

EMPIRE VILLAGE COUNCIL

MEETING NOTICE

PLEASE TAKE NOTICE that a work session of the Empire Village Council scheduled for Thursday, June 23rd, 2020 at 7:00 PM will be conducted virtually due to health concerns surrounding COVID-19 under the Governor of Michigan's Executive Order 2020-75.

You may access this meeting in one of two ways:

1. Video Participation

If you want to use your computer, tablet or smartphone to connect to the meeting using video, click on the following link: <https://us02web.zoom.us/j/7563622970>. Please allow your device to download or open Zoom.us. *(You will be using the Internet to connect, not a phone line. You will have both video and audio).*

2. Phone Participation

If you want to call in via telephone (cell or landline) and participate using only audio, please dial: **1-312-626-6799**. When requested, enter the following access code: **756 362 2970**, followed by #. *(This is just like using a traditional phone, neither you nor the host will have any video).* Phone participants may dial *6 to mute/unmute the phone.

*****Both Video and Phone participants should stay on MUTE until it is time to speak*****

All individuals participating remotely will be considered present and will be able to participate in public comment. Written comments may be submitted to deputyclerk@villageofempire.com by 12 PM on June 22nd to be read into the meeting. Public comment rules adopted and set forth in the Village Rules of Procedure still apply and comments should be kept to under 3 minutes.

Persons with questions or individuals with disabilities requiring auxiliary aids or services to effectively participate in the meeting should contact the Village of Empire Office at: (231) 326-5466, PO Box 253, Empire, MI 49630, or at deputyclerk@villageofempire.com.

EMPIRE VILLAGE COUNCIL REGULAR MEETING

JUNE 23, 2020

REMOTE - ZOOM

AGENDA

A. PLEDGE OF ALLEGIANCE

B. APPROVAL OF AGENDA

C. PUBLIC COMMENTS ON AGENDA ITEMS

D. CONSENT AGENDA

1. Approve minutes of Work Session Meeting 06/11/2020.
2. Approve Bills totaling \$
3. Approve Resolution #9 of 2020 transferring 50% of major street funds received to the local street fund for FY 2020-21.

Please Note: Any item can be removed from the consent agenda by any council member.

E. REVIEW OF FINANCIAL STATEMENTS & TREASURER'S REPORT

F. COMMUNICATIONS

G. DEPARTMENT HEAD REPORTS

H. COMMITTEE REPORTS

I. OLD BUSINESS

1. COVID-19 Policy
2. Grant Writer - Rademacher

J. NEW BUSINESS

1. Pokagan Street Closure - Avis
2. Beach Public Parking Policy
3. Legal Opinion Request of Planning Commission Ordinance #117 – Rademacher
4. Personnel Committee Direction – Avis
5. DPW Seasonal Worker Job Description – Avis
6. Septic Inspections at Time of Sale Ordinance #137 – Skrocki

QUESTIONS/ COMMENTS FROM AUDIENCE

BOARD COMMENTS

ADJOURNMENT

JUNE 11, 2020 EMPIRE VILLAGE COUNCIL WORK SESSION

The meeting was called to order at 7:00 p.m. by President Aylsworth who led the Pledge of Allegiance. This meeting was conducted virtually due to health concerns surrounding COVID-19 under the Governor of Michigan's Order 2020-75. In attendance were Trustees Skrocki, Bacon, Chase, Avis, Davis and Rademacher. Treasurer Ronkaitis, Clerk Smith and Attorney Figura were also present.

MOTION OF REQUIRED COUNCIL ACTIONS –

Amending and approval of agenda (ROP update) – **Motion by Bacon, supported by Avis to adopt a change to the Rules of Procedure Section 6 by inserting “Approval of Agenda” to the Order of Business for the Regular Meeting and Work Session Agendas. A roll call vote yielded unanimous approval. MOTION PASSED.**

Motion by Bacon, supported by Avis to add the Rule of Procedure, “6.1.1 Amending an Approved Agenda: An approved agenda may be amended at any time during Regular Meetings or Work Sessions by motion adopted by 2/3rds of the members present”. A roll call vote yielded unanimous approval. MOTION PASSED.

Approval of Minutes – Special Meeting 02/13/2020 **Motion by Bacon, supported by Rademacher to approve. Motion passed unanimously upon a voice vote. MOTION PASSED.**

Budget Hearing and Regular Meeting 02/25/2020 - Work Session 03/12/2020 **Motion by Bacon, supported by Rademacher to approve. Motion passed unanimously upon a voice vote. MOTION PASSED.**

Special Meeting 05/21/2020 - **Motion by Bacon, supported by Rademacher to approve. Motion passed unanimously upon a voice vote. MOTION PASSED.**

Special Meeting 05/26/2020 – **Motion by Bacon, supported by Rademacher to approve. Motion passed unanimously upon a voice vote. MOTION PASSED.**

Approval of Post Audit Bills – March, April, May – **Motion by Avis, supported by Rademacher to approve as presented in the list presented totaling \$62,134.09. A roll call vote yielded unanimous approval. MOTION PASSED.**

PA 69 of 2005 Recycling Funding for Ballot – **Motion by Rademacher, supported by Chase to approve the Interlocal Agreement with Leelanau County. A voice vote yielded unanimous approval. MOTION PASSED.**

PRESENTATION - Benzie-Leelanau District Health Department – Eric Johnston. Rademacher asked if septic tanks should be inspected as presented at a recent seminar. Johnston said they feel it is important that septic systems should be evaluated to verify they are functioning properly. Avis asked about the standards for inspection. Johnston described the evaluation of the entire system as they recommend. Skrocki asked how they would know if the high ground water

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was mingling with septic systems. Johnston said if the system has been evaluated there is a 3-4-foot buffer. They are aware that there are systems that do not have such a buffer as they have not been evaluated. Clay McNitt (BLDHD) stated that seasonal high-water tables are used on permitted systems and that buffer would remain. Aylsworth asked for an explanation of a lot that does not perk. Such a lot may be unbuildable per McNitt, who pointed out that Leelanau does not allow holding systems on such a lot. The sources of e-coli during the recent high rainfall and winds were discussed. Skrocki feels the water quality and vegetative growth in South Bar Lake are uninviting by mid-season and wondered why this happens. Johnston felt this may be difficult to answer as the lake does not have a lot of turnover. McNitt mentioned the lake is shallow and that makes it easier for weeds to grow. There may be sources of phosphorus or other influx that would have to be studied. The testing by both the Village and Lake Association was discussed. Meg Walton asked if the water being pumped from basements by sumps is indicative of a higher water table. McNitt said it was not recommended that such water be pumped directly on a drain field. He repeated that if the system was properly permitted and a sump is being used it likely is not an issue. Older systems that may not have been permitted are a concern. McNitt pointed out that a point-of-sale ordinance is meant to address such concerns. Skrocki asked if they would be willing to review the Village Ordinance. Johnston recommended the Village have Figura review as they do not offer legal advice.

CHANGES/ADDITIONS TO AGENDA – Avis added monthly cash by account to agenda under New Business. Bacon asked if Aylsworth was expecting action on the items under Old & New Business. He answered yes.

PUBLIC COMMENT ON AGENDA ITEMS - Sue Palmer noted that 2-25-20 minutes should read Carol rather than Dorothy Manning. Steve Lewis suggested that Council members review the results of the lake testing as they have improved.

DEPARTMENT HEAD REPORTS – Zoning Administrator Grobbel report was received.

COMMITTEE REPORTS – Bacon reported on the zippered walkways installed by MDOT. She also reported that they should be hearing about the MDOT grant submitted by early July. Avis said the Personnel Committee should be meeting in the next several weeks. Skrocki said the Parks Committee would be meeting to review the fee schedule and permits.

Aylsworth called a recess at 8:05 p.m. Reconvened at 8:08 p.m.

OLD BUSINESS –

Planning Commission Vacancy – Aylsworth appointed Carey Ford and asked for a motion of approval. **Motion by Avis, supported by Skrocki to approve the appointment.** Bacon asked what interest would be represented by this appointment as defined under MCL 125.3815(3). Such as ... agricultural, natural resources, recreation, education, public health, government ... The membership shall also be representative of the entire geography of the Village. Best practice should identify important local segments to a specific seat on the planning commission. She also asked if there might be conflicts of interest. Aylsworth and Avis did not feel this would be an issue. **Roll Call: Ayes: Skrocki, Avis, Aylsworth. Nays: Bacon, Davis, Chase, Rademacher. MOTION DEFEATED.**

DPW Helper – Aylsworth felt John and Tim needed some help keeping the Village maintained as everyone would like. He provided a list of items that needs to be addressed per comments from Village residents. **Motion by Skrocki, supported by Avis to have the Personnel Committee work up a job description for a part-time, seasonal position commencing this season.** It was mentioned that clearing the outlet is taking more time. It was suggested that efficiency of current staff should be examined before hiring additional staff. There were questions about how priorities are set for the work being performed. It was suggested that the Council could provide a monthly list. There may be increased responsibility with a more complex water system. Bacon wondered why a paid volunteer would not be considered if 8 hours were freed up current DPW workers. There was concern that the DPW not be micromanaged. **Roll Call: Ayes: Rademacher, Bacon, Chase, Skrocki, Avis, Aylsworth Nays: Davis. MOTION PASSED**

Proposed mediation – Figura reviewed his recommendation of Peter Doren as mediator as Smith and Aylsworth have agreed. He described the process and the fee rate of \$185/hr. He reiterated that the discussions would be confidential. Bacon asked how many hours might be expected. Figura gave a range of 5 to 10 hours. **Motion by Bacon, supported by Davis to approve retaining the services of Peter Doren for mediation at a rate of \$185/hr. not to exceed \$2000. Roll Call: Ayes: Bacon, Rademacher, Chase, Avis, Davis, Skrocki, Aylsworth. MOTION PASSED.**

