAP Program, the MEDC partners with local communities to proactively address revitalization needs by investing in projects that promote population and tax revenue growth. These investments help create the environment necessary to attract and retain talent, add new housing options, enable business creation and attraction, and provide resources for Michigan citizens and communities.

### Eligible Applicants:

- Real Estate Rehabilitation and Development: Individuals or entities working to rehabilitate vacant, underutilized, blighted, and historic structures. These applicants may include non-profits and local economic development organizations or private real estate developers.
- Public Place-Based Infrastructure (individual projects): Individuals or entities working on the development of permanent place-based infrastructure<sup>1</sup> associated with traditional downtowns, social-zones, outdoor dining and placed-based public spaces. These applicants may include but are not limited to: Municipal or economic development organizations such as Downtown Development Authorities, local units of government, local Land Bank Fast Track Authorities<sup>2</sup> or other entities approved by the MEDC.
- Façade or Public Place-Based Infrastructure Subgrant (as part of a funding round): Economic development organizations and other public entities working to improve the streetscape in traditional downtowns and neighborhood commercial nodes by investing in place-based infrastructure on publicly owned and maintained properties or investing in private building facades through an existing and active local façade improvement program.

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<sup>1</sup> Amenity that is not intended to be temporary, including but not limited to a site improvement or building, and that positively contributes to a traditional downtown or a mixed-use area with abundant accommodations for non-motorized transportation.

<sup>2</sup> Local authority created under Act 258 of 2003.

### **Eligible Properties:**

- Real Estate Rehabilitation and Development:
  1. Must qualify as Previously Developed Property<sup>3</sup> and may have previously contained or currently contains a structure.
  2. Must be located in or contributing to a traditional downtown, central business district, neighborhood commercial node or adjacent walkable neighborhood; and
- Public Place-Based Infrastructure:
  1. Must be located in or contributing to a traditional downtown, central business district, neighborhood commercial node or adjacent walkable neighborhood; and
  2. Must be a property and be owned and maintained by a municipality or community-focused non-profit; and
  3. Must be a physical location that is generally open and accessible to the public, without cost, and is owned and maintained for the public good. Public space can be used for recreation, public use, or as places for people to gather.
- Façade Program Implementation:
  1. Must be located in or contributing to a traditional downtown, central business district, neighborhood commercial node or adjacent walkable neighborhood; and
  2. Must fit the requirements of the local and currently active façade improvement program.

### **Eligible Costs**

"Eligible Costs" are at least one, or any combination, of the following expenditures:

- a. Acquisition or costs for real property;
- b. Fees or costs for alteration, new construction, improvement, demolition, or rehabilitation of buildings of an approved project, including utility tap fees, and fees and costs paid to a governmental entity for permits, zoning, and inspections;
- c. Costs associated with site improvements such as access (including ADA improvements) and streetscaping elements such as lighting, fencing, street furniture, etc.;
- d. Fees or costs for site improvements, including a surface parking lot, parking garage, parking ramp, utilities and public infrastructure, such as roads, curbs, gutters, sidewalks, landscaping, lighting, grading and land balancing;
- e. Fees or costs for the addition of machinery, equipment or fixtures for an approved project;
- f. Professional fees or costs for an approved project for the following services: architectural, engineering, environmental, and surveying;
- g. Real estate developer fees not to exceed 4% of total project costs;
- h. Other costs associated with real estate or place-based infrastructure development may be considered on a case-by-case basis.

### **Award Structures and Funding**

Funding availability is based on income tax revenue deposited into the Revitalization and Placemaking Fund and appropriated for this program as described in Section 696 of the Income Tax Act of 1967.

Grants for place-based infrastructure and/or façade program implementation may be awarded to subgrant

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<sup>3</sup> Previously developed property means property that was part of an existing developed residential, commercial, or industrial zone and contained a structure serviced by utilities, or former dumps, landfills, and other areas filled with nonnative material.

programs and will have unique funding limits as determined in the funding round.

