

CALL TO ORDER

IN REGULAR SESSION Monday, October 16, 2017 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: Caron, Costa, McNeil, Metzger, Mayor Reed, and Schurig.

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: Council Members Williams.

Moved Metzger, supported Schurig, to excuse the absence of Council Member Williams. On a voice vote- **MOTION CARRIED.**

INVOCATION/PLEDGE OF ALLEGIANCE

Scott Loughrige of Cross Roads Church & Ministries gave the invocation and Mayor Reed led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Metzger, supported Schurig, to approve the agenda with the addition of the Michigan South Central Power Agency invoice in the amount of \$670,416.88. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

Moved McNeil, supported Caron, to approve the Consent Agenda:

- A. Approved the revised Sister City Committee bylaws;
- B. Approve an Inter-Local agreement with the City of Battle Creek for equipment maintenance;
- C. Minutes of the City Council Regular Session held on Monday, October 2, 2017;
- D. Approve city bills in the amount of \$ 3,763,024.99;

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

PRESENTATIONS AND RECOGNITION

None.

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Zoning Amendment #RZ17.05 to rezone 1005 E. Michigan Avenue to FS (Freeway Services):

Director of Community Services, Jacqueline Slaby, provided background regarding the request from Eileen Burns, owner of the Hi Lite Cruz-In, to use city utilities after experiencing a septic tank failure. The property was previously in Marengo township and has since been transferred to the City of Marshall.

Mayor Reed opened the public hearing to hear public comment on Zoning Amendment Application #RZ17.05 to rezone 1005 E. Michigan Avenue to FS (Freeway Service).

Hearing no comment, the hearing was closed.

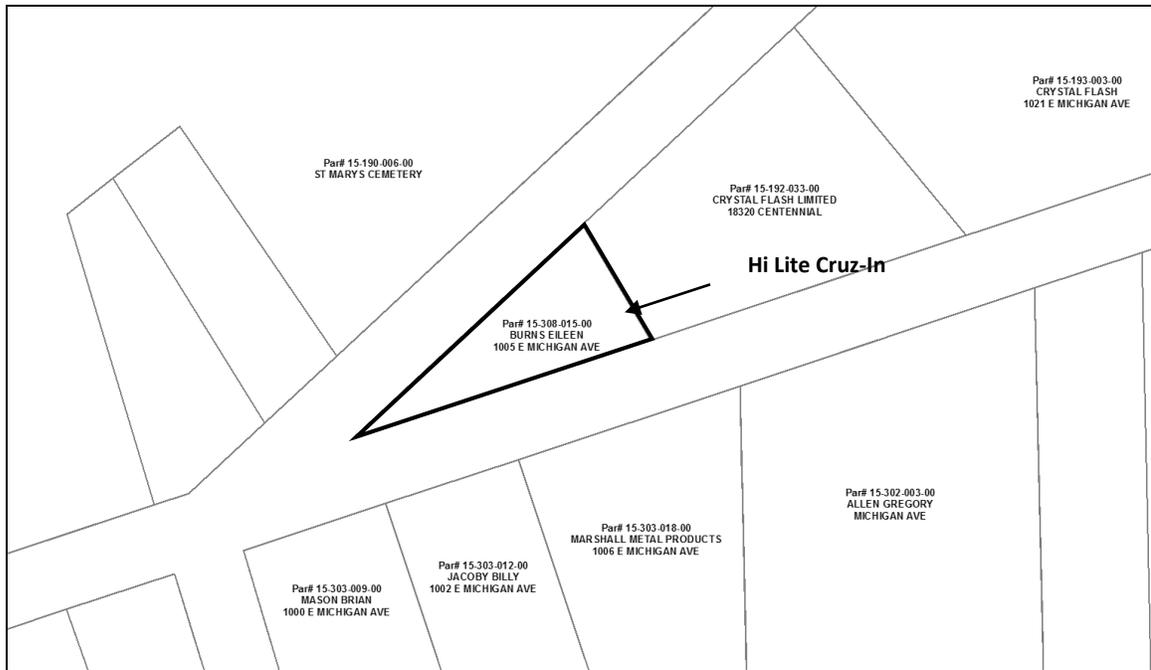
Moved Schurig, supported Caron, to approve Zoning Amendment #RZ17.05 to rezone 1005 E. Michigan Avenue to FS (Freeway Service). On a voice vote – **MOTION CARRIED.**

**CITY OF MARSHALL
ORDINANCE #2017-07**

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CHANGE THE ZONING OF ONE PARCEL OF REAL PROPERTY AT 1005 EAST MICHIGAN AVENUE, PARCEL #15-308-015-00 TO FREEWAY SERVICES (FS).

THE CITY OF MARSHALL, MICHIGAN ORDAINS:

Section 1. Pursuant to the authority granted in Section 7.1 of the Marshall City Code, the Zoning Map of the City of Marshall is hereby amended so as to designate the zoning district for the below described property as Freeway Services (FS).