South Bar Lake Drain – Resolution, Application and Petition – Aylsworth asked for a motion to adopt the Resolution and submit the application and petition provided. **Motion by Rademacher, supported by Skrocki to adopt the Resolution and authorize the President to sign both the application and petition and submit to the Leelanau County Drain Commissioner.** Davis questioned whether the lack of information regarding costs is a problem that should be addressed before moving forward. He wondered if the Township and/or the Village may have to increase their millage to cover their special assessment cost, potentially adding two increased costs for Village residents. There were questions regarding when the costs might be available and when and if the process might be halted. It was discussed that there would be a scope of work performed that would help determine if the Drain Commissioner, with public input, would choose to proceed. There was continued discussion of whether there would be spectrum of options involving costs. **Roll Call: Ayes: Rademacher, Bacon, Chase, Skrocki, Avis, Aylsworth. Nays: Davis. MOTION PASSED.**

Empire Grant Writing Proposal – **Motion by Avis, supported by Skrocki to engage the services of Ryan Cotton of GovHR to serve as grant writer for the Village of Empire pursuant to the terms outlined in the document titled *Scope of Work for Grant Writing Opportunity* presented at the 6/11/20 Village of Empire Council Work Session.** Furthermore, the Village appoints Todd Avis, Village Trustee and Chris Nelson, Village Resident as steering committee members to assist in the acquisition of information and data required in the process of grant writing. Avis reviewed the documentation he had provided for the packet. There was discussion about the need for a facilitator to set priorities and the near completion of the CIP. Discussion continued about which plans were included in the CIP and who should prioritize the projects. There were questions why the Village would walk

away from free money. **Roll Call: Ayes: Rademacher, Chase, Avis, Skrocki, Aylsworth. Nays: Bacon, Davis. MOTION PASSED.**

NEW BUSINESS –

Sign Application Permit located on Parcel 041-824-009-10 – **Motion by Avis, supported by Skrocki to approve the sign installation for this parcel not to exceed 30 days.** Bacon asked if Chris Grobbel had an issue with installing this on Village property. There was consensus of support for the message, but concern regarding the criteria for installing the next sign on Village property. **Motion withdrawn.**

Motion by Avis, supported by Rademacher to table until more information is available. Roll Call: Ayes: Rademacher, Avis, Bacon, Chase, Skrocki, Davis, Aylsworth. MOTION PASSED.

Motion by Bacon, supported by Skrocki to have the President reach out to contact Frank Lerchen and Jim Bagaloff about placing the sign on their property. Aylsworth offered this option to any Trustee and Skrocki volunteered. **A voice vote was unanimous. MOTION PASSED.**

Employee and Covid-19 Return to Work – Avis offered to review the required policies for employers under FMLA and practices and procedures for employees at work. Smith pointed out that the policies and procedures provided have been in place for several months now. These were based on samples provided by MML or Federal agencies. There may be one plan that could be added and will be edited to insert Village of Empire for the next meeting.

Cash by Account - **Motion by Avis, supported by Skrocki to have the end of year bank balances available at the next regular meeting. Roll call vote was unanimously approved. MOTION PASSED.**

QUESTIONS/COMMENTS FROM AUDIENCE – John Dalton introduced himself as the volunteer who would like to help the DPW. He would prefer to not be paid if the Council can work that out.

BOARD COMMENTS – Bacon hopes the Council is paying attention to the unbudgeted expenses that have been added tonight that will likely require a budget amendment. The potential DPW worker, the grant writer added \$2500, and the mediation added \$2000.

ADJOURNMENT at 10:12 p.m.

Derith Smith, Empire Village Clerk

These are draft minutes for approval at the June 23, 2020 Regular Council meeting.

**RESOLUTION NO. 09 OF 2020
VILLAGE OF EMPIRE**

RESOLUTION DESIGNATING THE AMOUNT OF "ACT 51" FUNDS INTO MAJOR AND LOCAL STREET FUNDS AND LIMITING CIRCUMSTANCES UNDER WHICH THOSE TRANSFERS MAY OCCUR

WHEREAS, Public Act 51 of 1951 (MCL 247.651, et seq.), "ACT 51" defines certain purposes under which Michigan transportation funds ("ACT 51 Funds") may be allocated and expensed; and

WHEREAS, ACT 51 further provides for the powers and duties of village officials to act under those certain purposes to adequately maintain major and local streets; and

WHEREAS, village officials may use Act 51 Funds on major or local streets, provided the first priority is funding the major street system; and

WHEREAS, village officials state that the village is adequately maintaining its major streets (See attachment listing major streets.); and

WHEREAS, the village is following an asset management process for its major and local street systems; and

WHEREAS, the village desires to transfer fifty percent (50%) of its major street funds to the local street system (See attachment listing local streets).

NOW, THEREFORE, BE IT RESOLVED that 50% of all major street funds received during the Fiscal Year 03/01/2020 through 02/28/2021 shall be transferred to the local street fund is hereby approved and adopted by the Village Council;

BE IT FURTHER RESOLVED that all the local streets (see attached) are to be funded with the transfer.

_____ moved that Resolution No. 09 of 2020, a resolution designating the amount of "ACT 51" funds into major and local street funds and limiting circumstances under which those transfers may occur, be adopted with immediate effect. 2nd by _____.

Voting for:

Voting against:

The resolution is declared adopted.

Wayne R. Aylsworth, Village President

CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution No. 09 of 2020 which was adopted by the Village Council for the Village of Empire at a regular meeting held on June 23rd, 2020.

Derith A. Smith, Village Clerk

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From: Grace R <empire.village.tax@gmail.com>
Sent: Wednesday, June 17, 2020 9:44 PM
To: deputyclerk@villageofempire.com
Cc: Derith Smith; Soni Aylsworth
Subject: Fwd: Village of Empire Treasurer questions

H Alacia,

Please print this email thread for the Council meeting packets.

Thanks-
Grace

Sent remotely; please forgive the brevity.

Begin forwarded message:

From: Robert Klein <rklein@gabridgeco.com>
Date: June 17, 2020 at 6:12:13 PM EDT
To: Grace R <empire.village.tax@gmail.com>
Subject: RE: Village of Empire Treasurer questions

Hi Grace,

Hope things are going alright with all the new changes. And sure I remember you, it hasn't been that long, plus I am still involved with the audit.

For your questions:

- 1) You are not required to have a separate bank account for current property tax. The purpose of a separate account is keep taxes separate when you are collecting for different entities and not co-mingling receipts. Townships often collect taxes for different entities other than themselves. They would use this account to keep track of the receipts and then disperse the money to the proper funds and other governments. Since all the money collected is your own, it is redundant to have another account. But with that all said, it is still up to you.
- 2) With reconciling cash, by definition, the Treasurer has that responsibility. This is a matter of Separation of Duties. You are the one handling cash, but the clerk is the one maintaining the accounting system. In a perfect world, there are also Deputies that could handle this. There is a control risk here because of how small your office is, and we normally put a note in the Audit report about this. However, the state overlooks this because of how common it is. So in your situation, the Treasurer receives the cash, generates a receipt, and the Clerk then records it in the accounting system. The Treasurer would then do a reconciliation and sign off on it. For an extra control, the reconciliation would then go to the clerk for review and a second sign off. The clerk should not be reconciling her own books, this is why someone else needs to do it and in your case, that is the treasurer.

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- 3) As far as allocating interest income, that I cannot help with. This would be a board decision. There are several ways of doing this. You could go by ending balance, average balance, a certain percentage every month, it is completely up to you. It does have to be reasonable and you need to make sure some of it is being allocated to Major and local street funds.

If you want to talk to Richard or myself, we are in the office all this week and should be available.

ROBERT KLEIN

GABRIDGE & COMPANY
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From: Grace R [mailto:empire.village.tax@gmail.com]

Sent: Wednesday, June 17, 2020 12:10 PM

To: Robert Klein <rklein@gabridgeco.com>

Subject: Village of Empire Treasurer questions

Hi Robert,

You probably don't remember me because it has been quite some time since we spoke, but I have some questions in regard to the village books. Please let me know when you, or your staff, have time for a telephone consultation.

General my questions involve:

1. Should I have a separate bank account to deposit the current property taxes (real, personal and bond) until tax settlement?

Reference: Accounting Manual for Local Governments, Chapter 3, page 12: "• Tax collections must be deposited in a separate bank account in the name of the treasurer"

History: Used a separate account in 2018, but the clerk advised me I did not need it so I did not use it in 2019. The account is still open with only an imprest amount to avoid bank charges.

2. Since I am the one handling the cash, should I be the one performing the reconciliation against the bank statements?

Reference: Accounting Manual for Local Governments, Chapter 3, page 13: "An authorized individual not responsible for the actual physical handling of the cash should reconcile bank statements to the general ledger when possible."

3. How do I allocate interest on a bank checking account which holds multiple funds with changing allocations because of checking being written?

