



**CONFERENCE OF WESTERN WAYNE
REGULAR MEETING MINUTES
November 3, 2017**

1. CALL TO ORDER – O'REILLY

The CWW Board Meeting was hosted by Northville Charter Township. Mayor O'Reilly called the meeting to order at 9:30 a.m. Supervisor Nix welcomed everyone to Northville Township and invited all in attendance to join in saying the Pledge of Allegiance.

2. ROLL CALL – NIX

Supervisor Nix called the roll: Supervisor Pat Williams, Canton Charter Township; Mayor Jack O'Reilly, City of Dearborn; Mayor Pro Tem Jaylee Lynch, Garden City; Colleen Lazere, alternate, Huron Charter Township; Mayor Byron Nolen, City of Inkster; Dave Varga, alternate, City of Livonia; Mayor Ken Roth, City of Northville; Supervisor Robert Nix, Northville Township; Mayor Dan Dwyer, City of Plymouth; Supervisor Kurt Heise, Plymouth Township; Supervisor Tracey Schultz Kobylarz, Redford Township; Mayor LeRoy Burcroff, City of Romulus; Karen Armatis, alternate, Sumpter Township; Supervisor Kevin McNamara, Van Buren Township; Mayor Susan Rowe, City of Wayne; and Michael Reddy, alternate, City of Westland.

CWW board member/voting alternate of record not present: City of Belleville, and Dearborn Heights.

Others present: Members of the audience.

3. INTRODUCTIONS AND AUDIENCE REMARKS – O'REILLY

Mayor O'Reilly asked CWW board members and members of the audience to introduce themselves to one another.

4. ADOPTION OF AGENDA – O'REILLY

Motion by Rowe, supported by Kobylarz to approve the November 3, 2017 agenda.

AYES: All. Motion carried.

5. APPROVAL OF MINUTES - NIX

Motion by Nix, supported by Kobylarz to approve the September 8, 2017 CWW Board Meeting minutes as presented.

AYES: All. Motion carried.

6. TREASURER'S REPORTS – NIX

Motion by Nix, supported by Dwyer to approve the Treasurer's Reports from August 31, 2017 and September 30, 2017.

AYES: All. Motion carried.

7. DIRECTORS' REPORTS

A. EXECUTIVE DIRECTOR'S REPORT

OPEB/PENSION REFORM

There are 901 pension plans in the state, and over 400 are below 70% funded. Across the state, there are \$27.1B in pension assets and \$10.1B in unfunded liabilities. In Michigan, there are 491 OPEB plans with \$4B in assets and \$13.8B in unfunded liabilities.

The concern is less with the pensions than with OPEB. There seems to be a consensus that there needs to be an early warning system, early intervention by Treasury, and a corrective action plan. Consensus breaks at "what happens after the corrective action plan". Ms. Sellek advised that OPEB is not protected by the state constitution.

UTILITY/BROADBAND RELOCATION BILLS-CWW OPPOSES

HB 5096 limits the fees that can be charged to broadband companies for drain work in the rights-of-way. HB 5097 limits the permit fees that can be charged to a utility or telecom provider doing work in a county right-of-way.

HB 5098 would require MDOT and local governments to waive any permit or inspection fees if they required the relocation of a telecom provider. HB 5098 would ONLY apply to telecom providers, not other utilities. The argument for this is that other utilities do not pay for the use of public rights-of-way, while telecom companies are charged franchise fees.

HB 5098 also addresses notification. In this bill, it would be required for a local agency to notify the provider of relocation at least one year in advance. If a local unit learns of funding for a project with less than one year of notice, then that local unit must supply the telecom provider **notice** within 30 days of any necessary relocation.

Ms. Sellek reminded the board that if these bills become law, there can be no fees charged for permits or inspections to the entity that needs to relocate and the local agency CANNOT require a study or survey related to relocating the facilities.

The argument for the bills is that county road commissions and local road commissions are charging egregious permit fees to broadband companies. And while the state is trying to expand broadband through the more rural areas of Michigan, this is impairing that attempt.

Wayne County and Southeast MI is not the problem. The Telecommunication Association of Michigan (TAM) even stated that they have not had one complaint within Wayne County. MML, MAC, MTA and numerous local and county agencies have testified in opposition of these bills. Stakeholders are working on coming to a compromise, but if that is unable to happen, CWW will be asking board members to contact their representatives to express opposition to the bills on the House floor.

**HB 5099 Hoitenga, which would have prohibited a local government from contracting with a telecom provider to provide community wide internet was pulled by the sponsor after stating there was confusion with the bill.*

SB 636 AND 637 2017

Ms. Sellek spoke about SB 637 Hune (R-Whitmore Lake), which creates a new act establishing procedures for antenna (small cell, distributed antenna systems (DAS)) placement on structures in local and county rights-of-way.

These bills had their first committee hearing in Senate Communications and Technology on Thursday, November 2, 2017.

