

**EMPIRE VILLAGE COUNCIL WORK SESSION**  
**April 11, 2024 @ 7 PM**  
**Empire Township Hall - 10088 W. Front Street**

**AGENDA**

- A. CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE**
- B. ROLL CALL**
- C. CHANGES OR ADDITIONS TO THE AGENDA**
- D. ADOPTION OF THE AGENDA**
- E. PUBLIC COMMENTS ON AGENDA ITEMS**
- F. COMMUNICATIONS**
- G. DEPARTMENT HEAD REPORTS**
- H. COUNCIL MEMBER / COMMITTEE REPORTS**
- I. OLD BUSINESS**
  - 1) Approve Minutes: Regular Meeting 03/28/2024
  - 2) Short Term Rental Review (Bacon/Dye)
  - 3) Rules of Procedure (Palmer)
  - 4) Village Office Update (Palmer)
  - 5) Mass Gathering Ordinance Review (Palmer)
- J. NEW BUSINESS**
  - 1) Beach and Front Street Striping (Bacon)
  - 2) Village Council Computer Purchase (Palmer)
  - 3) 2024 Road Closure Application (Palmer)
  - 4) Stormwater Run-off at Lake and Niagara Proposals (Bacon)
- K. PUBLIC COMMENT**
- L. COUNCIL MEMBER COMMENT**
- M. ADJOURNMENT**

To: Empire Village Council (Please read at next Council meeting)

Date: April 3, 2024

Re: Immediate action needed! Council Committee

Whereas the Empire Village President appointed two council members to a short term rental registration ordinance committee who have no experience with short term rentals,

Whereas the Empire Village President appointed two council members to a short term rental ordinance committee who have demonstrated at meeting after meeting levels of disrespect for the existence of short term rentals in Empire ranging from disdain to outright contempt,

Whereas the Empire Village President (and by default the entire Village Council) has sat in virtual silence as an overwhelming number of letters have been sent to the Village Council requesting reconsideration of a registration ordinance,

Whereas the Empire Village President (and by default the entire Village Council) has mismanaged the entire Short Term Rental Report and Ordinance process,

Whereas the Empire Village President has shown a disturbing level of favoritism toward a single group of residents by immediately taking action to address concerns about appraisals, environmental studies and real estate negotiations about a Village Office purchase in the making for more than 6 years when faced with just 2 letters read into the record, while leaving those who have submitted 25 or more letters (written by locals and STR owners alike) sitting on the sidelines like stepchildren in the Village,

Whereas the State of Michigan Legislature has been unable to pass legislation that states short term rentals in Michigan are deemed to be commercial in nature,

Be it Therefore Resolved; the Village Council will immediately take the following actions:

- A. Disband the Short Term Rental Ordinance Committee for the following reasons:
  - a. Lack of relevant, concrete data to support a registration ordinance,
  - b. Current lack of enforcement infrastructure support needed for any implementation,
  - c. Cease the division being created by pitting neighbor against neighbor,
  - d. Any documents written will only serve to say, "we did it" and will be meaningless.
- B. Formally acknowledge that Empire is unlike other Villages or Townships in Leelanau and Benzie County in that the STR clientele are families looking to participate in outdoor pursuits and not prone to "frat parties".
- C. Formally acknowledge that court cases are not the law because they are based on a specific set of facts for a specific case, and further,
- D. Cease referring to STR in Empire as a commercial venture until such time as a law is passed to that effect.

Resolved; The Village Council consider a contracting with a planner or consultant to complete an objective survey related specifically to short-term rentals, and

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Resolved; Said planner work with the Village Planning Commission to recommend further action for the Village Council to consider. (This will take the politics out of it).

We respectfully request the Village Council act on this resolution at your next meeting via motion and roll-call vote. Favoritism has no place within our Village Government. You have acted with great haste to appease a small number of homeowners in one section of the Village about the purchase of a Village Office that we believe will serve the residents and the staff and was a justifiable and planned for expense.

Do your jobs, now, to start healing the wounds that have been inflicted with unsubstantiated claims of problems and statements made at committee meetings such as "I'm okay treating our visitors differently than our residents", "We don't have to take your comments" (made to the public), "It breaks my heart that [a house] was sold to be a short term rental and didn't go to a family", "I am just glad I don't live in area in Empire where people are coming and going every week", "Empire is changing, get over it" and our favorite, "A public hearing will be held" which suddenly became 'we don't have to have a public hearing'.

We, the undersigned, have agreed to have our names published. We have been asked to keep 17 other names (locals, mostly) off this list due to fear of retribution and the existing system of favoritism demonstrated by the current Empire Village Council.

Respectfully submitted,

Jordan and Anna Tank  
(Wilce Street, Empire) and Traverse City and Argentina

Frances and Julia Dezelski  
(Lake Street, Empire) and Hyattsville, MD

Christopher & Amy Pohlod  
(Washington Street, Empire and Lainsgburg, MI

Scott and Kelly Cogan  
(Union Street, Empire) and East Lansing, MI

The Weaver Family Trust  
(Niagara Street, Empire) and Oakland, CA

From: Bill Blacquiere <[bblacqu@gmail.com](mailto:bblacqu@gmail.com)>  
To: [clerk@villageofempire.com](mailto:clerk@villageofempire.com)  
Date: 04/05/2024 1:07 PM EDT  
Subject: Proposed Short Term Rental Ordinance

Dear Village Council and Short Term Rental Committee Members,

We support your proposed Village of Empire Short Term Rental Ordinance. The proposed ordinance starts with an excellent purpose statement. The Stated Purpose captures the message and intent of the Ordinance. It is summarized in Section 1 subsection C " To remain and grow as a year-round community, the Village has enacted the Ordinance to monitor and License STRs and strike a balance recognizing the interests of our Village residents, business owners, visitors and property owners." The Ordinance protects Short Term Rental Owners and Hosts and protects both the short and long term interest of the Empire community. We have to acknowledge as a society we need laws and local ordinances. We are a country that operates by Rule of Law. It has worked for us for almost 250 years and is there any other place we would like to live?

We live in a deeply divided society. We have deeply divided opinions on politics, social and religious opinions. It is evident here in Empire with Short Term Rentals. Our deeply held opinions cause us to withdraw from family, friends and neighbors. We try to champion our opinions at all costs. A better path is to listen to each side and work out a compromise. We believe this proposed Ordinance does this very well. It protects Short Term Rental owners and protects the Empire community. Let me highlight a few examples from the proposed Ordinance. It grandfathered in all existing Short Term Rental owners. It clearly defines and articulates a process for this. It protects Host Owners who occupy the residence. They are not required to have a license. It prohibits events or parties which is a regulation Airbnb has had in effect since 2020 and has now been adopted by VRBO. It states that all lodging is to be inclusively within the dwelling not in a recreation vehicle, camper or tent. I encourage all interested parties to read this proposed Ordinance from the perspective of the opposite opinion and decide for yourself is this a good compromise? Lastly, we would like to thank the Council for addressing Short Term Rentals in Empire. Ordinances and laws governing Short Term Rentals exist globally, nationally and in hundreds of local communities. Airbnb lists hundreds of these on their site. Your actions reflect your commitment to all Village property owners and to the future of the Empire community.

Respectfully,  
Bill and Mary Blacquiere

April 3, 2024

**To: Empire Village Council Members**

**Short-Term-Rental Committee**

**From: Roy Sonnema & Debra DeWitt**

**9993 West South St., Empire [P.O. Box 202]**

Please Note: We wish this letter publicly posted at the committee website, and ask Council and committee members to read it and consider our suggestions. In the interest of time, we'd also request that only the addendum at the end be read out loud at the next committee meeting.

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The Short-Term-Rental Committee has requested suggestions to improve the current draft STR ordinance so we'd like to contribute our thoughts. But it is our opinion that there are much larger problems and issues at stake that need to be addressed: language problems with the draft ordinance, but also a failure of process and potential legal liability. So, we write to both the Short-Term-Rental Committee as well as the Village Council.

**A Problem with the Ordinance Document, and a Solution:**

There are many minor mistakes in the current draft ordinance document we'd like to correct, but to keep this letter short, here is what we think is *the single most important change* to make:

The beginning of the draft ordinance document simply fails to capture and balance the central issue. We recommend completely deleting the "purpose" subsection at the front of the document and replacing it with this:

**Guiding Principles:**

1. *The Village Council of Empire recognizes that short term renting has a long history in Empire, and that it is both a legal and beneficial activity within the village.* Short term renting provides income to owners; it generates revenue for local businesses and taxes; and it provides lodging for visitors who do not want hotel/motel/camping accommodations. As home to the Welcome Center for Sleeping Bear National Lakeshore, Empire recognizes its role as a seasonal tourist destination and the importance of STRs within the village.
2. *The Village Council equally recognizes that all home owners and residents within Empire have a basic right to safe, attractive, and quiet neighborhoods without heavy traffic or parking problems.* Many residents are retired or use their homes as vacation residences. Owners who short-term-rent have a responsibility to properly maintain and supervise their properties in a way consistent with residential zoning. Renters should behave with the understanding that they are guests in and need to respect the rights of surrounding home owners.

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3. *The Village Council is committed to the principle that both of these rights—the right of homeowners to rent short term; and right of homeowners to quiet, safe neighborhoods--can be met and balanced simultaneously, if properly and effectively regulated.*

Accordingly, The Village Council institutes this Short-Term Rental Ordinance: . . .

Please do not include them in the document if you just want fancy proclamations. These are real ideas that can guide the decision-making process—that is, if we can all honestly agree with these basic principles.

**The process for the creation of this document has failed to make a *bona fide* attempt to engage all stakeholders—property owners, owner-renters, residents and renters—to ensure a fair and balanced document that reflects the ideas and feelings of everyone affected by a new STR ordinance.**

Some **major** problems about the STR committee process we observe so far:

This is a rushed, opaque process: an STR committee began meeting in January when most homeowners are not present in the village, and set a target to complete writing an ordinance and registration form before most residents return.

Key data is missing or may not be reliable. Apparently, the number of STRs for Empire was determined by walking around the village and “guesstimating” the number of STRs through personal knowledge, consulting neighbors, or by sending anonymous requests for information to some homeowners. So, look where bad thinking has brought us--the committee and council are about to make decisions about caps and percentages of STRs based on accumulated *rumor-data*? Please do not make this mistake; you need reliable, factual information before deciding anything, and you only know it is reliable if you collect the information in a proper way.

Key information has been difficult to get or is still missing: only two of the five draft versions are available online to the public even now, and village council office did not publicly post the 2020 and 2023 reports online until March, only after we telephoned to request them. What other key documents /information is there that people don't even know about?

No *ad hoc* community task force was formed specifically to vet community comments/ideas/concerns. You are committing a major public policy failure here—in a democracy any ordinance that affects the whole community is the whole community's business. It is incumbent upon you to take time; reach out to all stakeholders and genuinely listen to concerns as this process unfolds. That really is not happening.

No systematic method for collecting and vetting community comments/ideas/language. The committee is accepting suggestions by letter or comments at meetings, but is not reaching out and encouraging full participation. And the comments and suggestions by letter just seem to sit in the letter box unprocessed.

Some **minor** problems we observe so far:

Meeting Minutes do not show what decision-making has taken place and by whom.

The history and provenance of edits to the ordinance document are non-existent or completely missing.

We also think outside professional services could help this process. Writing an STR ordinance is a complex and difficult thing. Many communities have gone through this, it may be useful to get a professional guide to help. We are not advocating copying other communities STR ordinances, but let's examine their processes and do this right.

Some suggestions for a better process: before drafting any ordinance, (1) an STR information request should be mailed to every property owner, explaining that the information is needed for emergency services and to understand STRs in Empire. (2) Then tabulate the information and build a reliable data base. (3) Next step, survey property owners and residents to gauge community attitudes and concerns about STRs. (4) Tabulate this information also. (4) Only after this should you initiate a formal process for developing an ordinance.

When the Village Council created this committee to write an ordinance without taking these first steps, *it was a premature and irresponsible decision*. You should back up and do this again, the right way.

### 3. This ordinance denies new homeowners their rights.

A major point discussed at the last meeting of the STR Committee was the dire financial effects a restrictive ordinance may have on current homeowners who rent. When it was pointed out how a cap could cause financial hardships on owners who would be restricted or excluded, one of the council members stated basically, well, that's their fault—then they never should have moved here in the first place. Some people assume that short term renting is by nature "bad" and needs to be monitored and restricted, and the village has unrestrained authority to do so.

But actually, it's just the opposite. Short term renting in Empire is completely legal as a right of property owners and has financially benefitted owners for many years; it is *status quo*. It is the Village Council that is now changing the rules and proposing new restrictions for STRs in the village. A valid counter argument would be: if you don't like or want STRs near you, why did you make a seasonal tourist town your home? Certainly, the village council has the authority to implement a new STR ordinance. But at the same time, the village bears responsibility to mitigate in good faith any new restraints on homeowners who may be affected.

This is where "grandfathering" plays a role. Owners who were renting previous to the time the new ordinance takes effect can continue to do so; new homeowners after the effective date will have to work under the new regulations.

So, we note the "Definitions" section of the draft ordinance states the following:

*"Grandfathered – A STR unit operating as such at some time in 2022 through ---2024. Proof of Short Term Rental of property during that time will be required."* (p.2)

This is not a definition of "grandfathered." *It is written precisely to preclude and block new homeowners from ever being grandfathered because they failed to do something (rent) in the two years prior to the new ordinance.*

Ex post facto laws and regulations are expressly forbidden by the Constitution of the United States (Article 1, Section 9, Clause 3 and Section 10). Basically, you cannot pass a law or regulation that penalizes someone for doing something (or failing to do something) before it becomes law. Your

grandfathering clause is trying to do exactly that—it singles out new homeowners from even the right to request grandfathering because they didn't rent since 2022.

The framers of the US Constitution called *ex post facto* "tyranny" because the British used it all the time to police colonists. (British Guard in Boston: "Mr. Ben Franklin, the British magistrate has passed a new ordinance saying that only printers who have used British-made paper in the last two years are allowed to print; we note you are making your own paper; therefore, we are seizing your printing press"). Thank goodness we citizens of the United States have a Constitution to protect us from corrupt British magistrates and over-reaching village councils.

The new owners in our neighborhood began their house construction two years ago and have made their intentions to rent perfectly transparent from the start. They have made significant financial investments in their projects over the last two years. They have the right to be grandfathered.

