

December 16, 2019 – EMPIRE VILLAGE COUNCIL REGULAR MEETING

The meeting was called to order and the Pledge of Allegiance was led by President Aylsworth at 7:00 p.m. Council members Carpenter, Rademacher, Davis, Bacon, Stier and Skrocki were present. Clerk Smith, Treasurer Ronkaitis, Planner Grobbel, DPW Superintendent Friend and Engineer Graf were also present,

CHANGES/ADDITIONS TO AGENDA – Aylsworth removed the Rules of Procedure until the January session. Bacon added bonuses for DPW and Deputy Clerk under New Business #9. Rademacher added Formula Based Zoning/Business under New Business #10.

PUBLIC COMMENTS ON AGENDA ITEMS – Martin Graf expressed his appreciation for working with the Village. Val Dalton commented on the outlet and beach remediation. She also offered her written comments on the Rules of Procedure to the Clerk.

CONSENT AGENDA – **Motion by Rademacher, supported by Davis to approve minutes of Regular Meeting of 11-14-19. Approve Bills totaling \$20,836.32; and Resolution #13 transferring \$1,695.54 in Major to Local Street Funds. A roll call vote yielded unanimous approval. MOTION PASSED.**

REVIEW OF FINANCIAL STATEMENTS & TREASURER’S REPORT – Bacon commented on the possible public perception of Bank Balances. She commented on how many of these monies are restricted and not available for any use. Carpenter commented on the need for budget amendments very soon. Smith asked for budget requests from each committee.

DEPARTMENT HEAD REPORTS – DPW Superintendent Friend reported that the lake level has not dropped as much as expected. They have connected the 6 new homes in The Village at M-22 subdivision to the water system. The new meter system has arrived. Grobbel commented on his report included in the packet.

COMMITTEE REPORTS – Stier stated the Short-term Rental Committee had met and minutes will be available very soon.

OLD BUSINESS

BUDGET – **Motion by Bacon, supported by Carpenter to dedicate as much of the January Work Session as possible to the Budget. A roll call vote yielded unanimous approval. MOTION PASSED.**

Motion by Bacon, supported by Rademacher for committees to submit budget requests by 1-3-19. Upon a voice vote, MOTION PASSED UNANIMOUSLY.

BEACH PARK REMEDIATION – Past and current proposals were discussed. Carpenter expressed concern over the difference in proposal prices and proposed items of remediation. An additional proposal for replacing the decorative wall was discussed with a total of \$20,500.00. **Motion by Bacon, supported by Davis to take no action on proposal for wall replacement until an insurance adjustment reply is received.** Bacon asked Graf about cost difference if current project is completed before this is received. Graf stated he is not certain it may cost more

but he has not received a call-back from the contractor. **Roll Call: Ayes: Bacon, Stier, Skrocki, Davis, Rademacher, Carpenter and Aylsworth. MOTION PASSED. Moved by Carpenter, supported by Bacon to amend the budget to include \$160,000 from General Fund reserves to cover the beach remediation project. Roll Call: Ayes: Stier, Skrocki, Davis, Rademacher, Carpenter and Aylsworth. Nays: Bacon. MOTION PASSED.**

NEW BUSINESS

RULES OF PROCEDURE – Moved to January Work Session.

PRESIDENT COMMITTEE APPOINTMENTS – President Aylsworth appointed the same committees as the past year: Water- Davis, Rademacher, Carpenter. Streets - Bacon, Skrocki, Rademacher. Recreation - Stier, Bacon, Carpenter. Personnel – Skrocki, Stier, Davis. Treasurer Pro-Temp: Davis. Motion by Carpenter, supported by Davis to approve appointments. A voice vote yielded unanimous approval. MOTION PASSED.

COUNCIL APPOINTMENT OF PRO-TEMP – Aylsworth asked if there was a suggestion for Pro-temp Motion by Bacon, supported by Davis to appoint Rademacher as Pro-temp. Rademacher declined. Motion by Rademacher, supported by Carpenter to appoint Skrocki as President Pro-temp. Upon a voice vote, MOTION PASSED UNANIMOUSLY.