DARK STORES RULING

The May 26, 2016 Court of Appeals (COA) decision on Menards v. Escanaba stated that businesses would no longer be able to file a statement to the Michigan Tax Tribunal that simply says an owner “claims an appeal” of its tax assessment. The ruling declared that businesses must instead follow the rules laid out by the tribunal including filing a detailed petition by the appeal deadline.

The MI Supreme Court then called for arguments in the Menards v. Escanaba “dark store” case. They also asked each party to submit arguments regarding the valuation analysis used by the Tax Tribunal.

Ms. Sellek said that municipalities saw a big win last week with the Court deciding not to hear the Menards vs. Escanaba case and in effect denying Menard’s effort to overturn the Court of Appeals ruling. Big Box stores can no longer use the “Dark Store” property valuation when determining property taxes.

The next step is getting the Legislature to move House Bill 4397 Rep. David Maturen (R-Vicksburg), to codify the issues the Supreme Court has said should be considered in property assessments. CWW previously took a position of support for HB 4397, and will continue to educate our legislators accordingly.

CSX

Ms. Sellek brought up the nine hour train blockage in Plymouth last week. CWW reached out to Senator Peters’ office. They were aware of the situation and have been talking with Congresswoman Dingell’s office. Congressman Trott sent a letter to CSX which prompted an apology from CSX. Beyond the apology and a statement saying they are reviewing their “options”, not much else was done.

As a reminder, last year as CSX attempted to alleviate problems in one area, their solution only pushed the delays down and caused them in other areas. Ms. Sellek urged affected communities to continue to call their federal legislators and to encourage their residents to do so as well.

Mayor Dwyer talked about the signs the City of Plymouth installed at the crossings urging drivers to contact their federal legislators and CSX. Mayor Burcroff mentioned that the phone numbers posted on railroad intersections are no longer being manned by the railroad. He also said that Romulus was told by the railroad that people are trespassing

on private property when they cross over tracks. Supervisor Williams talked about the problems Canton Township has had with blockages. Supervisor Glaab mentioned the cameras that Huron Township installed at their crossings.

Mayor Burcroff said Romulus will be hosting a meeting with CSX in the near future and all communities are welcome to attend.

Mayor Dwyer noted that blockages will stop if the public complains to their representatives and senators. Amanda York with Senator Debbie Stabenow's office advised that Senator Stabenow is hearing about the problem from residents.

2017-2018 NOMINATING COMMITTEE

Ms. Sellek reviewed the CWW Nominating Committee policy. Below are the members that were offered for consideration for the 2017-2018 Nominating Committee:

- Mayor Bill Wild (outgoing Chair Emeritus)
- Mayor LeRoy Burcroff (current CWW Vice-Chair)
- Supervisor David Glaab (nominated by current CWW Chairman)

Motion by Kobylarz, supported by Burcroff to approve the members as submitted.

AYES: All. Motion carried.

2018 EXECUTIVE COMMITTEE

The CWW Nominating Committee will give their recommendation for the 2018 Executive Committee at the December board meeting. Based on the adopted Executive Committee policy, there will be one open seat on the 2018 CWW Executive Committee. Ms. Sellek clarified that in order to be elected to the Executive Committee, a member must be the mayor or supervisor of the CWW community.

Ms. Sellek asked board members interested in serving on the Executive Committee to contact her prior to December 1, 2017.

CWW TENTATIVE 2018 BOARD MEETING SCHEDULE

The tentative 2018 CWW Board Meeting schedule was included in the report. Ms. Sellek reminded everyone that the annual CWW/DCC mixer will be at the February meeting which will be hosted by the City of Romulus.

SPECIAL RECOGNITIONS

Ms. Sellek, on behalf of the CWW Board, gave special recognition to outgoing Mayor Dwyer for his many years of support to CWW. She also congratulated Dale Yagiela on his retirement from Growth Works and thanked him for his hard work and support.

B. LEGISLATIVE UPDATE

STATE ISSUES

DDA CHANGES

Senate Bills 250 and 251 (Hopgood, Schmidt) will amend the DDA Act to require proposed changes to a historic site owned or financed by a DDA, but not located in a local historic district, to be referred to the State Historic Preservation Office (SHPO), through December 31, 2018. It will also establish a \$30,000 civil fine for violating that requirement by demolishing a facility, building, or structure as determined by the SHPO. These bills will also amend the State Housing Development Authority Act to require the SHPO to review proposed changes to the exterior of a historic site owned or financed by the DDA but not located in a historic district, and lastly, prohibit a DDA from demolishing a historic structure without approval of the SHPO.

Ms. Haynes said that Senate Bills 250 and 251 had a hearing in the Senate Committee on Economic Development and International Investment on October 5, 2017.