All awards will be structured as performance-based reimbursement grants with milestones and reporting requirements:

- Real Estate Rehabilitation and Development:

1. Grant awards on a single project associated with the rehabilitation of vacant and blighted buildings or costs associated with the repurposing of space left vacant shall not exceed the lesser of \$1.5 million or 50% of Eligible Costs, except all allowed under 2. below.
2. Grant awards for a single project with an extraordinary economic development impact or public benefit that has maximized all other state loans and financing tools as determined by the MEDC, will be eligible for an award amount up to the lesser of \$5 million or 50% of the Eligible Costs. Any project for consideration must pursue and maximize all additional programs and/or funding sources available to support the project (e.g., Loan capacity, Housing TIF, Federal Historic Tax Credit, etc.). Also, any instances of Extraordinary Economic Development Impact/Public Benefit shall satisfy the MEDC Place Incentives Guidance, and embody one or more of the additional qualities described below:
  - Project will eliminate long lasting instances of blight and/or environmental contamination (10+ years), through the redevelopment of the property.
  - Project has a geographic correlation, and addresses community needs associated with a significant, strategic MEDC investment.
  - Project is proposed in an area of historic disinvestment and has not seen new or rehabilitated mixed-use development in 5+ years.

\*\* All projects funded under these criteria are subject to RAP regional targets and will significantly impact the availability of additional funding for other projects in the region.\*\*

- Public Place-Based Infrastructure:

1. For a single project associated with the development of permanent place-based infrastructure in support of a traditional downtown or central business district and associated with social-zones<sup>4</sup>, outdoor dining, etc.: must have a minimum request of \$500,000 and a maximum of the lesser of \$1 million or 50% of Eligible Costs.
2. Grant applications will be accepted as part of an application round as announced by the MEDC.

- Public Place-Based Infrastructure and/or Façade Program (Subgrant Funding Rounds):

1. There is no minimum or maximum request amount for subgrant applications, but applicants are encouraged to only include the most competitive projects and to recognize that all projects in the grant application must meet readiness requirements and have all funding sources secured.
2. There is no minimum grant amount for each subrecipient grant within the subgrant application, but the maximum grant amount for each subrecipient grant request within the subgrant application is limited to the lessor of \$500,000 or 50% of Eligible Costs.
3. Grant applications may be submitted as part of an application round as announced by the MEDC.

### **Award Disbursement**

Awards will be disbursed in two parts. The first disbursement will be for up to fifty percent (50%) of the eligible costs submitted, not to exceed fifty percent (50%) of the grant; and, upon Project completion, up to fifty percent (50%) of eligible costs submitted, not to exceed the remaining balance of the grant.

There will be no more than two disbursements per project.

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<sup>4</sup> Area or district established by a local governmental unit (city, village, township, county) under MCL 436.1551

## **Project Considerations**

The most competitive applications will clearly address community revitalization needs by responding to the criteria below:

1. **Local support and match:** All submissions must include a letter of support from the local or regional economic development organization and the highest municipal local official, such as the City Manager, Mayor, or Township Supervisor. The letter must also state that support is specific to the RAP project and not just general project support. If the project is for place-based infrastructure, the letter must provide a detailed explanation of who will maintain the space and how ongoing maintenance costs will be funded.
2. **Location:** Preference will be given to projects located in traditional downtowns, neighborhood commercial nodes, and Geographically Disadvantaged Areas<sup>5</sup>.
3. **Capacity:** The applicant, consultant or individual member of the development team must have experience implementing a project of a similar scope.
4. **Long-term impacts:** Competitive applicants will be able to articulate how the proposal will have a long-term impact in the community including addressing how the project will enable growth in population and tax revenue.
5. **Financial Viability:**
  - Demonstrate long-term financial viability of the project
  - Demonstrate financial need for the incentive award
  - Demonstrating that all other financing sources have been exhausted.
6. **Local and Regional Impact Considerations:**
  - Project should demonstrate how it supports the vision and goals stated in the local master plan, downtown plan, capital improvements plan and/or economic development strategy.
  - Project should demonstrate the readiness of infrastructure – utilities, housing, transportation, public transit, and other community services. Is the project filling available capacity or creating need for new community or state investments in infrastructure/resources?
  - The most competitive proposals will include a financial contribution from the local unit of government.
7. **Additional programing, partnership and design considerations** may be incorporated into funding round applications.

All RAP Program awards shall be memorialized by final written agreement with terms and conditions in accordance with these RAP Guidelines, MEDC approval, and any other applicable laws. These terms and conditions shall otherwise be satisfactory to the MEDC, and shall include, without limitation, performance-based milestones governing disbursements, repayment provisions, and periodic reporting to facilitate the MEDC's report to the Michigan Legislature. The RAP Program agreements shall also include a provision for repayment due to breach of the written agreement or failure to meet measurable milestones.