NUISANCE AND NOISE ORDINANCE – Motion by Bacon, supported by Stier to have the Clerk/Deputy Clerk assemble some sample ordinances for Council review. Grobbel commented that he would suggest that the noise levels be discretionary. Upon a voice vote, MOTION PASSED UNANIMOUSLY.

ORDINANCE 137 – TIME OF SALE SEPTIC INSPECTIONS – Skrocki commented on a related recent workshop. She was surprised to learn that Michigan has no universal Septic Code.

Motion by Bacon, supported by Davis to amend Ordinance 137 to replace NSF with NAWT. A voice vote was unanimous. MOTION PASSED.

PLANNING FOR RESILIENT COASTAL COMMUNITIES SERVICE GRANT – Bacon described the grant and shared that the references all have links on the Village website.

GRANT WRITER NEXT STEPS – Skrocki wondered if there has been any response to the notices that have been posted. None have been received .It was noted that specifics might be helpful. It was suggested that priorities for improvements or projects be set before a grant writer is considered. Grobbel commented that the CIP should be used to inform those priorities. Carpenter commented that the CIP should include possible grant possibilities as a start. Motion by Carpenter, supported by Rademacher to contact Harry Burkholder at LIAA re: the Resilient Coastal Communities Service Grant for next year. Upon a voice vote, MOTION PASSED UNANIMOUSLY.

Motion by Carpenter, supported by Bacon that the Council be prepared to include potential grant sources for the CIP at the March work session. Upon a voice vote, MOTION PASSED UNANIMOUSLY.

ZBA TRAINING - Aylsworth asked for Council thoughts regarding such training. MML and MSU. It was noted that there may be insurance requirements for the level of training required for the ZBA.

Motion by Carpenter, supported by Bacon to have the Clerk contact both MML and MSU about upcoming training and other possibilities. Upon a voice vote, MOTION PASSED UNANIMOUSLY.

BONUSES - There was discussion about the amount of last years. **Motion by Bacon, supported by Rademacher to include a \$500 bonus for the Deputy Clerk, and DPW employees. Upon a roll call vote, MOTION PASSED UNANIMOUSLY. Motion by Carpenter, supported by Davis to pay the bonuses this month. Upon a roll call, MOTION PASSED UNANIMOUSLY.**

Motion by Rademacher, supported by Davis to advise the Planning Commission to not spend monies on formula-based zoning in the Village Zoning Ordinance. Rademacher noted the opinion from Village Attorney Figura that he would not advise becoming the test case for such in Michigan as there would be no insurance coverage and it could become very expensive. Bacon described the differences between “form based” and “formula based business” zoning discussed at the Planning Commission. Grobbel added that it is a way to enforce architectural standards via zoning. Carpenter noted the trend in court cases regarding this zoning have removed authority for zoning from the municipal boards and councils. **MOTION WITHDRAWN.**

Motion by Carpenter, supported by Davis to inform the Planning Commission that the Council has strong concerns regarding formula based zoning. Upon a voice vote, MOTION PASSED.

COMMENTS FROM THE AUDIENCE – Randy Nelson spoke regarding the relationship between the Council and Planning Commission. Chris Frey commented on the possibility of a year-end budget projection for planning purposes. Meg Walton commented on a recent Glen Lake Association meeting as there may be related information regarding South Bar Lake. Grobbel commented on the water study work and future report on South Bar Lake. Mary Sharry commented on public interest in grant funds for sewer.

BOARD COMMENTS – Bacon commented on the plans for a street project for grants. Carpenter commented on the long-standing studies conducted by the South Bar Lake Association and the recent testing completed by the Village of the lake.

ADJOURNMENT at 9:29 p.m.

Respectfully submitted,

Derith Smith

Empire Village Clerk

These minutes were approved at the January 28th, 2020 Village Council Regular Meeting.