

**EMPIRE VILLAGE COUNCIL REGULAR MEETING
MARCH 24, 2020 at 7 PM
EMPIRE TOWN HALL, 10088 FRONT ST.
AGENDA**

A. PLEDGE OF ALLEGIANCE

B. CHANGES/ADDITIONS TO THE AGENDA

C. PUBLIC COMMENTS ON AGENDA ITEMS

D. CONSENT AGENDA

1. Approve minutes of Special Meeting and Work Session 02/13/2020, Budget Hearing and Regular Meeting 02/25/2020 and Work Session 03/12/2020.
2. Approve March Bills totaling \$
3. Approve Resolution #08 of 2020 transferring \$5,057.22 of Major to Local Street Fund.

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

1. Short Term Rental Committee – Final Report

I. OLD BUSINESS

1. GMC Sierra Transmission
2. Rules of Procedure Update
3. Clerk Position
4. Grant Writer

J. NEW BUSINESS

1. Email Communications
2. Human Resources Training Opportunity

QUESTIONS/ COMMENTS FROM AUDIENCE

BOARD COMMENTS

ADJOURNMENT

FEBRUARY 13, 2020 EMPIRE VILLAGE COUNCIL SPECIAL MEETING

The meeting was called to order at 6:30 p.m. at the Empire Township Hall by President Aylsworth. In attendance were Trustees Skrocki, Stier, Bacon, Davis and Rademacher. Treasurer Ronkaitis and Zoning Administrator Grobbel were also present.

APPOINTMENT OF VILLAGE COUNCIL TRUSTEE - Aylsworth read a prepared statement that reviewed the applications from 6 individuals seeking appointment to the vacant council position (see attached). He stated that it is the sworn duty of council members to appoint the most knowledgeable and qualified person to help fulfill the needs of the village. He recommended Todd Avis as the persons with the most municipal experience, knowledge of the MCLs and Village Rules of Procedure and current dealings with the Village at the current time. He recommended his appointment to the vacant Council position. **Motion by Stier, supported by Skrocki to accept the recommendation from Aylsworth to appoint Todd Avis to the vacant seat on Village Council.** Discussion included comments from Skrocki and Stier as Avis being a wonderful addition to the council. Rademacher feels his background looks pretty good, but he had some concerns about his pushing zoning for businesses while on the Planning Commission. Bacon thanked all applicants for their interest and feels Avis is smart and knowledgeable. **ROLL ALL: Ayes: Rademacher, Skrocki, Stier, Aylsworth Nays: Davis & Bacon. MOTION PASSED.**

ADOPTION OF DISCHARGE OF WATER FROM PRIVATE PROPERTY ORDINANCE – Grobbel described the ordinance he had assembled and pointed out that the Village has a Civil Infraction Ordinance in effect and that would be related. He suggested the President and DPW head be the Enforcement Officers for this ordinance as a regular presence is needed. He pointed out there are currently several properties that are pumping onto public property like the roads and the issue would likely increase in the spring. Several sections of the wording were questioned by Davis and he asked if Attorney Figura had reviewed this draft. Grobbel said no this was just prepared on Sunday and it is designed to be a stop gap measure as the problem will expand with rising ground water levels. Bacon questioned the fines and who would decide them. Grobbel feels the ordinance should specifically designate the enforcement officer and Village should commit to consistent enforcement in order to be effective. Davis questioned the enforcement standards, discretion, an appeal process and if the Council would be involved. Grobbel referred to the existing Civil Infraction Ordinance that addresses each of these questions. **Motion by Bacon, supported by Davis to send the ordinance to Attorney Figura for review with an insertion of the word “not” regarding other municipal ordinances in Sec.1, identify specific enforcement officers in Sec. 4, and whether the description of discharged waters in Sec. 3 is adequate. ROLL CALL: Ayes: Bacon, Skrocki, Stier, Rademacher, Davis and Aylsworth. Nays: None. MOTION PASSED.**

Motion by Davis, support by Bacon to adjourn. Unanimous voice vote. MOTION PASSED.

MOTION OF REQUIRED COUNCIL ACTION - Bacon asked if this was the appropriate time to address the Lot Split request while Mr. Grobbel was still present. Grobbel described the request from Linda Chase Deering as meeting all zoning requirements upon his review and the fee has

been paid. **Motion by Davis, supported by Rademacher to approve the Lot Split request. A ROLL CALL vote was unanimous. MOTION PASSED.**

CHANGES/ADDITIONS TO AGENDA – Bacon requested the Empire Township Community Survey be moved to the March work session. Aylsworth asked for a motion regarding the start of the Regular Meeting be changed to follow the Budget Hearing. **Motion by Bacon, supported by Rademacher to start the February 25, 2020 Regular Meeting immediately following the Budget Hearing. Upon a unanimous voice vote MOTION PASSED.**

PUBLIC COMMENT ON AGENDA ITEMS - Gerry Schiffman, Karen Baja and Linda Chase commented on the proposed Water Discharge Ordinance. Chris Frey commented on the budget.

DEPARTMENT HEAD REPORTS – Grobbel reviewed the Zoning Report as submitted. He described the Liquor License approval request from the Grocer's Daughter as meeting all zoning requirements.

COMMITTEE REPORTS – None.

OLD BUSINESS

FISCAL YEAR 2020-21 Budget – Bacon noted the email provided in the packet from Dept. of Treasury to auditor addressing Equipment Charges at a rate more than 100% of their schedule. Discussion included reducing the General Fund Balance to set aside additional monies in the Equipment Fund, possible equipment purchases needed, funding priorities for the General Fund. Consensus was to have both 100% and 130% rate charges described for the budget hearing.

Stier described some of the additional repairs needed at the beach including wall repair and ramp. Friend feels that would likely cost less than the 20K budgeted, but rip rap is also needed. There was consensus to raise the 20K to 30K under capital improvements for Parks.

Bacon reviewed the projected revenues for both Street Funds as like this year based on a communication received today from MDOT.

Personnel raises were reviewed based on committee reports. The 10% increase in cost of health insurance (paid entirely by Village), COLA for all employees, and the increased responsibilities and hours for Deputy Clerk/Office Administrator were discussed. A 2% increase was recommended for this position.

NEW BUSINESS

TOWNSHIP/VILLAGE DRAINAGE COMMITTEE - Rademacher, Davis and Aylsworth reported that they didn't feel there was interest from the Township in pursuing a joint district. There was discussion of who can levy special assessments. The Township Supervisor did not feel they could assess outside the township.

DRAINAGE DISTRICT INFORMATION - Aylsworth brought a copy of the application and a resolution from the Drain Commissioner as requested. Bacon asked that the Drain Commissioner be invited to a Village Council meeting and reviewed a list of questions she had prepared for him to address and encouraged other council members to submit their questions. Aylsworth will call

and ask the Drain Commissioner if he is available for the next regular meeting or the next work session.

BEACH PARK – BOAT RAMP & LIGHTHOUSE – Stier reported she had spoken with Friend regarding a cost for riprap around the lighthouse and he said Elmer’s had estimated no more than \$20K. **Motion by Bacon, supported by Davis to explore costs to install a barrier to protect the lighthouse, with Friend to obtain quotes for both rip rap and geo tubes.** Discussion included potential federal assistance monies, geo tubes vs rip rap at the boat ramp area and the cost of each. **A roll call yielded unanimous approval. MOTION PASSED.**

BEACH PARK ORDINANCE NO. 150 & FEE SCHEDULE - Stier reviewed the highlighted changes the committee has suggested to address issues pointed out last summer. Most of changes would align the fee schedule with the ordinance and language to address boat and/or trailer parking was added. A reference to the State Fireworks ordinance and safe distance for jet skis was also added. Wording regarding grilling was reviewed to address enforcement issues. Stier will make the changes and submit for inclusion in the Regular Meeting agenda.

GROCERS’S DAUGHTER OFF-PREMISE TASTING ROOM LICENSE – Aylsworth read an email from GDC describing their plans and their request for the Village to sign off on the request from Iron Fish Distillery. Bacon suggested the licensing request be reviewed by Attorney Figura. Application can be completed by the Clerk/Deputy Clerk and passed to Figura for review and added to Regular meeting agenda.

PERSONNEL POLICY – Skrocki stated the review completed by Figura several years ago had not been passed. She feels the vacation schedule is not attractive and alternatives were discussed. Bacon questioned whether a recent law combining personal and sick time should be reviewed or included. The vacation schedule was discussed at length. There was a consensus that the policy needs further review. It was suggested that the changes be made and highlighted for future review by Council.

QUESTIONS/COMMENTS FROM AUDIENCE – Frank Clements commented that some newer developments in the Village include drainage plans with storm water retention. He feels the attorney should review the ordinance to include these situations. Chris Frey reflected these comments and included statements about the budget. Val Dalton suggested a professional review of the personnel policy before approval.

BOARD COMMENTS – Skrocki thanked Frey for the diagram about the outlet and thanked all those who applied for the vacant position.

ADJOURNMENT at 9:18 p.m.

Derith Smith, Empire Village Clerk

These are draft minutes for approval at the February 25, 2020 Regular Council meeting.

We sit here this evening with a very unique situation to us as council members. As elected village council members it is our sworn duty to appoint the most knowledgeable and qualified person to help fulfill the needs of the village.

As per (MCL 62.13) Section 13

Any vacancy occurring in the office of president, trustee, or any other elective office shall be filled by appointment by the council, and the appointee shall hold office until the next regular village election.

I would like to take this time to go over each of the candidates as I perceive them.

Mrs. Meg Walton, she has been joining us at the village meetings on a regular basis since she moved into the village. Meg was the head chair of the Master Plan committee. She ran the meetings and was instrumental in bringing a master plan in front of the planning commission. Meg knows how to research. This has been proven many times at the village meetings. She has knowledge of the MCL's and can find the facts. She is a retired educator and a team player.

Mrs. Sue Palmer, she has been involved with the community since she decided to make Empire her primary residence. Mrs. Palmer is no stranger to the village. She used to spend summers here growing up. She has stayed informed about the Village even though it wasn't her primary residence and always considered Empire as her home. Her background is in the energy industry with distribution of natural gas. She has sat on the Planning Commission for 2 years and is currently the chair.

Mr. Todd Avis, he has held a residence in the village for many years. Mr. Avis has been involved with communities around the state including Empire. He held a planning commission seat in Hillsdale and was the traffic commissioner in East Grand Rapids. Mr. Avis is currently on the planning commission, the head chair of the Short-Term Rental Committee and was also on the master plan committee.

Mr. Sam Barr, he handed in a small piece of paper that I quote "Please consider me for the vacant council seat. I have a wide knowledge of village business". And that was it.

Mrs. Barbara Kelly, from her application, she has been a village resident for a while. It seems that she has a very vast knowledge in Psychology, Counseling, and Music. She states that she was on the Father Lovett foundation, and the Parish council. She is currently a volunteer at Glen Lake Schools and the community library.

Last but not least, Mrs. Linda Deering Chase, she has a background in business, schools, and church boards. She states and I quote "My life has consistently been about serving others". Linda grew up in Empire and then left the village to pursue life with her husband in the Air Force. Growing up myself in a military based family, I know that Mrs. Chase has structure.

Again, as elected village council members it is our sworn duty to appoint the most knowledgeable and qualified person to help fulfill the needs of the village.

I would like to make the recommendation to the Village Council of the person that has the most municipal experience, knowledge of the MCL's, the Village Rules of Procedure, and the current dealings with the village at the present time. I recommend Todd Avis to take the vacant seat on the Empire Village Council.

2/13/20

February 25, 2020

EMPIRE VILLAGE COUNCIL BUDGET HEARING AND REGULAR MEETING

The meeting was called to order and the Pledge of Allegiance was led by President Aylsworth at 6:00 p.m. Council members Rademacher, Davis, Bacon, and Skrocki were present. Avis and Stier were absent. Clerk Smith, Treasurer Ronkaitis, DPW Superintendent Friend were also present.

BUDGET HEARING – Budget totals by fund were reviewed. Smith noted that Resolutions had been prepared using both 100 and 130% as Equipment Rental charges for the Council to choose. Bacon stated that she had previously supported 100% rate for such rentals, but is comfortable with 130% rate due to possible equipment needs and in keeping with the CIP totals as projected. Aylsworth reviewed the budget line by line. **Motion by Bacon, supported by Skrocki to utilize the 130% Equipment rental rate and approve that proposed Budget. A ROLL CALL vote yielded unanimous approval. MOTION PASSED.** Comments and questions were received from Meg Walton, Chris Frey, Karen Baja and Sue Palmer. There was extensive discussion regarding the principal and interest due on the Water Bond. There was consensus that the line items totals be adjusted to reflect the bond payment schedule and include 1 additional principal payment annually (Principal = \$12K and Interest = \$10,300). Frey pointed out the 51K that was due from the General Fund to the Water Fund.

Motion by Bacon, who read the resolution aloud, and supported by Skrocki to approve Resolution No. 4 of 2020 - Budget for Fiscal Year 2020-21. ROLL CALL: Ayes: Rademacher, Davis, Skrocki, Bacon. Nays: Aylsworth. MOTION PASSED. Bacon noted that Aylsworth had voted no on his budget. He responded that he had not been involved in any of it and there were things in it that he disagreed with.

CHANGES/ADDITIONS TO AGENDA – Skrocki asked who had added the Clerk position and why. Bacon responded that she had noted the end the term and feels the process should be discussed. Aylsworth requested that a Resolution from the Village of Suttons Bay regarding high water be added under New Business.

PUBLIC COMMENTS ON AGENDA ITEMS – John Collins complimented the council on installing the sheet pile at the outlet, the DPW maintenance of such and water levels. Chris Frey commented on his letter regarding the progress made on a drainage district. Karen Baja commented on a request for bids for professional services.

CONSENT AGENDA – Aylsworth requested the Minutes of 2-13-20 Special Meeting and Work Session be removed from the Consent Agenda and be reviewed separately. **Motion by Bacon, supported by Rademacher to approve minutes of Regular Meeting of 1-28-20; and Approve Bills totaling \$41,564.22; and Resolution #5 of 2020 transferring \$1,832.63 in Major to Local Street Funds. ROLL CALL: Ayes: Rademacher, Skrocki, Bacon, Davis and Aylsworth. MOTION PASSED.**

REVIEW OF FINANCIAL STATEMENTS & TREASURER'S REPORT – Motion by Bacon, supported Rademacher to amend the 2019-20 Budget General Fund/ Streetlights (101-448-921) increased from 10K to 12K . **ROLL CALL: Ayes: Rademacher, Davis, Skrocki, Bacon and Aylsworth. MOTION PASSED.**

V/C 3/24/20

COMMUNICATIONS – Aylsworth read a letter of resignation from Mae Stier as Village Trustee, a letter regarding water runoff from Pat Zoyhofski, letters from Bud and Martha Acton, and Minnie Rockford regarding the Clerk’s position. Bacon read a letter from Steve and Linda Lewis regarding the Clerk position. All letters are attached.

DEPARTMENT HEAD REPORTS – DPW Superintendent Friend reported on water levels, a sand bar that has emerged that diminishes beach erosion, geo-tubes and several types of bags. He also reported that it will likely be impossible to install the launch ramp this year. He has asked for a quote from Elmer’s for 25’ of rip rap to protect the lighthouse that he will send to Council upon receipt.

COMMITTEE REPORTS – Bacon reported on a recent Streets Committee meeting and asked what process the Council needs to go thru to edge the sidewalks. Friend stated that it previously took 3 months to complete such with all other work included.

OLD BUSINESS

IRON FISH DISTILLERY OFF PREMISE TASTING ROOM LICENSE - Motion by Skrocki, supported by Davis to approve the Local Government Approval for Off-Premises Tasting Room License for 11572 S LaCore Rd., Empire, MI 49630. Bacon clarified the Zoning Administrator has approved the location as an approved use. Jody Hayden clarified that the license be approved for both addresses. **Motion amended to include 11590 S LaCore as well. ROLL CALL: Ayes: Bacon, Skrocki, Rademacher, Davis, Aylsworth. Nays: None MOTION PASSED.**

DISCHARGE OF WATER FROM PRIVATE PROPERTY ORDINANCE #155 – Motion by Rademacher, supported by Skrocki to approve Discharge of Water from Private Property Ordinance #155. Davis expressed concern about the questions raised in the Attorney review and feels that it may not be a solution to the problem. Skrocki expressed concern about the safety of residents due to the spray and frozen water. There was discussion of several other drainage issues around the Village and how the issues will likely increase. Aylsworth feels the Ordinance should be passed to protect public infrastructure, but does not want to give anyone a hardship. Rademacher felt public safety is more important than hardship. Bacon feels it is a policy struggle and wonders if a grace period could be extended. She feels the Ordinance doesn’t solve or prevent the problem, rather it provides a small amount of revenue for the Village. Dorothy Manning pointed out that snow melt and water runoff is running from all the surrounding high ground towards the lake. There was discussion of including the issue as part of a drainage district. **ROLL CALL: Ayes: Skrocki, Rademacher, Aylsworth. Nays: Bacon, Davis. MOTION PASSED.**

NEW BUSINESS

SCHEDULE OF REGULAR AND WORK SESSION MEETINGS FOR FY 2020-21 - Motion by Bacon , supported by Rademacher. There was discussion of changing meeting dates and times and the conflicts with use of the hall. A voice vote was unanimous. **MOTION PASSED.**

EMPIRE CHAMBER OF COMMERCE EVENT STREET CLOSURE REQUESTS FOR 2020 - Motion by Skrocki, supported by Rademacher to approve the requests as detailed in the 2-20-20 letter from the Empire Chamber of Commerce with changes (see attached). There was

discussion about closing all Front Street rather than just a portion for an entire day. **ROLL CALL: Ayes: Rademacher, Skrocki, Bacon, Aylsworth. Nays: Davis. MOTION PASSED.**

CLERK POSITION – Aylsworth stated that he had asked Skrocki to post the position. Bacon was perplexed by the communication between the Deputy Clerk and Skrocki. Davis read such aloud as it was included in the packet. He referenced a FOIA request regarding communication between the Personnel Committee and President regarding the posting of this position. He expressed concern about confidentiality when all business should be conducted according to the Open Meetings Act. He does not want to be involved in any more lawsuits. Skrocki was angry by the FOIA request and upset that she was accused of being secretive when she was trying to be polite. **Motion by Bacon to continue the conversation about the FOIA request and would then like the opportunity to discuss what is supposed to happen regarding this position, support by Davis.** Bacon read the email from Deputy Clerk regarding the process to Skrocki. Aylsworth read Skrocki response and his email to Clerk (all included in packet). Bacon read from a prepared statement that described the process for appointing, advertising for, updating the job description and professional services agreement for the Clerk position and the process for review (attached and available for posting). She feels the process is important to follow for every position. Aylsworth asked if it was described in an MCL. Skrocki asked if a small expenditure must be approved by Council. Bacon clarified that only the Council can approve expenditures, apart from the DPW Superintendent, who is authorized to spend within budget. Aylsworth asked what the motion is. **Motion withdrawn by Bacon and Davis.** Skrocki asked if that was the end of the discussion and Aylsworth responded yes.