06/11/2020 10:32 PM
 User: GRONKAITIS
 DB: Empire

CASH SUMMARY BY ACCOUNT FOR VILLAGE OF EMPIRE
 FROM 03/01/2019 TO 02/29/2020

VC 6/23/20

FUND: ALL FUNDS
 CASH AND INVESTMENT ACCOUNTS

Fund Account	Description	Beginning Balance 03/01/2019	Total Debits	Total Credits	Ending Balance 02/29/2020
Fund 101 GENERAL FUND					
001	HUNTINGTON BANK CASH	0.00	20,427.14	2,367.05	18,060.09
002	HONOR BANK CASH	0.00	176,778.06	47.87	176,730.19
003	CERTIFICATE OF DEPOSITS	0.00	249,474.33	498.83	248,975.50
004	STATE SAVINGS CASH	0.00	503,936.90	487,072.03	16,864.87
005	TRAVERSE CITY STATE BANK	0.00	6.56	1.03	5.53
006	M BANK CASH	0.00	24,784.47	500.83	24,283.64
007	SSB TAX	0.00	155,184.47	154,178.10	1,006.37
123	PREPAID EXPENSE	3,454.54	2,303.19	0.00	5,757.73
	GENERAL FUND	3,454.54	1,132,895.12	644,665.74	491,683.92
Fund 202 MAJOR STREETS FUND					
001	HUNTINGTON BANK CASH	0.00	3,271.35	3,271.35	0.00
003	CERTIFICATE OF DEPOSITS	0.00	132,910.34	0.59	132,909.75
004	STATE SAVINGS CASH	0.00	32,238.06	27,721.73	4,516.33
006	M BANK CASH	0.00	913.64	2,654.87	(1,741.23)
123	PREPAID EXPENSE	148.65	0.00	0.00	148.65
	MAJOR STREETS FUND	148.65	169,333.39	33,648.54	135,833.50
Fund 203 LOCAL STREETS FUND					
001	HUNTINGTON BANK CASH	0.00	2,281.94	2,281.94	0.00
003	CERTIFICATE OF DEPOSITS	0.00	83,376.55	0.37	83,376.18
004	STATE SAVINGS CASH	0.00	30,809.88	38,861.63	(8,051.75)
006	M BANK CASH	0.00	2,325.34	584.11	1,741.23
123	PREPAID EXPENSE	189.08	0.00	0.00	189.08
	LOCAL STREETS FUND	189.08	118,793.71	41,728.05	77,254.74
Fund 212 LIQUOR LAW ENFORCEMENT FUND					
001	HUNTINGTON BANK CASH	0.00	14,933.70	14,933.70	0.00
003	CERTIFICATE OF DEPOSITS	0.00	0.00	0.00	0.00
004	STATE SAVINGS CASH	0.00	1,875.05	1,875.05	0.00
	LIQUOR LAW ENFORCEMENT FUND	0.00	16,808.75	16,808.75	0.00

06/11/2020 10:32 PM
 User: GRONKAITIS
 DB: Empire

CASH SUMMARY BY ACCOUNT FOR VILLAGE OF EMPIRE
 FROM 03/01/2019 TO 02/29/2020

FUND: ALL FUNDS
 CASH AND INVESTMENT ACCOUNTS

Fund Account	Description	Beginning Balance 03/01/2019	Total Debits	Total Credits	Ending Balance 02/29/2020
Fund 301 DEBT SERVICE FUND					
003	CERTIFICATE OF DEPOSITS	0.00	0.00	0.00	0.00
004	STATE SAVINGS CASH	0.00	24,172.76	10,506.50	13,666.26
007	SSB TAX	0.00	3,143.28	3,143.28	0.00
	DEBT SERVICE FUND	0.00	27,316.04	13,649.78	13,666.26
Fund 591 WATER FUND					
001	HUNTINGTON BANK CASH	0.00	359,559.47	212,144.29	147,415.18
003	CERTIFICATE OF DEPOSITS	0.00	81,676.35	212.26	81,464.09
004	STATE SAVINGS CASH	0.00	188,983.59	251,756.59	(62,773.00)
005	TRAVERSE CITY STATE BANK	0.00	628.77	628.77	0.00
008	RRI ACCOUNT	0.00	58.88	0.00	58.88
010	INDEPENDENT BANK CD	0.00	31,720.94	277.41	31,443.53
123	PREPAID EXPENSE	405.42	0.00	0.00	405.42
	WATER FUND	405.42	662,628.00	465,019.32	198,014.10
Fund 661 EQUIPMENT FUND					
001	HUNTINGTON BANK CASH	0.00	22,365.54	49.47	22,316.07
002	HONOR BANK CASH	0.00	30,819.95	0.00	30,819.95
003	CERTIFICATE OF DEPOSITS	0.00	83,978.36	83,269.84	708.52
004	STATE SAVINGS CASH	0.00	106,169.37	27,668.97	78,500.40
005	TRAVERSE CITY STATE BANK	0.00	85,633.10	412.09	85,221.01
123	PREPAID EXPENSE	1,018.90	0.00	0.00	1,018.90
	EQUIPMENT FUND	1,018.90	328,966.32	111,400.37	218,584.85
Fund 715					
001	HUNTINGTON BANK CASH	0.00	7,127.27	0.00	7,127.27
003	CERTIFICATE OF DEPOSITS	0.00	0.00	0.00	0.00
004	STATE SAVINGS CASH	0.00	1,767.67	0.00	1,767.67
	TOTAL - ALL FUNDS	5,216.59	2,465,636.27	1,326,920.55	1,143,932.31

3/27/2020

Last Month's Bank Balances - As of 2/29/2020

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Account	2/29/2020 Balance
Bank Accounts	
Checking - Huntington National Bank	194,918.61
Checking - State Savings Bank XX6901	76,502.01
Checking-SSB XX0001	1,006.37
Money Market - Honor Bank	207,550.14
Money Market - Independent Bank (TC...	85,226.54
Money Market - MBank	24,283.64
Sav CD - 1st National	248,975.50
Sav CD - Huntington	131.11
Sav CD - Independent Bank81-1	113,295.62
Sav CD - Mbank 21218	216,285.90
TOTAL Bank Accounts	1,168,175.44
OVERALL TOTAL	1,168,175.44

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	A	B	C	D	E	F	G
1	06/14/2020	CASH SUMMARY BY BANK FOR VILLAGE OF EMPIRE				Treasurer: Added column G	
2	FROM 03/01/2019 TO 02/29/2020						
3			Beginning				
4			Balance	Total	Total	Ending	
5	Bank Code		03/01/2019	Debits	Credits	Balance	Bank Balance
6	GL Number	Description				02/29/2020	2/29/2020
7							
8							
9	Honor HONOR						
10	101-000-002	HONOR BANK CASH	0.00	176,778.06	47.87	176,730.19	
11		HONOR	0.00	176,778.06	47.87	176,730.19	
12							
13	HONOR HONOR						
14	661-000-002	HONOR BANK CASH	0.00	30,819.95	0.00	30,819.95	
15		HONOR	0.00	30,819.95	0.00	30,819.95	
16	Treasurer: Totallines 10 + 14					207,550.14	207,550.14
17						Honor Bank	TRUE
18	Hunt HUNTINGTON - 001						
19	101-000-001	HUNTINGTON BANK CASH	0.00	20,427.14	2,367.05	18,060.09	
20	202-000-001	HUNTINGTON BANK CASH	0.00	3,271.35	3,271.35	0.00	
21	203-000-001	HUNTINGTON BANK CASH	0.00	2,281.94	2,281.94	0.00	
22	212-000-001	HUNTINGTON BANK CASH	0.00	14,933.70	14,933.70	0.00	
23	591-000-001	HUNTINGTON BANK CASH	0.00	359,559.47	212,144.29	147,415.18	
24	661-000-001	HUNTINGTON BANK CASH	0.00	22,365.54	49.47	22,316.07	
25	715-000-001	HUNTINGTON BANK CASH	0.00	7,127.27	0.00	7,127.27	
26		HUNTINGTON - 001	0.00	429,966.41	235,047.80	194,918.61	194,918.61
27						Huntington Bank	TRUE
28							
29	M M BANK - 006						
30	101-000-006	M BANK CASH	0.00	24,784.47	500.83	24,283.64	
31	202-000-006	M BANK CASH	0.00	913.64	2,654.87	-1,741.23	
32	203-000-006	M BANK CASH	0.00	2,325.34	584.11	1,741.23	
33		M BANK - 006	0.00	28,023.45	3,739.81	24,283.64	24,283.64
34						mBank	TRUE
35							
36							

VC 6/23/20

	A	B	C	D	E	F	G
37	SSB SSB TAX - 007						
38	101-000-007	SSB TAX	0.00	155,184.47	154,178.10	1,006.37	
39	301-000-007	SSB TAX	0.00	3,143.28	3,143.28	0.00	
40		SSB TAX - 007	0.00	158,327.75	157,321.38	1,006.37	1,006.37
41						State Tax Acct	TRUE
42							
43	STATE STATE SAVINGS BANK - 004						
44	101-000-004	STATE SAVINGS CASH	0.00	503,936.90	487,072.03	16,864.87	
45	202-000-004	STATE SAVINGS CASH	0.00	32,238.06	27,721.73	4,516.33	
46	203-000-004	STATE SAVINGS CASH	0.00	30,809.88	38,861.63	-8,051.75	
47	212-000-004	STATE SAVINGS CASH	0.00	1,875.05	1,875.05	0.00	
48	301-000-004	STATE SAVINGS CASH	0.00	24,172.76	10,506.50	13,666.26	
49	591-000-004	STATE SAVINGS CASH	0.00	188,983.59	251,756.59	-62,773.00	
50	661-000-004	STATE SAVINGS CASH	0.00	106,169.37	27,668.97	78,500.40	
51	715-000-004	STATE SAVINGS CASH	0.00	1,767.67	0.00	1,767.67	
52		STATE SAVINGS BANK - 004	0.00	889,953.28	845,462.50	44,490.78	
53	Treasurer: Plus uncleared checks					32,011.23	
54	Treasurer: Total line 51+52					76,502.01	76,502.01
55						State Checking	TRUE
56							
57	TCSB INDEPENDENT - 005						
58	101-000-005	TRAVERSE CITY STATE BANK	0.00	6.56	1.03	5.53	
59	591-000-005	TRAVERSE CITY STATE BANK	0.00	628.77	628.77	0.00	
60	591-000-010	INDEPENDENT BANK CD	0.00	31,720.94	277.41	31,443.53	
61	661-000-005	TRAVERSE CITY STATE BANK	0.00	85,633.10	412.09	85,221.01	
62		INDEPENDENT - 005	0.00	117,989.37	1,319.30	116,670.07	
63	Treasurer: Minus line 59 (CD)					31,443.53	
64						85,226.54	85,226.54
65						Independent Bank	TRUE
66							
67		TOTAL - ALL FUNDS	0.00	1,831,858.27	1,242,938.66	588,919.61	

