

**CALL TO ORDER**

IN REGULAR SESSION Tuesday, September 6, 2016 at 7:00 P.M. in the Council Chambers of Town Hall, 323 West Michigan Avenue, Marshall, MI, the Marshall City Council was called to order by Mayor Reed.

**ROLL CALL**

Roll was called:

Present: Council Members: Gerten, McNeil, Metzger, Miller, Mayor Reed, Schurig, and Williams.

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: None.

**INVOCATION/PLEDGE OF ALLEGIANCE**

Gail Monsma of First Presbyterian Church gave the invocation and Mayor Reed led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA**

**Moved** Gerten, supported Schurig, to approve the agenda as presented. As presented. On a voice vote – **MOTION CARRIED.**

**PUBLIC COMMENT ON AGENDA ITEMS**

Christine Schauer, Calhoun County Treasurer, expressed to Council she was available for any questions that may arise regarding the First Right of Refusal.

**CONSENT AGENDA**

**Moved** Metzger, supported Williams, to approve the Consent Agenda:

- A. Adopted the resolution authorizing the City Manager to designate in writing the representative for AMP related activities for the City of Marshall;
- B. Adopt the resolutions to allow the Assistant City Manager/Director of Community Services to sign the Master Agreement to allow for future funding of projects for the City of Marshall Dial-a-Ride and the Albion-Marshall Connector;
- C. Minutes of the City Council Regular Session held on Monday, August 15, 2016;
- D. Approve city bills in the amount of \$ 1,413,802.03.

On a roll call vote – ayes: Gerten, McNeil, Metzger, Miller, Mayor Reed, Schurig, and Williams; nays: none. **MOTION CARRIED.**

## **PRESENTATIONS AND RECOGNITION**

None.

## **INFORMATIONAL ITEMS**

Director of Public Safety Schwartz provided event reports for the Marshall Public Schools Homecoming Parade.

## **PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**

### **A. Zoning/Sign Ordinance:**

Natalie Dean provided background regarding the process of the Zoning Ordinance. The Planning Commission held a public hearing on July 20, 2016 and recommended that Council approve the zoning ordinance as submitted. City Council held a work session on August 15, 2016, staff went over the details on the six new sections to the ordinance and some amendments were suggested at that time.

Mayor Reed opened the public hearing to hear public comment on the Zoning/Sign Ordinance.

Richard Lindsey, on behalf of Oaklawn Hospital, thanked everyone for their hard work on the ordinance and encouraged Council to adopt the ordinance with the suggested amendments.

Hearing no further comment, the hearing was closed.

**Moved** Miller, supported Metzger, to approve the revised Zoning Ordinance, draft June 24, 2016, as recommended by the Planning Commission.

Based upon the extensive review of the proposed ordinance submitted by the Planning Commission, there are at least ten areas identified by members of the City Council that require minor modification or clarification to achieve the joint goal of the Planning Commission and City Council to update our Zoning Ordinance to address developing trends in land use and to provide a substantially more useful, and user friendly ordinance, based upon the Clear Zoning concept.

I propose that each motion be considered independently, and acted upon, before a final vote on the entire ordinance, as amended, should any of these proposals be adopted by the Council.

### **Motion 1**

**Moved** Miller, supported Williams, to amend the Matrix at page xiv, to remove the category of "urgent care." On a voice vote – **MOTION CARRIED.**

### **Motion 2**

**Moved** Miller, supported Schurig, to amend Section 2.2 at pg. 2-5 to Change the definition of "Adult Day Care Facility" to add "and/or" between the words impaired and elderly, so the definition will read in its entirety as follows: *A facility which provides daytime care for any part of a day but less than 24 hours for functionally impaired and/or elderly persons through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client's home.* On a voice vote – **MOTION CARRIED.**

### **Motion 3**

**Moved** Miller, supported Williams, to amend Section 2.2 at pg. 2-24 to Change the definition of Retail Business, by deleting Business and replacing it with Establishment, so the definition will read, in its entirety as follows: Retail Establishments. A business having as its primary function the supply of merchandise or wares to the end consumer. Includes but is not limited to general merchandise and specialty shops, including home medical equipment sales and home health care services, pharmacies, and stores selling furniture, electronics, appliances, home improvement products, and other consumer goods. On a voice vote – **MOTION CARRIED.**

### **Motion 4**

**Moved** Miller, supported Gerten, to amend Section 3.1.10 pg. 3-24 ix to in the B-4 district only, to change the phrase "fitness and recreation centers" to "health club and recreation centers." On a voice vote – **MOTION CARRIED.**

### **Motion 5**

**Moved** Miller, supported Williams, to amend Section 3.1.10 pg. 3-24 to add as a permitted use "adult day care facility." On a voice vote – **MOTION CARRIED.**

### **Motion 6**

**Moved** Miller, supported Gerten, to amend Section 3.1.10 pg. 3-24 to add as a permitted uses "assembly hall" and "club." On a voice vote – **MOTION CARRIED.**

### **Motion 7**

**Moved** Miller, supported Metzger, to amend Section 4.50 (4) pg. 4-23; Signage.; to add the following language to the end of sub-paragraph A; Private-use charging stations are exempt from signage requirements.; and amend the existing language by adding "commercial" before charging station, so that this section will read as follows:

- A. Each commercial charging station space shall be posted with signage approved by the City of Marshall indicating the charging station space is only for use by electric vehicles for charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced. Private-use charging stations are exempt from signage requirements