RESOLUTION REGARDING A HIGHWATER EROSION - Aylsworth read a resolution received from the Village of Suttons Bay asking the Governor to ask for Federal assistance. **Motion by Bacon, supported by Rademacher to approve Resolution #6 of 2020, using the example as a template and inserting Village of Empire where appropriate.** Clerk or Deputy will contact regarding timeline for submission. **A voice vote was unanimous. MOTION PASSED.**

Motion by Bacon, supported by Davis to approve Resolution #7 of 2020 declaring a Vacancy in a Village Office - Whereas Michigan Statute 62.11 Section 11 states that if any elected officer shall cease to be a resident of the village during his or her term of office, the office shall be thereby vacated, and Whereas Michigan statute 62.13 that allows Council to appoint a successor to serve until the next regular Village election, and Whereas Trustee Mae Stier no longer lives in the Village, Now therefore, be it resolved by the Council of the Village of Empire that a vacancy in the office of Village Council Trustee hereby exists.

Aylsworth stated he would like to put out a request for applications and wondered if a special meeting would be required or if it could be done at a Work Session. There was discussion about the process for receiving applications or using one of the recent applications. **A voice vote was unanimous. MOTION PASSED.**

Motion by Bacon to appoint Linda Chase to fill the vacant seat on the Village Council. As indicated in her application, but not really expressed to the public at our last meeting, Linda spent the first 22 years of her live as a resident of Empire. She was brought up in a family that cared deeply for this Village. Her mother and father certainly instilled in their children the importance of giving back to the community – this community. Linda returned to Empire every year and has participated in a wide variety of community activities and events

supported by the Deering family – including assisting with the purchase and installation of the new playground equipment at South Bar Lake.

Even more interesting and important for this Village Council is Linda’s vast experience on the finance committee, building committee and pastoral council for her former Church. Church politics are a great deal like Village politics. I believe she has a greater understanding than most the role of governing. She is a quick learner and in the short time in the Village as a full-time resident, she has attended council meetings, planning commission meetings, and several committee meetings. She is a highly qualified candidate who will serve the Village of Empire residents. There was discussion about starting the process over. ROLL CALL: Ayes: Bacon, Rademacher, Davis Nays: Skrocki, Aylsworth. MOTION PASSED. Aylsworth welcomed Linda Chase to the Council.

COMMENTS FROM THE AUDIENCE – Tim Barr commented on a tube that was placed on the beach in the 70s. Sam Barr thanked the Clerk for performing her duties beyond expectations. Sue Palmer asked about informing the Post Office about the name change of LaCore. Dorothy Manning asked if there were local resources for information or help with both surface and ground water issues.

BOARD COMMENTS – Skrocki apologized for losing her temper and wondered how a FOIA request was received. She also liked the idea of sending out RFPs for all professional service providers. She also commented that her husband uses the geo tubes in his line of work and she would discuss these with him. Bacon hoped it was evident with the discussion of the vacancy that she had no interaction with any other Council member or Officer regarding her motions tonight. She was just as shocked to hear there was a request to keep something confidential from the Clerk.

ADJOURNMENT at 9:38 p.m.

Derith Smith, Empire Village Clerk

These are draft minutes for approval at the March 24, 2020 Regular Council meeting.

February 25, 2020

Dear Empire Village Council Members and Village Residents.

As of February 20, 2020, I have officially resigned from the Empire Village Council, as my family and I have moved out of our home in the village.

This time is bittersweet for me, as it has been such a privilege to live in this wonderful community and to serve on the village council. I moved to Empire three years ago because I was drawn to the quietness of the area, the surrounding beauty of the national park, and the opportunity to live just steps from Lake Michigan. As I became more involved in our little village, I have been amazed by the people I have met, all of whom care so deeply for the place they live. Becoming involved in local politics revealed this truth even more, as I was able to experience first-hand the passion so many of you have for the place you call home. What a beautiful thing it is to have so many people working together for the betterment of their community.

While I am saddened to no longer live in the village, I plan to continue to be a part of this community. Whether visiting the new library and catching up with old neighbors at sunset, I am certain you'll see us around. We may be moving a few miles out of town, but Empire will always feel like home.

Thank you for the opportunity to learn from all of you during my time on the village council. Thank you for your friendship, for your counsel, for your support. My entire life looks different than it did when I moved here, and I will always be grateful to this place—and to all of you—for the role this community played in that beautiful change.

Sincerely,

Mae Stier

Mae Stier

February 24, 2020

To: Village of Empire Council

From: Patricia Zoyhofski

Re: Discharge of Water from Private Property

This is to inform you that I was alerted to the problem of excess water spreading across my yard by David Ford, a friend who is keeping an eye on my home while I am staying with my daughter Sharron in Phoenix, Arizona for the winter.

David told me that Chris Grobbel had been trying to reach me. I called Chris and left him a message requesting a call back to discuss the problem; however, I have not received any response from him as of this date.

I then contacted Foundation Systems of Michigan in Traverse City to request their assistance since they had installed a groundwater management system in my home in prior years. Their representative met with David Ford in January to assess the situation. He said that because the ground is frozen at this time they will return after the spring thaw and hopefully propose an alternate solution. At that time, he did add a connection extension that has apparently caused a problem on Niagara Street.

Unfortunately, all of us that live in the area are being impacted by the depth of Lake Michigan and the groundwater. I am open to your suggestions and reasonable discussion of this overwhelming situation in our village.

I will return to Empire near the end of March but currently can be reached by phone in Phoenix at

Thank you for your consideration of this matter.

February 20, 2020

Dear Council members,

As I was reading (in Florida) the Feb. 13th edition of the Leelanau Enterprise article about Clerks from the surrounding areas, I remembered that the term of our Village Clerk's position was about to expire.

Knowing that this position is an appointed position, we are urging Council to reappoint Derith Smith as the Clerk.

After the mess and expense that our Village went through with the past clerk, we are now seeing the position handled in a professional, ethical, and non-political manner with a Clerk who has a wealth of knowledge in governmental rules and procedures, along with financial expertise (as it seems that there are no problems with the financials)!

Updating and implementing the accounting system is also to her credit!

On a personal note Ms. Smith has been a fantastic mentor to our daughter, Alacia, who has had no previous governmental experience.

Hopefully, this Council will reappoint Ms. Smith to the Clerk's position so that the Village office continues in an efficient, professional, and non-confrontational environment!

Sincerely,

Bud and Martha Acton

February 19, 2020

To: Village of Empire Council
Re: Clerk, Treasurer and Audits

Dear Council Members,

The attached article from the Lansing State Journal highlights the importance of having highly qualified officials in the position of the Office of the Clerk and Treasurer and in retaining a respected and vetted auditing firm.

The Village should be congratulated for finding both a clerk and an auditing firm that meet those qualifications without question. Your treasurer has been in place for some time and, therefore, would not be directly responsible for bringing the Office of the Clerk into compliance after your recent experience with former clerk, Traci Cruz.

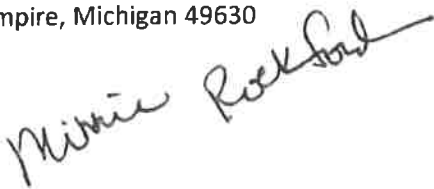
Ms. Derith Smith has accomplished much in her short time as your Clerk. That is evident – on the surface – by how much more organized the office appears to the public. There is much more that the Village Council and the clerk can celebrate. I see her term of office is nearing expiration; certainly no one in the village nor on the Council could doubt the importance of continuing to retain her services. Giving her the opportunity to continue moving the Village forward in a positive direction and offering her expertise in municipal government is a gift to your residents – and allows the Council to focus on their role as legislators and government officials. As the Lansing State Journal article states, consistency in staff cannot be underestimated. It is difficult, I am sure, to express the mess your clerk inherited – from filing to a set of books that, clearly, were in complete disarray.

Let me share my perspective of her impact and contributions.

1. Most important is her ability to fulfil her statutory obligations to be above politics and ensure the Council acts within the boundaries of the law. As elected officials, I realize having the law recited to you may cause you some discomfort – in particular when you just want to get something done your way. It is her part of her job to keep the Council focused on their responsibilities and oath of office and prevent you from straying into taking action or making decisions outside your statutory duties. She may, at times, save you from lawsuits or civil actions. Do not doubt the value of the honesty and ethics she brings to the Office.
2. She has brought the Office of the Clerk into the 21st Century with the implementation of the new accounting software specifically intended for municipal government accounting. It has been a bit surprising how quiet she has been – during your meetings - about the monstrous task it had to have been moving from a home-grown Quickbooks system this state-of-the art system.
3. She has ensured the office is open 5 days a week to serve both full-time residents and seasonal residents.
4. It is clear - to even a casual visitor and recipients of your mailing list announcements - that she has been a mentor and trainer for your new Deputy Clerk. Who also shines as a new fresh face in the Village Office.

Thank you for your service.

Minnie Rockford, PhD Candidate
PO Box 77
Empire, Michigan 49630



V/C 2/25/20

Feb. 21, 2020

To the Empire Village Council,

It has come to our attention via the e-packet agenda for the Feb. 25th village council meeting that the clerk position is listed under New Business, item #3, and up for discussion.

This letter to endorse the reappointment of our current village clerk Derith Smith.

Clerk Smith inherited a “mess” from the previous clerk and has brought the village back to the standards that is required of the village clerk position. We are unaware of any “issues” indicating a lack of professionalism or competency.

Please reappoint Derith Smith to continue as Empire Village Clerk.

Sincerely,
Steve and Linda Lewis

vc 2/25/20

MARCH 12, 2020 EMPIRE VILLAGE COUNCIL WORK SESSION

The meeting was called to order at 7:00 p.m. at the Empire Township Hall by President Aylsworth. In attendance were Trustees Skrocki, Bacon, Davis, Avis and Rademacher. Trustee Chase was excused. Treasurer Ronkaitis and Clerk Smith were also present.

MOTION OF REQUIRED COUNCIL ACTIONS

PLANNING COMMISSION APPOINTMENTS – Aylsworth appointed John Collins, Chris Webb and Frank Clements to the Planning Commission.

Motion by Bacon, supported by Davis to approve the appointment of John Collins to the Planning Commission. A voice vote yielded unanimous approval. MOTION PASSED.

Motion by Bacon, supported by Rademacher to approve the appointment of Chris Webb. Upon a voice vote the motion passed unanimously.

Motion by Avis, supported by Skrocki to approve the appointment of Frank Clements. A voice vote yielded a tie. MOTION DEFEATED.

ZONING BOARD OF APPEALS APPOINTMENTS – Aylsworth appointed David Diller, John Collins and Meg Walton as regular members, Bob Scott as alternate and Dan Davis as Council representative. **Motion by Bacon, supported by Avis to approve these appointments. ROLL CALL: Ayes: Rademacher, Skrocki, Avis, Aylsworth Nays: Davis & Bacon. MOTION PASSED.**

STANDING COMMITTEE APPOINTMENTS – Aylsworth read his appointment changes due to changes in Council Trustees. **Motion by Bacon, supported by Rademacher to approve appointment of Todd Avis (Chair) and Linda Chase to Personnel; Beryl Skrocki (Chair) and Linda Chase to Parks; and Todd Avis to Water Committees. Voice vote was unanimous. MOTION PASSED.**

ADVERTISEMENT FOR CLERK POSITION- Motion by Skrocki, supported by Avis to advertise the position in both the Record Eagle and Leelanau Enterprise due to administrative procedures and not due to performance issues. Voice Vote yielded a tie. **MOTION FAILED.**

CHANGES/ADDITIONS TO AGENDA–Avis added Employee review as a 1st item of business.

PUBLIC COMMENT ON AGENDA ITEMS - John Collins asked that the Water Level be moved to the 1st item on agenda. There were no objections from Council. Sue Palmer questioned the item ROP – Professional Services Contact.

DEPARTMENT HEAD REPORTS – Bacon reported the Planning Commission did not meet due to a lack of quorum. Bacon also reported the Union Street project has been sent out for bid. The quote is an important piece for the Village in writing the MDOT grant funding.

COMMITTEE REPORTS – None.

OLD BUSINESS – None.

VC 3/24/20

NEW BUSINESS

WATER LEVEL DISCUSSION – Aylsworth asked the Council how to deal with the issue of rising water throughout the Village. Skrocki felt having Eric Johnson speak to the Council could be helpful. Rademacher agreed and wondered if there were Health Dept. records that might assist. Bacon questioned this further. Aylsworth pointed out that there are few records that reflect installations prior to the 1980s. John Collins pointed out that the Health Department did not issue permits during this time. There was a consensus that both Eric Johnson and Clay McNitt be invited to offer information regarding this issue. Avis questioned who has the authority to deal with health and safety issues. Rademacher pointed out that complaints could be made to McNitt and he would be the one to enforce the code. Aylsworth wondered what would happen if Lake Michigan and South Bar Lake remain at the same level. Davis said that if the outlet does not drain into Lake MI, South Bar Lake will spread. John Collins confirmed that this is already happening on LaCore and Lake MI Drive properties. He doesn't know what the solution might be. Davis agreed and felt it is a fight with Mother Nature. Rademacher asked Aylsworth if the Drain Commissioner could assist the Council. Aylsworth said he will be at the March Regular Meeting. Questions can be submitted and forwarded to the Drain Commissioner. Skrocki wondered if the meeting with Health Department could be moved to May Work Session. Council agreed.

Skrocki provided an illustrated sheet from Geotube and requested copies be made for Council.

Aylsworth provided quotes received for sandbags (copy attached) and yards of sand. There was discussion regarding the pros and cons of using bags as they are often swept away by the lake. There was discussion of whether the boat launch could be installed this year. Aylsworth described the issues of the severe drop-off and how the ramp is currently broken into four pieces and would continue to be beat up if replaced.

Avis felt there were 4 issues: Septic tanks, sandbags, outlet, and ramp. He felt 1 and 4 could be addressed tonight. Aylsworth pointed out that they would need to be voted on at a Regular Session and should be added to that Agenda. There was consensus that the boat ramp would not be a priority at this time. It was also noted that there should be a notice to the public if the ramp is not installed.

EMPLOYEE PERSONNEL PERFORMANCE EVALUTION - Avis described his thoughts on the current evaluation forms. He passed out a diagram he had drafted for Employee Performance Review & Development (copy attached). He described how he has seen this process used for a variety of positions. He feels the timeline would be for the Personnel Committee to review and complete by May. Bacon felt it was an excellent document for Business, but it may need to be different for government. She pointed out some discrepancies and there was discussion of the need to update job descriptions. Bacon would like all Ordinances related to appointed officials be followed in terms of reviews and this will mean the process is different than those outlined for staff. Avis would like a consensus from the Council to have the Personnel Committee proceed with developing a performance review. Council unanimously agreed to proceed with updates to the Job Descriptions first.

CLERK POSITION – JOB DESCRIPTION REVIEW AND UPDATE - Council agreed that this issue had been addressed in the previous item discussed.

RULES OF PROCEDURE – Aylsworth felt the Personnel Committee should address any issues or revision.

APPROVAL OF AGENDA – Bacon felt it was critical that agenda be approved as recommended by Attorney Figura. Of the choices offered for amending the agenda, there was consensus that adding approval of the agenda and amending the agenda (requiring a 2/3rd vote of members present) would be added to the March Regular Meeting agenda.

PROFESSIONAL SERVICES CONTACT - Bacon provided a list of 10 questions (attached) that she would like the Attorney to address. She read these aloud for the public. There was a consensus that it could be reviewed and added to the April Work Session Agenda.

MML TRAINING AND MATERIALS – Todd Avis would like to attend. There was discussion regarding amounts budgeted to each department for training.

ZBA WORKSHOPS – the information has been shared with the current PC and ZBA members and will be shared with newly appointed members. Office will register members if notified.

GRANT WRITER PROPOSAL – Aylsworth commented that a new proposal has been received from Ryan Cotton in response to the Village solicitation. Bacon didn't feel the proposal was significantly different and felt the CIP should be completed and priorities identified before any grant writer be engaged. Avis, Aylsworth and Skrocki all felt that Ryan Cotton has the experience and connections to find monies for Village projects. Davis repeated the concerns that he has expressed at previous meetings: The Village has limited funds for a match and does not want to see planned projects abandoned for lack of funds, would like Council to prioritize projects. Aylsworth asked if every council member had reviewed the articles he had forwarded. Council said they had but didn't have further comments. There was consensus that this be added to the March Regular Meeting Agenda.

GMC SIERRA TRANSMISSION – Information and quotes received from Friend for a major repair that is unbudgeted. Davis and Aylsworth would like to see a quote from Clark's as well. There was consensus that it be added to the March Regular Meeting Agenda. There was some discussion regarding the cost of a new truck and whether that should be considered.

QUESTIONS/COMMENTS FROM AUDIENCE –

BOARD COMMENTS – Avis commented that the Short-term Rental Committee has completed their task and asked that copies of the complete notebook be provided. Most council members would like electronic copies of the conclusions and recommendations. 4 hard copies will be made for those seeking the entire notebook contents.

ADJOURNMENT at 9:18 p.m.

Derith Smith, Empire Village Clerk

These are draft minutes for approval at the March 24, 2020 Regular Council meeting.

FIVE SAND BAGS 1 Ton

Free Shipping

$50 = 990^{00} - 100 = 1495^{00}$ Price Break at 100

Need ABOUT 40-50 AT BEST LOWEST 3 Rows says
maximize

50 YARDS SAND Delivered \$00⁰⁰

- ANSWER EVER ESTIMATE Time AND pay time
- BUT we can DO IT Time permitting =

Employee Performance Review + Development

VALUE OF EMPLOYEE

3/2020

Personnel
comm
Develops
Process

- PROCEDURES
- MATRIX
- EMPLOYER FORMS
- EMPLOYEE FORMS
- ANNUAL TIMELINE

EMPLOYER

- Gather data/evidence by observation + conversation
- DRAFT Perf Review
- DRAFT Goals.