SHORT-TERM RENTALS

Senate Bill 329 (Hune R-Whitmore Lake) and House Bill 4503 (Sheppard R-Temperance) are identical bills that limit local control on rental housing by preempting local municipalities from regulating short term rentals. While these bills are designed for tourism-heavy parts of the state, they will still affect other communities.

This legislation creates a loophole allowing any existing lease to be amended to a 28-day or less recurring lease and qualify as a short-term rental, therefore being exempt from local regulation, according to MML.

It is expected that Senate Bill 329 will have a hearing soon. The board voted to oppose this legislation in the spring. CWW staff will be in Lansing to voice opposition to this bill.

MAINTENANCE OF QUALIFIED VOTER FILE

House Bill 4671 (Webber, R-Rochester) would allow a city or township to use the county clerk or state Bureau of Elections to handle QVF list maintenance and would allow a city or township to use the county clerk or another city or township for election administration duties.

Each municipality would have to reach a written agreement and each board or council would have to pass a resolution consenting to the partnership. The Bureau of Elections would be required to develop model language for these agreements.

MML supports the bill; MTA is neutral.

OPEN MEETINGS ACT

Ms. Haynes supplied the board with an article from MIRS discussing House Bill 4766 (Howrylak, R-Troy).

MEDICAL MARIHUANA

A number of recommendations have been made by the Medical Marihuana Licensing Board. The recommendations include:

- An applicant must have at least \$150,000 in liquid assets for a class A license (up to 500 plants)
- An applicant must have at least \$300,000 in liquid assets for a class B license (up to 1000 plants)
- An applicant must have at least \$500,000 in liquid assets for a class C license (up to 1500 plants)
- State application fee between \$4,000-\$8,000
- Limits on THC content
- Daily purchasing limits

In September, Ms. Haynes discussed the licensing board and the issue surrounding dispensaries currently open and possibly needing to close before they can apply for licenses on December 15, 2017. Senate Bill 599 (Jones, R-Grand Ledge) and Senate Bill 600 (Knezek, D-Dearborn Heights) seek to stop this potential rule. These bills would allow currently operating dispensaries to stay open while waiting on the state to approve or deny their license, so long as they apply for their license by February 15, 2018.

On November 1, 2017, the Licensing Board backed off the threat and said as long as applicants have documents signed by the local municipal clerk stating the community allows medical marihuana facilities, the facility would not be forced to close.

House Bill 5189 (Runstead, R-White Lake) would limit a growing facility to one Class C license (1500 plants) in an effort to help small grow operations be competitive. Attached to Ms. Hayne's report was an advisory bulletin on Municipal Authorization of Marihuana Facilities.

CHILD CARE FUND CHANGES

Ms. Haynes told the board that Senate Bills 529 and 530 (MacGregor, R-Rockford) have passed the senate. Senate Bill 529 will "allow the DHHS or a county to appeal a determination regarding reimbursement of a child care cost and prohibit the DHHS and a county from seeking reimbursement of expenditures unless they were made under an approved plan and budget according to DHHS policy."

Senate Bill 530 gives an automatic 10% bump of a county's monthly gross expenditures for administrative work and indirect costs. It also looks to include a long list of items which will now be eligible for CCF reimbursement.

LOCAL COMMUNITY STABILIZATION AUTHORITY ACT

HB 5086 (Maturen, R-Vicksburg) changes deadlines in the Local Community Stabilization Authority Act. Ms. Haynes attached the list of amendments to her report.

8. PRESENTATION

A. SIEMENS INDUSTRY US: DATA DRIVEN PLANNING AND LOCAL GOVERNMENT

Wesley Walker, Regional General Manager, explained how utilizing a data-driven process for making smart infrastructure decisions can benefit communities:

- Avoids across-the-board decisions
- Ensures fiscal preparation and long-term planning
- Aligns budgets with community impact and priorities
- Changes lens with which local government sees infrastructure

He discussed how it does not work to act on incorrect data, and that a one-sized approach is not used in their model. Instead, their method balances needs with capabilities, and looks at desired outcomes. Some first steps used are a) risk profiles of systems and assets, and b) infrastructure condition assessment.

9. STATE AND ELECTED OFFICIALS' COMMENTS

County Commissioner Haidous talked about how he first encountered issues with train crossing blockages when he was an elected official for the City of Wayne. Now, at the County level, he sees the same issue across many communities.

Commissioner Haidous would like the CWW Board to request rules from Washington, so that communities will have the ability to enforce those rules.

Alan Helmkamp advised the board that Governor Snyder has appointed him to the Medical Marihuana Advisory Board, which is a 17-member panel. Mr. Helmkamp told the board he will support our communities in his new role.

Supervisor Kobylarz asked Mr. Helmkamp if any CWW communities have opted in. There were several comments from other board members.

10. OTHER BUSINESS

None.

11. ADJOURNMENT

Motion by Kobylarz, supported by Rowe to adjourn the meeting at 10:39 a.m.