

FEBRUARY 13, 2020 EMPIRE VILLAGE COUNCIL SPECIAL MEETING

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

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

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

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

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

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

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

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

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

COMMITTEE REPORTS – None.

OLD BUSINESS

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

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

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

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

NEW BUSINESS

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

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

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

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

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

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

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

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

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

ADJOURNMENT at 9:18 p.m.

Derith Smith, Empire Village Clerk

These minutes were approved at the June 11, 2020 Work Session.