On a voice vote – **MOTION CARRIED.**

### **Motion 8**

**Moved** Miller, supported Schurig, to amend Section 4.50 (3)(B) pg. 4-23, by striking the words “solar panel” and capitalizing “Canopies” so the section will read as follows: Solar panel Canopies are permitted; these canopies shall cover only the electric vehicle charging space or spaces. Canopies must provide a clearance height of not less than 14 feet. On a voice vote – **MOTION CARRIED.**

### **Motion 9**

**Moved** Miller, supported McNeil, to amend Section 4.51 (3) pg. 4-24, by striking the word “once” and replacing it with “three days” so the section will read as follows: Duration. A mobile food vending unit may be allowed to park at an approved location up to once three days per week if the applicant has satisfied all of the requirements of this Section. A vendor may seek a new approval for a location on a different property in the City within the same calendar year. On a voice vote – **MOTION CARRIED.**

### **Motion 10**

**Moved** Miller, supported Williams, to amend Section 4.54 pg. 4-29 to add to the Introduction “A small residential system supplying not more than 5 kw is exempt from this chapter. Small wind energy residential systems must meet accessory structure requirements for the district.” SO it will now read in its entirety: A small residential system supplying not more than 5 kw is exempt from this chapter. Small wind energy residential systems must meet accessory structure requirements for the district. Wind energy conversion systems shall be permitted as a special land use in the POSD, FS, I-1 and I-2 districts subject to the following: On a voice vote – **MOTION CARRIED.**

### **Restatement of the motion:**

**Moved** Miller, supported Metzger, to approve the revised Zoning Ordinance, draft June 24, 2016, as recommended by the Planning Commission, as amended. On a roll call vote – ayes: McNeil, Metzger, Miller, Mayor Reed,

Schurig, Williams, and Gerten; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL  
ORDINANCE 2016-07**

AN ORDINANCE TO UPDATE, AMEND AND RE-FORMAT CHAPTER 156: ZONING AND RELATED ZONING MAP AND CHAPTER 152: SIGN ORDINANCE AND ADOPT THE PROPOSED ZONING AND SIGN REGULATIONS UPDATE FOR THE CITY OF MARSHALL FOR THE PURPOSES OF INCORPORATING CLEARZONING FORMATTING AND CLARIFYING CERTAIN PROVISIONS.

THE CITY OF MARSHALL ORDAINS:

**Section 1.** That the Zoning Ordinance, along with the corresponding Zoning Map and Sign Ordinance Updates as presented to the Marshall City Council on September 6, 2016 and recommended for approval by the Marshall City Planning Commission at its regular meeting on July 20, 2016 is hereby adopted as the complete Zoning Ordinance, Zoning Map, and Sign Ordinance to be incorporated into the Marshall City Code.

**Section 2.** This Ordinance [or a summary thereof as permitted by MCL 125.3401] shall be published in full in the *Marshall Chronicle*, a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Mayor and the City Clerk

**Section 3.** This Ordinance is declared to be effective immediately upon publication.

Adopted and signed this 6<sup>th</sup> day of September, 2016.

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Jack Reed, MAYOR

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Trisha Nelson, CITY CLERK

I, Trisha Nelson, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an

ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on September 6, 2016, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available by said Act.

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Trisha Nelson, CITY CLERK

### **OLD BUSINESS**

None.

### **REPORTS AND RECOMMENDATIONS**

#### **A. Consumer's Energy Agreement:**

**Moved** Gerten, supported Williams, to approve the agreement with Consumer's Energy regarding the Marshall House dog run area located at 310 E. Spruce Street. On a roll call vote – ayes: Metzger, Miller, Mayor Reed, Schurig, Williams, Gerten, and McNeil; nays: none. **MOTION CARRIED.**

#### **B. Vehicle Purchase Budget Amendment:**

**Moved** Williams, supported Metzger, to approve a budget amendment in the amount of \$137,409, increasing Capital Outlay – Motor Pool line item 661-898-970.00 for FY 2017. On a roll call vote – ayes: Miller, Mayor Reed, Schurig, Williams, Gerten, McNeil, and Metzger; nays: none. **MOTION CARRIED.**

#### **C. Kalamazoo River/Lake Allegan Watershed Cooperative Agreement:**

**Moved** Williams, supported Gerten, to authorize the Clerk to sign the Kalamazoo River/Lake Allegan Watershed Cooperative Agreement for the Reduction of Phosphorus Loading. On a voice vote – **MOTION CARRIED.**

#### **D. Calhoun County Treasurer – 2016 First Right of Refusal:**

**Moved** Metzger, supported McNeil, to authorize the City Manager to submit the First Right of Refusal under PA 123 of 1999 for public purpose conditioned upon negotiations with the County Land Bank for a development agreement for the former Golden Rule parcels that is acceptable to the City Manager and the City Attorney. On a roll call vote – ayes: Schurig, Williams, Gerten, McNeil,

Metzger, Miller, and Mayor Reed; nays: none. **MOTION CARRIED.**

**APPOINTMENTS/ELECTIONS**

**A. Zoning Board of Appeals Appointment:**

**Moved** Schurig, supported Williams, to approve the appointment of Victor Potter to the Zoning Board of Appeals with a term expiring March 10, 2019. On a voice vote – **MOTION CARRIED.**

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

Richard Lindsey, Marshall School Board President, spoke regarding a successful first day of school for the Marshall District and thanked everyone involved for their support.

Electric Superintendent Ed Rice provided an update on the substation project.

**COUNCIL AND MANAGER COMMUNICATIONS**

**ADJOURNMENT**

The meeting was adjourned at 8:13 p.m.

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Jack Reed, Mayor

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Trisha Nelson, City Clerk