EMPLOYEE

- DRAFT SELF-ASSESSMENT
- DRAFT GOALS

4/2020

SENT TO
PERSONNEL
COMMITTEE
FOR REVIEW

- Review
- Recommendations

FACE TO
FACE
PERF. REVIEW

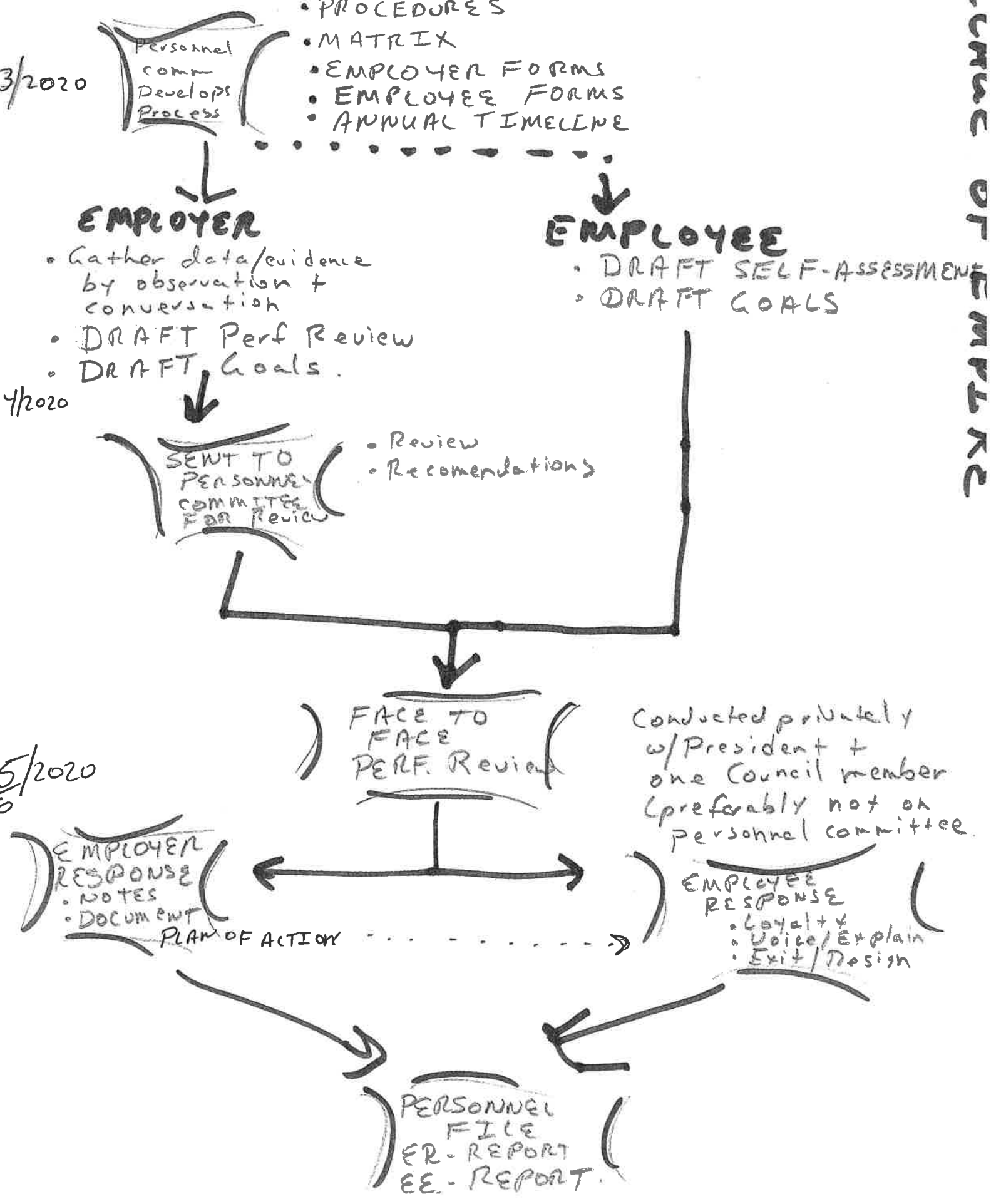
Conducted privately
w/President +
one Council member
(preferably not on
personnel committee)

5/2020
6

EMPLOYER
RESPONSE
• NOTES
• DOCUMENT
PLAN OF ACTION

EMPLOYEE
RESPONSE
• Loyalty
• Voice/Explain
• Exit/Resign

PERSONNEL
FILE
ER-REPORT
EE-REPORT



11. Authorization for Contacting Village Professional Service Providers

The President and Clerk (in consultation with the President or Council), are authorized to contact the Village professional service providers (i.e., Village Attorney(s), Auditor, Engineers, or other professional service providers) regarding Village matters.

The President or Village Council may also authorize a Councilmember to contact a particular professional service provider.

(Paragraph 3)The person making contact (for future wordsmithing), this should read "the person contacting") with a professional service provider shall do so in writing, setting forth the reason for the contact, the authorization, all relevant facts and the action requested of the professional service provider.

1. Does paragraph 3 this refer only to the authorized Council member?
2. Or Does paragraph 3 apply to the Officers listed in the first sentence as well [President and Clerk]?

(Paragraph 4) A copy of the written contact, including a printed copy of any e-mail, shall be submitted for filing to the Village Office and a copy shall be distributed to all councilmembers at least by the next meeting. A request should be made that a response from an attorney or auditor shall be in writing, filed in the Village Office and distributed to each council member.

3. Does paragraph 4 refer only to an "authorized" Council member?
4. Or does paragraph 4 apply to the Officers listed on the first line as well [President and Clerk].

(Paragraph 5) Unless there is immediate need, no contact with professional service providers shall be made regarding Village business and/or issues until fully disclosed to the Village Council and approved by the Council.

5. Does the paragraph 5 statement refer only to an authorized Council member?
6. Or, does paragraph 5 apply to the Officers listed on the first line as well {President and Clerk}?
7. Would you suggest the Council determine a standard for "immediate need" – in the future?

(Paragraph 6) In the event the contact with the professional service provider is not in writing, the person making the contact shall prepare a written record of any and all contacts by the next Council meeting, setting forth the date, method of contact, authorization, people present and to the best recollection of the person, the statements of every person/party to the conversation. A copy of such record shall be filed in the Village records and distributed to all council members. Also, the response of the professional service provider shall be in writing, filed in the Village Office and distributed to all council members.

8. Does paragraph 6 refer only to an "authorized" Council member?
9. Or does paragraph 6 also apply to the Officers listed on the first line as well [President and Clerk].
10. The only consequence that could be employed should someone not follow these procedures would be a Council motion/decision to not pay a bill from the provider, is that correct?

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

Statement

Invoice No: Vg Emp-686
 Date: 3/4/20
 Group: Empire Village
 bill group

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

General Matters

General Matters

Hourly Fees

<u>Date</u>	<u>Description</u>	<u>Timekeeper</u>	<u>ID</u>	<u>Time</u>	<u>Rate</u>	<u>Amount</u>
2/19/20	receipt and review of correspondence from W. Aylsworth re: draft water discharge ordinance. Preliminary edits.	Timothy J. Figura		1.6 hrs	\$140.00/HR	\$224.00
2/21/20	receipt and review of correspondence from W. Aylsworth re: questions from council about proposed water discharge ordinance. Email edited draft ordinance and answers to W. Aylsworth.	Timothy J. Figura		1.4 hrs	\$140.00/HR	\$196.00
2/21/20	review of draft of changes to water discharge ordinance and make further changes thereto	Richard J. Figura	RJF	0.7 hrs	\$150.00/HR	\$105.00
2/26/20	telephone conference(s) with S. Aylsworth requesting opinion on motion to fill council vacancy; review of correspondence from M Bacon regarding same, along with letter to clerk from B. Skrocki	Richard J. Figura	RJF	1.0 hrs	\$150.00/HR	\$150.00

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2/27/20	receipt and review of audio tape of 2/25 village council meeting related to agenda action and motion to fill council vacancy; review of GLVA and Council Rules; review of Roberts Rules of Order	Richard J. Figura	RJF	2.8 hrs	\$150.00/HR	\$420.00
2/28/20	Preparation of legal opinion regarding motion to fill council vacancy	Richard J. Figura	RJF	2.0 hrs	\$150.00/HR	\$300.00
Total Hourly Fees				9.5 hrs		\$1,395.00
						Matter Total: \$1,395.00
						Balance: \$1,395.00



Professional Services Statement

Derith Smith, Clerk
Village of Empire
11518 LaCore St.
Empire, MI 49630

STATEMENT NUMBER 2020-025

DESCRIPTION Professional Community
Planning Services

**RE: Professional Planner, Village of Empire, Leelanau
County, MI February 1 - February 29, 2020**

DATE 3-11-20

DATE	SERVICE DESCRIPTION	HOURS	RATE	AMOUNT
2/4/20	Short term rental committee and Planning Commission (PC) meetings (N/C & SPR amends)	4.5	\$75/hr	\$337.50
2/6/20	Edit & send draft non-conformity & site plan review zoning ordinance amendments	1.0	\$75/hr	\$75.00
2/9/20	Research, draft & send discharge of pumped waters ordinance	2.0	\$75/hr	\$150.00
2/13/20	Village Council meeting (Planner role only)	0.5	\$75/hr	\$37.50

Thank you for allowing me to assist the Village of Empire in community planning matters!

\$600.00

TOTAL DUE

PLEASE REMIT TO:
Grobbel Environmental & Planning Associates
PO Box 58
Lake Leelanau, MI 49653
231-499-7165
cgrobbel@grobbelenvironmental.com

VC 3/24/20

**RESOLUTION NO. 08 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 the following transfer of major street funds to the local street funds is hereby approved and adopted by the Village Council;

For M/E January 31, 2020	Major	\$10,046.17
	<u>LRP Major</u>	<u>\$ 68.27</u>
	Total	\$10,114.44 x 50% = \$5,057.22

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

_____ moved that Resolution No. 08 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. 08 of 2020 which was adopted by the Village Council for the Village of Empire at a regular meeting held on March 24th, 2020.

Derith A. Smith, Village Clerk

Michigan Transportation Fund Distribution
Payments to Cities and Villages

01/2019 - 03/2020

Month	Warrant Date	MTF Major Funds	MTF Local Funds	LRP Major Funds	LRP Local Funds	Additional Distribution or Adjustments	Total
City/Village - Empire							
01/2019	02/28/2019	3,349.41	2,336.34	68.28	47.63	0.00	5,801.66
01/2019	02/28/2019	12,567.40	8,238.26	0.00	0.00	CV Snow	20,805.66
02/2019	03/31/2019	3,411.59	2,379.70	68.28	47.63	0.00	5,907.20
03/2019	04/30/2019	3,521.35	2,456.27	68.28	47.63	0.00	6,093.53
04/2019	05/31/2019	2,994.15	2,088.53	68.28	47.63	0.00	5,198.59
05/2019	06/30/2019	3,377.66	2,356.04	68.28	47.63	0.00	5,849.61
06/2019	07/31/2019	3,203.08	2,234.31	68.27	47.63	0.00	5,553.29
07/2019	08/31/2019	3,938.35	2,747.01	68.27	47.62	0.00	6,801.25
08/2019	09/30/2019	3,210.83	2,239.56	68.27	47.62	0.00	5,566.28
09/2019	10/31/2019	3,414.19	2,381.41	68.27	47.62	0.00	5,911.49
10/2019	11/30/2019	3,322.81	2,317.68	68.27	47.62	0.00	5,756.38
11/2019	12/31/2019	2,995.62	2,089.46	68.27	47.62	0.00	5,200.97
12/2019	01/31/2020	3,596.99	2,508.91	68.27	47.62	0.00	6,221.79
01/2020	02/29/2020	6,493.09	5,335.32	0.00	0.00	CV Snow	11,828.41
01/2020	02/29/2020	3,553.08	2,478.29	68.27	47.62	0.00	6,147.26

Total \$62,949.60 \$44,187.09 \$887.56 \$619.12 \$0.00

Grand Total \$108,643.37

Deposit Summary - Last month
2/1/2020 through 2/29/2020

3/16/2020

Page 1

Category	2/1/2020- 2/29/2020
INCOME	
Interest	90.67
Permit	
LUP	200.00
Vendor	500.00
TOTAL Permit	700.00
Street	
Local	4,252.07
Major	3,665.26
TOTAL Street	7,917.33
Water Bill Payment	3,614.46
TOTAL INCOME	12,322.46
OVERALL TOTAL	12,322.46

VC 3/24/2020

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

3/16/2020

Page 1

Account	2/29/2020 Balance
Bank Accounts	
Checking - Huntington National Bank	194,918.61
Checking - State Savings Bank XX6901	144,502.01
Checking-SSB XX0001	31,006.37
Money Market - Honor Bank	482.23
Money Market - Independent Bank (TC...	32,614.36
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	1,006,495.35
OVERALL TOTAL	1,006,495.35

From: Terry Bacon <trbacon48@gmail.com>
Sent: Tuesday, March 17, 2020 4:53 PM
To: clerk@villageofempire.com; Clerk Deputy
Subject: Communication to Council re Civility, Cooperation, Collaboration, and Compromise
Attachments: Comments for 3_24 VC session.pdf; Untitled attachment 00009.html

Attached is a separate memo to Council on this subject. In fairness to attendees at the 3/24 VC session (including Council), it need not be read at that time. Instead, I request that following summary be read:

Consistent with the Michigan Municipal League's admonition that a "hefty dose of goodwill and teamwork is needed for a general law village to function efficiently," I have submitted a lengthier comment (including suggestions) on that topic. I offer that as constructive suggestions, not personal criticisms. My submission is too long to be read at a session of the Council, but it can be available either in the Village Offices or, perhaps, as an attachment to minutes. This is intended as a shorter summary, which can be read at the 3/24 Regular Session. (The numbers are different than in my longer memo and the list is not all-inclusive of comments in the memo.)

1. The Rules of Procedure should be amended (in the ordinary course of the Council's business) to make clear that strict compliance with those rules, including application of Robert's Rules Of Order, cannot not be used to invalidate otherwise lawful actions taken, in good faith, by the President, Trustees or Council, where no one is substantially prejudiced.

2. All elected and appointed officials are urged to deal with each other in a professional, cooperative manner, taking care not to turn village issues into personal disputes. Appointed officers are not the personal secretaries of elected officials and other appointed members of Commissions or Boards, but appointed officers are encouraged to be generous and patient with respect to requests coming from the many volunteer officials, whether elected or appointed.

3. Deference should be given to the President's role in nominating persons for appointment to Village commissions, boards and committees, and the President should give careful consideration to objections made by any Trustee. Recognizing that a majority can reject a nomination in many circumstances doesn't mean that rejection should occur, in the absence of substantial disqualifying factors. I suggest that cooperation and compromise (rather than creating winners and losers) should be the goal, here, as in all village matters.

4. I suggest that the Council expressly resolve to recognize an extension of the Clerk's term for two more years and an agreed upon revision be made to the compensation and Job Description. The extension is mostly symbolic, because neither Ordinance No. 153 nor the existing Professional Services Agreement provides that the Clerk's service ends on March 31, and both reveal that service as Clerk may be terminated at the pleasure of the Village Council. Consistent with ¶ 8 of the current Agreement, a process for conducting a performance evaluation of the Clerk (I suggest it be at least annual) should be established by the Council and promptly implemented. And, while doing so, a similar process for an annual evaluation, by the Council, of the Treasurer's performance should be established and implemented. If there is not already a Professional Services Agreement with the Treasurer, one should be prepared and executed.

5. Of course, disagreements will arise and strong feelings can still be expressed (verbally and in voting). But we can all (including members of the public such as me) think a little more before we speak (or write) and try to address our disagreements in the spirit of teamwork, cooperation, collaboration, and compromise, rather than personal criticisms, aspersions, innuendo and "zingers."

Civility, Cooperation, Collaboration and Compromise

To: Empire Village Council

Mar 17, 2020

By bringing up the need for civility, cooperation, collaboration and compromise, I am not suggesting that any of our public servants have acted improperly. To the contrary, I believe that all of the Village's public officials (whether elected or appointed) act, in good faith, for what they believe is the best interests of the Village. Of course, there will not be unanimous agreement on every issue or the order of priorities. But I request (and urge) EVERYONE (Trustees, President, Clerk, Deputy Clerk, and other staff—and the public) commit to de-escalating confrontation and focusing on collaborative efforts to address the matters that Village government must address. Extra effort can be made not to be disagreeable and “to go the extra mile” to cooperate, compromise, and forgive “minor sins” of others. “Transparency” is difficult to achieve, if someone (or even the Council as a whole) makes a mistake—in the open—and is ridiculed or “punished” for such a mistake. As stated in the MML Handbook for Village officials: “a hefty dose of goodwill and teamwork is needed for a general law village to function efficiently.”

In that spirit, I make the following suggestions:

1. Because the Council is in the process of amending certain of its Rules of Procedure relating to conduct of meetings and the Personnel Committee is considering a broader review of the ROP, Council might consider revising ROP section 7— the one making Robert's Rules “govern” proceedings. I urge that this be more flexible, to better reflect what volunteer elected officials can fairly be expected to “know” about Robert's Rules. Robert's Rules can still play an important role. Perhaps it could say (highlighted portions are changes/additions/deletions) :

The rules of parliamentary procedure, as contained in the edition of Robert's Rules of Order currently available in the Village Office, should guide the Council in all cases to which they are applicable, unless they are in conflict with these rules [...] or the laws of the State of Michigan. Robert's Rules should be applied in a practical common-sense fashion, as a guide for the Council to proceed in an orderly cooperative fashion, not as a means to arbitrarily thwart the goal of collaborative administration of the Council's statutorily roles. No violation of a strict application of Robert's Rules will invalidate any good faith action taken by the Council, Trustees, or the President that is not in violation of the laws of the State of Michigan.

2. Consider adding a similar provision to the ROP, itself, with respect to the effect of non-compliance with the ROP:

13. Conduct that violates these Rules of Procedure but does not violate the laws of the State of Michigan and does not substantially prejudice the public, the Trustees, or the President does not invalidate action taken, in good faith, by the Council, Trustees or President.

Civility, Cooperation, Collaboration and Compromise

Everyone (Trustees, the President, and staff) should seek to comply, but the ROP shouldn't be applied as "gotcha" tactics to invalidate actions taken in good faith. Seeking to invalidate actions with which you disagree (whether you are a Trustee, the President or an appointed official) does not enhance collaboration. Sort out your differences and, when a good faith consensus is reached, live with it, unless substantial prejudice will occur by reason of a violation.

3. Further, I suggest:

A. Council unanimously approve the President's choices for appointments to commissions, committees and boards, unless there is a major disqualifying reason for not doing so. If a Trustee has a good faith objection, that should be expressed and the President should give fair consideration to such an objection. But, if the President does not withdraw the nomination, in the absence of a major disqualifying reason for objecting, then the President's choice should prevail. (A majority of council can block some appointments, but doing so is not helpful to an overall cooperative collaborative environment.)