	A	B	C	D	E	F	G	H
1		From Cash Summary by Account for 2/29/20 (printed 6/11/20)						
2								
3		Per BSA records		Per Bank Account				
4		BOOKS		1st Nat	Huntington	mBank	Independent	TOTAL CD
5	2/29/2020							
6	GF 101 (Account 003)	\$248,975.50		\$248,975.50				
7	MS 202 (Account 003)	\$132,909.75						
8	LS 203 (Account 003)	\$83,376.18				\$216,285.90		
9	WF 591 (Account 003)	\$81,464.09						
10	WF 591 (Account 010)	\$31,443.53					\$113,295.62	
11	EQ 661 (Account 003)	\$708.52						
12					\$131.11			
13								
14	Book Balance	\$578,877.57						
15	Bank Balance	\$578,688.13		\$248,975.50	\$131.11	\$216,285.90	\$113,295.62	\$578,688.13
16	difference	\$189.44						
17		Books overstate CD						
18								
19								

VC 6/23/20

6/14/2020

Last Month's Bank Balances - As of 5/31/2020

Page 1

Account	5/31/2020 Balance
Bank Accounts	
Checking - Huntington National Bank	194,320.96
Checking - State Savings Bank XX6901	98,054.75
Checking-SSB XX0001	1,006.49
Money Market - Honor Bank	107,607.55
Money Market - Independent Bank (TC...	85,263.00
Money Market - MBank	24,283.94
Sav CD - 1st National	250,117.65
Sav CD - Huntington	131.11
Sav CD - Independent Bank81-1	113,914.12
Sav CD - Mbank 21218	217,761.17
TOTAL Bank Accounts	1,092,460.74
OVERALL TOTAL	1,092,460.74

VC 6/23/20

A

Deposit Summary - Last month

5/1/2020 through 5/31/2020

6/14/2020

Page 1

Category	5/1/2020- 5/31/2020
INCOME	
Interest	736.09
Lot Split	250.00
MI Revenue Sharing	
Sales Tax	5,415.00
TOTAL MI Revenue Sharing	5,415.00
Parking-Credit Card	97.00
Permit	
Fence	40.00
TOTAL Permit	40.00
Street	
Local	4,328.73
Major	1,626.85
TOTAL Street	5,955.58
Water Bill Payment	5,765.21
Zoning	
Hearing	400.00
TOTAL Zoning	400.00
TOTAL INCOME	18,658.88
OVERALL TOTAL	18,658.88

VC 6/23/2020 B

5/11/2020

Last Month's Bank Balances - As of 4/30/2020

Page 1

Account	4/30/2020 Balance
Bank Accounts	
Checking - Huntington National Bank	188,583.60
Checking - State Savings Bank XX6901	139,458.08
Checking-SSB XX0001	1,006.45
Money Market - Honor Bank	107,602.06
Money Market - Independent Bank (TC...	85,252.84
Money Market - MBank	24,283.94
Sav CD - 1st National	250,117.65
Sav CD - Huntington	131.11
Sav CD - Independent Bank81-1	113,707.58
Sav CD - Mbank 21218	217,268.30
TOTAL Bank Accounts	1,127,411.61
OVERALL TOTAL	1,127,411.61

VC 4/23/20 c

Deposit Summary - Last month

4/1/2020 through 4/30/2020

5/11/2020

Page 1

Category	4/1/2020- 4/30/2020
INCOME	
Interest	758.21
Permit	
Fence	40.00
LUP	75.00
TOTAL Permit	115.00
Recycle	312.50
Street	
Local	2,944.81
Major	4,221.79
TOTAL Street	7,166.60
Tax	
County Road Millage	23,716.90
TOTAL Tax	23,716.90
Water Bill Payment	15,436.57
TOTAL INCOME	47,505.78
OVERALL TOTAL	47,505.78

VC 6/23/2020

4/4/2020

Last Month's Bank Balances - As of 3/31/2020

Page 1

Account	3/31/2020 Balance
Bank Accounts	
Checking - Huntington National Bank	195,505.96
Checking - State Savings Bank XX6901	138,785.15
Checking-SSB XX0001	1,006.41
Money Market - Honor Bank	107,596.76
Money Market - Independent Bank (TC...	85,242.33
Money Market - MBank	24,283.94
Sav CD - 1st National	250,117.65
Sav CD - Huntington	131.11
Sav CD - Independent Bank81-1	113,494.55
Sav CD - Mbank 21218	216,760.19
TOTAL Bank Accounts	1,132,924.05
OVERALL TOTAL	1,132,924.05

V@ 6/23/20 d

Deposit Summary - Last month
3/1/2020 through 3/31/2020

4/4/2020

Page 1

Category	3/1/2020- 3/31/2020
INCOME	
Interest	1,183.90
MI Revenue Sharing	
Sales Tax	5,574.00
TOTAL MI Revenue Sharing	5,574.00
Permit	
LUP	50.00
TOTAL Permit	50.00
Street	
Local	7,861.23
Major	10,114.44
TOTAL Street	17,975.67
Water Bill Payment	570.34
TOTAL INCOME	25,353.91
OVERALL TOTAL	25,353.91

VC 6/23/20 e

**VILLAGE OF EMPIRE
Zoning Administrator's Report**

April - May 2020

Reviewed and issued temporary outdoor use permit for annual band concert at grassy area along Niagara St. adjacent to the S. Bar Lake, July 29, 2020 from 6 pm to 9 pm. (B. Quinn). Subsequently cancelled.

Reviewed and recommended Village Council approval of a proposed lot combination at 12089 S. LaCore Rd., Parcel No. 45-041-730-003-30, (B. & S. Palmer, landowners).

Reviewed and approved garden fence permit at 11364 S. LaCore St., Parcel #45-041-824-037-00, (L. Chase).

Reviewed and approved perimeter fence permit at 11358 S. LaCore St., Parcel #45-041-824-037-20, (J. Bruder).

Reviewed and approved revision of land use permit (LUP #030-19) for a planned addition to a new residence at 11570 S. Sunset Dr., Parcel No. 45-041-500-022-00 (Cornerstone Homes TC, LLC).

Prepared and submitted for Village Council action a written statement to decline Part 41 application co-signature for a planned community sewage treatment system at The Village at M-22/Sunset Subdivision (Cornerstone Homes TC, LLC and Crain Engineering, LLC).

Reviewed and approved a handicap access addition to an existing residence at 10342 W. Niagara St. (LUP #006-20), Parcel No. 45-041-824-054-00 (T. & D. Haiderer).

Prepared and sent certified letters on 4/16/20 and 4/25/20 notifying landowner at 10135 W. Salisbury St. of violation of Ordinance #155 of 2020, Discharge of Water from Private Property to public streets. Compliance/enforcement on-going.

Notified landowner for keeping of farm animals at 10097 W. Front St. of violation of Ordinance #97/128 Nuisance. Compliance/enforcement on-going.

Respectfully submitted,

**/s/Christopher P. Grobbel, Zoning Administrator
Village of Empire**

VC 6/23/20

From: Tom Rademache <t.rademacher@villageofempire.com>
Sent: Friday, June 12, 2020 3:44 PM
To: deputy clerk
Subject: Items for next council meeting agenda.

Alacia,

I would like to add two items for our next council meeting agenda:

1. Grant writer time frame, when approving the hiring of a grant writer we left a time frame for his use open ended. I think there should be a period where we try it and at the end of that period if we are not satisfied, it should be ended.
2. Planning Commission Ordinance, specifically section 2.0 dealing with the number of PC members. I intend to make a motion to seek the opinion of Figura Law to see if the Council can reduce the PC to 5 members instead of 7, and if so, what is the process.

Thanks,
Tom

From: Todd Avis
To: Darlene Friend
Subject: Pokagan Street closure
Date: Thursday, June 4, 2020 6:55:21 AM

The New Neighborhood HOA would like to request the closure of Pokagon Street from 8:00 am to 12:00 noon on Saturday, July 4, 2020 for the purpose of the annual Neighborhood breakfast.

We also request road barricades be dropped off before the event. We will return them to the DPW building by Monday.

Thank you.

Todd Avis.

Sent from my iPhone=

VC 6/23/20

The Village of Empire
Beach Public Parking Policy
Adopted 7-22-14

The following parking policy is intended for use in the establishment of parking guidelines at the Village of Empire Public Beach and shall include the incorporation of the previously adopted fines for the violation of those rules.