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<sup>5</sup> Geographically Disadvantaged Areas are defined as economically distressed and historically underinvested census tracts and counties, especially in urban and rural areas, that tend to experience relatively high unemployment and low household incomes. MEDC and the State of Michigan operationalize geographically disadvantaged areas to constitute Treasury-designated Opportunity Zones and Small Business Administration-defined HUBZones (Historically Underutilized Business Zones).

## **Village Council Documentation**

Date: October 3 ,2024

Work Session

Meeting Date: October 10, 2024

Topic: Parks Committee

Author: March Dye

### **Overview:**

The Parks Committee would like to meet to discuss:

1. Ways to make it easier to access the beach over rip-rap.
2. Parking payment receipts for motorcycles.
3. Overview of park conditions.
4. Budget items for next year.
5. Any other items which may come up.

### **Action to be Taken:**

Allow the Parks committee to do the preceding things in the fulfillment of their duties.



## Village of Empire Meeting Documentation

**Meeting Date:** October 10, 2024 - Work Session

**Agenda Item:** Cherry Republic Request for an Industrial Development District

**Requestor:** Sue Palmer

### **Overview/Statement of Agenda Item:**

Cherry Republic has requested an IDD from the Village of Empire. This has not been done and there needs to be discussion on the implications to/for the village

### **Recommendations:**

Council discussion. Provide a list of questions and what's next to Cherry Republic.

## Request to Add Item to Village Council Agenda

To Darlene Friend (deputyclerk@villageofempire.com) <deputyclerk@villageofempire.com> Copy  
Julie Hay <julie@hkmlc.net> • s.palmer@villageofempire.com <s.palmer@villageofempire.com> •  
Todd Ciolek <todd@cherryrepublic.com> • Julie Meredith <julie@cherryrepublic.com> •  
Darlene Friend (deputyclerk@villageofempire.com) <deputyclerk@villageofempire.com>

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Subject: Request to Add Item to Village Council Agenda

Dear Village Clerk - Mr. Smith,

I hope this message finds you well. I am writing to formally request the addition of an item to the agenda for the upcoming Village Council meeting on Tuesday, September 24. The item I wish to discuss pertains to our Empire Distribution and Fulfillment Facility.

Specifically, I would like to address and respectfully ask the Empire Village Council to create an Industrial Development District (IDD). Attached you will find our formal letter of request. In the event that it is helpful, I have also attached sample language that would support a resolution allowing for IDD creation for purposes of a PA 198.

Please confirm receipt of this request and let me know if you require any further details from my side.

Thank you for your attention to this matter. I look forward to your response.

Sincerely,



Bob Sutherland, President  
Cherry Republic



**Pie (Generosity). We gratefully**

VC WS 10/10/2024

①





September 18, 2024

Derith Smith  
[deputyclerk@villageofempire.com](mailto:deputyclerk@villageofempire.com)  
PO Box 253  
Empire, MI 49630

RE: Cherry Republic Request for Establishment of an INDUSTRIAL DEVELOPMENT DISTRICT, Pursuant to Public Act 198 of 1974, as Amended

Dear Mr. Smith,

On behalf of Cherry Republic, I would like to request the establishment of an Industrial Development District at the following location:

Legal Description: Lot#45-041-719-024-05

PT NW 1/4 OF NW 1/4 SEC 19 COM NW COR SD SEC TH S 88 DEG 49'30" E 948.59 FT TH S 01 DEG 54'25" W 666.54 FT TO POB TH S 01 DEG 54'25" W 665.62 FT TH N 88 DEG 48'23" W 166.51 FT TH N 01 DEG 53'27" E 665.62 FT TH S 88 DEG 53'15" E 166.52 FT TO POB SUBJ TO ROW & EASE VILLAGE OF EMPIRE SEC 19 T28N R14W 2.54 A M/L 2012 SPLIT FROM 041-719-024-10

and

45-041-719-024-10

PT NW 1/4 OF NW 1/4 SEC 19 COM NW COR SD SEC TH S 88 DEG 49'30" E 948.59 FT TH S 01 DEG 54'25" W 666.54 FT TH N 88 DEG 53'15" W 166.52 FT TO POB TH S 01 DEG 53'27" W 665.62 FT TH N 88 DEG 48'23" W 178.49 FT TH N 01 DEG 54'25" E 665.37 FT TH S 88 DEG 53'15" E 178.31 FT TO POB (A/K/A PARCEL 1) SUBJ TO ROW & EASE VILLAGE OF EMPIRE SEC 19 T28N R14W 2.73 AC M/L 2012 SPLIT INTO 041-719-024-05 WHILE RETAINING PARCEL NUMBER 041-719-024-10 ON ALTERED LEGAL