Property Descriptions

PARCEL #15-308-015-00

Common Addresses

1005 E Michigan Avenue

Section 2. This Ordinance or a summary thereof shall be published in the *Marshall Chronicle*, a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices, within ten (10) days after its adoption. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signature of the Mayor and the City Clerk.

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

Adopted and signed this 16th day of October, 2017.

Jack Reed, MAYOR

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 October 16, 2017, 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.

Trisha Nelson, CITY CLERK

B. Zoning Ordinance Amendment for Private Road Standards:

Director of Community Services, Jacqueline Slaby, provided background regarding the proposed zoning amendment for Private Road Standards. The amendment would ensure flexibility for industrial developments when building access drives in hopes to better optimize the use of their property. The amendment will allow industrial developments that require an internal access drive to connect the property to the public road, to be regulated in the same way multifamily and commercial developments already are.

Mayor Reed opened the public hearing to hear public comment on the proposed zoning amendment for private road standards.

Hearing no comment, the hearing was closed.

Moved McNeil, supported Metzger, to approve the proposed zoning amendment to the Private Road Standards section of the Zoning Ordinance. On a voice vote – **MOTION CARRIED.**

**CITY OF MARSHALL
ORDINANCE #2017-08**

AN ORDINANCE TO AMEND CITY OF MARSHALL ZONING CODE, CHAPTER 5.0 SITE STANDARDS, SECTION 14 THE CITY OF MARSHALL ORDAINS:

Section 1d. That **chapter 5.0, Site Standards, section 14, Parking, Loading, and Access Management** of the Marshall City Zoning Code, is hereby amended to **Add the following:**

(12) Private Road Standards. The City discourages the use of private roads, but may allow private roads as a use subject to special conditions in accordance with Section 6.2 and this Section. The regulations for private roads contained herein shall not apply to platted subdivisions regulated by Chapter 155 of the City's Code of Ordinances, or internal access drives to parking within approved site plans for multiple-family, industrial, or commercial developments.

Section 2. This Ordinance [or a summary thereof as permitted by MCL 125.3401] shall be published 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

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Trisha Nelson, CITY CLERK

C. Zoning Ordinance Amendment for New Principal Uses in I-1 and I-2 Districts:

Director of Community Services, Jacqueline Slaby, proposed an amendment to the City Zoning Ordinance to acknowledge the new uses in I-1 and I-2 Districts introduced by the City Medical Marihuana Ordinance passed by City Council on June 5, 2017 and to ensure consistency between both City Ordinances.

Mayor Reed opened the public hearing to hear public comment on the zoning ordinance amendment for new principal uses in I-1 and I-2 Districts.

Jim Maher, a local physician, stated the use of Medical Marihuana is rare based medical knowledge and feels when you open an area to allow growing you change the culture of the community. He is concerned that this will have an adverse effect on the community.

Alice Peterson would like to see the City grow but is concerned with the Medical Marihuana and believes it will not help the community in the way some people are thinking. She expressed concern for our youth and the effects on our families and the community. She asked Council to consider suspending the permits and putting to a vote.

Kathy Miller stated the City Council did not approve 5 dispensaries in town but they did approve grow facilities that will have to provide security and will be paying taxes.

These facilities will be a benefit to the community.

Matt Hodulik stated what he is hearing loud and clear is money and drugs. He relocated to our community because of the conservative nature and has concerns about Marshall being known as drug leader in the state.

Carol McKenzie has practiced law in our community for over 30 years and has seen a significant rise in Marihuana use and family law cases. She feels the approval of the use in the I-1 and I-2 Districts is a terrible idea. There are very few physicians in Michigan that prescribe Medical Marihuana and people should seek help from qualified physicians with scientific knowledge and not turn to marihuana.

Karen Fritz, resident of Oregon, where they have medicinal marihuana and legalized marihuana that is legalized by the state. She feels people are creating a horror story. The City of Marshall is discussing the growing and not the sale of marihuana and doesn't understand all of the negativity.

Steve Gentry feels the article that was published in the Marshall Ad-visor regarding marihuana is not true. People are more apt to die from alcohol, tobacco, or prescription drugs. He commended the City Council for upholding the Michigan law.

Greg Fountain commended the City Council for the ordinance to allow medical marihuana and believes that everyone should have freedom of choice and feels the council meeting isn't the correct venue to discuss whether or not it good, bad, or indifferent.

Ron Howland stated he is happy with our elected officials and feels that most people are. He feels people should put more faith in the state and local governments to regulate this issue because it is legal. The City needs growth and Council will do what is right for the City.

Dee Nelson feels that some people are suffering and people need additional help. She feels marihuana is a plant and as with everything else, it comes with the good and the bad.

Walters Nichols of Christian Fellowship Bible Church was representing his congregation who are strongly opposed to any decision to allow medical marihuana in Marshall. They are concerned with the City's reputation and the church is also against any dispensing in Marshall.