We bring this up not because we are making a legal argument, but simply to point out how reckless, poorly-informed and inadequate this document and the whole process has become under the current STR Committee. **This entire sentence on "grandfathered" should be struck from the draft ordinance immediately.**

So, to sum up, this is what we observe happening: A flawed process with no real community input; a draft document with inadequate and bad language; and a rush to get low caps and language to contain this horrific STR threat to our dear community. Can you understand why some people are so upset at what is happening?

We agree with Todd Avis (letter 03.26.24), this process is broken and proceedings of the SRT Committee should be paused before any ordinance is taken up for vote. Then restart it in a way that is inclusive and responsive to the whole community.

We look forward to further engaging with the council, committee and our neighbors about this important community issue.

Thank you.

Roy Sonnema & Debra DeWitt

[Rsonnema1@gmail.com](mailto:Rsonnema1@gmail.com)

[dewittdeb@msn.com](mailto:dewittdeb@msn.com)

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Addendum:

**To the Short-Term-Rental Committee:**

We would like only the following section of our letter read out loud at the next STR committee meeting. We also ask the chair of the STR committee explain to the public why they have not done due diligence on these things:

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Key data is missing or may not be reliable. Apparently, the number of STRs for Empire was determined by walking around the village and “guesstimating” the number of STRs through personal knowledge, consulting neighbors, or by sending anonymous requests for information to some homeowners. So look where bad thinking has brought us--the committee and council are about to make decisions about caps and percentages of STRs based on accumulated *rumor-data*? Please do not make this mistake; you need reliable, factual information before deciding anything, and you only know it is reliable if you collect the information in a proper way.

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## Village of Empire Deputy Clerk

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**From:** March Dye <m.dye@villageofempire.com>  
**Sent:** Tuesday, April 2, 2024 1:18 PM  
**To:** Meg Walton; careyaford@1791.com; ir2chase@gmail.com  
**Cc:** Alacia Acton; Derith Smith  
**Subject:** Fwd: STR Draft comments

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

From: David Kroll <dave.c.kroll@gmail.com>  
To: m.dye@villageofempire.com  
Date: 04/02/2024 8:06 AM EDT  
Subject: STR Draft comments

To the Short Term Rental Ordinance Special Committee

We convey our gratitude to the Committee for your work on the drafting of an ordinance for Short Term Rentals in the Village of Empire. It was very well done, and we are grateful with the detail the Committee included in the draft.

**The recommendation would be that we leave Section 4: J in the Ordinance.** We believe that if we would use a 'percentage' versus a hardened 'cap' it would alleviate the need to have the ordinance amended in coming years. The number of STR's would grow as the Village residential units grow. This would also remove the need of the Village Council passing a resolution to increase the 'cap'.

Thank You  
Sincerely

Tamara & David Kroll

To the Empire Village Council and Short Term Rental Committee Members  
c/o the Clerk of the Village of Empire ( [clerk@villageofempire.com](mailto:clerk@villageofempire.com) )

From: Jay Hoekstra

April 6, 2024

Greetings:

Thank you for working on this committee and the Council and taking on the responsibility for making difficult choices that will affect this community. I am a retired city planner who has participated in many such difficult circumstances so appreciate the situation.

My wife and I own a house on West South St. where we and members of our family live year round.

I believe it would be beneficial to the community to set a limit on the number of short term rentals in the village. In a small town in a wonderful location such as Empire's it is possible to become "hollowed out" if there are too many short term rentals. At the extreme there might be too few residents to maintain neighborhood cohesion – where neighbors know each other and help each other. The village government needs an adequate number of residents for a pool of citizens willing and able to fill civic positions such as the town council, the planning commission, library board and similar public committees. Other institutions such as churches and clubs also cannot survive without a minimum number of residents.

I believe there is a shortage of long term rental dwellings. Short term rentals bring in more money than long term rentals even if they are vacant much of the time. If there were too many short term rentals there might be empty houses in the village while people who work here cannot find a place to live.

The problems I have described would be diminished if owners lived on their rental property, that is-- if the rental property was part of a residence. These sorts of arrangements may help a homeowner pay for their housing costs or supplement their income. I believe this would be a valuable distinction to make in an ordinance about this topic. Some towns have a "one owner one rental" rule. This is to avoid a town becoming bought out by real estate investment trusts or other such other such distant, financial organizations.

The difficult question that remains is "What should be a maximum number of short term rental?", Or put another way - how many residents are needed to make a viable village, run a village government, maintain its social cohesion, and keep its existence as an actual town where people live, work, are raised, retire and are known to each other over a lifetime.

I don't know what that amount is, but it is necessary to find out. I suggest asking the Michigan Municipal League, or the Michigan Township Association, and other local governments about sensible ways to determine the number.

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If an ordinance is adopted, I have found out that the following should be considered:

- a] The definition must be very clear so as to not affect ordinary long term renting.
- b] There should be a permit system with specific rules. This would make it much easier to enforce building and property maintenance codes because that would be a condition of the permit. The permit can be specific about the number of persons to be allowed at one time in a house based on the house size, sewage and water capacity and other limitations. There could be requirements for trash collection.
- c] Many communities raise revenue from an occupancy rental tax which would be similar to how hotels are taxed. The revenue could be used for any increases in public service costs or could be designated for lowincome housing.

I found the following sources to be helpful:

- 1] An article from The Municipal Research and Services Center (MRSC) website

<https://mrsc.org/stay-informed/mrsc-insight/december-2021/affordable-housing-and-the-impact-of-short-term-re>

- 2] A book called: *Homesick: Why Housing Is Unaffordable and How We Can Change It*  
By Brendan O'Brien

- 3] An interview with the author at this website:

<https://shelterforce.org/2024/02/22/how-short-term-rentals-affect-communities-with-loose-restrictions/>

Sincerely

Jay Hoekstra  
9962 West South St.

## Village of Empire Deputy Clerk

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**From:** Steve Stepanek <sfstepanek@gmail.com>  
**Sent:** Wednesday, April 3, 2024 9:16 AM  
**To:** VILLAGE OF EMPIRE CLERK; Village of Empire Deputy Clerk  
**Subject:** Recommended Actions to Improve Council Performance and Service to Residents.  
**Attachments:** Council Recommendations Final1.2.pdf

This provides a copy of an email sent to the Village Council and Planning Committee.

Honorable Village Council and Planning Committee Members,

This provides our recommendation to improve Village Council and Planning Commission service to the taxpaying community of the Village.

It is intended to provide a process that gives voice to all taxpayers and direction to the Council as committees charged with execution of agreed-to priorities.

Much has been made of the need for community engagement. You'll find the attached elevates community engagement to a new level.

We look forward to a roll call vote on acceptance of this recommendation at the next scheduled Village Council meeting.

Sincerely,

Jennifer Cook  
Dan Cook  
Wendy Peplinski  
Ed Peplinski  
Jeanette Stepanek  
Steve Stepanek

**To: Empire Village Council and Planning Commission**

4/2/2024

**Subject: Recommended Actions to Improve Council Performance and Service to Residents.**

**Purpose**

Residents of Empire are blessed with well-meaning individuals willing to manage the affairs of the Village. This letter recommends several actions to move the collective Council and Planning Commission from a management role to one of community leadership.

**Background**

Council and Planning Committee meetings, with few exceptions, lack focus on priorities and outcomes benefiting village taxpayers. The following recommendations to Council and the Planning Commission provide the steps necessary to build community engagement and taxpayer confidence that their needs and wants are not simply heard but acted upon.

**Recommendations**

1. Embrace Annual Planning
  - a. Begin in August of the year to develop / reaffirm a list of priorities and associated budgets for the Village. (Village Master Plan should follow this format and dovetail with Annual Plans). Suggested priorities follow:
    - i. Resident Safety
    - ii. Economic Sustainability
    - iii. Environmental Sustainability
    - iv. Maintenance of Village Infrastructure
    - v. Development of Recreational Assets
    - vi. Council / Planning Commission Needs
  - b. Associate Capital Improvement Budgets directly with the above priorities.
  - c. Identify timetables and individuals responsible for execution of initiatives.
  - d. Seek approval of recommended priorities, associated budgets, and timetables by village taxpayers via email and video conference meetings no later than December 1.
  - e. Revise Council Agenda to address status of initiatives associated with each approved priority. Discuss success / failure to achieve with remedial actions to address at each Council meeting and deliver a report to taxpayers via email.
  - f. Begin Annual Planning for the following year in August.
2. Educate Council and Planning Commission in Financial Planning and Capital Equipment Acquisition to better manage village cash flows.
3. Develop a Technology Strategy to enable monthly communication and program status updates with village taxpayers.

These actions, when embraced, will significantly improve community engagement in local government, move planning from wordsmithing ordinances we have no ability to enforce to providing recommendations that move the village from slow decay towards real renewal benefiting the whole of the taxpaying community.

**Next Steps**

We ask that this recommendation be read aloud at the next regular Village Council meeting, with a motion made to conduct a roll call vote to accept this recommendation with implementation to be conducted no later than August of this year.

vc 4/11/24

**From:** mryshry@aol.com  
**To:** Derith Smith; Deputy Clerk  
**Subject:** Fw: SHORT-TERM RENTAL ORDINANCE  
**Date:** Sunday, April 7, 2024 12:30:26 PM

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----- Forwarded Message -----

**From:** mryshry@aol.com <mryshry@aol.com>  
**To:** March Dye <m.dye@villageofempire.com>  
**Sent:** Sunday, April 7, 2024 at 11:28:57 AM EDT  
**Subject:** SHORT-TERM RENTAL ORDINANCE

The Village of Empire's Short-Term Rental Committee made it a point to note that the purpose of a Short-Term Rental Ordinance is not to eliminate STRs but to keep track of and manage the unchecked growth of them.

Public commentary for the most part has been against a regulating ordinance. Many of the comments seem to be focused on personal circumstances in that people have financed their rentals and expect a return on their investment, and in some cases helping to finance a future retirement home. Many comments point to the benefit the rentals provide for local business, which is true. In this endeavor, however, each STR, too, is a business. Again, the purpose of the STR ordinance is not to eliminate an owner's business, but to keep track of growth and to be in a position to address any unforeseeable issues.

Many STR owners do not even vote in the village of Empire because they don't live here long enough to warrant the privilege. At one time Empire was a community of families where our children played and went to school together on a school bus full of local youngsters

I fear that if we become a village of short-term rentals, there will be no young families moving into year-round housing in Empire. There will eventually be no one left to run the village.

Mary Sharry  
PO Box 95  
10146 Michigan Street  
Empire, MI 49630  
mryshry@aol.com

vc 4/11/24

## **March 26, 2024 – EMPIRE VILLAGE COUNCIL REGULAR MEETING**

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

**CHANGES/ADDITIONS TO AGENDA** – Bacon moved the Purchase of Computer to the April Work Session.

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

**PUBLIC COMMENTS ON AGENDA ITEMS** – Ed Peplinski commented on decisions made at the 3-14-26 meeting that were not posted on the agenda providing opportunity for public comment. Jun Heider also commented on these decisions made regarding purchase of real property. Steve Stepanek agreed with previous comments.

**CONSENT AGENDA – Motion by Dye, support by Rademacher to approve the Consent Agenda including minutes of the 3/14/2024 Work Session and bills totaling \$154,954.79. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

**FINANCIAL REPORTS** – Financial reports, including Revenue/Expenditures through February and Cash by Fund, from the Treasurer and Clerk were received. Totals from each indicate that the general ledger and the bank statements agree.

**COMMUNICATIONS** – Letters from Pamela Murray, Erik Deboer, Todd Avis and Barbara Ludlow regarding Short Term Rentals were read aloud. Additional letters regarding STRs were also received from Roy Sonnema & Debra DeWitt, and Cheryl Clark. All are posted on the Village website.

**PRESENTATION – RENOVARE** - Brad Lonberger, with Place Strategies, presented a slide show outlining the four properties that were studied and reviewed the pros and cons of each. Steve Stepanek, Ed Peplinski, Jun Heider and John Collins commented.

**Motion by Bacon, supported by Rademacher to modify the agenda to allow discussion of the New Village Office at this time. ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

In response to many of the questions, Palmer described the purchase agreement at a price of \$480K, a property appraisal of \$480-485K and to reconsider the motion to not conduct a Phase 1 Environmental Assessment. **Motion by Dye, support by Webb to reconsider the motion to have a Phase I Environmental Study per the proposal from Otwell Mawby for \$2100.** There was discussion of components in a Phase 1: historical records are reviewed, and no soil testing is conducted. **ROLL CALL: Ayes: Bacon, Dye, Palmer, Rademacher, Walton, Webb. Nays: Chase. MOTION PASSED.**

Palmer reviewed the inspection report. The seller has agreed to correct the HVAC repair item identified, but not the maintenance items. There was discussion of these items and the charge for two large tables will be waived by sellers. There was discussion of approximately \$16K that has



been spent and would be lost if purchase is not made. Bacon described the years lengthy process of searching for new office or community center and the discovery that some grant opportunities require a formal plan such as the one Renovare has conducted. The Field Trip property (current purchase agreement in place) discussions began in Dec. 2023 when put on the market. The other properties being discussed included land acquisition more than a million dollars with construction costs as an addition. Less than \$500K as a turn-key option seemed appropriate and a purchase agreement was drawn up by the attorney. Jun Heider commented on grants and inspection report. Carey Ford commented on how a buyer is represented. Terry Bacon commented on the environmental assessment and the liability protection offered. Laurie Taghon commented on the environmental assessment as protection. Palmer asked if she should request more time to conduct due diligence. There was discussion of a realtor representing the Village interests and the implications of introducing such at this point. Wendy Peplinski commented on square footage costs and possible grants. **Motion by Rademacher, support by Webb to extend the meeting past 9:00 p.m. Upon voice vote, MOTION PASSED. Motion by Chase, support by Bacon to hire a realtor to represent the Village interests. Upon a voice vote, MOTION PASSED.** Carey Ford pointed out that this action may void the current purchase agreement.

**DEPARTMENT HEAD REPORTS** – The report from the DPW was reviewed and included in packet. Palmer commented on the ACH payments available and the drainage district project.