1. Village and Township Residents may park fee free as long as they have a valid parking sticker or pass issued by the Village on their vehicle.
2. The rate for non-village non-township residents shall be calculated at \$1.00 per hr.
3. It will be the responsibility of the user to acquire their pass, after they have legally parked, and Display the pass on the windshield or dashboard of their vehicle. Attendants will do their best to allow a reasonable amount of time (less than 15) for the visitor to acquire the pass.
4. Failure to acquire a pass, renew the pass, or allow the pass to expire, may result in a fine of up to \$25.00. Fees will begin at \$10.00 per half hr of violation time, to a maximum of \$25.00.
5. The purchase of the pass will not guarantee the visitor a parking space, if they vacate for any reason at any time during their prepaid stay. Parking passes should not be purchased before the legal parking space has been acquired. Attendants will not have the ability to issue a refund, and will carry no cash on their person.
6. Visitors stopping their vehicles in the drop off area to purchase the pass, with the exception of those possessing a handicap sticker, will face a fine of up to \$ 25.00.
7. Passes will be issued to parcel owners and residents within the Township of Empire. The Village will send two passes per household.
8. Vacation rentals and seasonal renters should receive their passes from the landlords to be distributed as they so choose. Year around rentals will need to show a valid drivers license with a current Empire Township address.
9. Additional resident passes can be purchased at the Village offices, with proof of vehicle registration for more than two family vehicles owned by a resident. Max pass free per household will be 5 annually
10. Lost passes may be replaced with the presentation of tax bill, vehicle registration, and an additional fee of \$5.00 to cover the costs of additional passes.
11. The Village will review the availability of printed stickers or hanging passes and determine if a color change should be considered for the following year.
12. Hours of park paid parking shall be from 10am to 8 pm.
13. Passes are not transferable. A parking fine of up to \$50.00 will be assessed to any parked vehicle that is found to be in possession of a resident pass, and not an actual resident of the Township.
14. A list of all current fines is available through the Village offices.
15. Motorcycles must park in a parking space, and pay the same as a motor vehicle.
16. Handicap vehicles will not be required to purchase a pass. The Village will abide by all Michigan laws regarding the availability and use of handicapped parking spaces.
17. Only one vehicle is permitted per space.
18. In the event of a machine failure, the attendants will direct the visitor to our donation boxes and write them a timed slip to display, until the proper repairs can be made.

VC 6/23/20

Fine Schedule:

- add grilling on beach walls to 150e.
- Jet ski in swim area refers to a Michigan law that says jet skis may not be operated less than 200 feet from the shoreline, unless at a no-wake speed (<http://legislature.mi.gov/doc.aspx?mcl-324-80209>). Fee specified in section 324.80219 Violation of part; penalty.

Beach Attendant Coverage:

Start Date to begin coverage? Weekends starting Asparagus festival (May 17-19). Full time coverage begins mid-June.

Hours covered? 10a-6 or 7pm

How many attendants? One in the morning, one in the evening, overlap two from 12-5pm. Fourth of July week and holiday weekends should have a 3 or 4 person overlap.

Beach Public Parking Policy:

specific document ion needed for:

- 1) Vacant Property Owners – require tax ID
- 2) Vacation Rentals (answered in #8 of parking policy)
- 3) Long term rentals – copy of driver's license or lease
- 4) New car (registration with old scraped sticker or registration with \$5.00)
- 5) Broken windshield (scraped sticker or new glass receipt with \$5.00)

>incorporate

Households can have a maximum of 5 passes per home. After two free passes, it is \$5/pass for residents to obtain additional passes (up to 5).

Parking policy to review:

4. Update policy from 2014 to match fee schedule, which states \$15 instead of \$10.
6. Add to fee schedule
9. EDIT: Residents can obtain two free parking passes per address with proof of vehicle registration. Additional resident passes can be purchased for \$5, with proof of vehicle registration. Maximum passes per household shall be five.
10. A lost pass is a pass that is stolen, has been sold with a car or lost with a new windshield. To avoid the \$5.00 fee, residents may turn in a pass that has been scraped or peeled to receive a new pass.
13. Add to fee schedule
- 14.

**VILLAGE OF EMPIRE
LEELANAU COUNTY, MICHIGAN
PLANNING COMMISSION ORDINANCE**

ORDINANCE NO. 117
October 28, 2008

AN ORDINANCE TO BRING THE VILLAGE OF EMPIRE PLANNING COMMISSION INTO COMPLIANCE WITH THE REQUIREMENTS OF THE MICHIGAN PLANNING ENABLING ACT, PUBLIC ACT 33 OF 2008; TO CONFER ON SAID PLANNING COMMISSION ALL POWERS AND DUTIES PROVIDED FOR IN SAID ACT; TO TRANSFER TO THE PLANNING COMMISSION THE ZONING POWERS OF A ZONING COMMISSION UNDER PUBLIC ACT 110 OF 2006, THE MICHIGAN ZONING ENABLING ACT.

THE VILLAGE OF EMPIRE ORDAINS

Section 1. Continued Existence of Planning Commission.

The Planning Commission for the Village of Empire previously established under 1931 PA 285, shall continue in existence as the Planning Commission for the Village of Empire pursuant to Public Act No. 33 of 2008, and shall be constituted in accordance with and shall have all of the powers and duties set forth in that act and this ordinance.

Section 2. Membership.

- A. Number of Members. The Planning Commission shall consist of 7 members who shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the Village, in accordance with the major interests as they exist in the village, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall, to the extent practicable, also be representative of the entire geography of the Village.
- B. Terms of Members. Members of the Planning Commission, other than ex officio members, shall be appointed for 3-year terms as specified in section 15 of the Michigan Planning Enabling Act. Each member shall hold office until his or her successor is appointed.
- C. Vacancy. If a vacancy occurs on the Planning Commission, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment.
- D. Qualified Electors. Members of the Planning Commission shall be qualified electors of the village, except that 2 of the planning commission members may be individuals who are not qualified electors of the village.

- E. Ex Officio Members. The Planning Commission may have a number of members who are ex officio members. The persons eligible to serve as ex officio members shall be as authorized and/or required by section 15 of the MPEA.
- F. Removal. The Village Council may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- G. Compensation. All members of the Planning Commission may be compensated at such rate as may be determined from time to time by resolution of the Village Council.

Section 3. Organization; Procedures.

- A. Officers. The Planning Commission shall elect a chairperson and secretary from its members and fill other offices as it considers advisable. An ex officio member is not eligible to serve as chairperson. The term of each officer shall be 1 year, with opportunity for reelection as specified in the Planning Commission's bylaws.
- B. Advisory Committees. The Planning Commission may appoint advisory committees whose members are not members of the Planning Commission.
- C. Bylaws. The Planning Commission shall adopt bylaws for the transaction of its business, and shall keep a public record of its resolutions, transactions, findings, and determinations.
- D. Annual Report. The Planning Commission shall make an annual written report to the Village Council concerning its operations and the status of planning activities, including recommendations regarding actions by the Village Council related to planning and development.
- E. Meetings. The Planning Commission shall hold not less than 4 regular meetings each year. The time and place of the meetings shall be established by resolution.

Unless the bylaws provide otherwise, a special meeting of the Planning Commission may be called by the chairperson or by 2 other members, upon written request to the secretary. Unless the bylaws provide otherwise, the secretary shall send written notice of a special meeting to Planning Commission members not less than 48 hours before the meeting.

- F. Open Meetings Act. The business that the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by that act.

- G. Freedom of Information Act. A writing prepared, owned, used, in the possession of, or retained by the planning commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, 1976 PA442, MCL 15.231 to 15.246.

Section 4. Conflict of Interest

Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this ordinance and the MPEA constitutes malfeasance in office. Unless the village council, by ordinance, defines conflict of interest for the purposes of this ordinance, the Planning Commission shall do so in its bylaws.

Section 5. Duties and powers.

- A. Master Plan The Planning Commission shall make and approve a Master Plan as a guide for development within the village and shall adopt same in accordance with the requirements of sections 31 through 51 of the Michigan Planning Enabling Act (MPEA), Public Act 33 of 2008.
- B. Capital Improvements. No street; square, park, playground, public way, ground, or other open space; or public building or other structure shall be constructed or authorized for construction in an area covered by a municipal Master Plan unless the location, character, and extent of same has been submitted to the Planning Commission for approval in the manner provided for in sections 61 and 63 of the MPEA.
- C. Rescission of Prior Approval. The Village Council shall not rescind its authorization of the acquisition or enlargement of any square, park, playground, or other open space previously approved unless the matter has been submitted to the Planning Commission for review. The review by the Planning Commission and any rescission by the Village Council shall be in accordance with section 63 of the MPEA.
- D. Capital Improvements Program. Unless exempted from doing so by charter or otherwise, to further the desirable future development of the village under the Master Plan, the Planning Commission, after adoption of a Master Plan, shall annually prepare a capital improvements program of public structures and improvements. All procedures in the preparation and processing of such capital improvements plan shall be in accordance with sections 65 and 67 of the MPEA.
- E. Subdivision Regulations and Plat Approval The Planning Commission may recommend to the Village Council provisions of an ordinance or rules governing the subdivision of land authorized under section 105 of the land division act, 1967 PA 288, MCL 560.105, and shall review and make recommendations on

plats before action thereon by the Village Council under section 112 of the land division act, 1967 PA 288, MCL 560.112, all in accordance with the provisions of section 71 of the MPEA.

- F. Zoning Commission The Planning Commission shall have all the powers and duties of a zoning commission under the Michigan Zoning Enabling Act PA 110 of 2006 (MCL 125.3101 et seq).
- G. Education; Consultation. To promote public interest in and understanding of the Master Plan, the Planning Commission may publish and distribute copies of the Master Plan or of any report, and employ other means of publicity and education. The Planning Commission shall consult with and advise public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens concerning the promotion or implementation of the Master Plan.

Section 6. Amendments to MPEA.

Any amendments made to the Michigan Planning Enabling Act, Public Act 33 of 2008 shall hereby be declared to automatically control the activities and function of the Planning Commission.

Section 7. Repeal of Inconsistent Ordinances or Resolutions.

Ordinance No. 62 and any other prior ordinances or resolutions addressing the same subject matter as this ordinance, particularly any ordinance or resolution establishing the Planning Commission under any other public act of the state, are hereby repealed.

Section 8. Effective Date.

This ordinance shall be effective upon publication.

At a regular meeting of the Village Council of the Village of Empire held on October 28, 2008, adoption of the foregoing ordinance was moved by Baja and supported by Gray.

Voting for: Lanny Sterling, David Diller, Nat Gray, Susan Michener, Karen Baja and Susan Carpenter.

Voting against:

The Village President declared the ordinance adopted.