Cherry Republic currently operates a manufacturing facility on the property that produces various cherry food products (salsa, jam, pie, cookies, etc.). Within the property a Distribution and Fulfillment Center that services our current six (6) retail locations, as

VC-WS  
10/19/24  
②

well as our Internet and Mail Order business also exists. To the extent possible, Cherry Republic would like to apply for the tax abatement incentives for proposed future economic development expansions at our location. We anticipate continued growth, and additional jobs will be created.

We will be working with Julie Hay, Managing Partner of HKM & Associates, as we plan for the future growth of Cherry Republic in Leelanau County. If you have any questions regarding this request for tax abatement incentives, please contact Julie Hay at (231-233-2204 or [julie@hkmlc.net](mailto:julie@hkmlc.net)).

Thank you for your cooperation in assisting us with this request.

Sincerely,



Bob Sutherland, President

cc: Sue Palmer <[s.palmer@villageofempire.com](mailto:s.palmer@villageofempire.com)>

Alacia Acton <[deputyclerk@villageofempire.com](mailto:deputyclerk@villageofempire.com)>

Julie Hay [julie@hkmlc.net](mailto:julie@hkmlc.net)



VC WS 10/10/24

3

**SAMPLE RESOLUTION TO ESTABLISH AN INDUSTRIAL DEVELOPMENT DISTRICT**

Minutes of a (regular/special) meeting of the (governing body) of (governmental unit), held on (date), at (place) in (location) at (time):

PRESENT:

ABSENT:

The following preamble and resolution were offered by: \_\_\_\_\_ and supported by: \_\_\_\_\_.

**Resolution Establishing an Industrial Development District for (applicant)**

WHEREAS, pursuant to PA 198 of 1974, as amended, this (governing body) has the authority to establish "Industrial Development Districts" within (governing unit); and

\*WHEREAS, (applicant) has petitioned this (governing body) to establish an Industrial Development District on its property located in (governmental unit) hereinafter described; and

\*\*WHEREAS, construction, acquisition, alteration, or installation of a proposed facility has not commenced at the time of filing the request to establish this district; and

WHEREAS, written notice has been given by mail to all owners of real property located within the district, and to the public by newspaper advertisement in the (newspaper) and/or public posting of the hearing on the establishment of the proposed district; and

WHEREAS, on (date) a public hearing was held at which all owners of real property within the proposed Industrial Development District and all residents and taxpayers of (governmental unit) were afforded an opportunity to be heard thereon; and

WHEREAS, the (governing body) deems it to be in the public interest of the (governmental unit) to establish the Industrial Development District as proposed; and

NOW, THEREFORE, BE IT RESOLVED by the (governing body) of (governmental unit) that the following described parcel of land situated in (governmental unit), (county), and State of Michigan, to wit:

**(LEGAL DESCRIPTION)**

is established as an Industrial Development District pursuant to the provisions of PA 198 of 1974, as amended, to be known as (name) Industrial Development District No. \_\_\_\_\_.

AYES:

NAYS:



RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the (governing body) of the (governmental unit), County of \_\_\_\_\_, Michigan, as a (regular/special) meeting held on (date).

\_\_\_\_\_  
Clerk

Those statements with \* and \*\* before them can be removed and replaced with the following statement "Whereas, the (governing unit) on its own initiative seeks to establish an Industrial Development District on property located within the (governing unit) boundaries; and" if the governing body is the one seeking to establish the district boundaries.

## INDUSTRIAL PROPERTY TAX ABATEMENT (PA 198 of 1974, as amended)

Industrial property tax abatements provide incentives for eligible businesses to make new investments in Michigan. These abatements encourage Michigan manufacturers to build new plants, expand existing plants, renovate aging plants, or add new machinery and equipment. High technology operations are also eligible for the abatement.