B. The Council unanimously adopt a resolution recognizing an extension of the current Clerk's term for two years beginning April 1, 2020, although this is mostly symbolic, because the service as Clerk remains terminable at will and neither Ordinance No. 153 nor the existing Professional Services Agreement provide that the Clerk's service ends on March 31. The Clerk's compensation and Job Description can be revised, if the Clerk and Council agree, in an amendment to the Professional Services Agreement.

C. Council should adopt a process to evaluate the Clerk, as expressly called for in ¶ 8 of the Clerk's Agreement, and do so at least once a year, in a manner that respects any request for privacy made by the Clerk.

D. In order to treat both principal appointed Village officers consistently, Council should also annually evaluate the Treasurer's work, using a process agreeable to the President and Trustees, respecting a request (if made) for privacy by the Treasurer. It also is probably advisable to enter into a Professional Services Agreement with the Treasurer.

E. Village Trustees, the President and members of other Village commissions committees and boards should endeavor to, as is recommended in the MML Handbook for Village Officials:

Show respect to other village officials, including those appointed rather than elected. ... They are still officials. Don't treat them like they are your private secretaries.

Civility, Cooperation, Collaboration and Compromise

In turn, the Clerk, Deputy Clerk, and Treasurer are encouraged to be generous and patient when working with volunteer, layperson Trustees, President, and other commission, committee or board members, any of whom may struggle with understanding their roles as an elected or appointed officials.

D. If the President or Trustees make procedural errors at Council sessions, corrective statements can be made in the spirit of collaboration, and understood as such, rather than personal criticisms.

G. In situations where any of you—or the other valuable human assets of this Village—feel aggrieved by the conduct of another of you, please “reach out” to the other, privately at first, to see if the issue can be resolved with cooperation and understanding, before making it a public issue. Again, the MML Handbook suggests:

Be professional. Don’t turn village issues into personal issues. Communication and cooperation are the key.

H. COMPROMISE (as opposed to confrontation, with winners and losers) will be more successful in advancing the Village’s interests. I will repeat here the admonition by the MML:

a hefty dose of goodwill and teamwork is needed for a general law village to function efficiently.

I. Members of the public (including folks like me) should attempt to comply with these same standards of cooperation, compromise and goodwill. Of course, strong feelings arise in a small village and can still be expressed (verbally and in votes), but “Zingers,” aspersions, and innuendo, although providing personal pleasure in the moment, don’t help to keep the village a pleasant place to live and don’t encourage public service by those we want to provide such service.

Respectfully Submitted,

Terry Bacon
Wilce St

Terry Bacon
Wilce Street

To The Empire Village Council:

03/06/2020

This letter is over concern for and in response to the posting of the Village Clerk's position. Empire has been literally to hell and back since the retirement of it's long term Clerk Pat Zoyhofski. As a former council member and President, I was involved in past appointments and interviews. The position of Clerk was changed during my tenor as President from elected to appointed. This was because of the vast amount of knowledge needed and the importance of the position itself. The council received and paid for new Job Descriptions, attorney contracts and ordinances. All of this was to help assure a smooth transition for a new clerk with the high degree of skills needed for the position. Unfortunately, I did not perceive the amount of politics that would come into the appointment process. This is why I am very concerned with the process the council may take.

I learned:

1. The importance of continuity in the Clerks office to the Village. Since the appointment of Derith Smith we have reviewed and corrected an entire year of accounting entries resulting in a successful audit, the implementation of a new accounting software which will eventually allow for more streamlined audits, and reports. This is no small feat and it has been accomplished and I am looking forward to another good audit. The office had to be reorganized and a new deputy clerk hired. Together they have reorganized, updated the water system, provided support for boards and commissions, updated ordinances, the list is endless. Her department is within budget, and council has given no indication that they are unhappy with her performance. They have not exercised their power of review on any issue regarding the Clerk's office.
2. The Clerk is not your friend. The State of Michigan specifically assigns and describes the duties and responsibilities. There are always conflicts to be addressed and a clerk with integrity, strength of character, will resist the pressure of manipulation that is certainly brought to her office. Like Pat Zoyhofski, Derith gives the information she has experience with, seeks that which needs to be confirmed, and delivers it without sugar coating. It's what a good Clerk does, period.
3. It is why the Village changed from an elected to an appointed position.
4. To consider a change in the position already would be in my opinion a huge disservice to the Village. It takes time to clean up a mess, become acquainted to a new community, and deliver the services required of you by law. Continuity will only improve the services for the village delivered by a knowledgeable and experienced Clerk.
5. It is not required by law or by historical precedent that the position be posted every 2 years. Nor is it not allowed. As President I filled Clerk and Treasurer by reappointment from within on multiple occasions.
6. The job descriptions outline the experience and skills required to fill the position. Each candidate must be rated fairly on their skills for each criteria. We used a scale of 1-10. Derith scored at the very top of the range, far above the other candidates.
7. Lastly and maybe most importantly introducing the politics to the appointment process failed miserably following Clerk Zoyhofski's 40+ years of service. During that process I was allowed very limited interview access to the candidates during the personnel committee's review, and when they had narrowed the field to two candidates. I was told whom I could choose they had four votes and would support no other candidate than their choice, and if I chose and somehow got the appointment passed, they would make life miserable for that appointee. I sincerely regret to this day that I did not fight harder. Don't let that happen again, experience, merit,

VC 3/24/20

integrity, knowledge must prevail over political retribution and nonsense. It's the Village's Clerk, not the elected official's personal assistant.

8. You have a choice.

Thank you for your attention and consideration. Hopefully this posting was simply an exercise in awareness for the public not an attempt to remove a highly qualified person from a position.

Sue Carpenter

VILLAGE OF EMPIRE
Zoning Administrator's Report

February - March 2020

Reviewed and approved land use permit for new detached one-story garage, at The New Neighborhood, LUP #001-20, 11909 S. Pokagon Dr., Parcel No. 41-550-24-00, (Joshua McCormick, builder).

Meet with architect/chair for building committee Leonard Marszalek, performed site visit for and completed site plan, signage (2/12/20) and landscape plan (2/1/20) compliance review for the remodeled Glen Lake Community Library, 10115 Front St., Parcel No. 041-702-023-00 (Hallmark Construction, builder/contractor)

Reviewed and recommended Village Council approval of a proposed lot split at 11364 S. LaCore Rd., Parcel No. 41-824-037-20, (Linda Deering Chase, landowner).

Reviewed and responded to applicant Endurance Evolution, LLC for proposed start/finish of the October 3, 2020 Sleeping Bear Marathon, Half Marathon and 5K event at the Village of Empire Beach Park/Lions Club and J. Bagaloff properties. Additional information was requested.

Reviewed and approved point of sale septic inspection report, 10156 W. Washington St., Parcel No. 041-102-024-00 (K. Blakeslee).

Reviewed and approved change in use to tasting room of distilled spirits, 11572 S. LaCore St., Parcel No. 041-400-011-00 (former Anchor Hardware), LUP #002-20 (J & DC Chocolates, LLC).

Reviewed and approved an addition to an existing residence and garage at 11358 LaCore St. (LUP #003-20), Parcel No. 041-824-037-20 (J. Bruder/S. Besey Builder).

Reviewed and approved an addition (20 ft x 26 ft kitchen) to the Shipwreck Cafe, 11691 LaCore St. (LUP #004-20), Parcel No. 041-719-004-00 (S. Nowicki).

Met with Village Attorney, developer R. Send of Cornerstone Homes, and developer's counsel and engineer regarding proposed 7 new lot splits (per Village Ordinance #130 and State Land Division Act) & site condo development of a 29 acre parcel (i.e., former F. Salisbury property), Cornerstone Homes, d.b.a. The Village at M-22.

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 t 9 pm. (B. Quinn).

Respectfully submitted,

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

VC 3/24/20

2019 PC Annual Report

Pursuant to **125.3819 Bylaws; adoption; public record requirements; annual report by planning commission.**

Sec. 19. (1) A planning commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

(2) A planning commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.

The Empire Planning Commission held 6 Regular, 2 Special, 1 Public, and 4 Public/Regular meetings in 2019.

January 3, 2019 – Regular Meeting – We spent a great deal of time on updates to the Transportation Plan. All changes will need to be addressed in the future, as the process for making these changes were not properly adhered to. We also discussed CIP updates needed. We all agreed it would be a great idea to the “Shovel Ready” projects for grant opportunities. Our list is as follows:

- Walking path at Shalda Park (Already mostly done)
- Street lighting plan (Bacon)
- Changing room/shower/rinse station at Lake Michigan beach (Already mostly done)
- Bridge connecting Shalda Park to Conservancy (Deering/Schous)
- Pavilion/stage for entertainment (location TBD) (Palmer)
- Boardwalk from Johnson Park to South Bar Lake (Schous)
- Public restroom (Deering)

February 5, 2019 - Special Meeting– Purpose to Review the New Glen Lake Public Library Site Plan, Planner’s report and Finding of Fact.

March 5, 2019 – Regular Meeting/Public Hearing – Approved the Final Library Site Plan with conditions. The final conditions were:

- Final fence plan to be reviewed and approved by Zoning Administrator
- Detailed landscape plan to be reviewed and approved by Zoning Administrator; submitted by the fall of 2020. The implementation of the plan to be completed by spring of 2022.
- Signs shall not be lighted before 8 am or after 10 pm.
- Hours of operation shall be allowed from 9 am to 9 pm.
- Schedule of completion shall be from May 2019 to Fall 2020.
- As-built plans will be submitted to the Village of Empire at the completion of the project.

April 2, 2019 – Regular Meeting/Public Hearing - Public Hearing to hear comments on the proposed signs and telecommunication towers. Regular meeting followed. Election of Officers for the next year – Sue Palmer, Chair; Phil Deering, Vice Chari; Peter Schous, Secretary, and Rollie Groening, Treasurer. The telecommunication and sign ordinances was approved to be sent to the County Planning Commission

May 7, 2019 – Regular Meeting – We agreed to pass the telecommunication ordinance to legal for review. Additionally we continued discussion on the Master Plan Updates.

June 4, 2019 – Regular Meeting – We had a great presentation from Consumers Energy regarding underground wiring and lighting in the Village. The Wireless Telecommunication

Towers and Antennas Ordinance was approved to route to the Village Council for review. The Village Council approved this ordinance at its regular meeting on **June 25, 2019**.

July 2, 2019 – Regular Meeting – Continued discussion on the Sign Ordinance, Master Plan and Transportation Plan and Zoning Ordinance housekeeping tasks. We approved a 12-month extension to the Special Use Permit for the Storm Hill PUD Wastewater System.

August 6, 2019 - Regular Meeting – Sign Ordinance approved to go to the Village Council for review. Formed a CIP committee. Discussed the time line for addressing the Commercial Residential District as it applies to the M22 Corridor.

September 3, 2019 – Regular Meeting/Public Hearing - After a final Public Hearing the Commission recommended to forward the completed Village of Empire 2019 Master Plan (which included the Recreation Plan and Transportation Plan and Appendices) to the Village Council for approval.

October 7, 2019 - A public hearing to hear the proposed amendments to the Commercial Residential Zoning Districts was completed. Many revisions to the language were made.

October 16, 2019 – Special Meeting –

- Sign Ordinance #142 –approved the final version of the ordinance and pass to the Village Council for review. Sign Ordinance #142 – The Village Council approved the ordinance at their October 22, 2019 meeting.
- Agreed to move the Amendments to the Commercial Residential District to a second public hearing.

October 17, 2019 - Participation in Open Meetings Act and FOIA training along with the Village Council

November 6, 2019 – Public Hearing/Regular Meeting – Comments regarding the proposed amendments to the Commercial Residential Zoning Districts. The Planning Commission agreed to forward the Commercial Residential District Zoning Changes to the Village Council for review. Amendments modified the Commercial Residential district by the Front Street District and the Gateway District. The changes were unanimously approved at the Village Council November 14, 2019 meeting.

December 3, 2019 – Regular Meeting – Discussion began regarding Zoning Ordinance Article 5: Site Plan Review and Article 3: General Regulations Section 3.02 - Nonconformities

Zoning Ordinance Housekeeping Tasks on hold since the Moratorium. These will be added to a future public hearing meeting.

- **July 2, 2019** – Ordinance Housekeeping regarding the Zoning Ordinances – Proposed changes that were approved by the Planning Commission, but, due to the Moratorium, were put on hold for Public Hearing and approval to move to the Council for implementation.
 - Section 1 - 1. Definitions -
 - Lot, Corner
 - Building, Height
 - Fences
 - Article 1 – Short Title and Purpose added

- 1.07 – Interpretation and Relationship to other Regulations
 - 1.08 – Conflict with State or Federal Regulations
 - 1.09 – Scope of Zoning Ordinance
- 4.09 Schedule of Regulations: Proposed amendments would change the Maximum Height of Structure from 35 feet to 28 feet in General Residential, Mixed Residential, Village Residential, and PUD and 32 feet in all other Zoning Districts.
- Section 8 - Administration and Enforcement of Ordinance
 - 8.02 - Land Use Permit – Provides for twelve months to complete the project.
- Appendix A – Fees – Telecommunication Towers SUP Review – \$2,500.
- Section 3.09 – Fences and Walls - Add a purpose for this section.
 - Section 3.09.1 –Update the General Requirements for fences and walls
 - Section 3.09.2 – Add Zone specific requirements for General Residential (GR), Mixed Residential (MR) and Village Residential (VR) Zoning Districts
 - Section 3.09.3 – Add Zone specific requirements for Recreation (RC) Zoning District
 - Section 3.09.4 – Added Exceptions to fencing and screening requirements
 - Section 3.09.5 – Added Materials for screening fences
 - Section 3.09.6 – Added Vegetated Buffer for commercial and industrial use
- Add Fireworks. Recognizing the Michigan Fireworks Safety Act, P.A. 256 of 2011, as amended December 28, 2018, Section 28.457: Local Ordinances, Section 7, the Village of Empire shall not regulate the use of consumer-grade fireworks on the following dates and times:
 - December 31 – January 1 – 11AM to 1AM
 - Saturday and Sunday before Memorial day – 11AM – 11:45PM each day
 - June 29 – July 4 – 11AM – 11:45PM - If July 5 is a Friday or Saturday – also until 11:45PM
 - Saturday and Sunday before Labor Day – 11AM – 11:45PM each day

Respectfully Submitted by Sue Palmer, Empire Planning Commission Chair, February 20, 2020

Village of Empire, MI
Seasonal Rental Committee
Final Report
March 24, 2020

Prepared for the residents of the Village of Empire, MI as requested by Village Council from
September, 2019 to March, 2020.

Committee Members:

Todd Avis, Chair, Village Resident, Short term rental property owner

Diane Aylsworth, Village Resident

Chris Grobbel, Village Zoning Officer

Ranae Ihme, Glen Arbor Township resident, Owner of seasonal rental company and realtor

Sue Palmer, Village Resident, Planning Commission Chair, Short term rental property owner

Mae Stier, Village Resident, Village Council member

SECTION SIX

Purpose: Provide the reader with a summation and overview of high-level observations regarding short term rentals, statements that can be considered as facts gained by the committee's general consensus, and recommendations for the Village Council to consider.

Methodology: Group discussion

Members: All

Final product: Listing of observations, knowns and recommendations.

The Short Term Rental Committee met on February 4, 2020 to discuss “knowns” and “recommendations.”

“Knowns” – Facts, observations, opinions or trends discovered by the Committee while working on this project since September 2019. A consensus was raised on each item based on our discussions. Each member had an opportunity to introduce or challenge each “known”.

“Recommendations” - Steps, processes or considerations for the Village Council to consider as a result of the committees research and views expressed by the committee.

Observations -

- The committee is comprised of a good representation of Village residents, renters, landlords, and industry leaders.
- The committee strongly believes that the issue of short-term rentals is best handled in a proactive rather than reactive measure. This removes the emotional element from the issue.
- For the first time in the Village’s history, we have a map that identifies a complete inventory of the housing stock. The committee recommends this map be updated on an annual basis.
 - We would be interested to see if the new builds in our Village are turned into full-time residents short-term rentals, long-term rentals, or summer homes. The Committee can tell the direction of the short-term rental inventory when that information is received.
- Chris Grobbel, Village Zoning Administrator, was a valuable contributor to our work. He is knowledgeable about the topic and was certain not to recommend actions for the committee. We relied on him for information and clarity.

“KNOWNs”:

- The Short Term Rental map provides the Council with a comprehensive inventory of the Village’s housing stock. While many hours were spent researching and discussing individual home ownership, there may be

some inaccuracies. A summer supplemental inventory should be conducted to focus on summer rentals. The Committee recommends the Village Council update this map on an annual basis.

- Results as of February, 2019
 - Short term rental: 49
 - Year-around rental: 18
 - Year-around resident: 161
 - Summer resident: 115
 - Commercial: 27
 - Government/municipal: 9
 - Churches: 2 count
 - New build/vacant: 21 count
 - Vacant land: Identified
 - Parks/conservancies: Identified

There are approximately 364 occupied/buildable lots in the Village of Empire.

- The general behavior of short-term rental guests is acceptable and very few problems (noise, parking, litter) have been reported officially or anecdotally.
 - This is attributed to the high cost of weekly rentals in the Village along with sizeable damage deposits required of renters.
 - The local short-term rental business reports that only one party has been evicted for poor behavior in the history of the company.
 - The committee also recognizes that the density of short-term rentals lends itself to a quieter rental inventory.
 - No one area in the Village has a preponderance of the short-term rental homes.

- Empire offers a unique market to the vacationer. The Sleeping Bear National Park is a significant draw from daily and weekly visitors. The Village of Empire is now considered a vacation destination.

- The Village has significant opportunities and challenges.
 - Empire is landlocked by the National Park Service.
 - Future development of short-term rental locations would be concentrated within Village boundaries
- The population of Empire is aging. As homes in the Village are left unoccupied it may cause families (trusts) to defray the cost of maintenance and taxes and turn the homes into short-term or long-term rentals.
- The current copy of the Village of Empire's Master Plan notes on page 40 and 41 the current housing inventory along with other important data points. The 2020 United States census will provide data that may address housing and demographic shifts.
- The Committee believes the Village's current infrastructure may challenge at the very least and possibly inhibit future development of buildable lots.
- The past few years has seen an explosion of Internet marketing sites for short-term rentals. Some are local, some are regional, and some are international. The ease of entrance into the short-term rental business has made the endeavor very attractive.
- Considerable discussion revolved around the topic of investment vs. expense. For example; does an owner really achieve a profit at the end of the rental season? Arguments could be made both ways. What is known though, is seasonal rental homeowner's work hard to provide an environment that encourages renters to return year after year.
- There is no single answer to the requirements of insurance.
 - Some web-based sites include a broad range of insurance coverage for renters and guests. Some do not.
 - Most insurance companies require a separate policy for short-term rental properties with a minimum of \$1M in coverage.
- Townships/Villages within Leelanau County seem to be developing short-term rental policies and regulations on an as needed basis. Currently, there is not a countywide plan to develop regulations, nor is there a plan at the state level other than an occasional proposed bill that rarely makes it out of committee.