**COUNCIL MEMBER / COMMITTEE REPORTS** – STR committee met earlier this day and next meeting will be held 4/9/24.

## **OLD BUSINESS**

**NEW VILLAGE OFFICE UPDATE** – Moved to earlier portion of agenda.

**APPOINT ZBA ALTERNATES** – Palmer appointed Wayne Taghon and Tom Islieb to 3-year terms until 3/2027. **Motion by Dye, support by Bacon to approve the appointments. Upon a voice vote, MOTION PASSED.**

## **NEW BUSINESS**

**PURCHASE A COMPUTER FOR VILLAGE COUNCIL** – Moved to April Work Session.

**EXTENDED WARRANTY FOR JOHN DEERE TRACTOR LOADER** – **Motion by Dye, support by Rademacher to approve the Power Train and Hydraulics Extended Warranty for \$2500.** There was discussion of the comprehensive warranty vs this one recommended by salesperson. **ROLL CALL: Ayes: Bacon, Chase, Dye, Palmer, Rademacher, Walton, Webb. Nays: None. MOTION PASSED.**

**VILLAGE COUNCIL REPRESENTATIVE FOR FIRST RESPONDERS' APPRECIATION EVENT** – Donna Haiderer requested a Village representative in an email read by Palmer. Linda Chase volunteered to be this representative.

**PUBLIC COMMENT** – Tina Dunphey asked if a Public Hearing on the Short-Term Rental ordinance will be held. Eric DeBoer commented on the purchase of property for rental or residence.

**COUNCIL MEMBER COMMENT** – Bacon commented that it would be prudent to have a public hearing on a topic of great public interest whether required by law or not. Walton clarified the council authority to make decisions and committees to make only recommendations.

**ADJOURNMENT** at 9:25 p.m.

Derith Smith Empire Village Clerk

*These are draft minutes for approval at the April 11, 2024, Council meeting.*

Prepared:	April 4, 2024	
Meeting:	April 11, 2024	
Subject:	Short Term Rental Activity Review	Author: Maggie Bacon

**Overview:**

With more than 25 letters about short term rentals sent to either the Short Term Rental Committee and/or the Village Council, it is clear democracy is alive and well in the Village of Empire. The Village Council has, with all good intentions, sought to give the current committee assigned the work of a registration ordinance an opportunity to explore actions and alternatives without interference or intervention.

At the same time, the Village Council, as the governmental entity for the residents of the Village, has an obligation to employ effective intervention, at times, with an eye to strengthening the community and to improve government-citizen relationships to ease tensions as they arise. Because they will arise. Project and policy-based engagement can sometimes be a long and challenging process.

A starting point in having the Council engage is to simply provide a factual review of the history of the process up to now. This will offer some objective clarity to the topic. Of greatest importance is the recognition that no government official can always make decisions that please everyone. Honest people have honest differences in opinion. Making decisions is not always easy; it takes hard work and practice.

**Action:**

Provide a timeline and other supporting documentation of the STR issue from 2019 forward.

## Short-Term Rental Actions 2019 - 2024

I am going to give a short history of the Council actions that have taken place in Empire concerning Short-term Rentals.

On July 23, 2019 a "Seasonal Rental Committee" was created by the Village Council to examine the usage of housing in the Village and to evaluate the relationship of STRs to the community as a whole.

The committee consisted of 6 community members -1 owner of a seasonal rental company/realtor, 2 village residents, 1 council member, 1 planning commission member and the Village Zoning Officer. Two of the members were STR owners. They were tasked with defining and creating an inventory of STR, long term rentals, and seasonal housing. Additionally they were to research and review management practices and rules utilized by the rental management industries and/or individuals within similar communities and to provide examples of specific procedures utilized by management companies and private renters alike with these communities. Then they were to produce a report or compilation of information for the council to review. Most on council agreed that the issues the committee might address would likely evolve as the research and discussion continued.

The report was to have been presented at the March 24, 2020 meeting but that meeting and the 3 after were cancelled due to Covid.

On September 10, 2020 the Executive Summary was presented to Council with the following recommendations:

1. Create an Ordinance that safeguards the STR business, while promoting the development and balance of permanent housing needs in Empire.
2. Set a short-term Rental Cap while grandfathering in existing rentals
3. Make zoning changes that would automatically control the growth of STRs.

They also made a list of "Knowns" - facts, observations, opinions and trends discovered by the Committee including a recommendation to update the inventory on an annual basis.

The full report can be seen on the Village website under STRs.

At the January 14, 2021 meeting the Council decided an ordinance was not needed at this time. A subcommittee was formed to draft a registration form.

At the March 23, 2021 meeting the form was presented, a motion was made to draft a cover letter for the form. The motion died for lack of support.

At the June 8, 2023 meeting Dye recommended creating a committee to update the 2020 report and make suggestions for moving forward. Council decided that "Dye will research how many STRs there are in the village today. Results will be discussed at the Regular meeting."

At the June 27, 2023 meeting Dye presented two lists - Short Term Rentals by Street number and Total Inventory of housing units and recommended creating a Special Committee of Council to check the lists, research STR ordinances, applications etc.

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A motion was passed to Create the Special Committee of Council with 4 charges supplied by Bacon

1. Review and update the knowns from the last STR study.
2. Research the following questions:
  - a. What is the problem that needs to be solved.
  - b. Does the Village benefit from having STRs.
3. Identify Ordinance options for the Council to consider for addressing the actual issue. What impact does each option have on the Village operations and budget.
4. Schedule a Special Council meeting where this information and data is shared with time for a public hearing.
  - a. All presentation materials must be posted allowing members of the public to review the information at least 5 days prior to the meeting.
  - b. The purpose of the public hearing will be to solicit input from members of the public about the need for a seasonal rental ordinance in the Village.

At the July 12, 2023 meeting Dye, Chase and Walton were appointed to the committee. Meetings were held on August 1, August 15, Sept. 7 and Oct. 13. Minutes of the meetings can be found on the website.

At the November 9, 2023 meeting the STR Report was presented to council. The knowns were updated including the numbers of STRs, long term rentals, seasonal and year round residences. Every effort was made to be accurate but it was noted that there were probably some errors.

The problem to be solved was to contain the unchecked growth of STRs in the Village in order to preserve and maintain the residential community character of the Village. A list of seven nearby communities and an overview of their Ordinances was attached. Benefits of STRs were reported, ordinance options were provided and impact on Village operation and budget were discussed. The report can be found on the website. Council did not recommend a public hearing at this time.

The Council then voted to establish a special committee to be comprised of 2 council members and 2 planning commissioners to draft a registration ordinance and any other forms that may be necessary to implement a Short-Term Rental Ordinance.

Two council members and two planning commission members were appointed to this committee which is now in the process of doing what they were tasked with. Two of the committee members own STR and two do not.

The committee has no authorization to do anything except what they were tasked to do by council.

Their report will be presented at the next work session on May 9, 2024 at which time the Council - not the committee - will decide the next steps.

Submitted by March Dye  
For April 11, 2024 Council work session

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Meeting: April 11, 2024 – Work Session Meeting

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Subject: Rules of Procedure Final Review

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Author: Sue Palmer

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**Overview:**

Council has been spending a huge amount of time stepping through the Rules of Procedure. We have agreed to changes up to 6.10. I am requesting we complete this process through the end of the document.

Section 3.4 Public Access to Meeting Material and Minutes – has not been completed as we agreed to have the attorney write this part.

**Action Requested**

Review through the end of the document and vote at our April 23, 2024, regular meeting to send to our attorney for review.

The ROP is about how meetings are conducted. As a means of separating out word choice changes (a personal preference) from significant procedural changes, I recommend the only changes to consider from 6.7 to 11 be:

- 6.17/7 Public Comment
- 8.3/9.3 Roll Call Votes
- 11/12 Authorization for contacting Village Professional Service providers.

Further, in discussing those changes, we must offer a rationale about the changes being requested. We must make our meetings more accessible and less officious.

On a separate note: When speaking of the presiding officer, we should be consistent in the use of the word, President or Chair. My recommendation is whenever the issue is about meeting protocol, the word Chair (the person presiding) is most appropriate.

Bacon's comments in **RED**. Bacon's suggested changes in **bold with italics (only used when suggesting changes to the current ROP)**

Original	Palmer Suggestion	Bacon Comment/Suggestion
<p><b>6.7 Agenda and Meeting Material Distribution.</b> Agendas and meeting materials shall be distributed to Council, electronically, in person and posted no later than the Friday preceding the Regular Meeting and not later than Monday preceding the Work Session meeting. All materials shall be dated. Documents in draft form (e.g., budgets financials, ordinances, etc.) shall be labeled as such with a version number and last date they were changed.</p>	<p><b>6.10 Agenda/e-Packet Distribution.</b> All Agenda/e-Packet materials shall be dated and distributed to Council Members via email, website or available to be picked up in the office. Deadlines for such materials shall be as follows:  a. Regular Meeting – No later than Friday prior to the Tuesday meeting.  b. Work Session Meeting – No Later than the Monday prior to the Thursday meeting.  Documents in draft form (e.g., budgets, financials, ordinances, etc.) shall be labeled as such, with a version number and last date they were changed.</p>	<p>Leave as is.</p>
<p><b>6.9 Chair.</b> The President shall moderate and chair all meetings of the Council. In the</p>	<p><b>6.12 Chair.</b> The President shall preside at all Council meetings. The President Pro Tempore</p>	

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<p>absence of the President, the President Pro Tempore shall assume the duties of the Chair. If both the President and President Pro Tempore are absent, the longest serving member Council will assume the role of Chair.</p>	<p>shall preside in the absence of the President. If both the President and President Pro Tempore are absent, the longest serving member of the Council shall preside. All matters to come before the meeting shall be addressed to the Chair.</p>	
<p><b>6.13 Council Discussion</b>  (a) 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 raise by another member.  (b) Council Members shall refrain from introducing a new topic or issue during discussion of the question at hand. As the</p>	<p><b>6.13 Duties of the Chair.</b> The Chair shall preserve order and decorum at all meetings of the Council. The Chair shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order.</p>	
	<p><b>6.17 Council Discussion and Debate</b>  Council member discussion and debate shall keep in mind the following items:  a. Council members shall confine discussion and debate to the question at hand and to its merits and shall not be interrupted except by a point of order or privilege raise by another member.</p>	

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<p>public has not been properly noticed of this new topic, no discussion or action may occur.</p> <p>(c) No member shall be recognized to speak a second time until all members wishing to speak a first time have been recognized.</p> <p>(d) Speakers should maintain a professional demeanor.</p> <p>(e) If Council Members have a question for a Department Head (or anyone else) during Council discussion of an agenda item (other than Department Head reports), the President shall decide, after all Council Members have had an opportunity to speak, if the Department Head will be recognized to answer any question raised by Council.</p>	<p>b. In the interest of time, Council members should summarize their discussion and debate so that all Council members have time for response.</p> <p>c. As the public has not been properly noticed, Council Members shall refrain from introducing any new topic or issue.</p> <p>d. No member shall be recognized to speak a second time until all members have had an opportunity to speak.</p> <p>e. Council Members shall maintain a professional demeanor.</p> <p>f. Questions by Council Members regarding an agenda item for any person, may be made, after all Council Members have had an opportunity to speak and at the discretion of the President.</p>	
<p><b>6.14 Public Comment.</b></p> <p>A person may address the Council at the time it is considering public comments and may address the Council, at the discretion of the chair, during Council's consideration of an item of business. Members of the public at a meeting shall not speak unless recognized by the Chair; when addressing the Council, the speaker may state their name 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 3 minutes unless prior arrangements have been made. Communications of greater lengths shall be submitted in writing. The Chair or a</p>	<p><b>7. Public Comment and Participation</b></p> <p><b>7.1 General.</b></p> <p>Two opportunities for public comment are provided during Council Meetings. The Chair shall have the discretion to allow a member of the audience to speak at times other than Public Comment.</p> <p><b>7.2 Length of Public Comment</b></p> <p>Any person who addresses the Council during a council meeting or public hearing shall be limited to four (4) minutes in length per individual. The official time will be tracked by a designated person and will notify the speaker when their time is up.</p>	<p><i>Speakers will state their name for the public record.</i></p> <p><i>The official time will be tracked by a designated person who will notify the Chair that time has expired. The Chair will notify the speaker. The Chair shall have the discretion to allow the speaker finish their thought.</i></p> <p><b>7.2 Public Comment on Agenda Items</b></p> <p><i>Speakers shall address the Chair and may only speak on issues on the agenda.</i></p> <p><b>7.3 Public Comment</b></p>

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<p>designated Council Member may 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 Chair. The opportunity for Council Members to respond may occur during the business portion of the meeting or during the Council Comment section of the meeting.</p>	<p><b>7.3 Addressing the Council</b>  When a person addresses the Council, he or she shall state his or her name for the public record. Remarks during Public Comment on Agenda items should be confined to the question at hand and addressed to the Chair in a courteous tone. At the end of the meeting under Public Comments a person may address the Chair and may speak on any topic. No person shall have the right to speak more than once on any particular subject until all other persons wishing to be heard on that subject have had the opportunity to speak. 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 Chair. The opportunity for Council Members to respond may occur during the business portion of the meeting or during the Council Comment section of the meeting.</p>	<p><b>At the end of the meeting, speakers may speak on any topic. Speakers shall address the Chair.</b> No person shall have the right to speak more than once on any particular subject until all other persons wishing to be heard on that subject have had the opportunity to speak.</p> <p><b>7.4 Council Response</b>  <i>Given this portion of the meeting is devoted to public comment, the Council will not comment or to respond to speakers. Silence or non-response from council members should not be interpreted as disinterest or disagreement. Council Members may choose to respond to issues raised during public comment during Board Comments at the end of the meeting.</i></p> <p>Here is more of that formalized language. For <b>“Remarks</b> during Public Comment on Agenda items should be <b>confined to the question at hand”</b>.</p> <p>What we mean is <b>Speakers shall address the Chair and may only speak on issues on the agenda.</b> If we could, I would banish the word <b>shall!</b> But, that is for another time!</p>
<p><b>7. Parliamentary Procedure</b>  The rules of parliamentary procedure, as contained in the edition of Robert’s Rules of</p>	<p><b>8. Parliamentary Procedure</b>  The latest edition of Robert’s Rules of Order may be consulted and used as a guide on</p>	