DRAFT

VILLAGE OF EMPIRE
PERSONNEL COMMITTEE
BYLAWS

Name of Committee

The name of the committee is Personnel Committee

Purpose of the Committee

The purpose of the Personnel Committee shall be to provide and assist in the research, development and implementation of policies and procedures on personnel and administrative matters relating to Village employees. These matters shall include performance reviews, time sheets, employment agreement issues, and other human resource matters. The Personnel Committee specific purpose is to recruit, train, and retain competent and qualified Village employees.

Committee Membership

Members: The Personnel Committee is a standing committee of the Village of Empire. The committee shall consist of three members nominated by the Village President and approved by the Village Council.

Terms: The term is assumed to be a two-year appointment commencing in November of even numbered years unless the Village President during his/her term determines the need to re-establish the committee's membership.

Resignation: Any Personnel Committee member may resign upon notifying the Village President in writing and shall be effective upon receipt of the written notification, unless the member identifies a later date.

Committee Meetings

Any Personnel Committee member or Village President can call a meeting of the committee. Notice of all committee meetings shall be given at least three days in advance by following Open Meetings Act posting requirements. The notice shall identify the topics to be discussed at the meeting. All meetings of the Personnel Committee shall be open to the public unless the committee is permitted to close the meeting under the Open Meeting Act. The committee

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shall describe the reason for closing any meeting to the public in the notice announcing the meeting.

Committee Responsibilities

The Committee shall undertake the following responsibilities:

- Develop for the Village Council's consideration and approval personnel policies addressing hiring practices, grievance and discipline processes, performance review, employee handbooks, benefits, work hours and other personnel matters and to review such practices and policies periodically.
- Suggest edits, recommendations, and goals of Village Employee Performance Evaluations written and created by the Village President and by vote to approve for presentation to Village employee.
- Recruit and screen candidates and recommend new hires to the Village Council whenever a staff vacancy shall occur.
- Draft employment agreements; review as part of performance review.
- Perform such other personnel matters as assigned by the Village Council.

Committee Authority

The committee shall have not authority to bind the Village but shall bring all recommendations to the Village Council for decision. The committee may recommend certain action to the Council.

Committee Continuation

The committee shall continue in existence until terminated by action of the Council.

Compensation

Members of the Personnel Committee shall receive not compensation for their service on the committee.

AVIS DRAFT

Village of Empire
Personnel Committee
Review and Update of Job Descriptions, Performance Evaluations, Personnel Policy Handbook, and Conducting Employee Performance Reviews
DRAFT TIMELINE

Function	Who	What	When	Product/Outcome
Employee Job Descriptions				
Copy/distribute current version of Employee Job Descriptions	PC: to receive hard copies	Employee Job Descriptions	March, 2020	Review/comment
Meeting with individual Village Employees for feedback	PC and Village employees 1:1	Employee Job Descriptions	April, 2020	Gather comments
PC Meeting to discuss member and employee edits	PC	Employee Job Descriptions	April, 2020	Gather comments and edits
PC sends recommendations to Village attorney	PC	Employee Job Descriptions	April, 2020	Updated and legal version of Job Descriptions
VC review at Work Session	PC and VC	Employee Job Descriptions	May, 2020	Review updated and legal version of Job Descriptions
VC vote at VC regular meeting	PC and VC	Employee Job Descriptions	May, 2020	Approve updated Job Descriptions

TWO 1 HOUR PC MEETINGS IN SEPTEMBER AND OCTOBER
ONE VC WORK SESSION
ONE VC REGULAR MEETING

Function	Who	What	When	Product/Outcome
2020 Employee Performance Evaluations				
Prepare/present/approve Performance Evaluation	PC: prepares, presents, Council approves	Performance Evaluation	May, 2020	Employee Performance Review
Write/prepare Employee Performance Evaluation	VC President writes and prepares	Employee Performance Evaluation	May, 2020	All Village employees performance review
Edit/recommend/approve Employee Performance Evaluation	PC: edits, recommendations, approves	Employee Performance Evaluation	May, 2020	All Village employees performance review
Employee 2:1 Performance Evaluation Meetings	VC President and PC member	Employee Performance Evaluation meeting	June, 2020	All Village employees performance review
Employee written response due with mutual goals	VC President and Employee	Employee Performance Evaluation employee response	June, 2020	All Village employees performance review

TWO 1 HOUR PC MEETINGS BY END OF MARCH/BEGINNING OF APRIL

Function	Who	What	When	Product/Outcome
Personnel Policy Handbook				
Copy/distribute current version of Personnel Policy Handbook	PC: to receive hard copies	Personnel Policy Handbook	June, 2020	Review/comment
Meeting with individual Village Employees for feedback	PC and Village employees 1:1	Personnel Policy Handbook	July, 2020	Gather comments
PC Meeting to discuss member and employee edits	PC	Personnel Policy Handbook	August, 2020	Gather comments and edits
PC sends recommendations to Village attorney	PC	Personnel Policy Handbook	August, 2020	Updated and legal version of Handbook
VC review at Work Session	PC and VC	Personnel Policy Handbook	September, 2020	Review updated and legal version of Handbook
VC vote at VC regular meeting	PC and VC	Personnel Policy Handbook	September, 2020	Approve updated Personnel Policy Handbook

TWO 1 HOUR PC MEETINGS IN APRIL AND MAY
ONE VC WORK SESSION
ONE VC REGULAR MEETING

VC 6/23/20

AVIS
DRAFT
COPY

VILLAGE OF EMPIRE
JOB DESCRIPTION
SEASONAL DPW WORKER

Appointed by the Village Council

Supervised by: Director of Department of Public Works

CREATED: June 16, 2020

Position Summary: Under the direction of the Director of Department of Public Works (DPW), the Seasonal DPW Worker performs routine outdoor landscape maintenance for Village owned property and rights of way. Using various tools and equipment, the Seasonal DPW Worker cuts, trims, sweeps, blows, rakes and hauls Village landscaping and debris.

Job Functions:

- Perform groundskeeping and lawn maintenance duties.
- Mow lawn either by hand or using a riding lawnmower.
- Cut lawn using hand, power or riding mower and trim and edge around walks, flower beds, curbs, walls, and other stationary objects.
- Landscape by planting flowers, grass, shrubs, and bushes.
- Apply weed control to rid grounds of weeds and invasive species.
- Apply fertilizer to ground to enhance growth.
- Sweep walkway of debris.
- Cut down tree limbs that are posing a danger or obstruct traffic views or signals.
- Trim shrubs and pull weeds.
- Perform minor repairs and maintenance procedures on equipment utilized in groundskeeping.

VC 6/23/20

- Rake, mulch, and prune the Village grounds as needed.

Required Knowledge, Skills, Abilities and Minimum Qualifications:

The requirements listed below are representative of the knowledge, skills, abilities and minimum qualifications necessary to perform the essential functions of the position. Reasonable accommodation may be made to enable individuals with disabilities to perform the job.

- Possess high school diploma or GRE preferred.
- Skill in using multiple manual and powered lawn and garden equipment.
- Take direction and work independently on a variety of work assignments.
- Ability to adhere to safety policies and wear personal protection equipment as directed.
- Exhibit excellent customer service skills.
- Provide written documentation of work completed to Director of DPW.

Physical Demands and Work Environment

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.

- While performing the duties of this job, the employee works in an outdoor setting in a variety of weather conditions. The employee must be able to stand, walk, kneel, bend, twist, reach, and climb. The employee communicates in verbal and written means. The noise level in the work area will often be loud and may reach 110 decibels.
- The employee is required to work between 8:00 am and 4:30 pm and is scheduled for work by the Director of DPW based on the Village's needs.
- The employee must lift and or move items of moderate to heavy weight.

VILLAGE OF EMPIRE

ORDINANCE NO. 137

AN ORDINANCE REQUIRING SEPTIC INSPECTIONS AT TIME OF SALE

AN ORDINANCE TO REQUIRE AN INSPECTION OF SANITARY SEWAGE DISPOSAL SYSTEMS AT TIME OF SALE OF PROPERTY; TO PROMOTE THE HEALTH AND SAFETY OF THE RESIDENTS, VISITORS, AND OTHER COMMUNITY MEMBERS BY PREVENTING THE SPREAD OF DISEASES ASSOCIATED WITH FAILING ONSITE SEWAGE DISPOSAL SYSTEMS (OSDS) OR SEPTIC SYSTEMS; TO EDUCATE THE PUBLIC ABOUT PROPER SEPTIC SYSTEM OPERATION AND MAINTENANCE; AND TO PROTECT AND PROMOTE A QUALITY ENVIRONMENT IN THE MARSHES, WETLANDS, STREAMS AND BEACHES BY REDUCING CONTAMINATED RUNOFF FROM FAILED OR POORLY MAINTAINED SEPTIC SYSTEMS; AND TO ENSURE THAT OSDS ARE PROPERLY OPERATED, INSPECTED AND ROUTINELY MAINTAINED; AND TO PROVIDE FOR SANCTIONS FOR VIOLATION OF THIS ORDINANCE.

WHEREAS, the Village of Empire desires to promote the health and safety of the residents, visitors, and other community members by preventing the spread of diseases associated with failing onsite sewage disposal systems (OSDS); and

WHEREAS, the Village of Empire desires to protect and promote a quality environment in the marshes, wetlands, streams and beaches by reducing contaminated runoff from failed or poorly maintained septic systems; and

WHEREAS, the Village of Empire desires to ensure that OSDS are properly operated, inspected and routinely maintained; and

WHEREAS, such OSDS are under the jurisdiction of the Benzie-Leelanau District Health Department (DHD); and

WHEREAS, the Village of Empire wants to require an inspection of a sanitary sewage or septic system at the time a property is sold; and

NOW, THEREFORE,

THE VILLAGE OF EMPIRE ORDAINS:

Section 1. Definitions.

