



MINUTES

- I. Call to Order – President Adams called the meeting to order at 7:00 pm.
- II. Pledge of Allegiance: The Pledge of Allegiance was recited.
- III. Moment of Silence: Those willing and present took a moment of silence.
- IV. Oaths of Office: Locey administered the Oaths of Office to Ricky Holmes, Carl Keller and Julie Merrill. All three trustees confirmed the oath as presented.
- V. Roll Call: The following members were in attendance: President Bill Adams. Trustees: Tim Frisbie, Rick Holmes, Carl Keller, Julie Merrill, and Gail Reisterer. Absent: Colin Bailey. Also, in attendance were: Village Manager Jim Mallery, Clerk Tracy Locey, Treasurer Michelle Morgan, DPW Director Randy Schippers, Police Chief Scott Sanderson.
- VI. Approval of Agenda – Item 15.c.i VCAC Separation was added to the agenda. Frisbie moved, seconded by Reisterer to approve the agenda as amended. Motion carried 6-0.
- VII. Resolution 12032018-1 Honoring Ronald Smith and Resolution 12032018-2 Honoring James Earl: Mallery read aloud the resolutions honoring former council members Smith and Earl. Reisterer commented on their professionalism and they will be missed. Keller is humbled and honored to be continuing the work on the solid foundation they have established for the Village. Merrill stated it was great to work with Smith and Earl. Adams appreciated the time and effort they put into studying the issues brought before the council. Keller moved, seconded by Frisbie to adopt both resolutions as presented. Motion carried 6-0 with a roll call vote.
- VIII. Scheduled Appearances – None.
- IX. Public Appearances – None.
- X. Citizens Comments – None.
- XI. Approval of Consent Agenda – Reisterer moved, seconded by Merrill to approve the consent agenda as presented. Motion carried 6-0 with a roll call vote.
 - a. Minutes of the Regular Council Meeting: November 19, 2018
 - b. Warrant Reports: Mercantile \$131,824.93
 - c. Event Requests
 - i. Little League Opening Day Parade – April 27, 2019
 - d. Correspondence – None

XII. Council Action Items

- a. Consider Ordinance 286 – Site Plan Amendments – Locey explained amendments were needed to the Site Plan Review Ordinance Article V, Section 82-166 to create continuity between the Stormwater Ordinance requirements and the Site Plan Approval Process. The Planning Commission recommends approval of the ordinance amendments as presented. Keller moved, seconded by Frisbie to approve Ordinance 286 as presented. Motion carried 6-0 with a roll call vote.
- b. Consider Resolution 12032018-3 Resolution to Proceed with the Redevelopment Ready Communities (RRC) Program of the Michigan Economic Development Corporation (MEDC) – Mallery reviewed an executive summary outlining the program. There are no fees paid to MEDC for the certification. Costs may be incurred for implementation of best practice policies and procedures but those are yet to be determined. Keller moved, seconded by Reisterer to adopt the resolution with the date in the certification corrected to December 3, 2018. Motion carried 6-0 with a roll call vote.

XIII. Village Manager Report

- a. Historic Village Print Shop Roof Proposal – Quotes were received from 2 roofing companies; a third was sought but bids were not received. The funding was approved with the adoption of the 18-19 budget. Keller moved, seconded by Holmes to approve up to \$5,580 for the Historic Village Print Shop roof replacement. Motion carried 6-0 with a roll call vote.
- b. Water Tower Project Award Recommendation – Mallery provided an overview of the process utilized in determining maintenance needed on the water tower. Discussion took place on the engineering and the scope of work. The recommended awards for the project are Prein & Newhof for general engineering, project management and oversight \$10,000; Dixon Engineering for tower inspection \$15,500; LC United Painting Company \$122,500. The total project cost is \$148,000 and there are adequate funds in the Water Fund. Merrill moved, seconded by Frisbie to approve the recommendation as presented. Motion carried 6-0 with a roll call vote.
- c. Marihuana Discussion – Mallery provided an overview of Proposal 18-1 Michigan Regulation and Taxation of Marihuana. Following is from the Executive Summary provided by Mallery: “Michigan voters passed Proposal 18-1 on November 6, 2018 by a 56-44 margin. The Village of Vicksburg voters passed Proposal 18-1 by a 57-43 margin.