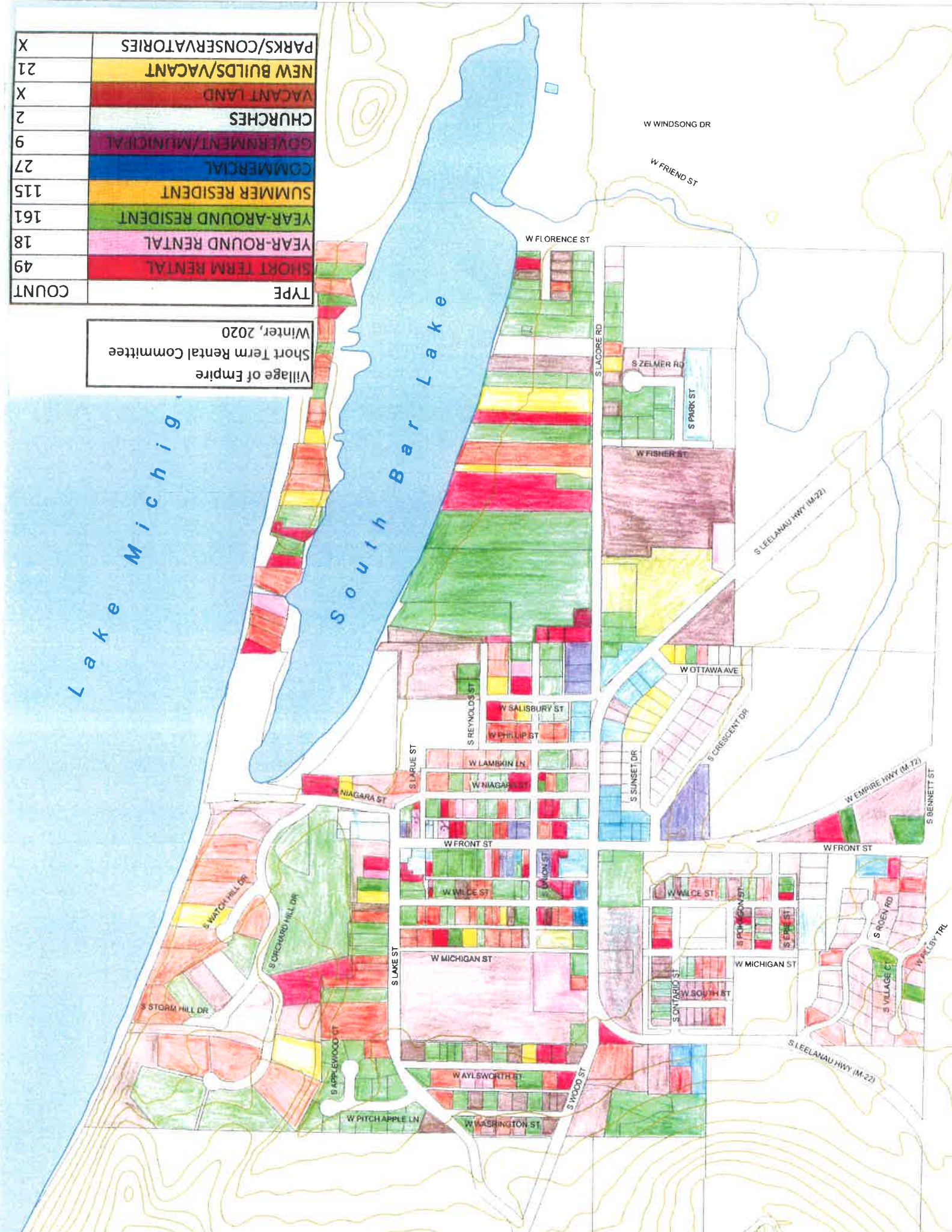
- The Committee identified several different variations of ordinances and regulations. The enclosed chart created by Chris Grobbel provides a good representation of current regulations and policies.
- The public is very interested in this topic. Though our committee had very few public attendees, there is a clear sense the media is covering the topic in the local and regional area.
- An ordinance and/or regulations could provide a stream of revenue for the Village. Expenses would offset the revenue, of course, though the fund balance could be used to provide capital improvements for the Village.
- The committee discovered several companies that manage the short-term rentals from an enforcement standpoint. The committee believes this alternative seems to be excessive given the small number of short-term rentals.
- There is a “rub” between property rights and what is the common good.
 - Can rental properties (short or long term) exist within a strictly residentially zoned district?
 - Are they considered commercial enterprises subject to the required zoning of the district? A downstate court case is currently being appealed on this issue.
- The committee agrees that summer residents (those homes occupied by the owner only during the summer/holiday season) may have a detrimental effect on the local economy as compared to a short-term rental. We feel that summer resident homes are vacant up to 75% of the year and may not generate a proportionate amount of cash for the local economy.
- We feel that home upkeep is far more progressive in a short-term rental vs. long-term rentals or owner occupied homes. This is necessary to keep guests interested in staying.
- And finally, do short-term rentals interrupt the need for long-term rentals in the Village? Simply, the committee is not sure.

RECOMMENDATIONS:

- Our recommendation to the Empire Village Council is to create an Ordinance that safeguards the Short-term rental business, while promoting the development and balance of permanent housing needs in Empire.
 - Concepts to consider in this Ordinance:
 - Limit occupancy based on number of bathrooms or bedrooms;
 - Short-term rentals must have a local contact person that will respond to emergencies and nuisances within 45 minutes;
 - Create a one-page instruction sheet to be posted in each rental unit that highlights village services, guidelines, and renter responsibilities;
 - Provide a structured fee system for owners to register short-term rentals within a range of \$100 to \$200 annually. Make the registry easy to complete with no inspections required.
- Set a short-term Rental Cap
 - Limit the number of short-term rentals in the village.
 - Equation might be: Number of short-term rentals (as of December 2020) + 2-5% growth over the next 5 years and then re-evaluate.
 - Grandfather existing rentals to comply with adopted ordinance.
 - Re-evaluate existing short-term rental inventory to see if there is decline or growth. Study to be completed in December, 2020.
- Make zoning changes that would automatically control the growth of short-term rentals.
 - One example may be – Short-term rentals allowed in the Gateway or Front Street Corridor zoning only. OR in Mixed Residential. OR Village Residential etc.

TYPE	COUNT
SHORT TERM RENTAL	49
YEAR-ROUND RENTAL	18
YEAR-AROUND RESIDENT	161
SUMMER RESIDENT	115
COMMERCIAL	27
GOVERNMENT/MUNICIPAL	9
CHURCHES	2
VACANT LAND	X
NEW BUILDS/VACANT	21
PARKS/CONSERVATORIES	X

Village of Empire
Short Term Rental Committee
Winter, 2020



Lake Michigan

South Bar Lake

W WINDSONG DR
W FRIEND ST

W FLORENCE ST

S LACORE RD

S ZELMER RD

S PARK ST

W FISHER ST

S LEEELANAU HWY (M-22)

W OTTAWA AVE

S SUNSET DR

S CRESCENT DR

W EMPIRE HWY (M-72)

S BENNETT ST

S NIAGARA ST

S REYNOLDS ST

W SALISBURY ST

W PHILLIP ST

W LAMSKIN LN

W NIAGARA ST

W FRONT ST

W WILCE ST

W MICHIGAN ST

W WAYS WORTH ST

W WASHINGTON ST

S LAKE ST

S APPLEWOOD ST

W PITCHAPPLE LN

S WOOD ST

S LARK ST

S ONTARIO ST

S W SOUTH ST

S POLKMAN ST

S EPHE ST

S LEEELANAU HWY (M-22)

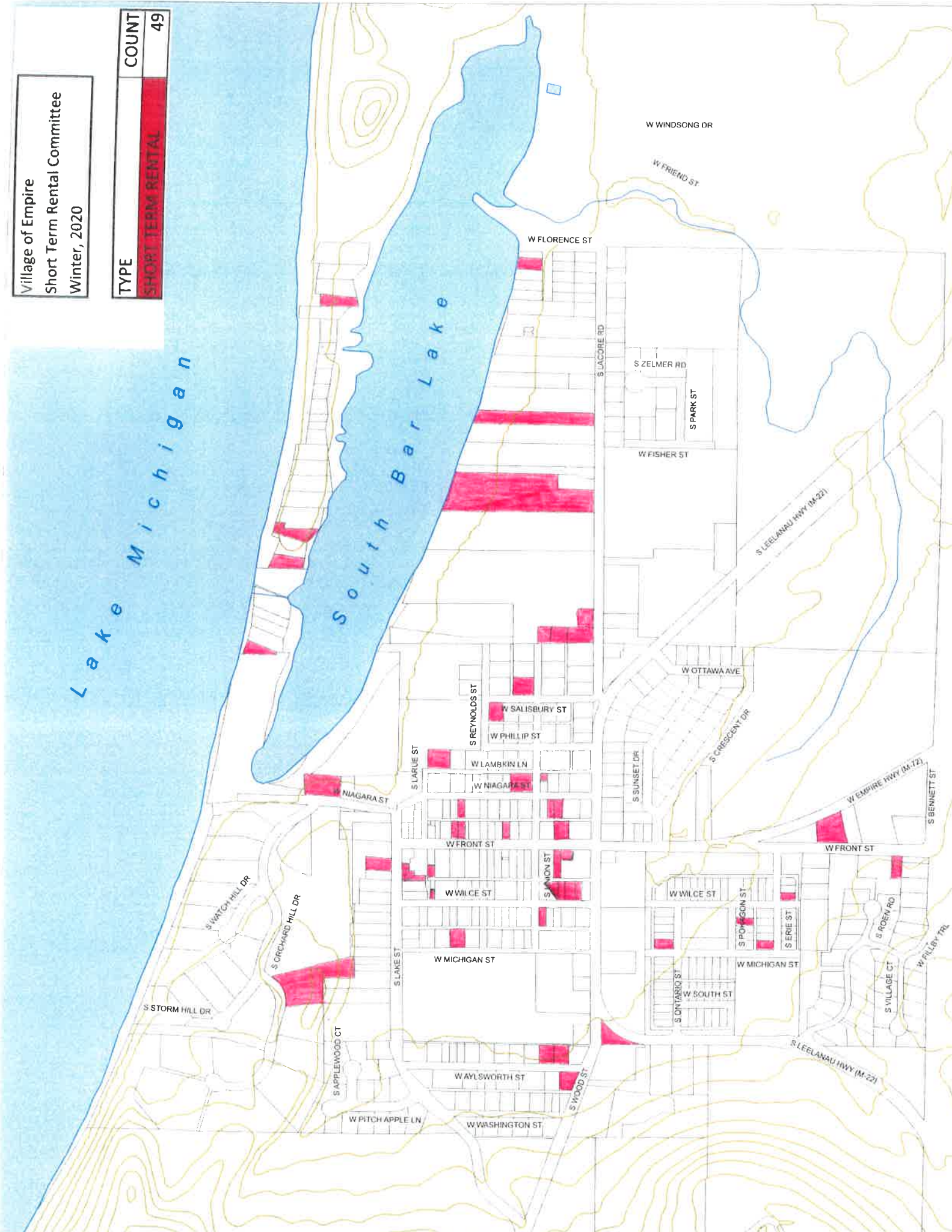
S ROEN RD

S VILLAGE CT

W ALBY TRL

Village of Empire
 Short Term Rental Committee
 Winter, 2020

TYPE	COUNT
SHORT TERM RENTAL	49



Dave's Garage Empire
 12777 S. Benzonia Tr.
 Empire, Michigan. 49630
 Phone: 231-326-5138 Fax: 231-326-5139

INVOICE

60276

Org. Est. # 133726

INVOICE

Work Completed : 03/06/2020 Date: 03/06/2020

Village of Empire
 P.O. BOX 253
 EMPIRE, MI 49630
 Office 231-326-5353 -- Spouse 231-326-5466

2013 GMC - Sierra 1500 WT - 4.3L, V6 (262C1) VIN(X)
 Lic # : 097X564 Odometer In : 60636
 VIN # : 1GTN1TEX4 DZ144498

Part Description / Number	Qty	Sale	Ext	Labor Description	Ext
---------------------------	-----	------	-----	-------------------	-----

				CS TRANSMISSION SLIPPING	40.00
				Test drive vehicle. Can feel transmission slipping. Check transmission fluid. Fluid is full - but smells burnt. Scan computer for codes: No codes. Inspected transmission leaking at pan gasket. Suspect fluid may have run low and customer was not aware of it. Customer probably drove it with low fluid and transmission burned up. Suggest replacement of transmission.	

661-557-1930
EQUIP
[Signature]

Org. Estimate 40.00 Revisions 0.00 Current Estimate 40.00

Labor:	40.00
Parts:	0.00
SubTotal:	40.00
Tax:	0.00
Total:	40.00
Bal Due:	\$40.00

[Payments -]
 Vehicle Received: 3/6/2020

Customer Number : 313

I hereby authorize the above repair work to be done along with the necessary material and hereby grant you and/or your employees permission to operate the car or truck herein described on street, highways or elsewhere for the purpose to testing and/or inspection. An express mechanic's lien is hereby acknowledged on above car or truck to secure the amount of repairs thereto. Unless otherwise noted warranty on parts will be for a period of 1 year or 12,000 miles whichever comes first. Labor will be warranted only if performed at Taghon's Garage

Signature _____ Date _____

Dave's Garage Empire

12777 S. Benzonia Tr.
 Empire, Michigan. 49630
 Phone: 231-326-5138 Fax: 231-326-5139

Sub Estimate For Or

060276

Estimate for Services

Estimate Date : 3/6/2020

Village of Empire

P.O. BOX 253
 EMPIRE, MI 49630

Office: 231-326-5353 Spouse: 231-326-5466

2013 GMC - Sierra 1500 WT - 4.3L,V6 (262CI) VIN(X)

Lic # : 097X564 - MI

Odom. In: 60636

VIN # : 1GTN1TEX4 DZ144498

Part Description / Number	Qty	Sale	Ext	Labor Description	Extended
TRANSMISSION,AUTOMATIC (SERVICE) 17804461	1.00	2,460.79	2,460.79	TRANSMISSION ASSEMBLY - Removal & Replace - 4WD w/Skid Plate	730.00
TRANSMISSION,AUTOMATIC (SERVICE) <CORE> 17804461	1.00	700.00	700.00		
TRANSMISSION,AUTOMATIC (SERVICE) <CORE> 17804461	-1.00	700.00	-700.00		
AUTOMATIC TRANSMISSION FLUID DEXRON VI	8.00	6.99	55.92		
MISCELLANEOUS MISC.	1.00	40.00	40.00		
Shop Supplies/Parts delivery			25.00		

Parts/Supplies: 2,581.71

Labor: 730.00

Total: \$ 3,311.71

Signature _____ Date _____ Time _____

Clarke's Complete Service LLC

Clarkes Complete Service
8320 E. Bingham Rd.
Traverse City, MI. 49684
Phone: 231-947-4599 Fax: 231-935-8100

REPAIR ORDER #

000389

F166323

REPAIR ORDER - RO

Scheduled : 03/13/2020 10:49 AM

Print Date : 3/13/2020

Empire village - John

2013 GMC - Sierra 1500 WT - 4.3L, V6 (262CI) VIN(X)
Lic # : - MI

Cellular 231-326-5353 -- Alt # 231-835-0453
Cust ID : 363
Last Service : No History

VIN # : 1GTN1TEX4 DZ144498
MFG Date : 3/13/2020
Current Odom : 1

Elapsed : 0

Labor Requested / Part Description	Part #	Qty	Parts List	Extended
reman trans	4175	1.00	1,596.00	1,596.00
flush	flush	1.00	32.20	32.20
atf/syn	atf/	10.00	8.40	84.00
TRANSMISSION ASSEMBLY - Remove & Replace - RWD w/Skid Plate - [Includes: Programming.]				804.00
flush cooler				60.00
flash	flash	1.00	75.00	75.00
Shop Supplies				7.50
Hazardous Materials				7.50

TRANSMISSION COMES WITH 3 YR WARRANTY

Parts: 1,787.20
Labor: 864.00

Supplies: 7.50

HazMat: 7.50

~~VC~~ VC 3/24/20

Total: 2,666.20
Balance: 2,666.20

TEARDOWN ESTIMATE: I understand that my vehicle will be reassembled within ___ days of the date shown above if I choose not to authorize the service recommended. All Parts removed will be discarded unless instructed otherwise: Save all Parts ___. NOT RESPONSIBLE FOR LOSS OR DAMAGE TO CARS OR ARTICLES LEFT IN CARS IN CASE OF FIRE, THEFT OR ANY OTHER CAUSE.

Authorized By _____

Date _____ Time _____

Service Advisor : Clarke, Brian

FIGURA LAW Suggestions

Proposed Amendment to Section 6.1 (New text shown in bold)

6. Conduct of Meeting

6.1 Regular Meeting Agenda/ Consent Agenda:

The Village President may use a consent agenda to allow the council to act on numerous administrative or non-controversial items at one time. Includes on these agenda can be non-controversial matters such as approval of minutes, payment of bills, approval of recognition resolutions, etc. Upon request by any member of the council, an item shall be removed from the consent agenda and placed on the regular agenda for discussion. All Council members and staff shall have agenda items submitted to the Village Office by the Tuesday afternoon preceding each regular meeting for inclusion on the agenda. This would pertain to any item from the public that may require consideration and or action by the Village Council. This does not mean letters of public comment.

An agenda shall be prepared for each regular council meeting with the following order of business as applicable:

Call to Order
Taking of the Roll
Pledge of Allegiance
Changes/Additions to the Agenda \
Approval of Agenda
Public Comments on Agenda items
Public Hearings
Consent Agenda
Review of Financial Statement Presentations
Public Comment on Presentation
Communications
Department Head Reports
Committee Reports (Water, Streets, Personnel, Planning Commission, etc. if necessary)
Old Business
New Business
Questions/Comments from the Audience
Board Comments
Adjournment

Work Session Meeting Agenda

All Council members and staff shall have agenda items submitted to the Village Office by noon on Thursday preceding each work session meeting for inclusion on the agenda. This would pertain to any item from the public that may require consideration by the Village Council. An agenda shall be prepared for each work session meeting with the following order of business as applicable:

VC 3/24/20
VC WS 3/12/20

Pledge of Allegiance
Motion of required council action(s) only
Changes/Additions to the Agenda

Approval of Agenda

Presentation
Public Comments on Agenda items
Department Head Reports
Committee Issues (Parks and Water etc.)
Old Business
New Business
Questions/Comments from the Audience
Board Comments
Adjournment

6.1.1 Amending an Approved Agenda

An approved agenda may be amended at any time during a regular or work session meeting by a motion to amend same adopted by a *{pick one}*

- *2/3rd vote of the members present (assuming there is a quorum)*
- *majority vote of the members present (assuming there is a quorum)*
- *2/3rd vote of the council*
- *majority vote of the council*

10.4 Committee Authority

No committee shall have any authority to take any action on behalf of the Village Council, unless the Council otherwise instructs it. A committee may only make reports and recommendations to the Council on matters referred to it.