As used in this Ordinance:

"Failure" or "Failed System" includes the following:

- the backup of sewage into a structure;
- the discharge of effluent onto the ground surface;
- the connection of an OSDS to a storm drain;
- liquid level in the septic tank is above the top of the outlet pipe;

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- the structural defect of a septic tank which is likely to impair its proper operation; or
- the discharge of sewage from an OSDS into any body of water.

"On-site Sewage Disposal System" or "OSDS" means Sewage Disposal Facilities as that term is defined by the Health Department in its Environmental Health Regulations and as those regulations may be amended in the future; but shall not mean any community wastewater treatment system serving more than one parcel which is subject to regulation pursuant to Part 31 of Act 451 of the Public Acts of 1994, as amended, and the rules promulgated thereunder, being Part 22, Groundwater Quality, of the Michigan Administrative Code; nor systems issued a National Pollution Discharge Elimination System (NPDES) permit pursuant to the federal Clean Water Act.

OSDS" means an On-site Sewage Disposal System.

"Owner" means any Person who has legal or equitable title to any Premises.

"Person" means any individual, firm, partnership, party, corporation, company, society, association, or other legal entity.

"Premises" means any tract of land, or portion thereof, or combination of tracts of land under single or common ownership, operation or control, which contains (a) any type of structure that is, was, or will be occupied or inhabited either permanently or transiently, and (b) which is served by an OSDS.

Section 2. Required Compliance with DHD Requirements.

All sanitary sewage disposal systems either public or private, for any building hereafter erected, altered or relocated upon any premises shall be in compliance with the requirements established by the Benzie-Leelanau District Health Department (DHD) in effect at the time of such erection, alteration or relocation of such systems. The written approval of such facilities by DHD shall be filed with the application for a Land Use Permit.

Section 3. Inspection Required at Point of Sale.

An owner of a premises on which there is a habitable building or the owner of such building shall not sell, convey, assign or transfer ownership of, or exclusive rights in, said premises or said habitable building until the owner or the agent of the owner has:

- A. Requested the DHD or a licensed NAWT certified sanitarian to evaluate any existing on-site sewage disposal system, or provided a written waiver of such evaluation as is provided for below.
- B. Furnished the results of such evaluation in writing to any prospective purchaser or transferee of the premises or the building on the premises. The evaluation shall bear the signature of acknowledgement from both buyer and seller, or transferee, and a copy shall be filed with the Village.

C. If, as a result of the inspection, the septic system is found to be failing via the required inspection, the inspector, the owner of the premise or the building on the premises, shall provide those findings to the DHD and the purchaser or transferee of the premises or the building. The following requirements shall be met:

- 1.) A written contract providing for the on-site sewage system or septic system to be brought into conformance with the provisions of any regulations required by the DHD by a date acceptable to the DHD, but not less than one hundred and fifty (150) days from the date title to the premises or the building is transferred; and
- 2.) Any surety bond, performance bond or cash bond guaranteeing performance of such contract if required by the DHD, which bond shall be in such amount as determined by the DHD.

Section 4. Exemptions.

Notwithstanding the provisions of Section 2, above, in the event of a sale, conveyance, assignment or transfer ownership of, or exclusive rights in a premises or a habitable building on the premises, any OSDS on said premises is not subject to a required inspection at the time of point of sale in the following instances:

- 1.) The purchaser provides a notarized letter of intent to remove the structure and related OSDS entirely and bear full responsibility for meeting all code requirements in the future;
- 2.) The title is changing due to the addition of a spouse; or
- 3.) The system was constructed within the past three years in a manner fully conforming to code;
- 4.) The system has passed an inspection by the DHD or a NAWT Certified Sanitarian within the previous 12 months.

Section 5. Duty of Owner regarding Documentation.

The owner of the premises or the owner of the building on the premise shall provide the DHD or the Village of Empire whatever information the DHD requires so that the DHD and the Village will be able to maintain a record of each septic system or OSDS installed, inspected, repaired and altered.

Section 6. Authorized Local officials.

The Village Zoning Administrator and the Village Code Enforcement Officer, if there is one, a member of the County Sheriff's department are hereby authorized to enforce this ordinance and to issue municipal civil infraction citations or municipal civil infraction violation notices for violations of this ordinance.

Section 7. Repeal of Prior Ordinances.

Ordinance No.135 and any other ordinance of the Village of Empire which is in conflict with the provisions of this ordinance are hereby repealed.

Section 8. Effective Date.

This Ordinance shall take effect upon the later of 21 days after adoption or the date of its publication in the manner provided by law.

At a regular meeting of the Village Council of the Village of Empire held on December 16, 2019, adoption of the foregoing ordinance was moved by Maggie Bacon and supported by Dan Davis.

Voting for: Susan Carpenter, Mae Stier, Maggie Bacon, Dan Davis, Beryl Skrocki, Tom Rademacher, Soni Aylsworth.

Voting against: None

The Village President declared the ordinance adopted.

Wayne R. Aylsworth
Village President

CERTIFICATION

The foregoing is a true copy of Ordinance No. 137 which was enacted by the Village Council of the Village of Empire at a regular meeting held on December 16, 2019.

Derith A. Smith
Village Clerk

TOWNSHIP OF GLEN ARBOR

ORDINANCE NO. 2-2014

AN ORDINANCE REQUIRING WELL AND SEPTIC INSPECTIONS AT TIME OF SALE

AN ORDINANCE TO REQUIRE AN INSPECTION OF WATER SUPPLY AND SANITARY SEWAGE DISPOSAL SYSTEMS AT TIME OF SALE OF PROPERTY; TO PROMOTE THE HEALTH AND SAFETY OF THE RESIDENTS, VISITORS, AND OTHER COMMUNITY MEMBERS BY PREVENTING THE SPREAD OF DISEASES ASSOCIATED WITH FAILING ONSITE SEWAGE DISPOSAL SYSTEMS (OSDS) OR SEPTIC SYSTEMS; TO EDUCATE THE PUBLIC ABOUT PROPER SEPTIC SYSTEM OPERATION AND MAINTENANCE; AND TO PROMOTE A QUALITY ENVIRONMENT IN THE MARSHES, WETLANDS, STREAMS AND BEACHES BY REDUCING CONTAMINATED RUNOFF FROM FAILED OR POORLY MAINTAINED SEPTIC SYSTEMS; AND TO ENSURE THAT OSDS ARE PROPERLY OPERATED, INSPECTED AND ROUTINELY MAINTAINED; AND TO PROVIDE FOR SANCTIONS FOR VIOLATION OF THIS ORDINANCE.

WHEREAS, the Township of Glen Arbor desires to promote the health and safety of the residents, visitors, and other community members by preventing the spread of diseases associated with contaminated onsite water supply and failing onsite sewage disposal systems (OSDS) or septic systems; and

WHEREAS, the Township of Glen Arbor desires to promote a quality environment in the marshes, wetlands, streams and beaches by reducing contaminated runoff from failed or poorly maintained septic systems; and

WHEREAS, the Township of Glen Arbor desires to ensure that onsite water supply systems and OSDS are properly operated, inspected and routinely maintained; and

WHEREAS, such water supply systems and OSDS are under the jurisdiction of the Benzie-Leelanau District Health Department (DHD); and

WHEREAS, the Township of Glen Arbor wants to require an inspection of a water supply and sanitary sewage or septic system at the time a property is sold; and

WHEREAS, the DHD makes such inspections and also has established conditions under which a waiver of such inspection is possible; and

WHEREAS, at present, a waiver of such inspection might be obtained from the DHD if: 1.) The purchaser provides a notarized letter of intent to remove the residence and related OSDS entirely and bear full responsibility for meeting all code requirements in the future; 2.) The title is changing due to the addition of a spouse; or 3.) The system was constructed within the past five years in a manner fully conforming to code;

NOW, THEREFORE,

THE TOWNSHIP OF GLEN ARBOR ORDAINS:

Section 1. New Construction.

All water supply and sanitary sewage disposal systems either public or private, for any building hereafter erected, altered or relocated upon any premises shall be in compliance with the requirements of the Benzie-Leelanau District Health Department (DHD) in effect at the time of such erection, alteration or relocation. The written approval of such facilities by DHD shall be filed with the application for a Land Use Permit.

Section 2. Existing Well or Onsite Septic Systems.

Glen Arbor Township
P.O. Box 276
Glen Arbor, MI 49636

An owner of any premises, regardless of use or location, on which there is a habitable building or the owner of such building shall not sell, convey, assign or transfer ownership of, or exclusive rights in, said premises or said habitable building until the owner or the agent of the owner has done all of the following:

- A. Requested the DHD to evaluate any existing on-site water well and any existing on-site sewage disposal system or to provide a written waiver of such evaluation. Such request shall be made of the DSD and the applicable fees established by the DSD paid for at least thirty (30) days before the anticipated closing date for the property sale or transfer.
- B. Furnished the results of such evaluation by the DHD in writing to any prospective purchaser or transferee of the premises or the building on the premises.
- C. If it is determined by the DHD that the water well and/or the onsite septic system is not in conformance with the standards established in Section 3, below, the owner of the premise or the building on the premises shall provide to the DHD and the purchaser or transferee of the premises or the building the following;
 - 1.) A written contract providing for the noncompliant water well and/or on-site sewage system or septic system to be brought into conformance by a date acceptable to the DHD, but not more than one hundred and fifty (150) days from the date title to the premises or the building is transferred; and
 - 2.) Any surety bond, performance bond or cash bond guaranteeing performance of such contract if required by the DHD, which bond shall be in such amount as determined by the DHD.

Section 3. Evaluation Standards.