High-technology activity is defined in the Michigan Economic Growth Authority (MEGA) Act as: advanced computing, advanced materials, biotechnology, electronic device technology, engineering or laboratory testing related to product research and development and advanced vehicles technology or technology that assists in the assessment or prevention of threats or damage to human health or the environment. Abatements under PA 198 can significantly reduce property taxes on new investment for eligible firms.

### ESTABLISHING THE DISTRICT

Tax benefits are granted by the legislative body of the city, township or village in which the investment will be located. A public hearing is held and a resolution is adopted to approve the establishment of an Industrial Development District (for a new project) or a Plant Rehabilitation District (for a rehabilitation project). A written request to establish the district must be filed with the clerk of the local unit of government prior to commencement of construction, alteration or installation of equipment.

Once the district is established, the company may apply for an abatement on real and personal property taxes for up to 12 years.

### APPLICATION PROCESS

Industrial property tax abatements must be approved at both the local and state levels. The eligible business files an application (Michigan Department of Treasury Form 1012) with the local clerk after the district has been established and no later than six months after commencement of the project. The local unit adopts a

resolution approving the application and determines the length of years for the abatement. After a local public hearing, the application is filed and reviewed by the State Tax Commission (STC) and the Michigan Economic Development Corporation<sup>SM</sup> (MEDC). The STC then grants final approval applications with required attachments must be received by the STC no later than October 31, in order to receive consideration and action by December 31.

Applications to the STC must include an agreement signed by the local unit and the operator of the facility outlining the conditions of the abatement. This shall include an affidavit that no payment of any kind in excess of the fee allowed under the act has been made or promised in exchange for favorable consideration of exemption application.

Once approved, the firm pays an Industrial Facilities Tax (IFT), instead of property tax, which reflects the abatement savings.

### ELIGIBLE FACILITIES

Industrial plants eligible for tax abatement are those that primarily manufacture or process goods or materials by physical or chemical change. Related facilities of Michigan manufacturers such as offices, engineering, research and development, warehousing or parts distribution are also eligible for exemption.

Research and development laboratories, high-tech facilities and large communication centers can qualify throughout Michigan.

Facilities used for warehousing, distribution or logistics purposes can be eligible if they locate in specific border counties. At least 90 percent of the property, excluding the surrounding green space, must be used for a warehouse, distribution, logistics or communication center and occupy a building or structure that is more than 100,000 square feet. Eligible border counties include

Berrien, Branch, Cass, Chippewa, Dickinson, Gogebic, Hillsdale, Iron, Lenawee, Menominee, Monroe, St. Clair, St. Joseph, and Wayne.

The exemption applies to buildings, building improvements, machinery, equipment, furniture and fixtures. Real and personal property are eligible whether owned or leased (provided the lessee is liable for payment of taxes on the property).

The exemption covers only the specific project that is the subject of the application. Any buildings and equipment that existed prior to construction of a new facility are not exempt. If the project is rehabilitation, the value of any pre-existing obsolete property is exempt from ad valorem property taxes, but will be used as the base for IFT. Similarly, any structures or equipment added after completion of the project are fully taxable.

## TAX IMPACT

### Real and Non-industrial Personal Property IFT Treatment

The IFT on a new plant and non-industrial personal property, such as some high-tech personal property, is computed at half the local property tax mileage rate. This amounts to a reduction in property taxes of approximately 50 percent. In addition, the 6-mill SET may be abated 100 percent, 50 percent or not at all. Any SET abatement must be negotiated with the MEDC.

### Rehabilitation of Real or Personal Property IFT Treatment

For an obsolete plant or machinery that is being replaced or restored, the IFT is frozen at the assessed value of the plant prior to improvement. This results in a 100 percent exemption from property tax on the value of the improvements.

### Speculative Building IFT Treatment

In order for a speculative building to qualify for abatement, the local unit must approve a resolution declaring it is a speculative building prior to identifying occupants. Initial construction and finishing costs would be eligible for a reduction in property taxes of approximately 50 percent.

### Commercial Personal Property Tax Relief

Commercial personal property will receive an automatic reduction of 12 mills for local school on their property tax bill.