Brian Munger understands there is a lot of money involved and the City is not doing well economically. He feels the people need to be informed and inquired of the players interested in our community.

Bill Thick spoke regarding how easy it is to get a medical marihuana card and is concerned about people getting the drug and giving it to others. He expressed concerns with the kids in the community.

Bob Holmes stated he learned of the Medical Marihuana issue in the paper and would like to see how much money the town will make off it. He feels we should take a poll of the people and that this does not fit in a historic town.

Charles Franklin feels allowing the growing of medical marihuana is a good choice and is supportive of the issue.

Jerry Clifton stated that marihuana is a very serious issue and feels it is a very dangerous drug. He feels the people have not been informed and faults the Council for not taking the issue to a vote of the people. He expressed disappointment that Council does not represent the citizens of Marshall.

Greg Strand stated he has worked with most of the members of City Council and to keep doing a good job and conduct the business at hand.

James Hackworth shared a personal story and how medical marihuana can help someone. He encouraged people to look at the financial impact this would have for the City. He thanked the City Council for being proactive.

Jeff Karns expressed support for the Council and their decision.

Dan Heckman inquired if the City received opinions on the issue from law enforcement and the local schools. He also inquired about having a vote of the people.

Hearing no further comment, the hearing was closed.

Moved McNeil, supported Schurig, to approve the amendment to add the uses regulated by the City Medical Marihuana Ordinance to I-1 and I-2 Districts as principal permitted uses in the Zoning Ordinance. On a roll call vote – ayes: Costa, McNeil, Metzger, Mayor Reed, Schurig, and Caron; nays: none. **MOTION CARRIED**

CITY OF MARSHALL ORDINANCE #2017-09

AN ORDINANCE TO AMEND CITY OF MARSHALL ZONING CODE, CHAPTER 3.0 ZONING DISTRICTS SECTIONS 1.12.B AND 1.13.B THE CITY OF MARSHALL ORDAINS:

Section 1. That **chapter 3.0, Zoning Districts** of the Marshall City Zoning Code, is hereby amended to **Add the following uses:**

- (1.12.B) *“Any use allowed in such district as provided in the City Medical Marihuana Ordinance.”*
- (1.13.B) *“Any use allowed in such district as provided in the City Medical Marihuana Ordinance.”*

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Trisha Nelson, CITY CLERK

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Ketchum Park Master Plan:

Moved Metzger, supported Caron, to approve the recommendation to award the Ketchum Park Master Plan Project to TowerPinkster for the amount of \$23,710 plus a \$6,290 contingency. On a roll call vote – ayes: McNeil, Metzger, Mayor Reed, Schurig, Caron, and Costa; nays: none. **MOTION CARRIED.**

B. Cronin Developers Agreement Amendment:

Moved McNeil, supported Caron, to approve the amended Developers Agreement between Steve Eyke, Developer of the Cronin Project, and the City of Marshall, to be submitted to the MEDC for review, pending final review and approval by the City Manager and the City Attorney. On a voice vote – **MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

A. Airport Board Appointments:

Moved McNeil, supported Costa, to approve the reappointment of Michael Walraven and Desmond Kirkland to the Airport Board with terms expiring October 1, 2020. On a voice vote – **MOTION CARRIED.**

B. Sister City Board Appointments:

Moved Metzger, supported Schurig, to approve the following appointments and terms to the Sister City Committee. On a voice vote – **MOTION CARRIED.**

Antonio Barroso	October 16, 2020
Julie Oosterink	October 16, 2020
Charlie Cook	October 16, 2020
Shirley Cook	October 16, 2020
Sally Garman	October 16, 2019
Gabriella Radulescu	October 16, 2019
Sue Rosco	October 16, 2019
Candi Putnam	October 16, 2019
Adaline Adams	October 16, 2018
Faye Berry	October 16, 2018
Anna Rogers	October 16, 2018
Drew Rogers	October 16, 2018
Eva Price	October 16, 2018

C. Planning Commission Appointments:

Moved Metzger, supported Schurig, to approve the reappointment of Matthew Rodgers and Susan Collins to the Planning Commission with terms expiring November 1, 2020 and approve the appointment of Alissa Hubbell to the Planning Commission with a term expiring November 1, 2020. On a voice vote – **MOTION CARRIED.**

D. Construction Board of Appeals Appointments:

Moved Caron, supported Metzger, to approve the reappointment of Casey Hall to the Construction Board of Appeals with a term expiring October 6, 2019. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON NON-AGENDA ITEMS

Kathy Miller commended MAEDA on the recent success of the Skeleton Fest.

Ron Howland, owner of 146 W. Michigan Avenue, expressed concerns with the old Dreamers Building.

COUNCIL AND MANAGER COMMUNICATIONS

ADJOURNMENT

The meeting was adjourned at 9:05 p.m.

Jack Reed, Mayor

Trisha Nelson, City Clerk