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<p>Order currently available in the Village office, shall be used as a guide by the Council in all cases to which they are applied, unless they are in conflict with these Rules, the General Law Village Act or the laws of the State of Michigan. Robert's Rules shall be read and applied in a practical and common-sense fashion as a means for the Council to proceed in an orderly and cooperative manner. No technical violation of Robert's Rules shall invalidate any good faith action taken by the Council that otherwise is not in violation of the laws of the State of Michigan.</p>	<p>questions or parliamentary procedure when such questions arise. However, failure to adhere to Robert's Rules shall not invalidate any action or decision of the Council.</p>	
<p><b>8. Voting</b> <b>8.1 Duty to Vote</b> Council Members present at a Council meeting shall vote on every matter before the body. Voting by proxy or by telephone is not permitted.</p>	<p><b>9. Voting</b> <b>9.1 Duty to Vote</b> Council Members present at a Council meeting shall vote on every matter before the body unless otherwise excused or prohibited from voting by law. The right to vote is limited to members of the council present at the time the vote is taken. Voting by proxy or by telephone is not permitted.</p>	
<p><b>8.2 Conflict of Interest and Abstention from Voting</b> No Council Member shall vote or participate in the discussion of a question, issue or decision where the Council Member has knowledge that the outcome of the question, issue or decision will provide a direct or indirect financial benefit to the Council Member, a member of his or her immediate family or a business with which he or she is associated, if different from any financial benefit shared by the general public. In such an event, the Council Member shall abstain and shall state on the record, or in</p>	<p><b>9.2 Conflict of Interest and Abstention from Voting</b> No Council Member shall vote or participate in the discussion of a question, issue or decision where the Council Member has knowledge that the outcome of the question, issue or decision will provide a direct or indirect financial benefit to the Council Member, a member of his or her</p>	

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<p>writing for inclusion in the record, the facts which create the conflict.</p> <p>Where no conflict exists as a matter of law, but a Council Member is concerned that facts exist which may create the appearance of a conflict, the Council Member may participate in discussion and shall vote on the matter; but before doing so the Council Member shall make a disclosure on the record, or in writing for inclusion in the record, the facts which create the appearance of a conflict.</p> <p>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 act, then the member(s) with the conflict may be permitted to vote. In such an event, in addition to stating on the record, or in writing for inclusion in the record, the facts which create the conflict, the Council Member 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.</p> <p>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 using the guidelines set forth above.</p>	<p>immediate family or a business with which he or she is associated, if different from any financial benefit shared by the general public.</p> <p>In such an event, the Council Member shall abstain and shall state on the record, or in writing for inclusion in the record, the facts which create the conflict.</p> <p>Where no conflict exists as a matter of law, but a Council Member is concerned that facts exist which may create the appearance of a conflict, the Council Member may participate in discussion and shall vote on the matter; but before doing so the Council Member shall make a disclosure on the record, or in writing for inclusion in the record, the facts which create the appearance of a conflict.</p> <p>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 act, then the member(s) with the conflict may be permitted to vote. In such an event, in addition to stating on the record, or in writing for inclusion in the record, the facts which create the conflict, the Council Member 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.</p>	
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<p><b>8.3 Roll Call Votes</b></p> <p>Roll call votes shall be taken when required by law, at the request of any member of Council or when the Chair cannot determine the results of a voice vote.</p>	<p>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 using the guidelines set forth above.</p> <p><b>9.3 Roll Call Votes</b></p> <p>Roll call votes shall be taken when required by law, at the request of any member of Council or when the Chair cannot determine the results of a voice vote. Roll Call votes shall be taken in alphabetical order with the President voting last.</p> <p><b>9.4 Results of Voting (New)</b></p> <p>In all cases, where a roll call vote is taken, the President shall declare result. Motions and resolutions may be adopted by the affirmative vote of a majority of the quorum present. An Ordinance may be enacted by the affirmative vote of not less than 3 members of the Council.</p> <p>Any Council member voting in the majority may move for a reconsideration of the vote on any question at that meeting or at the next succeeding meeting of the Council. When a motion to reconsider fails, it cannot be renewed.</p>	<p><b>8.3 Roll Call Votes</b></p> <p>Roll call votes shall be taken when required by law, at the request of any member of Council or when the Chair cannot determine the results of a voice vote. <i>For all roll call votes, the Village Clerk shall call the roll to insure the order in which the names of Council members vary from one roll call to the next with the Chair voting in the rotation.</i></p> <p>There is nothing - NOTHING that is more of a demonstration of the equity of our votes as a General Law Village than to vote randomly.</p> <p>EVERY Council member is one vote. To suggest the Chair/President is to play the role of the breaker – to vote last – is to fly in the face of the spirit of the General Law Village act and our form of government.</p> <p>This is explained best as “the President is a member of the governing body, chairs council meetings, and normally is the municipality’s chief policy and ceremonial official” and has <u>NO specific authority extending beyond that of other council members.</u></p>
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		<p>Below is a smattering of how other municipalities/government entities handle roll call votes:</p> <p>Village of Owosso – The Clerk shall implement these rules in such a manner as to insure that the order in which the name of Council members is called shall vary from one roll call vote to the next.</p> <p>City of Ann Arbor – A roll call vote shall be called upon the request of any member of the Council. The roll call voting order shall rotate with the Mayor voting in the rotation.</p> <p>(This comes from the State of Michigan Redistricting Commission). The Secretary shall rotate the order of names called during a roll call vote.</p> <p>Village of Benzonia – For all roll call votes, the Village Clerk shall rotate the roll call with the Village President voting in the rotation.</p> <p>** I am confused about the new section 9.4 as a whole? I have seen this in some other ROP's, I am just not certain why this "procedure" was highlighted? ***</p>
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<p><b>10.3 Public Notice of Committee Meetings</b> All Council appointed Committees (Standing, Special and Citizen's Task Force) 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.</p>	<p><b>11.3 Public Notice of Committee Meetings</b> All Council appointed Committee Meetings (Standing, Special and Citizen's Task Force) shall be provided and noticed to the public via email, website or available to be picked up in the office. Such notice will be in accordance with the Open Meetings Act and are subject to the Rules of Procedure and other applicable laws of the State.</p>	
<p><b>10.4 Committee Authority</b> Committee Chairs shall: a. Work with the Clerk/Deputy Clerk to properly notice the meeting to the public, and b. Make sure minutes are taken and provided to the Village Office for posting on the website, and c. Preside over the meeting.</p> <p>Neither the Chair of a Committee nor any member of the Committee shall have any authority to take any action on behalf of the Village Council, unless instructed by the Council. A Committee may only make reports and recommendations to the Council on matters referred to it.</p>	<p><b>11.4 Committee Authority</b> Committee Chairs shall: a. Work with the Clerk/Deputy Clerk to properly notice the meeting to the public, and b. Make sure minutes are taken and provided to the Village Office for posting on the website, and c. Preside over the meeting.</p> <p>Neither the Chair of a Committee nor any member of the Committee shall have any authority to take any action on behalf of the Village Council. A Committee may only make reports and recommendations to the Council on matters referred to it.</p>	
<p><b>10.5 Citizens Task Forces</b> Citizen task forces may be established by a motion or resolution of the Council which specifies the task to be accomplished and the date of the Task Force's dissolution.</p>	<p><b>11.5 Citizen Task Forces</b> Citizen Task Forces may be established by a motion or resolution of the Council which specifies the task to be accomplished and the date of the Task Force's dissolution.</p>	

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<p>Members of such committees will be appointed by the Village President subject to approval by a majority vote of the Council. Vacancies will be filled by majority vote of the Village Council in the same way appointments are made.</p>	<p>Members of a Task Force will be appointed by the President subject to the approval by a majority vote of the Council. Vacancies will be filled by majority vote of the Council in the same way appointments are made.</p>	
<p><b>11. Authorization for Contacting Village Professional Service Providers</b>  Only the Village President and/or his or her designee shall contact vendors on behalf of the Village. This includes, but is not limited to, legal counsel, engineering staff, and other contracted and professional services. In addition, a report including any charges for services rendered, shall be provided to the Council either via Village email or at the next Village Council meeting.</p> <p>All responses from the Village Attorney on issues of law or procedure shall be in writing and provided to the Village Council and the Village Office for filing.</p> <p>The Street Administrator and the Water Commissioner (in the case of an emergency) shall be authorized to contact professional service providers in fulfilling their statutory duties without prior approval of the Council.</p> <p>All Council Members who have been authorized to contact a professional service provider will provide a report (verbally or in writing) to the Council on the discussion</p>	<p>12. Palmer made no changes.</p>	<p><b>12. Authorization for Contacting Village Professional Service Providers.</b>  <b>(See ** below for the explanation!)</b></p> <p>Except as provided in Sections 1-3 below, no member of the Council is authorized, on behalf of the Village, to contact professional services providers without the consent, by motion, of the Village Council.</p> <p>Contact with the Village Attorney</p> <p>a. Unless there is an immediate (emergency need) no Council member shall contact the attorney on issues of law or procedure without Council approval. The Council by majority vote may move to authorize a council member to contact the Village Attorney. <u>This will ensure the Council is aware of and has authorized the expenditure of funds.</u></p> <p>b. All questions submitted to the Village Attorney shall be in writing or, if initiated via phone, questions will be promptly documented and provided to the Village</p>

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<p>including any request for additional information or action needed to move forward. Any and all electronic or written documentation related to those discussions – including bids, quotes or authorizations – will be made available to the Village Office and the Council.</p> <p>Authorization for payment to professional service providers or the Village Attorney shall not be approved unless procedures outlined in this section are followed.</p>	<p><b>Office and to the Village Council as a public record.</b></p> <p><b>c. All responses from the Village Attorney shall be in writing and provided to the Village Council and the Village Office for filing.</b></p> <p><b>Section 1: This restriction does not apply to the Village Office or DPW staff in fulfilling their day to day operational responsibilities.</b></p> <p><b>Section 2: With the exception of the Village Attorney, the Street Administrator shall be authorized to contact professional service providers in fulfilling their statutory duties without the prior approval of the Council. No contact shall be allowed if it comes at a cost to the Village without prior approval.</b></p> <p><b>Section 3: The Chair of the Water Committee – only in the case of a water related emergency – shall be authorized to contact the Village Engineers or other relevant water system professionals without prior approval of the Council.</b></p> <p>All Council Members who have been authorized to contact a professional service provider for which there will be a cost, shall provide a report (verbally or in writing) to the Council on the discussion including any request for additional information or action needed to move forward. All electronic or</p>
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	<p>written documentation related to those discussions – including bids, quotes or authorizations – will be made available to the Village Office and the Council.</p> <p>Authorization for payment to professional service providers or the Village Attorney shall not be approved unless procedures outlined in this section are followed.</p> <p><b>** The current version issues:</b></p> <p><b>A.</b> Paragraph 1 is inconsistent with paragraph 3. Paragraph 1 says “only the President”, but paragraph 3 provides for others to make those contacts under specific circumstances.</p> <p><b>B.</b> We cannot mean that the DPW or the Village Office is not allowed to contact a provider – to get a quote? To request a consult on the copier or computer equipment? to ask about a bill? This seems to be overstepping our role as legislators and policy makers and bleeding into operations.</p> <p><b>C.</b> The statutory duty of the Street Administrator is to “perform or cause to be performed” labor, repairs, and improvements.... Does the Council accept the contacting of vendors or professional service providers as a part of performing those duties? The way this reads now, the Street Administrator “does” but is not allowed to plan to do!</p> <p><b>D.</b> The President does not have the authority to expend dollars without prior approval. Period. The way this is written is the</p>
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4/11/24 Bacon R

		<p>President has carte blanche with very little to no accountability to the Council or to the residents of the Village "the appropriation of money requires the majority vote of the Council and must be recorded in the minutes". (GLVA 65.5)</p> <p>The Village of Benzonia has a similar section in their rules of procedure if you have questions about the validity of these changes.</p>
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Bacon

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## 6.10 Agenda and Meeting Material Distribution - No Change

### 6.12 Chair

The President shall preside at all Council meetings. The President Pro Tempore shall preside in absence of the President. If both the President and President Pro Tempore are absent, the longest serving member of Council shall preside. Council discussion or comments shall be addressed to the chair, not to individual members of the council.

### 6.13 Duties of Chair (New)- Delete

### 6.17 Council Discussion - No changes made

- (a) 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.
- (b) Council Members shall refrain from introducing a new topic or issue during discussion of the question at hand. As the public has not been properly noticed of this new topic or issue, no discussion or action may occur.
- (c) No member shall be recognized to speak a second time until all members wishing to speak a first time have been recognized.
- (d) Speakers should maintain a professional demeanor.
- (e) If Council Members have a question for a Department Head (or anyone else) during Council discussion of an agenda item (other than Department Head reports), the President shall decide, after all Council Members have had an opportunity to speak, if the Department Head will be recognized to answer any questions raised by Council.

## 7. Public Comment

Two opportunities for public comment are provided during Council Meetings. The Chair shall have the discretion to allow a member of the audience to speak at times other than during public comment.

### **7.1 - Addressing the Council and Length of Public Comment**

Any person who addresses the Council during a council meeting shall be limited to **four / five** (5) minutes in length per individual unless prior arrangements have been made. Communications of greater lengths shall be submitted in writing.

Speakers will state their name for the public record.

The official time will be tracked by a designated person **/and will notify speakers when their time is up by calling "Time" / OR //**who will notify the Chair that time has expired. The Chair will notify the speaker.**//** The Chair shall have the discretion to allow the speaker finish their thought.

### **7.2 Public Comment on Agenda Items**

**Speakers shall address the Chair and may only speak on issues on the agenda.**

### **7.3 Public Comment**

At the end of the meeting, speakers may speak on any topic. Speakers shall address the Chair. No person shall have the right to speak more than once on any particular subject until all other persons wishing to be heard on that subject have had the opportunity to speak.

### **New 7.4 Council Response**

Given this portion of the meeting is devoted to public comment, the Council will not comment or respond to speakers. Silence or non-response from council members should not be interpreted as disinterest or disagreement. Council Members may choose to respond to issues raised during public comment during **Council Member OR** Board Comments at the end of the meeting.

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**8.0 - Parliamentary Procedure - Agree to this change**

The latest edition of Robert's Rules of Order may be consulted and used as a guide. Robert's Rules shall be read and applied in a practical and common-sense fashion as a means for the Council to proceed in an orderly and cooperative manner. No technical violation of Robert's Rules shall invalidate any good faith action taken by the Council that otherwise is not in violation of the laws of the State of Michigan.

**9.1 Duty to Vote**

Council Members present at a Council meeting shall vote on every matter before the body, unless otherwise excused or prohibited from voting by law. The right to vote is limited to the members of council present at the time the vote is taken. Voting by proxy or by telephone is not permitted.

**9.2 Conflict of Interest and Abstention from Voting - No Change**

**9.3 Roll Call Votes -**

Roll call votes shall be taken when required by law, at the request of any member of Council or when the President cannot determine the results of a voice vote. **Roll Call votes shall be taken by the Clerk. OR /** For all roll call votes, the Village Clerk shall call the roll to insure the order in which the names of Council members vary from one roll call to the next with the President voting in the rotation.