10.5 Citizens Task Forces

Citizen task forces may be established by a resolution of the council which specifies the task to be accomplished and the date of its dissolution. Members of such committees will be appointed by the Village President subject to approval by a majority vote of the Council and must be residents of the Village. Vacancies will be filled by majority vote of the Village Council in the same way appointments are made.

11. Authorization for Contacting Village Professional Service Providers

The President and Clerk (in consultation with the President or Council), are authorized to contact the Village professional service providers (i.e., Village Attorney(s), Auditor, Engineers, or other professional service providers) regarding Village matters. The President or Village Council may also authorize a Councilmember to contact a particular professional service provider. The person making contact with a professional service provider shall do so in writing, setting forth the reason for the contact, the authorization, all relevant facts and the action requested of the professional service provider. A copy of the written contact, including a printed copy of any e-mail, shall be submitted for filing to the Village Office and a copy shall be distributed to all councilmembers at least by the next meeting. A request should be made that a response from an attorney or auditor shall be in writing, filed in the Village Office and distributed to each councilmember.

Unless there is immediate need, no contact with professional service providers shall be made regarding Village business and/or issues until fully disclosed to the Village Council and approved by the Council.

In the event the contact with the professional service provider is not in writing, the person making the contact shall prepare a written record of any and all contacts by the next Council meeting, setting forth the date, method of contact, authorization, people present and to the best recollection of the person, the statements of every person party to the conversation. A copy of such record shall be filed in the Village records and distributed to all council members. Also, the response of the professional service provider shall be in writing, filed in the Village Office and distributed to all council members.

12. Amendment of Council Rules of Procedure

These rules were adopted by resolution of the Village Council pursuant to the authority of the General Law Village Act. None of these rules may supersede the Village Charter or the laws of the State of Michigan. The Council may alter or amend its rules at any time by a majority vote of its members after notice has been given of the proposed alteration or amendment.

- Adopted: November 20, 2001
- Amended: September 17, 2002
- Amended: November 21, 2006
- Amended: December 19, 2006
- Amended: March 20, 2007
- Amended: April 22, 2008
- Amended: August 25, 2009

- Amended: November 12, 2015
- Amended: June 28, 2016
- Amended: December 8, 2016
- Amended: April 25, 2017
- Amended: June 27, 2017
- Amended: September 25, 2018
- Amended: March 26, 2019
- Amended: May 28, 2019

VC 3/24/20
VC WS 3/12/20

FIGURA LAW OFFICE

EMPIRE COMMERCE CENTER
11470 S. LEELANAU HWY., STE 105
PO BOX 447
EMPIRE, MICHIGAN 49630

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rfigura@figuralaw.com

TIMOTHY J. FIGURA**
tfigura@figuralaw.com

* Outstanding Municipal Attorney Award
Michigan Association of Municipal Attorneys

TELEPHONE: (231) 326-2072 FACSIMILE: (231) 326-2074

** Also admitted in Pennsylvania

Of Counsel to Simen, Figura & Parker, PLC
Flint, Michigan

March 19, 2020

Wayne "Soni" Aylsworth, President
and Village Council Members
Village of Empire
11518 S LaCore Street
PO Box 253
Empire, MI 49630-0253

RE: Questions regarding Section 11 of the Village Council's Rules of Procedure

Dear President Aylsworth and Village Council Members,

By an email communication dated March 17, 2020, from deputy clerk Alacia Acton, I have been advised that the Village council at its March 12, 2020 meeting referred several questions to this office for review and response. The questions all involve the interpretation of Section 11 of the Council's Rules of Procedure (RoP) and were presented to the council by trustee Maggie Bacon.

Section 11 of the RoP addresses the authority for various Village officials to contact those persons or firms who provide professional services to the Village. My understanding is that such providers would primarily include legal counsel, engineering service providers, outside accountants and auditors. There may be others from time to time.

Set forth below is a list of all the sentences comprising Section 11 and the questions raised by trustee Bacon as to each one. I have included some personal opinion comments at the end of this letter after all of trustee Bacon's questions have been answered.

Section 11 Questions and Responses

11. Authorization for Contacting Village Professional Service Providers

First Sentence

The President and Clerk (in consultation with the President or Council), are authorized to contact the Village professional service providers (i.e., Village Attorney(s), Auditor, Engineers, or other professional service providers) regarding Village matters.

Second Sentence

VC 3/24/20

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The President or Village Council may also authorize a Councilmember to contact a particular professional service provider.

Third Sentence

The person ~~contacting~~ ~~making contact with~~ (text change suggested by trustee Bacon) a professional service provider shall do so in writing, setting forth the reason for the contact, the authorization, all relevant facts and the action requested of the professional service provider.

1. Does Paragraph 3 refer only to the authorized Council member?
2. Or, does Paragraph 3 apply to the Officers listed in the first sentence as well (President and Clerk?)

Answer: In my opinion the reference to "person" includes the president, the clerk and an authorized council member. If the intent was to limit the sentence to an authorized council member, it would have said so. Use of the word "person" is generic and covers anyone contacting a professional service provider.

I would ask the council, however, to revisit the wisdom of the requirements relative to the form of the contact *vis-à-vis* the request being in writing, setting forth the reason for the contact, the authorization, all relevant facts and the action requested. In my opinion such required detail is not only burdensome and fraught with delay, but also can increase costs. In my lengthy experience in representing more than 50 public bodies for over 40 years, I have never seen such a burden placed on a local official when contacting a professional service provider.

Fourth Sentence

A copy of the written contact, including a printed copy of any e-mail, shall be submitted for filing to the Village Office and a copy shall be distributed to all councilmembers at least by the next meeting. A request should be made that a response from an attorney or auditor shall be in writing, filed in the Village Office and distributed to each councilmember.

3. Does Paragraph 4 refer only to an "authorized" Council member?
4. Or does Paragraph 4 apply to the Officers listed on the first line as well (President and Clerk?)

Answer: In my opinion, because the reference to "person" in the third sentence of Section 11 includes the president, the clerk and an authorized council member, the requirements of the above fourth sentence likewise apply to the president, the clerk and an authorized council member. If the intent was to limit the sentence to an authorized council member, it would have said so. Use of the word "person" is generic and covers anyone contacting a professional service provider.

Fifth Sentence

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Unless there is immediate need, no contact with professional service providers shall be made regarding Village business and/or issues until fully disclosed to the Village Council and approved by the Council.

5. *Does the Paragraph 5 statement refer only to an authorized Council member?*
6. *Or, does Paragraph 5 apply to the Officers listed on the first line as well (President and Clerk?)*

Answer: In my opinion, because the reference to "person" in the third sentence of Section 11 includes the president, the clerk and an authorized council member, the requirements of the above fifth sentence likewise apply to the president, the clerk and an authorized council member. If the intent was to limit the sentence to an authorized council member, it would have said so. Use of the word "person" is generic and covers anyone contacting a professional service provider.

This becomes problematic, however, because this 5th sentence conflicts with the specific intent of the first sentence which gives the president the clear authority to contact the professional service provider without first conferring with the council, as well as the clear authority to authorize the clerk to do so without conferring with the council. The president shouldn't have to wait for the council to hold a meeting before he or she is able to contact a professional service provider.

Additionally, in my opinion, the provision is inconsistent with the General Law Village Act as MCL 64.1 provides that the Village president is "the chief executive officer of the Village" and "shall exercise supervision over the affairs of the Village." I believe this provision improperly hampers the president in the exercise of the supervision responsibility of the Village granted to him or her by the statute.

7. *Would you suggest the Council determine a standard for "immediate need" in the future?*

Answer: Having a standard to apply to any given situation is always a good idea, but I still believe this 5th sentence, as it applies to the Village president, is inconsistent with the first sentence and inconsistent with the Village president's role and responsibilities under the General Law Village Act.

Sixth Sentence

In the event the contact with the professional service provider is not in writing, the person making the contact shall prepare a written record of any and all contacts by the next Council meeting, setting forth the date, method of contact, authorization, people present and to the best recollection of the person, the statements of every person party to the conversation. A copy of such record shall be filed in the Village records and distributed to all council members. Also, the response of the professional service provider shall be in writing, filed in the Village Office and distributed to all council members.

8. *Does Paragraph 6 refer only to an "authorized" Council member?*

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9. Or, does Paragraph 6 also apply to the Officers listed on the first line as well (President and Clerk?)

Answer: The answer here is the same as above with respect to the third sentence since the term "person" includes the president, the clerk and any authorized council member.

10. The only consequence that could be employed should someone not follow these procedures would be a Council motion/decision to not pay a bill from the provider is that correct?

Answer: Not paying the professional provider's bill is one method, but one that is fraught with problems. Except in those situations where a third party is, as a matter of law, charged with presumptively knowing of a Village ordinance requirement or regulation, a professional provider is generally permitted to rely on the apparent authority of the Village official making the contact with that provider. In other words there is no obligation (nor should there be) for the provider to make a specific query or investigation into the authority of the person making the contact. It is very likely that refusing to pay for the provider's bill could lead to litigation.

This is not to say that such a remedy (not paying the bill) is not available where there is a regular ongoing relationship between the Village and a specific professional service provider. I would, however, recommend that in such a case there should be professional services agreement between the Village and the provider clearly setting forth each party's responsibilities to each other.

There are other methods available to the Village as well. The official who knowingly violates the contact requirements could be made responsible for paying the provider's bill. Further, while the council has no authority to impose a penalty on an elected official, there is always the ability of the council to adopt a resolution censuring the violator.

I have some suggestions as to how this provision could be altered to benefit the council without hamstringing the ability to seek professional advice, but that is a lengthy discussion which is best left for another day when and if the council wants to explore those suggestions.

Additional Comments

Having answered the specific questions presented, I would ask the council to take a step back and reconsider the requirements imposed in the sixth sentence, particularly the duty to "prepare a written record of any and all contacts by the next Council meeting, setting forth the date, method of contact, authorization, people present and to the best recollection of the person, the statements of every person party to the conversation." While I believe the council may legally require such information to be provided, I am not sure it is a good practice. Such a specific disclosure requirement is not only burdensome, but could have an adverse impact on the Village's ability to claim attorney-client privilege as to such information in those cases where it may be in the Village's best interests to claim such privilege.

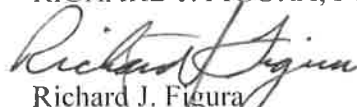
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The attorney-client privilege is available to the Village and it is the Village's privilege to claim or to waive, but such a waiver should be made knowingly in each case. There may also be other information in such a disclosure which is subject to another privilege established by law which the Village could be waiving. I suggest the council give careful consideration to the requirements set forth in the sixth sentence.

I trust this provides the answers sought by the council. Please advise if I can answer any further questions, provide any additional information, or be of any further service.

Sincerely,

RICHARD J. FIGURA, PC


Richard J. Figura
rfigura@figuralaw.com

RJF/jab

**Empire Village Council
Rules of Procedure**

1. Meetings

1.1 Regular and Work Session Meetings

The regular meetings of the Council shall be held on the Fourth Tuesday and the work session meetings shall be held on the second Thursday of each month, unless that day is a holiday. The Council shall approve by resolution each February the regular and work session meeting schedule for the following fiscal year of March 1st through February 28th, including any exceptions for holidays. **Said schedule shall be posted no later than 10 days following the first regular meeting in March**

1.2 Special Meetings

A Special Meeting is any meeting of the governing body other than those called for in paragraph 1.1, above. It may be a meeting of the full body or just a committee. The Clerk/Deputy Clerk upon the request of the President or any three members of the Council shall call a special meeting. Notice of special meetings shall be given to each Councilmember at least 18 hours in advance of the meeting. Special meeting notices shall contain the time, place, and purpose of the meeting. No official action shall be transacted at any special meeting unless the item has been stated in the notice of the meeting.

1.3 Public Hearings

A Public Hearing is a meeting designed specifically to receive input from the public on a single issue. Public hearings shall be scheduled and due notice given in accordance with the provisions of the applicable act, ordinance, or upon the discretion of the Council. Public hearings that are scheduled as part of a regular meeting shall begin following the call to order.

1.4 Place of Meeting

All regular, work session and special meetings of the Council will be held at the Empire Town Hall, 10088 Front Street. A majority of the Council may designate a different place for any regular or special meeting, or the Clerk/Deputy Clerk, with the consent of the President, may change the meeting to another location. A notice of the change shall be prominently posted on the door of the Town Hall and the kiosk next to the Post Office

1.5 Time of Meetings

All regular and work session meetings of the Council will begin at 7:00 p.m., unless the Council, by a majority vote, sets a different starting time. The time of any special meeting shall be included in the meeting notice.

1.6 Ending of Meetings

At regular and work session meetings of the Council, items of business shall be completed by 10:15 p.m. in order to allow time for public comment and an adjournment time of 10:30 p.m. At the appointed hour Council shall immediately adjourn unless the Council, by majority vote, extends the meeting.

2. Public Notice of Meetings

2.1 Regular and Work Session Meeting Schedule

Commented [RF1]:
Presumably your annual meeting schedule would be posted following the meeting in which it was adopted (i.e., the February council meeting). But to strictly comply with the OMA, you should also post the schedule no later than 10 days after the March meeting, because the OMA provides:

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

Mich. Comp. Laws Ann. § 15.265 (West)

The Clerk/Deputy Clerk shall post a notice of the regular and work session meeting schedule for the fiscal year electronically on the Village website and at the Empire Village Office, and publish the notice in the Leelanau Enterprise, before the beginning of the fiscal year. The notice shall indicate the dates, times, and the places of the regular and work session meetings scheduled.

2.2 Special Meetings

For a rescheduled regular, work session or special meeting of the Council, the Clerk/Deputy Clerk shall notify the Leelanau Enterprise and shall post a public notice at least 18 hours before the meeting at the Empire Village Office and at the community kiosk on Front Street and, if permitted, at the Empire Post Office and other bulletin boards in the village. The notice shall state the date, time, place of the meeting, and the purpose.

2.3 Emergency Special Meetings

The notice described above in Section 2.2 is not required for an emergency session of Council in the event of a severe and imminent threat to the health, safety, or welfare of the public when two-thirds of the members of the Council determine that delay would be detrimental to the Village's efforts in responding to the threat.

3. Record of Meetings

3.1 Recording Responsibility

The Clerk shall be responsible for maintaining the official record and minutes of each meeting of the Council. The minutes shall include all actions of the Council with respect to motions, including the name of the member who made a motion and the member who supported it. Highlights of discussions will be included. If the vote is a roll call, the minutes shall show who voted "Yes," "No," or abstained.

The Clerk shall not be responsible for maintaining a verbatim report of all the discussion or comments of the Council or members of the public made at Council meetings.

In the absence of the Clerk or Deputy Clerk, the Council may appoint one of its own members or another person to temporarily perform the Clerk's duties.

3.2 Minutes

Proposed minutes of each regular, work session and special meeting shall be approved by the President or his designate prior to posting. They shall then be made available for public inspection by being posted on the Village website, and in hard copy at the Village Office and Glen Lake Community Library within eight (8) business days following the meeting to which they refer. Proposed minutes shall be clearly labeled as such.

Approved minutes showing the corrections shall be posted in place of proposed minutes on the Village website, and in hard copy at the Village Office and Glen Lake Community Library within five (5) business days following the meeting at which they were approved by Council. Approved minutes shall be clearly labeled as such.

3.3 Correspondence

All correspondence received from members of the public shall be read and/or summarized at Council meetings and retained in the Village Office.

3.4 Public Access to Meeting Materials and Minutes

Commented [RF2]: I do not believe that you can require proposed minutes to be approved by the president prior to posting

The statutory duties of the village president include the statement that "The president may at any time examine and inspect the books, records and papers of any agent, employee or officer of the village..." MCL 64.3

The authority to review the records does not involve any authority to modify the records, or modify or approve the proposed minutes in particular, outside the conventional process by which minutes are kept by the clerk and approved by the legislative body acting as such.

If you want the president to have a "first look" at proposed minutes, you might say, "Proposed minutes of each regular, work session and special meeting shall be reviewed (but not modified) by the President or his designate prior to posting."

All meeting materials, except for those deemed privileged or confidential, and minutes shall be available for public inspection at the Village Office during regular business hours.

Councilmembers shall see that all pertinent information and correspondence in their possession is delivered to the Clerk for proper filing, in compliance with the Freedom of Information Act.

3.5 Taping of Meetings and Disposition of Tapes

Council meetings are taped solely for assisting the Clerk/Deputy Clerk in preparing the minutes of the meetings. Tape recordings are not to be considered the official record of a Council meeting and may be recycled or disposed of six (6) months after the Council approves the written minutes.

4. Closed Meetings

4.1 Purpose and Procedure

A roll call vote and purpose for calling a closed meeting must be recorded in the regular minutes of a regular or special meeting. Council upon a 2/3 roll call vote of the total number of members of the Council (not just the quorum present) may call a closed meeting for any of the following reasons:

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

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

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

4.2 Minutes of Closed Meetings

The Clerk/Deputy Clerk shall take a separate set of minutes at the closed session. These minutes **and any audio tape of the closed session** will be retained by the Clerk, shall **not** be available to the public, and shall only be disclosed if required by a civil action, as authorized by the Michigan Open Meetings Act. These minutes may be destroyed one year and one day after approval of the minutes of the regular or special meeting at which the closed session was approved.

5. Public Hearings

The Chairperson begins each public hearing by calling the meeting to order, taking the roll and explaining the purpose of the hearing and the rules of public conduct. Following the briefing, the chairperson opens

Commented [RF3]: This is always a problematic issue. It is often difficult, at best, to decide when a council member's personal notes, writings, drawings, etc are subject to the FOIA. Such "records" are in a grey area and can lead to undesirable (expensive) litigation. Using the proposed language, how does one determine when any writing is "pertinent"?

I would suggest that you only require a council member to turn in any personal notes, writings, drawings, etc. when said items are used in a meeting or referred to in a meeting.

Anecdotally, I remember hearing of a case (not locally, fortunately) where a citizen sought disclosure and preservation of a board member's "doodles" and "scratchings" made on note paper during a meeting, claiming that they were "public records" under the FOIA. The township refused and the citizen never appealed that decision to circuit court so I can't tell you what a court thought of it - not much I would bet.