It is not the intent of this ordinance to require that all water and sewage disposal systems be brought up to the same standards that would apply to a new system being installed, but rather to insure that such systems are working properly. In that regard, the evaluation shall consist of a determination that the sewage disposal system and the water well system are in substantial conformance with the standards of the Public Health Code and its regulations. The term "substantial conformance" shall mean that there shall not be more than a minimal likelihood of degradation of ground water or surface water by improper or malfunctioning sewage disposal systems or water supply systems. In making this determination, the following criteria may be considered:

- A. The vertical isolation distance between the high ground water table and the point of sewage discharge;
- B. The isolation distance from surface waters or wetlands, as defined by federal or state law or regulations;
- C. The isolation distance between a water well and the sewage disposal system;
- D. The on-site conditions of the property, including, but not limited to, soil types, ground water elevation, flow and direction; and
- E. The operational condition of the existing water supply and/or sewage disposal system.

Section 4. Inspection Records.

The owner of the premises or the building on the premises shall provide the DHD whatever information the DHD requires so that the DHD will be able to maintain a record of each water supply and septic system or OSDS installed, inspected, repaired and altered.

Section 5. Exemption.

Glen Arbor Township
P.O. Box 276
Glen Arbor, MI 49636

Except in those cases where the property owner is aware of a failing water supply or septic system which is in violation of the regulations of the DHD, any residential structures for which a new water supply or septic system is constructed after July 1, 2009, are exempt with respect to such newly constructed water supply or septic system from the point of sale inspection requirement imposed by this ordinance for a period of five (5) years from the date of completion of construction of said water supply or septic system

Section 6. Sanctions.

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 provided for in the Township of Glen Arbor's Municipal Civil Infraction Ordinance.

Section 7. Authorized Local Officials.

The Township Zoning Administrator or the Township Code Enforcement Officer, if there is one, and a member of the County Sheriff's department are hereby authorized to enforce this ordinance and to issue municipal civil infraction citations or municipal civil infraction violation notices for violations of this ordinance.

Section 8. Severability.

Each provision of this Ordinance is declared to be separable and severable, and a judicial determination that any such provision is invalid or unenforceable, shall not affect the enforceability of any other article, section, subsection or provision hereof.

Section 9. Effective Date.

This Ordinance shall become effective upon publication in accordance with law.

At a regular meeting of the Board of Trustees of the Township of Glen Arbor held on June 17, 2014, adoption of the foregoing ordinance was moved by Gretzema and supported by Quick.

Voting for: Thompson, Kelly, Gretzema, Quick and Soderholm

Voting against: None

The Township Supervisor declared the ordinance adopted.

CERTIFICATION

The foregoing is a true copy of Ordinance No. 2-2014 which was enacted by the Board of Trustees of the Township of Glen Arbor at a regular meeting held on June 17, 2014.

Bonnie Quick
Township Clerk

EMPIRE TOWNSHIP

ORDINANCE NO. 01-2019

**AN ORDINANCE REQUIRING WELL AND SEPTIC INSPECTIONS
AT TIME OF SALE OR TITLE TRANSFER**

AN ORDINANCE TO REQUIRE AN INSPECTION OF WATER SUPPLY AND SANITARY SEWAGE DISPOSAL SYSTEMS AT TIME OF SALE OR TITLE TRANSFER OF PROPERTY; TO PROMOTE THE HEALTH AND SAFETY OF THE RESIDENTS, VISITORS, AND OTHER COMMUNITY MEMBERS BY PREVENTING THE SPREAD OF DISEASES ASSOCIATED WITH FAILING ONSITE SEWAGE DISPOSAL SYSTEMS (OSDS) OR SEPTIC SYSTEMS; TO EDUCATE THE PUBLIC ABOUT PROPER SEPTIC SYSTEM OPERATION AND MAINTENANCE; AND TO PROMOTE A QUALITY ENVIRONMENT IN THE MARSHES, WETLANDS, STREAMS AND BEACHES BY REDUCING CONTAMINATED RUNOFF FROM FAILED OR POORLY MAINTAINED SEPTIC SYSTEMS; AND TO ENSURE THAT OSDS ARE PROPERLY OPERATED, INSPECTED AND ROUTINELY MAINTAINED; AND TO PROVIDE FOR SANCTIONS FOR VIOLATION OF THIS ORDINANCE.

STATEMENT OF INTENT

It is the goal of Empire Township:

1. To promote the health and safety of the residents, visitors, and other community members by preventing the spread of diseases associated with contaminated onsite water supply and failing onsite sewage disposal systems (OSDS) or septic systems; and
2. To promote a quality environment in the marshes, wetlands, streams and beaches by reducing contaminated runoff from failed or poorly maintained septic systems; and
3. To ensure that onsite water supply systems and OSDS are properly operated, inspected and routinely maintained.

To accomplish this goal, Empire Township wants to require an inspection of a water supply and sanitary sewage or septic system at the time a property is sold or title to that property is transferred to another owner.

EMPIRE TOWNSHIP HEREBY ORDAINS:

Section 1. New Construction.

All water supply and sanitary sewage disposal systems either public or private, for any building hereafter erected, altered, or relocated upon any premises shall be in compliance with the requirements of the Benzie-Leelanau District Health Department (DHD) in effect at the time of such erection, alteration, or relocation. The written approval of such facilities by DHD shall be filed with the application for a Land Use Permit.

Section 2. Existing Well or Onsite Septic Systems.

An owner of any premises, regardless of use or location, on which there is a habitable building, or the owner of such building, shall not sell, convey, assign or transfer ownership of, or exclusive rights in, said premises or said habitable building until the owner or the agent of the owner has done all of the following:

- A. Requested the DHD to evaluate any existing on-site water well and any existing on-site sewage disposal system or to provide a written waiver of such evaluation. Such request shall be made of the DHD and the applicable fees established by the DHD paid for at least thirty (30) days before the anticipated closing date for the property sale or transfer.
- B. Furnished the results of such evaluation by the DHD in writing to any prospective purchaser or transferee of the premises or the building on the premises.
- C. If it is determined by the DHD that the water well and/or the onsite septic system is not in conformance with the standards established in Section 3, below, the owner of the premise or the building on the premises shall provide to the DHD and the purchaser or transferee of the premises or the building the following:
 - 1.) A written contract providing for the noncompliant water well and/or on-site sewage system or septic system to be brought into conformance by a date acceptable to the DHD, but not more than one hundred and fifty (150) days from the date title to the premises or the building is transferred; and
 - 2.) Any surety bond, performance bond, or cash bond guaranteeing performance of such contract, if required by the DHD, which bond shall be in such amount as determined by the DHD.

Section 3. Evaluation Standards.

It is not the intent of this ordinance to require that all water and sewage disposal systems be brought up to the same standards that would apply to a new system being installed, but rather to insure that such systems are working properly. In that regard, the evaluation shall consist of a determination that the sewage disposal system and the water well system are in substantial conformance with the standards of the Public Health Code and its regulations. The term "substantial conformance" shall mean that there shall not be more than a minimal likelihood of degradation of ground water or surface water by improper or malfunctioning sewage disposal systems or water supply systems. In making this determination, the following criteria may be considered:

- A. The vertical isolation distance between the high ground water table and the point of sewage discharge;
- B. The isolation distance from surface waters or wetlands, as defined by federal or state law or regulations;
- C. The isolation distance between a water well and the sewage disposal system;

D. The on-site conditions of the property, including, but not limited to, soil types, ground water elevation, flow and direction; and

E. The operational condition of the existing water supply and/or sewage disposal system.

Section 4. Inspection Records.

The owner of the premises or the building on the premises shall provide the DHD whatever information the DHD requires so that the DHD will be able to maintain a record of each water supply and septic system or OSDS installed, inspected, repaired, and altered.

Section 5. Exemptions.

Nothing in this Ordinance or in Section 2, above, in the event of a sale, conveyance, assignment or transfer of ownership of, or exclusive rights in, a premises or a habitable dwelling on the premises, any OSDS or septic system on said premises is not subject to a required inspection at the time of sale or title transfer in the following instances:

- 1) The purchaser provides a notarized letter of intent to remove the structure and related OSDS entirely and bear full responsibility for meeting all code requirements in the future;
- 2) The title is changing due to the addition or deletion of a spouse; or
- 3) The title is changing but the existing ownership remains unchanged; such as a husband and wife transferring title to a trust in which they are the trustees; or such as a transfer of title to an LLC, partnership, or other legal entity in which the membership is a mirror image of the existing owners; or
- 4) The system was constructed within the past three (3) years in a manner fully conforming to code; or
- 5) The system has passed an inspection by the DHD within the previous 12 months; or
- 6) The system is a community system which is subject to regular, required inspections by the DHD.

Section 6. Sanctions.

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 provided for in the Empire Township Municipal Civil Infraction Ordinance.

Section 7. Authorized Local Officials.

The Township Zoning Administrator or the Township Code Enforcement Officer, if there is one, and a member of the County Sheriff's Department are hereby authorized to enforce this

ordinance and to issue municipal civil infraction citations or municipal civil infraction violation notices for violations of this ordinance.

Section 8. Severability.

Each provision of this Ordinance is declared to be separable and severable, and a judicial determination that any such provision is invalid or unenforceable, shall not affect the enforceability of any other article, section, subsection or provision hereof.

Section 9. Effective Date.

This Ordinance shall become effective 30 days after publication in accordance with law.

At a regular meeting of the Board of Trustees of Empire Township held on August 13, 2019, adoption of the foregoing ordinance was moved by Deegan and supported by Deering.

Voting for: Deering, Neiswonger, Noonan, Price, and Deegan.

Voting against: None.

The Township Supervisor declared the ordinance adopted.

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 01-2019, which was enacted by the Board of Trustees of Empire Township at a regular meeting held on August 13, 2019.

Christine M. Neiswonger
Empire Township Clerk