I don't have any problem with the president voting last but having everyone voting randomly is also OK. In the MML Handbook in the Sample rules of Procedure for General Law Village Councils it states under Roll Call "Names may be called with all names in alphabetical order or alphabetical order with the president voting last or the council may select another system." Some villages having the president vote last are: Northport, Millington, Pinckney, Vernon and Lawton.

**9.4 Results of Voting - (New) Delete this new section**

**11.3 Public Notice of Committee Meetings - No Changes**

**11.4 Committee Authority - No changes were made**

**11.5 Citizens Task Forces - No change**

Citizen Task Forces may be established by a motion or resolution of the Council which specifies the task to be accomplished and the date of the Task Force's dissolution. Members of a Task Force will be appointed by the President subject to approval by a majority vote of the Council. Vacancies will be filled by majority vote of the Council in the same way appointments are made.

Maggie -

**11.5 Citizen Task Force**

A citizen task force brings together people from the community who have broad range of interests and viewpoints to gather input from the larger community on a specific topic or issue that has been defined by the Village Council. A Citizen Task Force is will provide a written report/summary of findings making recommendations, providing information or advice on a specific issue. The Task Force is short-term duration, and the final report/summary of findings shall contain a recommendation for the dissolution of the Task Force once their designated task is complete.

Members of a Task Force will be appointed by the President subject to the approval by a majority vote of the Council. Vacancies will be filled by majority vote of the Council in the same way appointments are made.

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Maggie -

NEW 11.6 Citizen Committee - (This is not well thought out – but this would apply to our Beautification Committee and possibly ABCD group?) NEW

A Citizen Committee may be established by the Village Council to support the Village Council:

- in completing certain tasks,
- to obtain advice,
- make recommendations on issues of policy, and
- to assist the Village Council with obtaining public input on a wide variety of issues.

Committees composed wholly of Village employees and/or Village Council members are not to be included in this definition. A Citizen Committee is not required to have a sunset date and may define their own operating principles.

### **12.0 Authorization for Contacting Village Professional Service Providers -**

Only the Village President and/or his or her designee shall contact vendors on behalf of the Village. This includes, but is not limited to, legal counsel, engineering staff and other contracted and professional services. In addition, a report including any charges for services rendered shall be provided to the Council via Village email or at the next Village Council meeting.

All responses from the Village Attorney on issues of law or procedure shall be in writing and provided to the Village Council and the Village Office for filing.

The Street Administrator and the Water Commissioner (in the case of an emergency) shall be authorized to contact professional service providers in fulfilling their statutory duties without prior approval of the Council.

All Council Members who have been authorized to contact a professional service provider will provide a report (verbally or in writing) to the Council on the discussion including any request for additional information or action needed to move forward. All electronic or written documentation related to those discussions – including bids, quotes or authorizations – will be made available to the Village Office and the Council.

Authorization for payment to professional service providers or the Village Attorney shall not be approved unless procedures outlined in this section are followed.

Maggie - (See \*\* below for the explanation!)

Except as provided in Sections 1-3 below, no member of the Council is authorized, on behalf of the Village, to contact professional services providers without the consent, by motion, of the Village Council.

Contact with the Village Attorney

- a. Unless there is an immediate (emergency need) no Council member shall contact the attorney on issues of law or procedure
- b. without Council approval. The Council by majority vote may move to authorize a council member to contact the Village Attorney. This will ensure the Council is aware of and has authorized the expenditure of funds.
- c. All responses from the Village Attorney shall be in writing and provided to the Village Council and the Village Office for filing.

Section 1: This restriction does not apply to the Village Office or DPW staff in fulfilling their day to day operational responsibilities.

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Section 2: With the exception of the Village Attorney, the Street Administrator shall be authorized to contact professional service providers in fulfilling their statutory duties without the prior approval of the Council.

Section 3: The Chair of the Water Committee – only in the case of a water related emergency – shall be authorized to contact the Village Engineers or other relevant water system professionals without prior approval of the Council.

All Council Members who have been authorized to contact a professional service provider will provide a report (verbally or in writing) to the Council on the discussion including any request for additional information or action needed to move forward. Any and all electronic or written documentation related to those discussions – including bids, quotes or authorizations – will be made available to the Village Office and the Council.

Authorization for payment to professional service providers or the Village Attorney shall not be approved unless procedures outlined in this section are followed.

## 12. Authorization for Contacting Village Professional Service Providers

### 12.1 Contact with the Village Attorney

(a) Contact with the Village Attorney, on Village matters, shall be limited to the Village President, their designee, or Village Staff (in consultation with the President or the Council).

(b) Unless there is an immediate need, neither the President, their designee, nor Village Staff shall contact the Attorney on issues of law or procedure without Council approval. This will ensure the Council is aware of and has authorized the expenditure of funds.

(c) All questions submitted to the Village Attorney shall be in writing or, if initiated via phone, questions will be promptly documented and provided to the Village Office and to the Village Council as a public record.

(d) All responses from the Village Attorney shall be in writing and provided to the Village Council and the Village Office for filing.

(e) The Village Office or Village President may contact the Village Attorney on administrative issues not resulting in an expenditure of funds.

### 12.2 Contact with other Professional Service Providers

(a) The Street Administrator, the DPW Supervisor, the Village Office and the President shall be authorized to contact professional service providers in full- filling their statutory duties without the prior approval of Council.

(b) The Chair of the Water Committee - only in the case of a water related emergency - shall be authorized to contact the Village Engineers or other relevant water system professionals without prior approval of council.

(c) All Council members who have been authorized to contact a professional service provider will provide a written report to the Council on the discussion including any request for additional information or action needed to move forward. Any and all electronic or written documentation related to those discussions - including bids, quotes or authorizations - will be made available to the Village Office and Council.

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### 12.3 Authorization for Payment

Authorization for payment to professional service providers shall not be approved unless procedures outlined in this section are followed.

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## Village of Empire Meeting Documentation

Meeting Date: April 11, 2024  
Agenda Item: Rules of Procedure  
Requestor: March Dye

Overview: The Rules of Procedure are on the agenda for this work session.

Recommendations: Concerning the points made in the handouts from the last session these are my thoughts.

6.10 - Agenda and Meeting Material Distribution: Keep the original version

6.12 - Chair : Go with Maggie's suggestion

6.13 - Duties of Chair: Delete this section

6.17 - Council Discussion: Keep the original version

7 - 7.4 - Public Comment: All versions say basically the same thing. Maggie's version may be clearer so I would agree to that version except for the 5 minutes. I think 4 minutes is enough. Also, I would put back in after the "limited to ? minutes in length per individual unless prior arrangements have been made.  
Communications of greater lengths shall be submitted in writing.

8 - Parliamentary Procedure: Maggie's version

9 - 9.2 - Voting: Sue's version (you can't say every member shall vote and then in the next section say no member shall vote...)

9.3 - Roll Call Votes - I don't have any problem with the president voting last but having everyone voting randomly is also OK.

In the MML Handbook in the Sample rules of Procedure for General Law Village Councils it states under Roll Call "Names may be called with all names in alphabetical order or alphabetical order with the president voting last or the council may select another system."

Some villages having the president vote last are: Northport, Millington, Pinckney, Vernon and Lawton.

9.4 - Results of Voting (new): Delete this section

11.3 - Public Notice of Committee Meetings: All Council appointed committee meetings (Standing, Special and Citizen's Task Force) shall be noticed to the public via e-blast and included on the website. Such....etc"

11.4 - Committee Authority: Keep the original version.

11.5 - Citizen Task Force: Keep the original version.

11.6 - Citizen Committee: No

12 - Authorization for Contacting Village Professional Service Providers  
(On the next page)

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## 12. Authorization for Contacting Village Professional Service Providers

### 12.1 Contact with the Village Attorney

- (a) Contact with the Village Attorney, on Village matters, shall be limited to the Village President, their designee, or Village Staff (in consultation with the President or the Council).
- (b) Unless there is an immediate need, neither the President, their designee, nor Village Staff shall contact the Attorney on issues of law or procedure without Council approval. This will ensure the Council is aware of and has authorized the expenditure of funds.
- (c) All questions submitted to the Village Attorney shall be in writing or, if initiated via phone, questions will be promptly documented and provided to the Village Office and to the Village Council as a public record.
- (d) All responses from the Village Attorney shall be in writing and provided to the Village Council and the Village Office for filing.
- (e) The Village Office or Village President may contact the Village Attorney on administrative issues not resulting in an expenditure of funds.

### 12.2 Contact with other Professional Service Providers

- (a) The Street Administrator, the DPW Supervisor, the Village Office and the President shall be authorized to contact professional service providers in full-filling their statutory duties without the prior approval of Council.
- (b) The Chair of the Water Committee - only in the case of a water related emergency - shall be authorized to contact the Village Engineers or other relevant water system professionals without prior approval of council.
- (c) All Council members who have been authorized to contact a professional service provider will provide a written report to the Council on the discussion including any request for additional information or action needed to move forward. Any and all electronic or written documentation related to those discussions - including bids, quotes or authorizations - will be made available to the Village Office and Council.

### 12.3 Authorization for Payment

Authorization for payment to professional service providers shall not be approved unless procedures outlined in this section are followed.

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Meeting: April 11, 2024 - Regular Meeting

Subject: Village office update

Author: Sue Palmer

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**Overview:**

To date we have received the following regarding the Field Trip Purchase:

1. Inspection Report
2. Appraisal
3. Addendum to push back our Due Diligence to April 12, 2024 with closing on or before April 19, 2024.

Outstanding is:

1. Survey
2. Cost of items we need to address
3. Phase I Environmental Assessment

**Action Requested**

We need agreement to move forward or not with the purchase.

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Meeting: April 11, 2024 – Work Session

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Subject: Mass Gathering Ordinance Review

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Author: Sue Palmer

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**Overview:**

The Mass Gathering Ordinance was sent to our attorney for input. On July 25, 2023 - **Motion by Bacon, support by Dye to schedule a Public Hearing at the August 22nd Regular Meeting on the changes suggested by the Attorney Figura. Upon a voice vote, MOTION PASSED.**

A Public Hearing was held with no issues by the public on August 22, 2023. During the meeting the following Motion was made.

August 22, 2023 - **ADOPT MASS GATHERING ORDINANCE NO. 119 – Motion by Dye, support by Rademacher to move Ordinance NO. 119 to the next Work Session. Upon a voice vote, MOTION PASSED.**

This agenda item was not added to the following Work Session Agenda and therefore was never approved by Council.

**Action Requested**

I am requesting that Council review the Mass Gathering Ordinance 119 where our attorney suggested changes. A discussion of what our issues are with that Ordinance and how we will move forward to approve the changes made at our next Regular meeting on April 23, 2024.

FW: Mass Gathering Ordinance

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

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**From:** Tim Figura <tfigura@figuralaw.com>  
**Sent:** Friday, July 7, 2023 1:09 PM  
**To:** Sue Palmer <s.palmer@villageofempire.com>  
**Cc:** clerk@villageofempire.com; deputyclerk@villageofempire.com  
**Subject:** Mass Gathering Ordinance

Sue,

You have asked me to review the Mass Gathering Ordinance that was adopted on November 10, 2023. Pursuant to your request, please find the following attached:

1. Mass Gathering Ordinance with recommended changes as detailed below.
2. Non-profit special event waiver application used by the City of South Haven- provided as an example. Something along these lines would provide guidance to the applicant and the zoning administrator on the waiver of application fees, and would prevent the waiver from being used by for-profit entities. If you decide to use this form, I recommend that the your version be modified to require that proof of 501(c)(3) status is attached.

In summary, I recommend a few changes to the Mass Gathering Ordinance as detailed below. A waiver for certain events would be in line with procedures in other communities around the state, but carries a risk that the waiver may be challenged as an invalid expenditure of public funds.

Mass Gathering Ordinance

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The amended Ordinance 119 contains a small number of typos on the first page which I have attempted to correct. While these items are minor, item (b) could negatively effect the intended meaning of the sentence.

- a. The end of definition no. 3 extends into item no. 4.
- b. Under section 2.1, third line, "even" should read "event".

Additions and changes:

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- I have added “Section 1- Repealer” to add further clarification to the effectiveness and repeal of the prior ordinance.
- Section 2.1 reads: “A permittee shall not sponsor, maintain, conduct, promote or permit a mass gathering event in the Village without first obtaining a permit...” I recommend changing “permittee” in this sentence back to “person” since a permittee is defined as a person who has already obtained a permit.
- I have added a sentence under “application fee” to allow for 501(c)(3) non-profit organizations to request that the application fee be waived. *This depends whether the Village Council wishes to proceed with a waiver for some events.*
- I have added a definition for “Village Ambassador”
- I recommend splitting out the second paragraph of 3.4.1 Village Ambassador since it does not pertain to Village Ambassadors, but rather to the compatibility of multiple simultaneous events.
- I have added a “severability” clause, and have reorganized the placement and numbering of the savings clause/effective date/adoption paragraphs.

## Fee Waiver

In addition to review of the ordinance, you have asked me to consider a fair and equitable fee waiver procedure for community organizations. Michigan municipalities have the power to expend funds only for a public purpose.

The following questions may be helpful in determining whether an expenditure is appropriate:

1. Is the purpose specifically granted by the Michigan Constitution, by statute, or by court decision?
2. Is the expenditure for a public purpose?
3. Is the municipality contracting for services that the municipality is legally authorized to provide?
4. Is the operation or service under the direct control of the municipality?

These criteria can be difficult to meet under these circumstances. For example, the Village would not consider themselves to be in “direct control” of the Asparagus Fest since it is organized and operated by a district entity. The safest route is to require all applicants to pay the fee for events, thereby

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avoiding any appearance of an invalid expenditure.

If you do wish to waive the fee for certain groups, your best bet is to require criteria that will ensure that the event generally benefits the public benefitting a private purpose without receiving commensurate value in return. By requiring 501(c)(3) status and certain other criteria as included on the attached example waiver application, the Village can better ensure that the waiver is being applied towards a public purpose and that the village is receiving commensurate value.

Please let me know if I can assist further,

Tim

--

Timothy J. Figura, Esq.