Commented [RF4]: There is nothing wrong with maintaining audiotapes of meetings for 6 months after the minutes of the meeting are approved. The more common practice, however, is to permit destruction of the tapes once the minutes have been approved. This is your choice.

Audiotapes of closed sessions, however, must be maintained and deposited with the clerk along with the written minutes and kept under seal for one year and one day at which time they may be destroyed.

I would suggest adding the following to the end of section 3.5: "Tapes of closed sessions are to be maintained and deposited with the clerk along with the written minutes and kept under seal for one year and one day at which time they may be destroyed."

Commented [RF5]: Instead of listing the permissible purposes for calling closed session, you may want to consider simply stating that a closed session may be called for any purpose permitted under the Open Meetings Act. That way if the OMA is amended to allow more or reduce the purposes for which a closed session may be called, your rules will not be out of sync and won't be amended to keep pace with the change in the OMA. If you wish to do that, you may simply replace the second sentence in Rule 4.1 to state: "Council may call a closed meeting for any of the permitted purposes set forth in the Open Meetings Act, and the vote to enter into a closed session shall be made in the manner required by the Open Meetings Act."

You could then delete the rest of Rule 4.1.

On the other hand, listing the purposes in the Rule makes it easy for a council member to find the permissible closed meeting purposes.

Commented [RF6]: The changes in this sentence are being made to comply with decisions by the Michigan Court of Appeals.

the hearing to receive written and oral comments. Section 6.8 applies to the length of each person's comments and rules regarding written comment.

After all persons have had the opportunity to speak, the chairperson shall call the hearing adjourned. No action may be taken by the Council during a public hearing, but the matter may be placed on the regular meeting agenda or special meeting notice for possible action.

6. Conduct of Meeting

6.1 Regular Meeting Agenda/ Consent Agenda:

The Village President may use a consent agenda to allow the council to act on numerous administrative or non-controversial items at one time. Included on these consent agenda can be non-controversial matters such as approval of minutes, payment of bills, approval of recognition resolutions, etc. Upon request by any member of the council, an item shall be removed from the consent agenda and placed on the regular agenda for discussion. All Council members and staff shall have agenda items submitted to the Village Office by the Tuesday afternoon preceding each regular meeting for inclusion on the agenda. This would pertain to any item from the public that may require consideration and or action by the Village Council. This does not mean letters of public comment. An agenda shall be prepared for each regular council meeting with the following order of business as applicable:

- Call to Order
- Taking of the Roll
- Pledge of Allegiance
- Changes/Additions to the Agenda
- Public Comments on Agenda items
- Public Hearings
- Consent Agenda
- Review of Financial Statement
- Presentations or Professionals
- Public Comment on Presentation or Professional only
- Communications
- Department Head Reports
- Old Business
- Committee Reports (Water, Streets, Personnel, Planning Commission, etc. if necessary)
- New Business
- Questions/Comments from the Audience
- Board Comments
- Adjournment

Commented [RF7]: Do you mean "of"?

Commented [RF8]: Do you mean "of"?

Commented [RF9]: Is there a reason for not referring to this as "public comment"? Presumably on any subject matter?

Work Session Meeting Agenda

All Council members and staff shall have agenda items submitted to the Village Office by noon on Thursday preceding each work session meeting for inclusion on the agenda. This would pertain to any item from the public that may require consideration by the Village Council. An agenda shall be prepared for each work session meeting with the following order of business as applicable:

- Pledge of Allegiance
- Motion of required council action(s) only
- Changes/Additions to the Agenda
- Presentation or Professional

Public Comments on Agenda items
Department Head Reports

Old Business
Committee Issues (Parks and Water etc.)
New Business
Questions/Comments from the Audience
Board Comments
Adjournment

Commented [RF10]: Is there a reason for not referring to this as "public comment"? Presumably on any subject matter?

6.2 Agenda and Meeting Material Distribution

Agendas and meeting materials shall be distributed to Council, electronically or in person, and posted no later than the Thursday preceding the regular meeting, and no later than the Monday preceding the work session meeting. All materials will be dated. Documents in draft form (e.g., budgets, financials, ordinances, etc.) shall be labeled as such, with a version number and last date changed.

6.3 Special Meeting Agenda

The agenda of a special meeting will consist only of the matters so stated in the notice of the meeting.

6.4 Chairperson

The President shall moderate and chair all meetings of Council. In the absence of the President, the President pro-tem shall assume the duties of the chair. In the instance of absence of both president and president pro tem the longest serving member of council will assume the role of chair.

6.5 Quorum

Four (4) members of the Council shall constitute a quorum for the transaction of business at all Council meetings. In the absence of a quorum, a lesser number may adjourn a meeting to a later time or date with appropriate public notice.

6.6 Attendance at Council Meetings

Election to the Council is a privilege freely sought by the nominee. It carries with it the responsibility to participate in Council activities and represent the residents of the Village. Attendance at Council meetings is critical to fulfilling this responsibility.

No member of the Council may be absent from a regular or work session meetings without first notifying the Village Office, President or Clerk. Members who are unable to attend a special meeting shall inform the person planning the meeting, so it can be ensured that a quorum will be present at the meeting.

If a member is absent without leave and without sufficient cause three (3) times in one year, the Council may enact a resolution of reprimand or request the Councilmember's resignation, or both.

6.7 Council Discussion

During Council discussion and debate the member shall confine discussion to the question at hand and to its merits and shall not be interrupted except by a point of order or privilege raised by another member. No member shall be recognized to speak a second time until all members wishing to speak a first time have been recognized. Speakers should maintain a courteous tone and avoid interjecting a personal note into the debate.

Commented [RF11]: This is a bit "picky" perhaps, but what is a "personal note"? Is there a better term?

6.8 Public Participation

A person may address the Council at the time it is considering public comments and may address the Council, at the discretion of the chairperson, during its consideration of an item of business. Members of the public at a meeting shall not speak unless recognized by the chair and when addressing the Council shall state his or her name and home address for the public record. Comments should be confined to the question at hand and addressed to the Council in a courteous tone. A person shall limit their remarks to three minutes unless prior arrangements have been made. Communications of greater length shall be submitted in writing. The chairperson will maintain the official time and notify the speakers when their time is up. It shall not be the practice of Council to respond directly to questions during these portions of the meeting, unless directed to do so by the chairperson. The opportunity for Councilmembers to respond will generally occur during **one of the business portions of the meeting or during** the “Board Comments” section of the meeting.

Commented [RF12]: I suggest adding this since, in my experience it is not unheard of for a council discussion to lead to questions or comments from the audience which the council may in a particular instance want to permit

6.9 Disorderly Conduct at Meetings

The chairperson may call to order any person who is being disorderly by speaking when not recognized by the chair or otherwise disrupting the proceeding by failing to be germane, by speaking longer than the allotted time, or by speaking vulgarities. Such person shall be seated until the chair determines whether the person is in order.

If a person is called out of order, he or she shall not be permitted to continue to speak at the same meeting except by special leave of the Council. A person who continues to disregard being called out of order is deemed to have committed a breach of the peace. A person who commits a breach of peace at a meeting may be excluded from the meeting, but a person may not be excluded from a meeting for any other reason.

7. Parliamentary Procedure

The rules of parliamentary procedure, as contained in the edition of Robert’s Rules of Order currently available in the Village office, shall govern the Council in all cases to which they are applicable, unless they are in conflict with these rules, the Village Charter, or the laws of the State of Michigan.

7.1 Motions, Resolutions, and Ordinances

All action taken by the Council shall be by motion, resolution, or ordinance and shall be publicly set forth in the official record (minutes) of Council.

7.2 Non-debatable Motions

A motion to adjourn, recess, lay on the table, or to vote immediately shall be voted upon without further debate.

8. Voting

8.1 Duty to Vote

Councilmembers present at a Council meeting shall vote on every matter before the body. Voting by proxy or by telephone is not permitted.

8.2 Conflict of Interest and ABSTENTION FROM VOTING

No Councilmember shall vote or participate in the discussion of a question, issue or decision where the Councilmember has knowledge that the outcome of the question, issue or decision will provide a direct or indirect financial benefit, different from any financial benefit shared by the general public, to the Councilmember, a member of his or her immediate family or a business with which he or she is

associated. In such event, the Councilmember shall abstain and shall state on the record, or in writing for inclusion in the record, the facts which create the conflict.

Where no conflict exists as a member of law, but a Councilmember is concerned that facts exist which may create the appearance of a conflict, the Councilmember shall ~~may~~ participate in discussion and shall vote on the matter, but before doing so shall make a disclosure on the record, or in writing for inclusion in the record, the facts which create the appearance of a conflict.

Commented [RF13]: I don't think you can require participation in discussion, but you can require voting.

Unless otherwise prohibited by law, if all sitting members of the Council are present at a meeting and one or more members must abstain because of a conflict of interest and such abstention(s) result in the inability of the Council to take action, then the member(s) with the conflict may be permitted to vote. In such event, in addition to stating on the record, or in writing for inclusion in the record, the facts which create the conflict, the Councilmember shall vote his or her conscience disregarding his or her personal interest and shall state the facts in support of his or her vote on the record

If a question arises as to whether or not a conflict exists, the Council may postpone the matter to seek legal opinion regarding the existence of a conflict, or may by a simple majority vote of the remaining members determine whether a conflict exists utilizing the guidelines set forth above.

8.3 Roll Call Votes

Roll call votes shall be taken when required by law, at the request of any member of Council, or when the chairperson cannot determine the results of a voice vote.

9. Appointments

The President, subject to the approval of a majority of the Council, will make appointments, unless a law, the Village Charter, or an ordinance defines ~~an~~ a different appointment procedure. Boards and Commissions operating under the jurisdiction of the Village Council may make recommendations to the Council regarding appointments, but the President or Council shall not be bound by the recommendations.

10. Committees

10.1 Standing Committees of Council

The Village shall have the following standing committees:

- Parks
- Personnel
- Water
- Planning
- Streets, Sidewalk and Equipment

Committee members shall be appointed by the President and shall be Councilmembers. The committee member shall serve for a term of one year and may be re-appointed.

10.2 Special Committees of Council

Special committees may be established for a specific period of time by the President or by a resolution of the Council, which specifies the task of the special committee and the date of its dissolution.

10.3 Public Notice of Committee Meetings

All Council appointed Committees (Standing and Special) shall be conducted in accordance with the Open Meetings Act, and are subject to these Rules of Procedure and other applicable laws of the State. The

committee chairperson shall see that the rules of Section 2.2 regarding public notice of special meetings are complied with and that minutes are taken at each meeting.

10.4 Committee Authority

No committee shall have any authority to take any action on behalf of the Village Council, unless the Council otherwise instructs it. A committee may only make reports and recommendations to the Council on matters referred to it.

10.5 Citizens Task Forces

Citizen task forces may be established by a resolution of the council which specifies the task to be accomplished and the date of its dissolution. Members of such committees will be appointed by the Village President subject to approval by a majority vote of the Council and must be residents of the Village. Vacancies will be filled by majority vote of the Village Council in the same way appointments are made.

11. Authorization for Contacting Village Professional Service Providers

The President and Clerk (in consultation with the President or Council), are authorized to contact the Village professional service providers (i.e., Village Attorney(s), Auditor, Engineers, or other professional service providers) regarding Village matters. The President or Village Council may also authorize a Councilmember to contact a particular professional service provider. The person making contact with a professional service provider shall do so in writing, setting forth the reason for the contact, the authorization, all relevant facts and the action requested of the professional service provider. A copy of the written contact, including a printed copy of any e-mail, shall be submitted for filing to the Village Office and a copy shall be distributed to all councilmembers at least by the next meeting. A request should be made that a response from an attorney or auditor shall be in writing, filed in the Village Office and distributed to each councilmember.

Unless there is immediate need, no contact with professional service providers shall be made regarding Village business and/or issues until fully disclosed to the Village Council and approved by the Council.

In the event the contact with the professional service provider is not in writing, the person making the contact shall prepare a written record of any and all contacts by the next Council meeting, setting forth the date, method of contact, authorization, people present and to the best recollection of the person, the statements of every person party to the conversation. A copy of such record shall be filed in the Village records and distributed to all council members.

12. Amendment of Council Rules of Procedure

These rules were adopted by resolution of the Village Council pursuant to the authority of the General Law Village Act. None of these rules may supersede the Village Charter or the laws of the State of Michigan. The Council may alter or amend its rules at any time by a majority vote of its members after notice has been given of the proposed alteration or amendment.

Adopted: November 20, 2001
Amended: September 17, 2002
Amended: November 21, 2006
Amended: December 19, 2006
Amended: March 20, 2007
Amended: April 22, 2008
Amended: August 25, 2009

Amended: November 12, 2015
Amended: June 28, 2016
Amended: December 8, 2016
Amended: April 25, 2017
Amended: June 27, 2017
Amended: July 24, 2017 pending Attorney review

Commented [RF14]: I suggest adding a new sentence at the end to read, "Also, the response of the professional service provider shall be in writing, filed in the Village Office and distributed to all councilmembers."

Village of Empire is an Equal Opportunity Provider and Employer. Complaints of discrimination should be sent to: USDA, Director of Civil Rights, Washington DC 20250-9410

March 16, 2020

To: Village of Empire Council

From: Maggie Bacon

re: Email Communications, Retention and Use Policy?

I asked two email communications sent to the Village Council be read as communications at our meeting.

From the perspective of a layperson, **neither communication was a violation** of the Open Meeting Act.

At the same time, the Council needs to be aware of the very fine line an email presents when sent to all members of the Council. Some emails may contain an unintended "invitation" to deliberate where the Council could end up on the wrong side of the OMA.

1. Most often, when the President has asked the Office of the Clerk to forward a message to the Council, the email has been a straightforward sharing of information or a reporting on a situation. Exactly as should be done if this how the President wishes to share such information.

The President did the right thing - at the beginning of his message - by asking the Council not to respond. Yet, his communication was more than a reporting of facts or general information. It was the President's opinion on a variety of topics. Unintentionally, it was an invitation for any Council member to respond to share our own opinions/view on the topics - as would and should happen in a Council meeting.

At the end of the message, Council was invited to speak about directly with the President. That kind of individual discussion - held in private could be viewed - unintentionally - as preventing the Council from fully exploring the issues with one another and with the public. It is important to note, there was no specific violation of the OMA. Rather, a full and open discussion of the questions raised in the email and any correction of facts - for all of the Council to hear - was not possible.

2. The email from Councilperson Avis was most certainly intended to be a courtesy - to inform the Council of his wish to add an agenda item after the deadline had passed. The area of concern may just be in asking for the support of the Council - away from the public eye. And, perhaps, recognizing that such an addition is possible on the night of the meeting.

The important take-away is for the Council to be aware of its obligation to be very careful about when and how it uses email to share information and to be aware of the retention requirements. I hope the Clerk's Office may be asked to research some sample policies for discussion at a future meeting.

VC 3/24/2020

From: Soni Aylsworth <s.aylsworth@villageofempire.com>
Sent: Wednesday, March 11, 2020 9:43 AM
To: deputy clerk <deputyclerk@villageofempire.com>
Subject: Please Forward to Council

Council,

Please don't reply to messages and or suggestions through email that everyone is attached to.

Tom, please don't reply to the entire council. You have been asked before not to do this. Final warning!

With consideration of the Clerk and Treasure performance reviews I think everyone has forgot about the privacy that these have to hold. The performance reviews in the past have always been done by the President to the Clerk. The Clerk to the Deputy Clerk. Head DPW to other DPW employees.

I'm not sure where all the confusion is coming from? A performance review is done by a single individual. There isn't a way to get the council or committee to agree on how the individual has performed as a whole and I have never seen this happen. This performance review has always stayed confidential. This isn't something that I have constructed on my own.

I have asked that everyone receives a copy of the blank review and every document that goes along with this subject on 3/10/2020. This has not yet been done, but should be by today. I have also asked multiple times that the Clerk position be posted through the email system. I still have not seen this action done and I asked for this to happen on 2/14/2020.

Everyone please look at the Clerk's Job Description. It states in the first line of the first paragraph " Under the direction of Village President and Village Council" . This is a very clear statement.

If anyone would like to speak about this, please feel free to contact me.

Soni Aylsworth
Empire Village President

Todd Avis

Tue 3/10/2020 10:14 AM

Inbox

To:

Derith Smith;
Soni Aylsworth;
Beryl Skrocki;
Maggie Bacon;
Tom Rademache;
Linda Chase;

Cc:

deputy clerk;

Good morning:

I am planning to ask to add to the agenda on Thursday night the following topic: **Review/discussion of Village employee performance reviews**. I will ask for it to go in as item #1 before the discussion regarding the clerk's position.

I am interested in learning more about the processes and procedures of employee reviews and precedents set forth by past practices.

I look forward to the discussion and hope I have your support.

Sincerely,

Todd Avis

Memo

To: Derith Smith, Village of Empire Clerk

Fm: Todd Avis, Village Council Member

Dt: March 17, 2020

Re: Human Resources training opportunity

I would like to attend this seminar and I recommend Alacia Acton attend also.

It's critical for an organization's officers and staff to have an understanding of current best practices in human resources. This seminar will give a basic, yet complete, overview of issues and basic laws.

Please add to the March Council meeting agenda.

Thank you.