The Proposal governs the following:

- Allow individuals age 21 and older to purchase, possess and use marijuana and marijuana-infused edibles and grow up to 12 marijuana plants for personal consumption.
- Impose a 10-ounce limit for marijuana kept at residences and require that amounts over 2.5 ounces be secured in locked containers.
- Create a state licensing system for marijuana businesses, including growers, processors, transporters and retailers.
- Allow municipalities to ban or restrict marijuana businesses.
- Permit commercial sales of marijuana and marijuana-infused edibles through state-licensed retailers, subject to a new 10-percent tax earmarked for schools, road and municipalities where marijuana businesses are located.

There is a difference in the medical marijuana law and the recreational marijuana proposal in that our Village did not take any action regarding medical marijuana. By not taking any action, medical marijuana facilities are NOT allowed in the Village of Vicksburg. This was built into that legislation.

Proposal 1 built in the exact opposite. If our Village Council takes no action, commercial sales through state-licensed retailers WILL BE allowed.

As Village Manager I have entered the Village of Vicksburg into a consortium of local governmental units seeking direction to the many questions and issues that have arisen since the Act was passed. The consortium has entered into a limited engagement with the law firm of Dickinson Wright, PLLC out of Grand Rapids. As a member of the consortium we were provided with the following on Friday November 30th (Copy Emailed top Council 11/30):

1. A sample ordinance by which a local unit of government may prohibit marijuana establishments within its borders;
2. A discussion of options and issues to consider if a local unit of government alternatively wants to regulate marijuana establishments within its borders (there are far too many variables for us to attempt to prepare a model ordinance for that purpose);
3. Advice regarding employment relationships with the employees of a local unit of government;
4. Advice regarding sellers of marijuana paraphernalia in a local unit whether or not the local unit prohibits marijuana establishments; and
5. A regulatory or police power ordinance that a local unit of government may wish to consider regarding the use and possession of marijuana.

Staff recommends having a discussion at the Council meeting next Monday regarding Proposal 1. Being mindful that our voters passed Proposal 1 by a 57-43 margin, a viable option could be to have an Opt-out ordinance that expires in 13 months, which would give village staff additional time to review, the State of

Michigan, MML, and other resources time to provide municipal advice, and for the Village Council to gather input from citizens on this topic.

Prior to the expiration of the Opt-Out ordinance (in 13 months), the Village Council could have these additional facts, data, advice, and citizen input opportunities to be in a better position to vote on the Village of Vicksburg banning or restricting marijuana businesses or permitting commercial sales of marijuana.”

With there being so many unknowns on the regulations for licensing and enforcement, consensus of the Council was to proceed with an opt-out ordinance with an expiration date of January 1, 2020. The ordinance will be presented at the next council meeting. The council will have time to meet with residents and further understand the legislation.

XIV. Department Reports

- a. South Kalamazoo County Fire Authority – Last meeting was cancelled due to lack of quorum.
- b. Downtown Development Authority – DeBault addressed the council stating the DDA would be working on its wants, needs and wishes prioritizing. They will be considering bike racks, benches, and trash receptacles. Christmas in the Village is this weekend. Thank you was given to the businesses, DPW, Syd Bastos, Tasha & Justin, and Chris Moore/Paper City for their efforts in making this event a success.
- c. Cultural Arts – Bastos addressed the council. The VCAC has received its 501(c)3 status and is seeking separation from the Village as of December 31, 2018. At the first meeting in January financial statements will be presented outlining the fund transfers that may be needed. An amended budget will be forwarded to Mallery for review and inclusion in an upcoming meeting of the Council. Reisterer moved, seconded by Frisbie to approve the separation request effective December 31, 2018. Motion carried 6-0 with a roll call vote.

XV. Committee Reports – None.

XVI. Citizen’s Comments – None.

XVII. Council President/Members Time

- a. Reisterer welcomed Holmes and Keller
- b. Frisbie conquered with Reisterer.
- c. Keller thanked the residents for electing him to serve them for the next four years.
- d. Holmes thanked Smith and Earl. He is humbled by the amount of time is invested in running for office and serving the citizens.
- e. Merrill stated her building will be open for the public to use the restrooms during the Christmas in the Village event.

- f. Adams is working with the Council to fill the various committee and board appointments. Keller has agreed to serve KATS; Holmes on the finance committee; Reisterer on the Library Board.

XVIII. Adjournment - With there being no further business, the meeting was adjourned at 8:08 pm.

Respectfully Submitted,

Tracy L. Locey
Village Clerk