**FIGURA LAW**

11470 S. Leelanau Hwy, Ste. 105

PO Box 447

Empire, MI 49630

(231) 326-2072 x101

“Working for a better community through law”

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- mass\_gathering\_ordinance\_7\_7\_2023.docx (46 KB)
  - Special Event Fee Waiver Form.pdf (588 KB)

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**VILLAGE OF EMPIRE  
LEELANAU COUNTY, MICHIGAN**

**MASS GATHERING ORDINANCE NO. \_\_\_\_**

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

**THE VILLAGE OF EMPIRE ORDAINS:**

**Section 1. Repealer**

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

**Section 2. Definitions**

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

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

**Section 3. Permit Requirements.**

**3.1 Necessary of Permit and Notification.**

A person shall not sponsor, maintain, conduct, promote or permit a mass gathering event in the

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

### **3.2 Application for Permit.**

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

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

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

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the applicant/application organization.

10. Plan for traffic control, if deemed necessary by the Village Enforcement Officer, including the number, location(s) and traffic control goal(s) for on-site traffic control volunteers provided by the applicant.

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

### **3.3 Application Fee.**

Each application for a mass gathering permit shall be accompanied by a non-refundable fee in an amount established from time to time by the Village Council as established in the Village Fee Schedule. Applicants who are non-profit entities with 501(c)(3) tax exempt status may request waiver of the event fee by submitting a Non-Profit Mass Gathering Fee Waiver Application along with the required Mass Gathering Application.

### **3.4 Action on Application.**

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

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

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

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

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

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

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

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

#### **3.4.1 Village Ambassador.**

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

#### **3.4.2 Overlapping Mass Gathering Events**

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

#### **3.5 Requirement for Applicant's Reimbursement to the Village.**

##### **1. Additional Cost Determination**

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

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

##### **2. Reimbursement Requirement for Village Employees**

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

##### **3. Reimbursement Requirement for Village Equipment or Supplies**

Reimbursement to the Village for equipment, vehicles or supplies and services such as refuse

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

4. Reimbursement Payment to the Village

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

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

**3.6 Exemption from Other Ordinances.**

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

**Section 4. Village Enforcement Officer.**

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

**Section 5. Appeals Process.**

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

**Section 6. Violations.**

**6.1 Municipal Civil Infractions.**

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

Palmer 4/11/24 (5)

**6.2 Enforcement Officials.**

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

**6.3 Nuisance *Per Se*.**

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

**6.4 Civil Remedies.**

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance *per se* or any other violation of this Ordinance.

**Section 7. Severability**

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

**Section 8. Savings Clause**

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

**Section 9. Effective Adoption and Date**

**9.1 Effective Date**

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

**9.2 Adoption**

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

**Section 10. Publication**

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

Palmer  
4/11/24 (6)

Prepared:	April 3, 2024	Pages:1
Meeting:	April 11, 2024	Attachments:
Subject:	Beach and Front Street Striping	Author: Maggie Bacon

**Overview:**

Due to sand, wind and use, the parking lanes (regular and handicapped), the fog lines, driving direction arrows and cross walks require repainting. Repainting parking designations and some cross walks is also needed for Front Street. The request for a quote includes new stop bars in 2 locations (Niagara and Lake; Union and Front).

This is an outsourced activity to ensure road and parking lots are well swept JUST PRIOR to laying the paint. This can extend the life of the paint. The contractor will be using waterborne paint which is a "spec book" material approved by the Michigan Department of Transportation. It can be applied between May 1st and October 15th when the ambient temperature is 50 degrees or higher. Standard placement is at a film thickness of 15 mils. Dry time varies with temperature and humidity but is generally only a matter of minutes. *Night application is not feasible due to the moisture present.*

**(Of note: State Highway Intersections:** MDOT maintains the stop bar and crosswalk markings at M-22 and M-72. Every year, approximately 85 percent of the long line markings on MDOT roads are restriped, totaling nearly 150 million feet of material. In addition, approximately 25 percent of special markings on MDOT roads are replaced each year. The M-22/M-72 intersection is on their list for this year.)

The quote is from Grand Traverse Sealcoating and Striping for \$5,606.00. This is a repair and maintenance budgeted item that reflects the responsibility of the Village government to provide for the safety of pedestrians and vehicular traffic in the Village.

**Action Requested:**

Council to submit questions or comments requiring research prior to regular meeting.

**Addendum:**

**Stop Bar Markings** indicate the point behind which vehicles are required to stop in compliance with a traffic control signal. They are often used in conjunction with stop signs, but it is not MDOT standard to do so unless an intersection requires additional emphasis.

**On-Street Parking Markings** delineate vehicle parking spaces along the sides of a through roadway. The most common layout for the parking spaces is parallel parking, where the vehicles remain facing in the direction of thru traffic.

**Parking Area** pavement markings are 4-inch wide markings that define parking stalls and buffers in a parking area. Parking area markings are done with waterborne and are unique in that they do not require glass beads, and therefore are not retroreflective.



# QUOTE #878

SENT ON:

Jan 31, 2024

**RECIPIENT:**

**Village of Empire**

11518 s Lacore  
po box 253  
Empire, mi 49630

**SENDER:**

**Grand Traverse Sealcoating & Striping**

18250 Carcajou Trail  
Lake Ann, Michigan 49650

Phone: (231) 944-9713

Email: keith@misealcoating.com

Website: www.GrandTraverseSealcoating.com

**SERVICE ADDRESS:**

11518 s Lacore  
po box 253  
Empire, mi 49630

Product/Service	Description	Qty.	Total
Line Striping and Markings	Parking Lot Striping -Beach   Side Streets 8 Handicap Stalls   Blue 8 Handicap Grids   Blue 191 Parking Stalls   White 28 Crosswalk Bars   White 8 Straight Arrows   White 17 Grids   White 6 Double coat Crosswalk Lines   White 2,300 Ft - Fog Line   White 3 New Stop Bars   White	270	\$5,606.00*

**Total**

**\$5,606.00**

\* Non-taxable

\*Accepted Payment Methods\*

Credit Card | Bank Transfer | Check | Cash

Thank you for the opportunity. We look forward to working with you on your project. Please let us know if you have any questions!

Terms | Final payment is to be made upon completion. 24% per annum will be charged on past due invoices over 30 days. All material is guaranteed as

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Meeting: March 26, 2024

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Subject: Purchase a Computer for Village Council

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Author: Sue Palmer

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**Overview:**

In several villages and municipalities, it is customary for the village to provide computers for Village Council members. This is a way to ensure that all business of the village is conducted on these computers and available for any FOIA requests.

I have received an estimate from Dennis Ray, Accucomp Computer Service, for one laptop, installed with all the applications needed to complete Village business. The order is for the laptop, carrying case, Microsoft Office and a wireless mouse.

**Action Requested:**

I would like a motion to purchase a laptop for the Village Council at a cost not to exceed \$900.

The estimate for this purchase is attached.



# Accucomp Computer Service

## Quotation

Quote 996  
Date of Quote 2/6/2024

*Quote* Village Of Empire  
*Prepare* Derith Smith (231) 326-5466  
*d For* 11518 S LaCore St  
Empire, MI 49630

### HP 15.5 screen, INTEL i5 cpu

<u>Part #</u>	<u>Description</u>	<u>Qty</u>	<u>Price</u>	<u>Extended</u>
012105	HP Business pro notebook, 15.5 screen., Intel i5 CPU, 12 gigabytes main memory	1	\$695.00	\$695.00
060603	500 gigabyte Solid state hard drive, windows 10 pro, carrying case	1	\$35.00	\$35.00
011702	Microsoft Office	1	\$120.00	\$120.00
021803-1	wireless mouse	1	\$24.00	\$24.00
			<b>Total Items</b>	<b>\$874.00</b>
			<b>Total</b>	<b>\$0.00</b>
			<b>Tax Exempt Sale</b>	<b>\$0.00</b>
			<b>Quote Total</b>	<b>\$874.00</b>

**75% DOWNPAYMENT IS EXPECTED WITH ORDER / PRICES ARE GOOD FOR 30 DAYS**  
8702 Reynolds Rd Traverse City Michigan 49684

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Meeting: April 11, 2024 - Regular Meeting

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**Subject:** 2024 Road Closure Application

Author: Sue Palmer

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**Overview:**

A request for the Empire Chamber of Commerce has been received by our Zoning Administrator. They are requesting road closures for their events throughout 2024. See the attached request.

**Action Requested**

Review and discuss the road closures requested. Prepare for approval at our March Regular meeting on April 23, 2024.

Empire Chamber of Commerce.

31<sup>st</sup> March 2024

Dear Village Council Members.

The Empire Chamber of Commerce would appreciate the Empire Village Council granting the following street closures via a motion. This will enable the Chamber to promote its 2024 Festival Schedule in the coming months.

The Empire Asparagus Festival

Closure of Front Street from noon Friday 31<sup>st</sup> May 2024 through to noon Sunday 2nd June 2024  
To enable sufficient time to erect tents fences and other essential infrastructure.

Empire Hill Climb Revival

Closure of Wilco/Lake Street from Washington to the Village Limit 10 am thru 4pm Friday 20th September 2024 for the purpose of setting up timing equipment, reason of safety.

Closure of Front Street from 8am Saturday 21st September 2024 until 6pm. To include from Union St to just East of The Secret Garden on Front St.

Closure of Lake Street / Wilco Rd is requested from 8.00am thru 6pm on Saturday ~~20th~~ 21<sup>ST</sup> September 2024. From the Junction of Pitch Apple Lane to the Village limit.

Empire Hops Festival

Closure of Front Street from noon Friday 4th October 2024 through to noon Sunday 6th October 2024

I'm sure the members of the Village Council are fully aware that the Chamber relies completely on these events to raise the revenues needed to operate the Chamber on a day to day basis.

Yours Sincerely

Paul W Skinner  
Chamber President

Prepared:	April 3, 2024	
Meeting:	April 11, 2024	
Subject:	Storm Water Run Off Remediation Proposals Lake and Niagara	Author: Maggie Bacon

**Overview:**

During a recent water quality report review from Dr. Chris Grobbel, the Village Council received several recommendations. The first was to clear out the storm drains at least 3 times per year (with a suggestion that 4 times a year would be ideal). The DPW Superintendent has reported 3 clean-outs are on his schedule.

The second was to take action to build a series of bioswales along the creek at Lake and Niagara where the creek flows into South Bar Lake. Bioswales are landscape features that collect polluted stormwater runoff, soak it into the ground, and filter out pollution. Bioswales are like rain gardens but are designed to capture much more runoff coming from larger areas of impervious surfaces like streets and parking lots.

Dr. Grobbel, at the request of the President of the South Bar Lake Association, John Collins, provided a proposal for **the design** of the bioswale project. Dr. Grobbel has been responsible for most, if not all of the South Bar Lake water testing in the Village since 2016. He has recently completed the plan for the Wilco Road storm water run-off along with our Village Engineers.

Mr. Steve Lewis, also with the South Bar Lake Association, requested a second proposal from a firm in Cedar called Inhabitect. As you will see in their proposal, Inhabitect has worked with large and small projects throughout the area. They were recommended as a resource by Ms. Tricia Denton, who is the Chair of Leelanau Clean Water and the Administrator Coordinator for the Glen Lake Association.

These two proposals are for the design phase only. This was not a budgeted item for 2024. It does address the monitoring and remediating water quality issues as priority of water quality identified by Village residents in the Master Plan.

**Action Requested:**

Council to provide additional questions or comments to research prior to regular meeting for action.



# Grobbel Environmental & Planning Associates

PO Box 58

Lake Leelanau

Michigan

49653

March 14, 2023

Village Council, c/o Sue Palmer, President  
Village of Empire  
11518 S. LaCore St.  
Empire, MI 49630-0253

**RE: Proposal for Constructed Wetland Design, Engineering & Permitting/South Bar Lake  
Village of Empire, Leelanau County, Michigan.**

Dear Empire Village Council,

Per your request, Grobbel Environmental & Planning Associates is pleased to provide this proposal for environmental consulting services for the constructed wetland design, engineering, and permitting for stormwater treatment down-gradient of the intersection of Lake & Niagara Streets in accordance with Michigan Department of Environment, Great Lakes and Energy (EGLE) and U.S. Environmental Protection Agency methods and protocols.

This proposal is based on standard rates for contracting the professional services of Grobbel Environmental and Planning Associates, as outlined in Attachment A. This contract shall **not exceed the amount of \$9,950.00.**

*If you wish Grobbel Environmental & Planning Associates to undertake this work, please complete the enclosed authorization form and return it with a \$5,000.00 down-payment/retainer to us via email - also please keep a copy for your files.*

If you have any questions regarding this estimate, please contact me at 231-499-7165 or grobbelenvironmental@gmail.com.

Sincerely,

**Grobbel Environmental & Planning Associates**

Christopher P. Grobbel, Ph.D.  
Sr. Project Manager

enclosures

**ATTACHMENT A**

**PROPOSAL FOR**

**Constructed Wetland Design  
Engineering & Permitting/South Bar Lake  
Village of Empire, Leelanau County, Michigan.**

**1) Constructed Wetland Design & Engineering**

Soil and hydrogeology analysis, stormwater flow modeling, PE-review and elevational surveying.

Professional consulting services \$7,500.00

**2) EGLE & Leelanau County SESC Permitting**

Preparation & submission of state and local permitting (application fees paid directly by the Village of Empire, et al. to the state and county agency).

Professional consulting services \$2,450.00

**GRAND TOTAL (not to exceed) \$9,950.00**

**PROPOSAL ACCEPTANCE FORM**

This is an Agreement, by and between Grobbel Environmental & Planning Associates, P.O. Box 58, Lake Leelanau, MI 49653 and Village Council, Village of Empire, 11518 S. LaCore St., P.O. 253, Empire, MI 49630-0253 (hereinafter referred to as "Client").

RECITALS

- 1. Client desires to utilize the environmental consulting services of Grobbel Environmental & Planning Associates and Grobbel Environmental & Planning Associates agrees to provide such services on the terms and conditions set forth herein.

TERMS

- 2. Engagement. Client engages Grobbel Environmental & Planning Associates to perform the professional environmental consulting services set forth in Attachment A (hereinafter referred to as the "Services"). Services other than those set forth in the proposal shall be performed only pursuant to a written addendum to this Agreement signed by both Grobbel Environmental & Planning Associates and the Client. Unless otherwise specified in such addendum, additional Services shall be rendered by Grobbel Environmental & Planning Associates subject to the terms and conditions of this Agreement.
- 3. Compensation. Client shall pay Grobbel Environmental & Planning Associates for services rendered according to Attachment A and the attached terms and conditions.
- 4. Client's Authorized Agent. The Client has appointed the person named below as the authorized agent of the Client for purposes of this Agreement. As such, the agent is duly authorized and shall be responsible for the execution of any document pertaining to this Agreement or any amendment hereof, and for approving all change orders, addenda, and additional Services to be performed by Grobbel Environmental & Planning Associates, if any.
- 5. Terms and Conditions. The terms and conditions of this Agreement shall include the provisions printed on the reverse side hereof and are hereby incorporated into this Agreement by reference.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date indicated below.