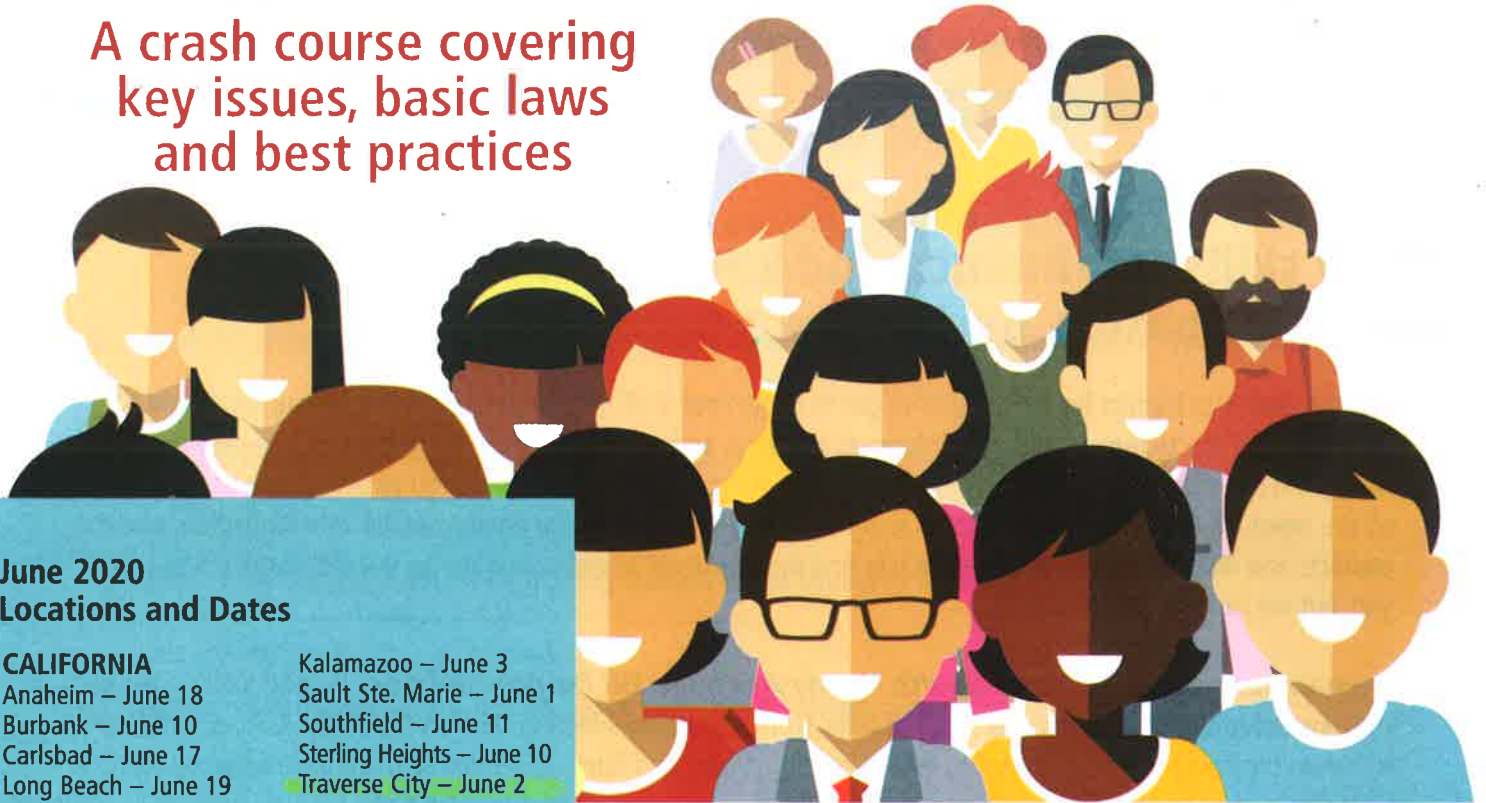
Traverse City - June 2 8:30 - 4:00 PM
\$99⁰⁰

VC 3/24/20

Human Resources

for Anyone with Newly Assigned HR Responsibilities

A crash course covering key issues, basic laws and best practices



June 2020 Locations and Dates

CALIFORNIA

Anaheim – June 18
Burbank – June 10
Carlsbad – June 17
Long Beach – June 19
Los Angeles – June 11
Ontario – June 26
Oxnard – June 9
Palm Springs – June 12
Pasadena – June 25
Riverside – June 24
San Diego – June 16

HAWAII

Honolulu – June 4
Lahaina – June 5

INDIANA

Fort Wayne – June 8

MICHIGAN

Ann Arbor – June 9
Grand Rapids – June 4

Kalamazoo – June 3
Sault Ste. Marie – June 1
Southfield – June 11
Sterling Heights – June 10
Traverse City – June 2

MINNESOTA

Bloomington – July 1
Minneapolis – June 17
Rochester – June 15
St. Cloud – June 30

NEVADA

Las Vegas – June 23

NORTH DAKOTA

Grand Forks – June 29

UTAH

Cedar City – June 22

WISCONSIN


Eau Claire – June 16

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This course will swiftly get you up to speed on all aspects of HR — from legal and compliance issues to hiring and firing, benefits administration, records maintenance and more!

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- Benefits essentials covering the basics of workers' comp, FMLA and COBRA
- Record keeping 101: What to keep, how long to keep it, what to toss and who has access
- Best practices to establish employees' confidence and earn respect
- Strategies for employee coaching, counseling and discipline
- Critical, need-to-know legal info about hiring and firing
- And much, much more! See pages 4 – 5 for more details

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 CAREERTRACK.

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If you're new to HR or you've recently taken on HR commitments as part of your job, this training is an exciting "crash course" in the basics!

Build skills, confidence and know-how in just one information-packed, fast-paced day!

When it comes to Human Resources, you've got to know your stuff. Your organization and its employees are depending on you to provide accurate information, advice and answers on everything from government regulatory issues and benefits administration to the finer points of the employee handbook. You've also got to be current on all the latest HR legal issues, be available as a knowledgeable resource for employees, be able to mediate internal conflicts and disputes and be prepared to hire and fire personnel as necessary. You've got your work cut out for you, but we can help!

Human Resources for Anyone with Newly Assigned HR Responsibilities was designed to deliver the most information in the least amount of time. From legislation affecting OSHA, COBRA, FLSA, ADA, FMLA and HIPAA to the best practices in benefits, record keeping, hiring and firing, this seminar is a foundational course to train you to spot key HR issues and how to tackle them.

No filler or fluff — just targeted, in-depth training, right where you need it most!

Our staff of experts has created this course to help you get up to speed on all the "mission critical" aspects of your new HR responsibilities. This program is packed with the essential information you'll need to step into your new position with confidence. You will learn how to ensure your company is a safe and secure haven for employees, discover how to stay in compliance with all the latest legislative decisions handed down by the government and find out how to protect your organization and stay legally compliant.

Spend a day with us and get on-the-mark training that guarantees you success in your HR career!

Relax and focus in a positive, open learning environment with other professionals who understand and share your concerns and questions about HR issues. We've created a format that breaks down the most critical information for you so it's easy to comprehend and apply to your own work situations. We'll cover a broad range of material but ensure it's presented in a manner that makes it easy to absorb and digest. You'll have ample time to ask questions, discuss ideas, even network with your colleagues as you discover how to meet the challenges and responsibilities of your new position head-on!

Quick Quiz: How well do you know HR?

1. What are the HR best practices that will help keep your organization out of legal hot water?
2. As an HR professional, how should you respond to a charge of sexual harassment within your organization?
3. Can you legally ask an applicant about the reasons for leaving a previous job?
4. What are the legal guidelines for making changes to the employee manual?
5. How can you be sure to stay in compliance with HIPAA's privacy guidelines?
6. How long should you retain personnel records after employees leave your company?
7. What steps should you take during an employee's termination process to avoid a wrongful discharge lawsuit?

How did you do? If you hesitated on even one of these questions, don't wait to sign up for this training! Keeping up with the latest legal trends, changes in best practices, legislative updates and court rulings is a tough job for even the most seasoned HR veteran, let alone someone who's new to the field! Attend ***Human Resources for Anyone with Newly Assigned HR Responsibilities*** and become a more effective, productive and knowledgeable HR professional in just one day!

Course Content



Check-in: 8:30 a.m. – 9:00 a.m.

Program: 9:00 a.m. – 4:00 p.m.

Laws and Practices that Comply: How to Stay on Top of Federal Rules and Regulations

- The laws every HR professional should know regarding FLSA, EEO, OSHA, FMLA, ADA and HIPAA
- Smart practices to keep your organization out of legal trouble and minimize liability
- Are your current practices legally sound? How to troubleshoot potential legal hot spots and avoid the courtroom
- The employee manual — rules for must-have content (and guidelines on what to leave out!)
- Tips for educating employees on written — and unwritten — company policies
- The training every employee must receive to ensure safe and legal procedures within your organization

Safe Hiring and Firing Practices: Critical Legal Issues for All HR Professionals

- Legal Hiring Practices: What you may and may not ask in an interview (and why)
- Interview questions and techniques that will yield the best hires
- Before you make the offer — a checklist of steps every HR professional must take before hiring
- References, background checks and drug tests — the legally safe way to get the information you need
- The essentials for coaching, counseling and disciplining employees
- How to conduct an effective, motivating, legally sound performance review
- Guidelines for legal termination of an employee
- Legally correct documentation and how long to keep information in the employee file

Free Digital Resources for Every Participant



Your registration includes a variety of seminar resources that highlight pertinent information. These materials are offered digitally—making learning interactive and easily accessible. Reference these materials time and time again to recall key points and problem solve.



Benefits Administration: Policies and Procedures to Help You Help Your Employees

- Benefits essentials such as workers' compensation, FMLA and COBRA
- Types of benefits and how to educate employees on their eligibility
- Training methods to familiarize your employees with available benefits so they'll understand and participate
- Know the differences between exempt and non-exempt classifications and wage and hour basics
- Types of signage you must display in your business and why
- Steps to take when benefits change, for the better or the worse
- Ways to get employees to see the HR department as a positive resource

Record Keeping and Records Retention: How to Create an Efficient, Effective and Legally Compliant Program

- A list of employee records you must have access to at all times
- Records the government requires and how to prepare for an audit
- Employee files: What goes in, what stays out and who has access
- Pre-employment and employment records you must keep under the EEOC
- Confidentiality and the HR function — best practices of HR professionals
- Storage methods for keeping confidential records safe and secure

Guaranteed Results!

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Registration Information

Enroll Today! \$99 per person, only \$89 per person for groups of 5 or more from the same organization attending the same event. Hurry, our seats fill *fast*. Guarantee your enrollment by paying your tuition today. You will receive a confirmation once your registration is complete. **Payment is due before the program.**

Quick Confirmation! To receive your confirmation within 48 hours, please complete the Quick Confirmation section of the registration form. Be sure to provide us with your email address and/or fax number.

Program Schedule

Check-in: 8:30 a.m. – 9:00 a.m.
Program: 9:00 a.m. – 4:00 p.m.

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You may cancel your registration up to 10 business days before the program, and we will refund your tuition less a \$25 cancellation fee. Substitutions and transfers may be made at any time to another program of your choice scheduled within 12 months of your original event. Please note, if you do not cancel and do not attend, you are still responsible for payment.

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- Dressing in layers is recommended due to room temperature variations.
- You will receive a Certificate of Attendance at the end of the program.

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Job Title: _____
Email Address: _____ Business Home

4 **QUICK CONFIRMATION**
 Please email or fax my confirmation to me within 48 hours.
My email address or fax number is: _____

5 **NAMES OF ATTENDEES** (Please list additional names on a separate sheet.)

#1 Attendee's Name
Mr. _____
Ms. _____
Job Title _____ City Event # _____
2 3
Email (required): _____ Business Home

#2 Attendee's Name
Mr. _____
Ms. _____
Job Title _____ City Event # _____
2 3
Email (required): _____ Business Home

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Please make checks payable to CareerTrack and return form to: P.O. Box 219468, Kansas City, MO 64121-9468. Our federal ID# is 43-1830400 (FEIN).
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 Purchase order # _____
(Attach purchase order to completed registration form.)
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MO. YR. EXPIRATION DATE
CARD NUMBER
Card Holder's Name _____
Tax-Exempt # _____
Please attach a copy of your Tax-Exempt Certificate for payment processing.

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CALIFORNIA

- Anaheim – June 18**
City Event #237094
Clarion Hotel Resort
616 Convention Way
- Burbank – June 10**
City Event #237097
Holiday Inn Media Center
150 E Angeleno Ave
- Carlsbad – June 17**
City Event #237093
Courtyard Palomar Airport
5835 Owens Ave
- Long Beach – June 19**
City Event #237095
Golden Sails Hotel
6285 E Pacific Coast Hwy
- Los Angeles – June 11**
City Event #237098
La Quinta Inn & Suites – LAX
5249 W Century Blvd
- Ontario – June 26**
City Event #237091
Hotel d'Lins Airport
3400 Shelby St
- Oxnard – June 9**
City Event #237096
Courtyard by Marriott
600 E Esplanade Dr
- Palm Springs – June 12**
City Event #237099
Hyatt
285 N Palm Canyon Dr

Pasadena – June 25

- City Event #237090
Sheraton Hotel
303 Cordova St
- Riverside – June 24**
City Event #237089
Hampton Inn & Suites
4250 Riverwalk Pkwy
- San Diego – June 16**
City Event #237092
Courtyard by Marriott Downtown
530 Broadway St

HAWAII

- Honolulu – June 4**
City Event #237362
Hyatt Regency Waikiki Beach
Resort and Spa
2424 Kalakaua Ave
- Lahaina – June 5**
City Event #237361
Royal Lahaina Resort
2780 Kekaa Dr

INDIANA

- Fort Wayne – June 8**
City Event #236667
Ramada Plaza Hotel &
Conference Center
305 E Washington Center Rd

MICHIGAN

- Ann Arbor – June 9**
City Event #236668
Ann Arbor Regent Hotel & Suites
2455 Carpenter Rd
- Grand Rapids – June 4**
City Event #236666
Crossroads Conference Center
6569 Clay Ave SW
- Kalamazoo – June 3**
City Event #236665
Delta Hotels by Marriott
2747 S 11th St
- Sault Ste. Marie – June 1**
City Event #236663
Best Western
4335 I-75 Business Spur
- Southfield – June 11**
City Event #236670
Hilton Garden Inn
26000 American Dr
- Sterling Heights – June 10**
City Event #236669
Wyndham Garden
34911 Van Dyke Ave
- Traverse City – June 2**
City Event #236664
Park Place Hotel
300 E State St

MINNESOTA

- Bloomington – July 1**
City Event #236767
DoubleTree by Hilton Hotel – South
7800 Normandale Blvd

Minneapolis – June 17

- City Event #236770
Sheraton Midtown Hotel
2901 Chicago Ave
- Rochester – June 15**
City Event #236768
La Quinta Inn & Suites
4353 Canal Place SE
- St. Cloud – June 30**
City Event #236766
The Tuscan Center at Midtown Square
3333 W Division St, #116

NEVADA

- Las Vegas – June 23**
City Event #237088
Hampton Inn Tropicana
4975 Dean Martin Dr

NORTH DAKOTA

- Grand Forks – June 29**
City Event #236765
Canad Inns Destination Centre
1000 S 42nd St

UTAH

- Cedar City – June 22**
City Event #237087
Ramada
1575 W 200 N

WISCONSIN

- Eau Claire – June 16**
City Event #236769
Holiday Inn South I-94
4751 Owen Aryes Court

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soil. The soil is contained and compressed inside of the tube where it remains to serve as a structural mass. Geotube® LES™ tubes can even be stacked to create a taller structure when necessary.

The Geotube® LES™ installation process is simple. The tube is placed at the toe of the embankment where erosion occurs. Slight excavation of the area may be required to obtain the desired finished elevation of the

stakes at the location of the curve. Sand or soil is hydraulically injected into the tube through self-closing ports, which are spaced at 50 ft. intervals along the top of the tube.

Once installed, the surface of the Geotube® LES™ tube and the void area behind the tube are backfilled with onsite sand or soil. The entire construction zone may then be revegetated to create a natural appearing embankment.



Completed project



Geotube® LES™ being installed

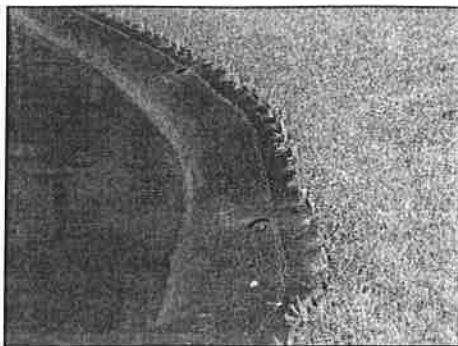
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installed tube. The tube is then held in place by driving suitable stakes through the anchor flap, which is integrated along the back side of the Geotube® LES™ tube. The tube can easily negotiate changes in embankment alignment by simply utilizing a greater frequency of

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Synthetic Grass

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materials that make a difference

VC 3/24/20

deputyclerk@villageofempire.com

From: John Friend <dpw@villageofempire.com>
Sent: Wednesday, February 26, 2020 10:53 AM
To: deputyclerk@villageofempire.com
Subject: FW: Lighthouse protection Proposal
Attachments: SKM_C454e20022514430.pdf

Here is the bid from elmers for rip rap at lighthouse .

Also we are running out of time to do this without a permit. Once water gets closer to area. (ie spring lake rise) we will be required to get permit from deq to work within waters edge. As I understand it from our engineer.

john

From: Joshua Fockler <jfockler@teamelmers.com>
Sent: Tuesday, February 25, 2020 3:03 PM
To: John Friend (dpw@villageofempire.com) <dpw@villageofempire.com>
Subject: Lighthouse protection Proposal

John,

Please see the proposal to install shoreline protection in front of the light house

Josh Fockler

Project Manager Dirt Division

jfockler@teamelmers.com

Office: 231-943-5594

Cell: 231-384-0692





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PROPOSAL

P.O. Box 6150 Traverse City, MI 49696-6150
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EOE/AA

Proposal submitted to: Name Village Of Empire 2/25/2020
ATTN: Soni Aylsworth 231-346-5466
11518 Lacore Road s.aylsworth@villageofempire.com
Empire MI 49630 2020-5124

We hereby submit specifications and estimates for:

Provide all Labor, Equipment, and Materials to perform the following work at:
Empire Beach Lighthouse Shoreline Protection

- 1 Mobilize and demobilize equipment to and form the jobsite
2 Install 28 LF of 24"-36" Quarried Limestone in front of the Lighthouse
Stone Protection to be installed per plan dated 10-31-2019

TOTAL \$14,400.00

Notes: 50% of Construction Costs due before work begins
This proposal does not include survey, staking, or permits.
Any fees from the city, township, or county are by other.
Cost for stone revetment over 80 TON to add \$155.00 per TON
Sand fill is not included in this proposal.
Any sand fill needed will be a extra cost at \$35.00 per CY

I can be reached directly at 231-384-0692 or jfockler@teamelmers.com

Thank you for the opportunity to bid this project

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workers' Compensation Insurance, The General Conditions attached hereto or appearing on the back side of this Proposal are hereby incorporated by reference.

Authorized Signature Name: Josh Fockler

Note: This proposal may be withdrawn by us if not accepted within 30 days.

Method of Payment [] Check/cash upon invoicing
[] Charge by VISA/MC upon completion of work

Account # Exp. Date
Tax ID #
Elmer's reserves the right to request a credit report with this proposal
Authorized Signature

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature (Sign and return copy upon acceptance)
By:
Its:
Date of Acceptance

A finance charge of 1.5% per month, which is an annual percentage rate of 18% per year, or a minimum charge of \$.50 per month, shall be applied to all accounts over 30 days past due.

When reviewing estimates and selecting a contractor:

- Always get multiple bids for a project. The lowest bid is not necessarily the best choice, try to get an understanding of why one bid is significantly lower or higher than others; the reasons might change your decision.
Get recent references from the contractors you are considering.
Make sure the contractor has the appropriate business and builder licenses, as well as insurance.
All project specifications and payment terms should be written in the contract.
The best contractors provide a written warranty or guarantee.

Fully Bonded & Insured • Daily quality control checks for all products