### Extension Under Personal Property Tax Reform

Personal property abated under PA 198 and eligible in the future for the Personal Property Tax (PPT) exemption will automatically continue to be abated under PA 198 until that property may be claimed as exempt from the PPT in the current tax year. Businesses with IFT until the property becomes eligible for the PPT exemption.

For more information, contact the MEDC customer contact center at 517.373.9808 or visit our website at [www.michiganbusiness.org](http://www.michiganbusiness.org).



## Economic Development Policy

### Intake Questions (Renovare Suggestions)

#### Empire Master Plan - (Proposed) Guiding Principles

**Manage Growth** - Promote meaningful and authentic development that supports the Empire lifestyle and quality of life.

**Make Connections** - Provide safe, accessible, and welcoming connections between neighborhoods and attractions.

**Support Natural Areas** - Conserve, maintain, and create public open spaces and be good stewards of the land and water in Empire.

#### Intake Questions for Developers seeking Incentives

Basic questions for applicants seeking economic development incentives to understand the project and potential fiscal impact:

1. Please provide a general description of the proposed rehabilitation or new construction (the "Project").
2. Please provide the budget for the Project with proposed sources and uses, showing why the incentive is needed.
3. Please describe the incentives sought for the Project.
4. Please explain how the Project meets the eligibility requirements for the incentives sought.
5. Please provide both the current and proposed future taxable value of the rehabilitation or new construction.
6. Please indicate the number of new jobs created by the Project.
7. Please indicate the number of jobs retained by the Project.
8. Please indicate the tieline sought for the incentive.
9. Please provide the current timeline for the proposed Project

Questions for applicants seeking incentives that are aligned with the Guiding Principles of the Master Plan:

1. Please indicate how this project will align with the guiding principles of the Master Plan

2. Please describe how this Project will support Managed Growth in Empire (for example, job creation, brings new industry to the area, attracts new residents...)
3. Please indicate how the Project will be *designed* to support Connections within the community.
4. Please describe any features that are incorporated into the design of the Project that will support natural areas and resources - such as conserving green space, energy conserving building features, and environmental site information.



# CHERRY REPUBLIC®

GLEN ARBOR | EST. 1989 | MICHIGAN

## The Empire Facility Expansion

Life, Liberty, Beaches, and Pie; the journey continues!

To meet growing demand for the 200+ plus Montmorency Tart Cherry products made in northern Michigan, Cherry Republic is expanding. Slated for the summer of 2024, this expansion will add 15,000 square feet of fulfillment and storage space, 1,000 square feet of cold storage, 300 feet of solar arrays, and upwards of 20 full-time jobs.



### What that means for:

#### **MICHIGAN FARMERS:**

Cherry Republic will have the space and technology to buy and preserve more Michigan Montmorency Tart Cherries.

#### **MICHIGAN'S ECONOMY:**

New spaces will allow for new faces. Yes, this expansion will empower Cherry Republic to add up to 20 new full time manufacturing jobs in Leelanau County and pave the way for even more exciting business opportunities, statewide.

#### **CHERRY ENTHUSIASTS WORLDWIDE:**

More Michigan-grown Montmorency Tart Cherry product to wider audiences around the globe.



### Expansion Specs:

#### **15,000 SQ.FT. OF FULFILLMENT AND STORAGE SPACE:**

More space to store and distribute Montmorency Tart Cherry goodness to the world.

#### **1,000 SQ. FT. COLD STORAGE:**

An investment empowering Cherry Republic to purchase and store more ripe and delicious Michigan-grown Montmorency Tart Cherries.

#### **300 FT OF SOLAR ARRAYS:**

This rooftop fleet will meet 95% of the facility's needs and is 100% emission free.

#### **15-20 JOBS:**

Up to 20 full-time manufacturing jobs in Leelanau County, Michigan.

# Life, Liberty, Beaches, Pie AND Data?!?!

Yep, don't let the flip-flops fool you. Our team keeps receipts and loves to highlight how we support Michigan's growers, workers, and environment.



## JOBS

Cherry Republic employs over 500 Michiganders through the course of the year.



## FRUIT

Cherry Republic purchases over 2 million pounds of Michigan grown Montmorency Tart Cherries a year!



## PLANET

Cherry Republic donates \$500,000 a year to worthy groups protecting our land, air, and water in Michigan.