**Grobbel Environmental & Planning Associates:**

**CLIENT:**

Christopher P. Grobbel  
Christopher P. Grobbel, Ph.D.

\_\_\_\_\_  
(signature)

March 14, 2024  
(date)

\_\_\_\_\_  
(printed name)

\_\_\_\_\_  
(date)

A black and white photograph of a landscape. In the foreground, there is a field of tall grasses. A path or road winds through a dense forest of trees, leading towards a distant, hazy horizon. The sky is bright and clear.

# **VILLAGE OF EMPIRE**

## **GREEN STORMWATER INFRASTRUCTURE PLANNING PROPOSAL**

**PRESENTED BY  
INHABITECT, LLC**

**CREATED FOR**

**VILLAGE OF EMPIRE**





March 22nd, 2024

Dear Steve,

Inhabitect is thrilled to deliver this Green Stormwater Infrastructure (GSI) Planning proposal for the Village of Empire. Within this document you will see the scopes of service we propose to provide following our recent site visit and walkthrough.

Inhabitect will assist your team with everything that is needed for successful design and installation of tier bioswales/rain gardens near South Bar Lake as well as the development of conceptual GSI plans for other segments of the Village. We will utilize our experience to deliver efficient and functional solutions that will slow down and cool stormwater runoff before it flows into South Bar.

We have proposed to provide your team with a full set of "bid ready" drawings that will be used during the construction process. We will provide site specific details and work with your team to develop plans that meet your goals of using native plantings within these basins. We installed a similar plantings on many projects.

We are GSI experts and have decades of combined landscape experience. All of our designers have degrees in Landscape Architecture and holds a Master Rain Gardener certificate. We install similar rain gardens/bioswales through-out the State of Michigan and have provided references within this document.

I am hopeful that we will get a chance to work together in the near future.

Sincerely,

Nathan D. Griswold  
President  
Inhabitect, LLC



## ABOUT US

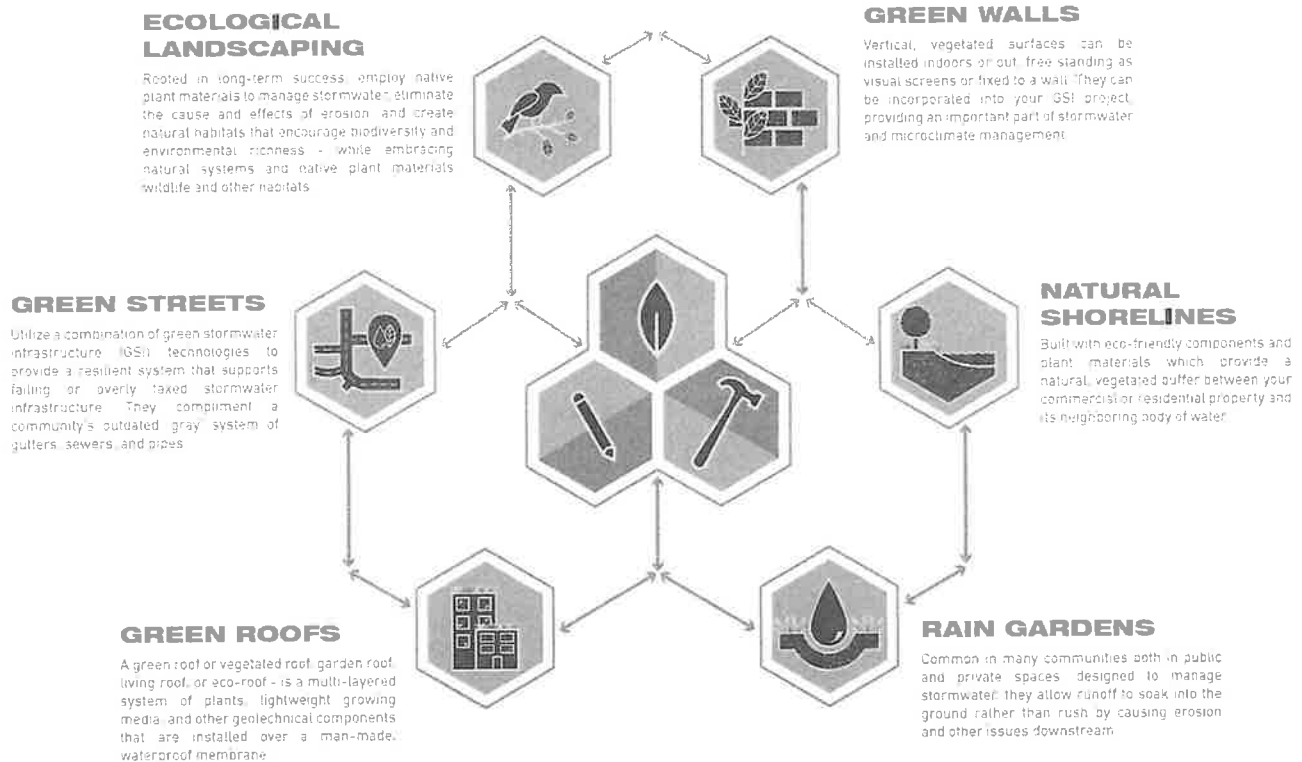
We were founded on the belief that our public and private landscapes, rooftops, and lakefronts are like canvases... Places for us to be creative in delivering nature-based solutions that are dynamic, eco-driven, and naturally resilient. Spaces that promote biodiversity and create habitat.

Over the years, we've gained a deep understanding of what goes into creating these spaces and places. It's not only knowing how things function or which scientific technology to use to be most sustainable. It's also realizing the crucial relationships between manufacturers, suppliers, design professionals, contractors, and owners/developers that are needed to make an idea come to life. Knowing each aspect of the process — and having the experience in each — is what sets us apart. We help coordinate these diverse teams.

Backed by our founder's and Senior Designers degrees in Landscape Architecture and nearly 20 years of experience in both the green roof and landscape industry, we've got a deep technical and logistical understanding of the design and construction process, in both carpentry and landscaping. By having a hand in every step of a project from start to finish, we bring the efficiencies and care that save you time, money, and hassle. We help to carry our shared vision over the finish line.

Every job is different, but our intentions are always the same. We're driven by a clear goal of educating our collaborators, providing our clients with environmentally, economically, and socially driven solutions, and implementing a more resilient approach to development. Through your sustainable project, you can help us build a stronger community.

We're bringing a new meaning to 'green.'



# GREEN SPACES & GATHERING PLACES

Many of today's most beautiful and award-winning designs are built around efficiency and sustainability - many include green stormwater infrastructure, much like those outlined above. Inhabitect is a new breed of landscaper, actively designing, building, and growing ecologically-resilient landscapes — both on rooftops and at ground level.

We're shifting conversations and innovating the landscaping field with new concepts, products, and design strategies. We create inviting, **environmentally-sound landscapes** and **stormwater solutions** that consciously protect our waterways as well as the microhabitats of the Great Lakes basin. And we do it all without ever losing focus of your overall needs, desires, and project goals.

Backed by decades of experience & industry-leading expertise and founded on quantifiable performance, our comprehensive solutions deliver sustainable landscaping and earth-friendly gathering spaces for our communities to enjoy for generations to come.

We enhance the places and spaces you inhabit. We are your advocates and strive for success.



## OUR FOUNDER

Nathan Griswold, ASLA, GRP, CNSP has worked at the forefront of the green stormwater infrastructure (GSI) industry for over 20-years. During this time, he has played a role in the design, development, sale, construction and successful establishment of nearly 1,000 green roofs across North America. His design strategies, collaborative spirit and technical mindset are welcomed on many project teams. Respected for his industry knowledge, degree in landscape architecture and hands-on experience, he has proven to be a valuable resource to many design, installation, and owner teams.

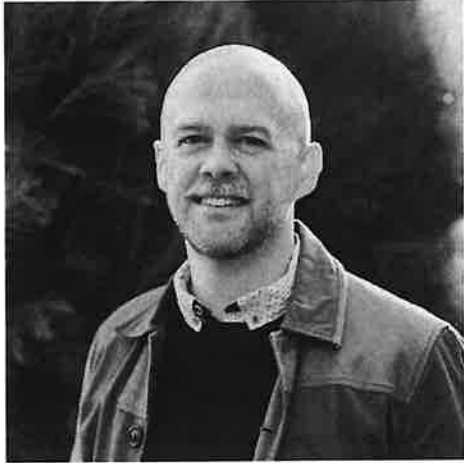
He is one of the first individuals in North America, to receive Green Roof Professional (GRP) accreditation from Green Roofs for Healthy Cities. He has worked to advanced green roof technology, implement policy and incentive programs across North America and educated countless design professionals, municipalities and policymakers on the benefits of GSI. Nathan recently developed an, industry first, strategy that allows client to utilize C-PACE financing, to fund GSI alongside other energy optimization measures within their buildings. Inhabitect has helped clients close over \$2.85 million in funding, on new and retrofit projects, utilizing this exciting program. The same approach can offer as much as \$50 million per project.

From concept through completion, looking at project sites holistically, he believes there are proven ways to implement GSI while focused on best management practices, project budgets, client expectations, as well as the community as a whole. Nathan is an assist to public and private projects alike and his expertise can benefit a project in economically, environmentally and socially responsible ways.



# OUR DESIGN TEAM

We've got a strong team whose technical talents, communication skills, and dedication to top-notch service help set us apart from the competition. We're proud of our team's diverse backgrounds and experiences and the integrity they bring to work every day.



## **BOB DOMPIERRE (SENIOR DESIGNER)**

Bob is an experienced and highly skilled landscape designer, with over 15 years in the green industry. He is a licensed Landscape Architect and obtained a degree in Landscape Architecture from Michigan State University. Bob's designs have garnered recognition in the form of MNLA awards, a testament to his creativity and attention to detail.

In addition to his work as a designer, Bob is also a Certified

Natural Shoreline Professional and holds a position as the chairperson on the Advisory Board for the Agriscience Program at Northwest Education Services Career Tech. His dedication to his profession and the community is further demonstrated by his past service on the Go Beyond Beauty Advisory Committee, where he played a key role in bringing the program statewide in an effort to control invasive ornamental species.

When he's not working, Bob can be found in Traverse City, Michigan, where he resides with his wife and three kids. He enjoys practicing Brazilian Jiu Jitsu and is also an avid hockey player, taking to the ice on Sunday nights. Bob enjoys cooking and is happy to share his pancake or waffle recipes.



## **BRENDAN ALCORN (JUNIOR DESIGNER)**

Brendan Alcorn is a designer with a passion for landscape and green architectural design. He holds a bachelor's degree in Architecture and Environmental Design as well as his master's degree in Landscape Architecture from Kent State University. He has studied the diverse landscapes and climatic zones along the Great Lakes during his studies and professional career.

He has technical proficiency in CAD and GIS programs and

GIS programs that elevate Inhabitect's abilities during the project analysis and design process. Brendan is also an FAA-Certified Drone Pilot allowing him to use drones for aerial photography and surveying work. Through his hands-on experience with shoreline remediation, green roof

**BRENDAN ALCORN (JUNIOR DESIGNER) - CONTINUED**

installation, and hardscaping construction, Brendan has developed proficiency in project detailing and planning as a designer. His passion for landscape and architecture is centered around a desire to bring water conservation, smart urban design, and green infrastructure into our cities.

In his free time, Brendan enjoys snowboarding, hiking, camping, and photography. Brendan is committed to using his skills and knowledge to create beautiful, functional, and sustainable landscapes for his clients. He approaches every project with care and attention to detail, ensuring that the end result meets the needs and vision of his clients.



**JAYLY LAUTNER-DEGROOT**

Jayly Lautner-DeGroot is a dedicated horticulturist with a passion for ecological design and native plants. With over 10 years of experience in the green industry, Jayly has a deep understanding of the principles of sustainable design and the importance of using native plants in landscaping.

Her expertise in Michigan native plants has helped her to create low-maintenance, drought-tolerant, and sustainable landscapes that provide wildlife habitats and promote

biodiversity. Jayly is a Certified Natural Shoreline Professional, trained in the use of 'Green' landscaping technologies and bioengineered erosion control for the protection of Michigan Inland Lakes. She is in the process of becoming a Michigan Certified Landscape Designer and holds a Rain Garden design certificate.

Jayly is an avid outdoor enthusiast and can often be found hiking, camping, and exploring nature with her husband and daughter.



**AERIAL DOCUMENTATION**

If selected, Inhabitect's design department will document the entire project with our drone. Brendan is a FAA-Certified Drone Pilot and we will use this tool to first assist with our site inventory and analysis and then to provide a photographic story of the construction process. It will also be used to confirm that how water flows throughout the site.

# PROJECT REFERENCES

Inhabitect is one of the most active design-build companies, active in the green stormwater infrastructure (GSI) industry in the State of Michigan. Below are three rain garden/bioswale projects that we have completed. **For this project we plan to perform the majority of the design work and will manage the entire installation.**



## **BELTLINE CENTER (DETROIT, MI)**

Inhabitect is based in NW Michigan but we provide our services all across Michigan. The Beltline Center is a large GSI project, valued at over \$1.15 million, that was designed and built through a collaborative effort with the owner, other professionals and various other entities.

Project reference/Owner: Chip Letts [chip1@letts.com](mailto:chip1@letts.com)



## **MEIJER - TRAVERSE CITY, MI**

Inhabitect bid this project through the Grand Traverse Watershed Center ([gtbay.org](http://gtbay.org)) in Traverse City, MI. This was a competitive bidding situation and once contracted, we hired all subcontractors (excavation, irrigation, etc) to work under our supervision. We assisted with plant selection as needed and did the majority of the installation.

Project reference/Client: Sarah U'ren [suren@gtbay.org](mailto:suren@gtbay.org)



## **GRAND TRAVERSE COMMONS**

This large rain garden/bioswale was competitively bid and was installed for the owner of the Grand Traverse Commons. This project is one small piece of efforts to improve the Kid's Creek watershed which flows into West Grand Traverse Bay.

