

CITY OF WYOMING, MICHIGAN  
Minutes of City Council Work Session  
Tuesday, November 13, 2018

PRESENT: Councilmembers Bolt, DeKryger, Postema, Postler, Vanderwood and Mayor Poll

ABSENT: Burrill

STAFF: Dooley, Galligan, Holt, Rynbrandt, Sall, Smith

**1. Call to Order**

Mayor Pro Tem Bolt called the meeting to order at 7:00 p.m. in the Council Chambers.

**2. Student Recognition**

None.

**3. Public Comment on Agenda Items**

None.

**4. Possible Postponement of Rezoning Second Reading of 5189 Byron Center Avenue SW**

Bolt stated that this item will require a supermajority vote. Mayor Poll will not be in attendance at the November 19, 2018 Council meeting and Councilmember Burrill will not be voting on this due to a conflict of interest. Council was supportive of moving this item to the December 3, 2018 meeting. Mayor Poll moved, seconded by Councilmember Postema, that the final reading of Ordinance 17-18 be moved to the December 3, 2018 City Council meeting.

Motion carried: 6 Yeas 0 Nays

**5. Pinery Park Little League Contract Review**

Holt informed Council that he attended today's Pinery Park Little League board meeting. Holt noted that the new contract is in the Council meeting packet for their review. The proposed contract combines both the fiduciary agreement and the facility use agreement. Holt outlined other conditions of the agreement, including financial reporting, scheduling field dates, etc. Councilmember Postler asked if there is consensus among the league. Holt replied that the board as a whole is supportive of the agreement. Board agenda materials are coming to the City in a timely manner and most board members are appreciative of the City's involvement. Holt stated that Pinery did approve this agreement as a board.

Council supported moving this item forward to the next regular City Council meeting.

## **6. Marihuana Options**

Smith explained that an additional handout has been distributed focusing on individual rights regarding the new legislation. Smith stated that the Council will need to decide if the City wants to allow business for marihuana. The Medical Marihuana Facilities Licensing Act provides that no medical marihuana facilities may be located in a community unless it adopts an ordinance allowing such facilities. If Council takes no action, facilities cannot be operated in the City because we did not opt-in to allow such businesses. The Michigan Regulation and Taxation of Marihuana Act states that the City must opt-out if it wishes to preclude, limit the numbers of, or regulate recreational marihuana establishments in the City. These would include recreational marihuana growers, safety compliance facilities, processors, microbusinesses, retailers and secured transporters. We would have to opt-out to prohibit recreational establishments; otherwise, recreational establishments would be allowed in the City just like any other commercial facility. Smith noted that the state has one year to promulgate rules. Some municipalities are waiting to see what those rules will be. Councilmember Bolt suggested that the wise thing to do might be to wait until the state issues the rules. Mayor Poll asked when the City could start seeing marihuana establishments. Smith explained it would be approximately a year out, as the state needs to create rules and formulate a state license. Smith explained the advantages and disadvantages of opting out versus opting in. Councilmember Vanderwood expressed interest in seeing some statistics in how marihuana sales impact other states. Councilmember Postema stated that he read that the revenue portion that goes to the municipality is 15% of what the state collects. Councilmember Postler noted that if the City opts out, it is a cash business and we would not be getting any of the business. Smith explained that we could write a review time into the ordinance.

Council was generally in agreement of asking for an ordinance to initially opt-out of allowing marihuana business within the City. Council would like the opportunity to review the state regulations once they are issued, review ordinances and experiences of communities with marihuana businesses, understand the tax revenues from such businesses, see how marihuana businesses may affect property values and uses and otherwise know more about marihuana businesses before allowing them in the City.

Council supported moving this item forward to the next regular City Council meeting.

## **7. Bonding for Gezon Park and Jackson Park Improvements**

Rynbrandt reminded Council that a modification was approved by the voters to allow the City to establish the Library and Parks Capital Maintenance fund. Rynbrandt reviewed highlights of the report she prepared, noting that there is currently \$10 million in park needs. The issuance of a bond would finance the costs of planning, design, acquisition, permitting, construction and installation of Jackson Park and Gezon Park improvements that will include such items as site preparation, restrooms, splash pads, playground equipment, and signage. Rynbrandt noted that the recommendation is to begin robust construction in the spring of 2019 for Jackson Park, with construction for Gezon Park improvements slated to begin in the spring of 2020. Mayor Poll noted that we recently paid off bonds because of high interest rates. Smith advised that a municipality cannot go to a local bank and borrow money; we must issue bonds. Council was generally in support of authorizing the process to issue bonds for the improvements of Gezon Park and Jackson Park in an amount not to exceed \$4.8 million.

Council supported moving this item forward to the next regular City Council meeting.

### **8. Maximum Allowable Headworks Loading and Sewer Use Surcharges**

Dooley explained that the State of Michigan requires the City to review how much pollutants the treatment plant can handle on a daily basis. That is what establishes the maximum allowable headworks loading (MAHL). Knowing that information helps the City determine what type of limitations to place on our industrial users. The City incurs expenses for loading and we then in turn charge fees to cover our expenses for additional loading. Dooley reviewed a chart showing surcharge thresholds and rates on compatible pollutants among surrounding communities. The chart reveals that the City's fees are reasonable compared to other communities. Once the City establishes the new thresholds, the rates will increase. Since the rates will be significantly higher than we currently charge, the recommendation is to phase those increases in over the next five years.

Council supported moving this item forward to the next regular City Council meeting.

### **9. Legal Expense Budget Review and Changes**

Holt reviewed recent legal expenses, noting costs have been more significant than initially anticipated due to several large lawsuits. Two notable legal challenges that have been time consuming include the negotiation and ultimate settlement of the Granger/Reserve zoning lawsuit and the appeals with the Michigan Tax Tribunal. Councilmember Vanderwood asked if we are still employing the Sluiter law firm. Holt replied affirmatively, explaining that we are using the Sluiter firm because of all the other business that Smith has been handling. Holt noted that Smith has challenged tax tribunal cases, created contracts for small purchases, prepared bond ordinances and marijuana ordinances, etc. The budget amendment presented includes increasing funds for contractual services, as well as additional funds for office furniture and security changes made to the court building to accommodate the City Attorney's office.

Council supported moving this item forward to the next regular City Council meeting.

### **10. Any Other Matters**

None.

### **11. Public Comment on Non-Agenda Items**

None.

### **12. Adjournment**

The meeting adjourned at 8:06 p.m.

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Rhonda L. Galligan, Deputy City Clerk