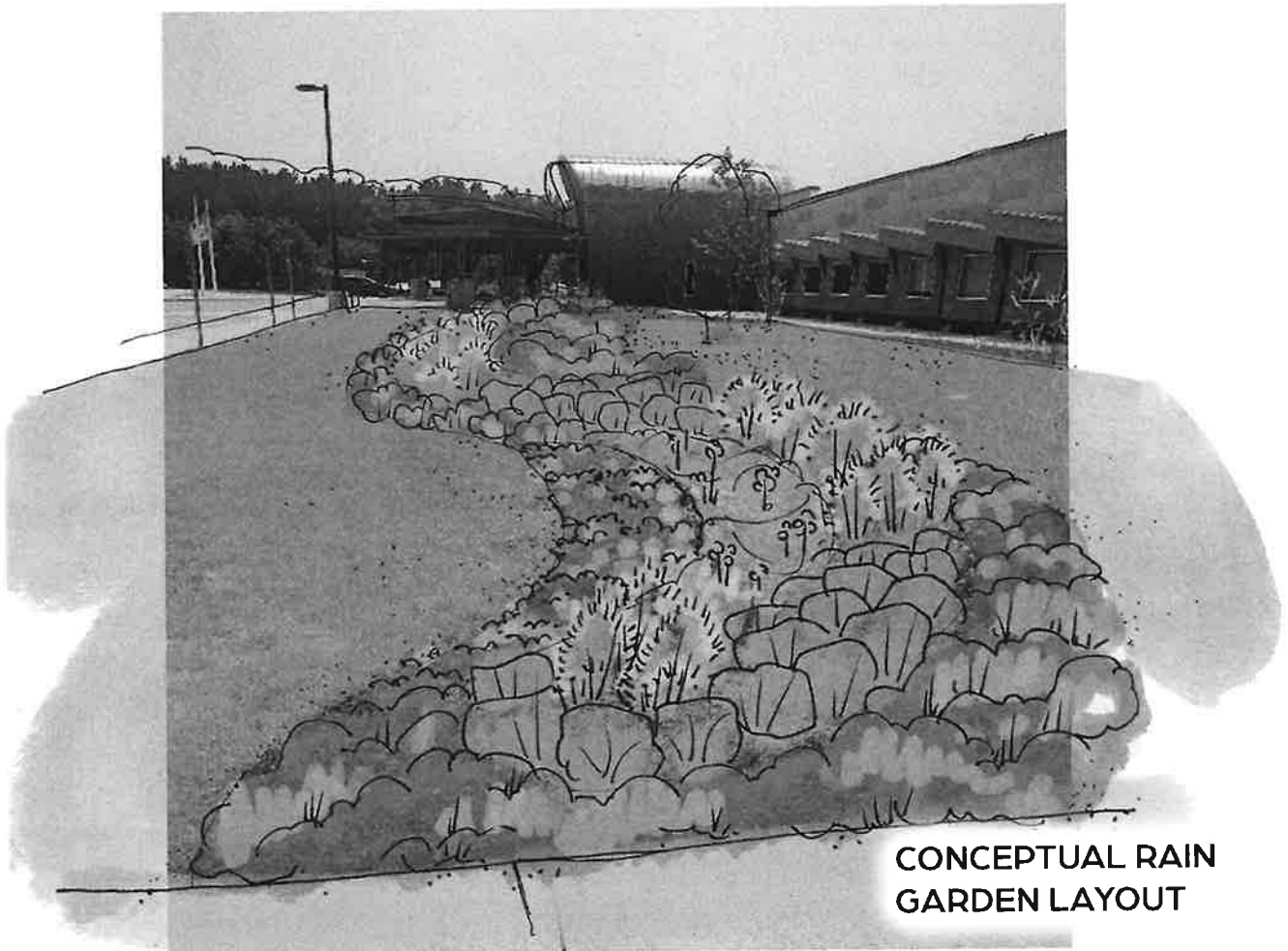
Project reference/Owner: Raymond Minervini  
[raymond@thevillageetc.com](mailto:raymond@thevillageetc.com)

# WORKING STYLE

Inhabitect has a very qualified and experienced Design Team. We bring a combined 30+ years of landscaping and construction experience. We have a design style and "bag of tricks" that help us create conceptual level drawings and renderings, over actual photographs, that help our clients visualize what our proposed designs would look like after installation.

Below you will see an example of a rain garden that will be installed in the Bay Mills Indian Community in Brimley, MI. This will be planted with medical, ceremonial and native plants. Our goal was to ensure there is a lot of color, textures and variety in this space and it will add visual impact to the entrance of this facility.

Once this type of conceptual drawing is reviewed by our clients, we then move towards building a set of drawings that shows the landscape in a more traditional sense - in planview on a large sheet of paper. Those plans are tied to multiple plants lists, landscaper notes and details which help ensure the design intent is communicated to the installers.







## DESIGN & WORK PROGRAM

Inhabitect is focused on designing, building and growing all forms of green stormwater infrastructure. This is a perfect project for our team and we are offering full scale design-build services, project management and post-installation service to the Village of Empire. There are many benefits to working with a design-build firm and we hope you agree.

We have outlined our proposed process and methodology below to ensure this projects success. Each of these stages includes all necessary travel and meetings that will be needed to complete the design and consulting phase of the project. We will rebate 20% of the design fee if we are also hired to install this GSI. We are ready to get started!

### **Site Inventory & Analysis - (\$ 3,150.00)**

This scope allows for our team to get a good understanding of what is existing on the site. We will get a better understanding of the landscape, take photos and measurements, and gather data about surrounding properties. Inhabitect will fly our lidar equipped drone to get an understanding of the topography of the area which is vital in designing stormwater plans. We will also perform stormwater calculations to determine run off rates, volume and frequencies. Understanding these calculations will allow us to properly size bioswales, catch basins, and drains.

### **Conceptual Stormwater Plan - (\$ 3,050.00)**

Using what we have learned from our analysis, a conceptual drainage plan will be developed. The plan will call out elevation points including invert in and invert out, top of catch basins, high points of swales etc. Detailed drawings will be developed to clearly showcase our solution.

### **Bioswale Planting Plans - (\$ 1,625.00)**

Inhabitect uses and specs plant species native to Michigan. In this scope we are selecting from those native species and thoughtfully arranging based upon, color, size, texture, and bloom time. We strive for four seasons of interest and an acceptable maintenance routine in our planting design.



## DESIGN & WORK PROGRAM - CONTINUED

### Plan Reviews, Meetings and Edits - (\$ 1,400.00)

We intend on providing one meeting for review prior to completion of the design phase. This allows for stakeholder input at a critical point in the design phase. Upon completion of this review meeting, our team will make the necessary edits/changes to the drawing. At this stage these edits shall be fairly minor to address, should major edits or re-design be necessary, a change order will be presented and accepted before work continues.

### Project Cost Estimation - (\$ 500.00)

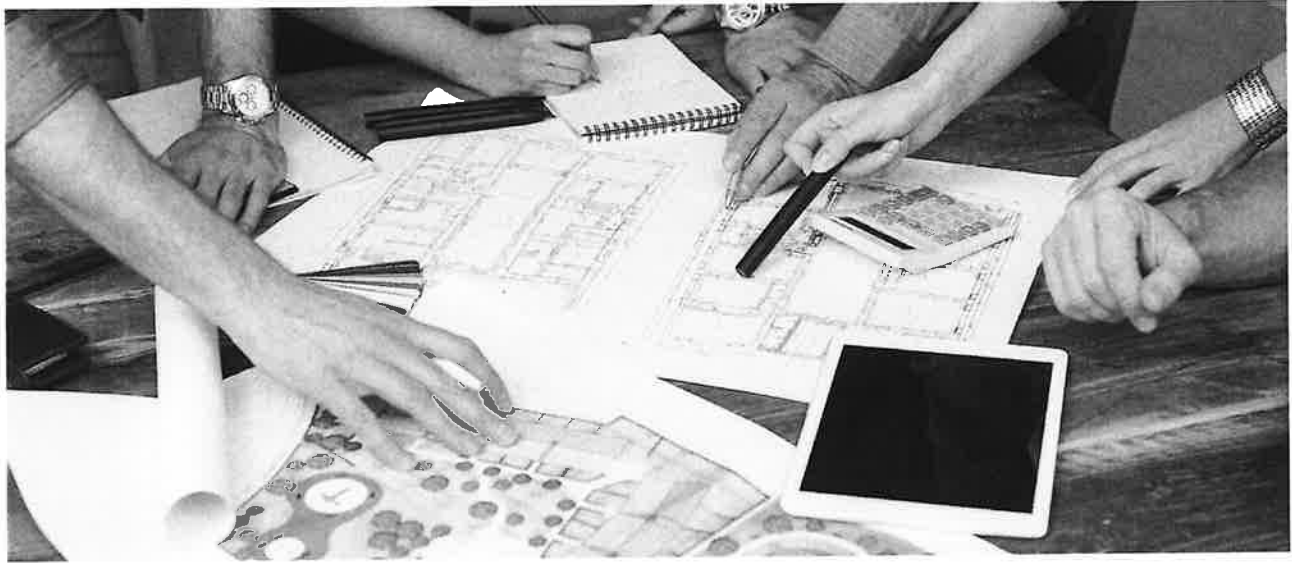
In order to plan for and meeting budgets, our team will manage the estimation process for the construction phase of the project. Current and updated pricing will be used however these are subject to change based availability in Brimley. Should a material greatly exceed the estimated cost at the time of construction, a change order will be presented and accepted before work continues.

### Project Handoff Meeting - (\$ 650.00)

Here at Inhabitect we are focused on Designing, Building, Growing success projects. An essential step in success in handing the project from our Design Team to our Construction team. This meeting will be on site with the project manager, designer, and Village stakeholders prior to the start of Construction.

**TOTAL ESTIMATED COST = \$10,375.00\***

\*If Inhabitect is selected to design this project and also does the installation 20% of the design fee (\$2,075.00) will be rebated after the installation contract is complete.



## PROJECT TIMELINE AND SCHEDULE

Inhabitect has the ability to get started with this project within 1-weeks of receiving the contract. The estimated time line for the entire scope of work is outlined below and can be adjusted to meet the needs of the Village of Empire. Our timeline is fairly aggressive to ensure our onsite work is completed before the 2024 winter begins.

- Initial Site Visit and Meeting with Stakeholders: April 2024
- Inventory and Analysis Phase: Early to Mid April 2024
- Stormwater Drainage Plan: May 2024
- Planting Plan: May 2024
- Final Construction Documents Complete: May 2024
- Project Handoff Meeting: June 2024
- Permitting process begins: June 2024
- Project installation: September or October 2024

## STANDARD BILLING RATES & FEES

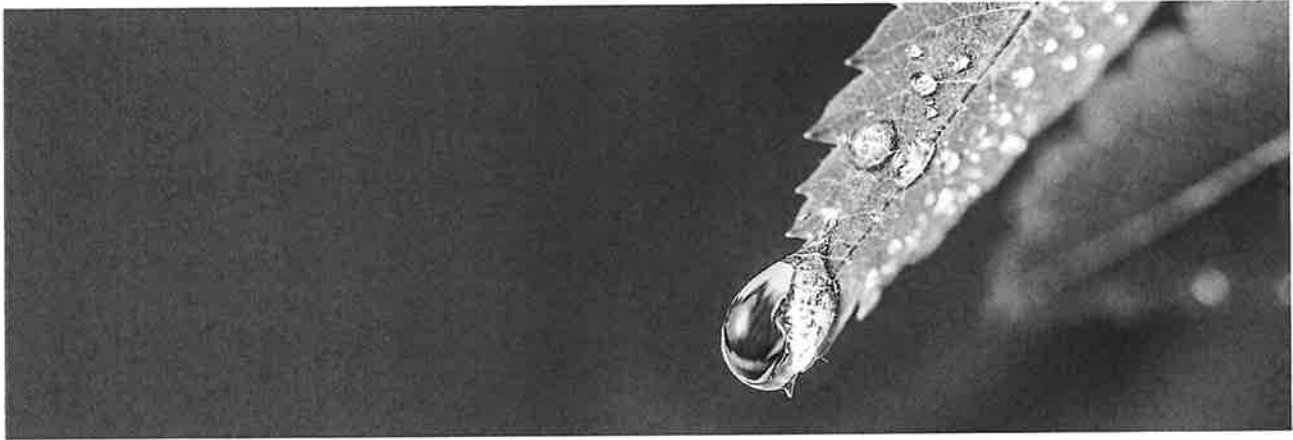
- Senior Designer/Consultant Billing Rate/Fee ..... \$115.00/hr
- Junior Designer/Consultant Billing Rate/Fee ..... \$95.00/hr
- Administrative Billing Rate/Fee ..... \$75.00/hr
- Managing 3rd Party Consultants ..... Cost plus 20%
- Mileage ..... Current Federal Rate
- Expenses ..... Cost plus 20%



## ASSUMPTIONS & QUALIFICATIONS

### ***The following applies to this proposal:***

- *This proposal covers the labor and materials required to provide all design and consulting for the Village of Empire Bioswales.*
- *It was assumed that the Owner on this project approves of the proposed method of design selected by Inhabitect.*
- *Any alterations to the design process or work method outlined, working conditions, scope of work, project schedule and workflow, mobilization requiring extra trips, or delays caused by any party other than Inhabitect, LLC are subject to pricing adjustments and/or additional charges.*
- *Inhabitect, LLC has assumed that the Owner will take responsibility to ensure that all public, private and tribal utilities are clearly marked on site and on paper.*
- *Material manufacturers provide all material and system warranties.*
- *Inhabitect, LLC will require written contract to perform this scope of work, from the Village of Empire. A formal contract will be drafted if and when this proposal is accepted.*
- *The pricing provided for the installation of these rain gardens/bioswales will be provide after design.*
- *Inhabitect, LLC shall be held harmless by property owner, any associated contractors, adjacent landowners, townships or county officials, neighborhood associations, condo boards, and all other parties associated with this project.*
- *The payment schedule will follow the protocol for the project and may include requirement of waivers and sworn statements.*
- *Inhabitect will be sent a 20% down payment for all design and consulting services before work begins. Once work starts a monthly invoice will be sent and will have 15-days terms.*



# PROPOSAL ACCEPTANCE

The proposed scope of work, deliverables, total proposed cost, billings rate and fees, as well as the assumptions and qualifications outlined in this document are satisfactory and are hereby accepted. The Village of Empire will draft a purchase order and/or contract for Inhabitect, LLC. They are authorized to begin the work as soon as possible and will be paid a 20% downpayment of the design services pricing.

Signature: \_\_\_\_\_

Print name: \_\_\_\_\_

Date: \_\_\_\_\_

Organization/Title: \_\_\_\_\_