

CALL TO ORDER

IN REGULAR SESSION Tuesday, December 3, 2019, 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 Caron.

ROLL CALL

Roll was called:

Present: Council Members: Mayor Caron, Gates, Metzger, Traver, Underhill, and Wolfersberger.

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: Council Member McNeil.

Moved Metzger, supported Wolfersberger, to excuse the absence of Council Member McNeil. On a voice vote – **MOTION CARRIED.**

INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Caron led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Metzger, supported Underhill, to approve the agenda as presented. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

Moved Metzger, supported Wolfersberger, to approve the Consent Agenda:

- A. Approve the amended PA425 Conditional Land Transfer for land owned by the Michael-Samuel Corporation at 15325 West Michigan Avenue;
- B. Received the dates for the 2020 City Council Meetings;
- C. Received the listing of the 2020 Board and Commission positions that are scheduled to expire and the term of office;
- D. Minutes of the City Council Regular Session held on Monday, November 18, 2019;
- E. Approve city bills in the amount of \$ 580,836.92.

On a roll call vote – ayes: Gates, Metzger, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

PRESENTATIONS AND RECOGNITION

Matt Holland of Gabridge & Co. presented the 2019 Annual Financial Audit for the City of Marshall for the year ending June 30, 2019.

Moved Metzger, supported Gates, to accept and place on file the 2019 Annual Financial Audit Report. On a voice vote – **MOTION CARRIED.**

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Solid Waste Disposal Ordinance:

City Manager Tarkiewicz provided background regarding the ordinance. A new ordinance would be necessary to allow the City to move to a single hauler contract. The new ordinance that was developed includes language that permits an exclusive contract.

Mayor Caron opened the public hearing for comment on the Solid Waste Disposal Ordinance and stated each person will be allowed 5 minutes to speak.

Tom Waidelich of 625 W. Michigan Avenue stated the public should be allowed to vote and contracts change and Council should consider the long-term.

Stuart Webb of 628 Birch Street stated some negatives regarding the ordinance. There are no provisions for opting out, some people do not use garbage service so would they be forced to pay and if leaf collection went away and leaves needed to be bagged. He feels taxpayers should be allowed to vote on the issues.

Steven Gentry of 728 E. Green, has been a resident since 2012 and is against the ordinance. He questioned why the City would want one contractor and feels government should not mix with private contractors.

Carolyn Hughes of 532 N. Kalamazoo questioned where this started. She doesn't understand and feels the City is trying to take away her choice and she is capable of making her own decisions.

Larry Ellis of 333 N. Sycamore stated he feels this looks like a solution in search of a problem. He is happy with the service he currently has and we do not need this.

David Mead of 728 Wright Lane stated he prays for our elected officials. We pay our taxes and hopes the Council does the right thing.

Ms. Hughes, feels that it is up to the people to vote on the issue and everyone has rights.

Cathy Slaughter of 319 N. Eagle stated the rates that were given in the Advisor were not correct.

Lynn Smalek of 1001 O'Keefe feels the citizens should be able to vote on the issue.

David Fry of 908 Wooded Lane stated he has worked in the waste management industry for 28 years. Success depends on the ordinance and within the boundaries of the contract. He feels problems can be solved with the right contractual relationship.

Elaine Heath of 612 Sibley Lane stated she already has no choice with her electricity. She does not have room for 3 trash containers and Marshall is being sold down the tube.

Jack Vandybogurt of 615 North Drive W stated he has a problem with the billing. People in Marshall need more answers and feels the whole thing is a joke.

Wayne Mason of 124 Lincoln asked why the City is even involved. He feels that the people should be able to choose who they do business with.

Edward Masters of 116 W. Spruce has owned a small business for over 25 years. He feels that Scooters bought a local business and we are trying to put them out of business. The City does not need to tell them what to do with garbage, it is the people's choice not the City.

Heather Johnson of 1037 Rose Street inquired if the residents will see the results of the on-line survey that was taken. She is opposed and feels it is not Council's right to choose for them and doesn't see the benefit.

Dave Crowle, 105 Chauncey Court, of the Brewer Woods Condo Association stated they will be paying for a service that is not used.

Denise Stovall of 601 Forest Street feels that we are creating a monopoly and there is no reason to have this.

Stephanie Davis of 542 Hill Road feels the process went to fast and there still needs to be discussions. She has a problem with only one contract and they should have the right to choose.

James Hackworth of 306 High Street stated he is appreciative for allowing the discussion. He likes the idea of paying less per quarter but feels there needs to be more discussion on the issue.

Michael Roberson of Locust Street, stated he does not have garbage service and asked if he would be required to pay for a service he does not use.

Brian Miller of 712 S. Kalamazoo feels it is the residents decision and the people do not need over reaching government. He feels the City doesn't spread business evenly and cheaper does not always mean better.

Paul Schuette of 620 Schuyler Street stated he has gone over the ordinance. People may not have room and storage area for 3 cans. With an exclusive contract, the City would be taking away people's choice.

Norman Hawker of 416 Whispering Pines stated he is a professor that studies what happens when you remove competition from the public sector. He stated robust competition is what makes the private sector work.

MJ Harting-Minkwic of 538 Hill Road there could be customers of more than one vendor. People are willing to pay more for better service.

Matthew Robinson of 419 N. Kalamazoo inquired regarding leaf pick-up and likes the recycling.

Creighton Burrows feels the government is out of control. People have the right to contract with anyone they chose.

Barry Adams stated do not fix what isn't broken. Council is trying to take away our natural rights. He feels that if this is approved there would be legal action.

Margaret Winchell of 911 Jones stated she is a large user of the compost center and hopes to continue to have one.

Tim Ruddock of 560 N. Madison stated he has a problem with this issue and people should have the freedom to choose. He also has an issue with not being able to use the compost center and feels it is not fair.

Tom Waidelich stated that Republic Waste is out of Arizona and Council really needs to consider everything before making a choice.

Hearing no further comment, Mayor Caron closed the public hearing.

Mayor Caron thanked everyone for their comments and all of the information will be considered.

Moved Metzger, supported Traver, to postpone any action on the Solid Waste Ordinance issue to a later date. On a voice vote – **MOTION CARRIED.**

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

Trisha Nelson, Planning & Zoning Administrator provided background regarding the ordinance. City Council adopted the Commercial Marihuana Ordinance on September 16, 2019. To ensure consistency between City Ordinances, an amendment to the zoning ordinance need to occur to allow commercial marihuana as a permitted use in the I-1 and I-2 zoning districts. Planning Commission held a public hearing on November 13, 2019.

Mayor Caron opened the public hearing to hear public comment regarding the proposed amendments to the Zoning Ordinance.

Jack Reed of 116 S. Sycamore asked for clarification on the amendments.

Hearing no further comment, the hearing was closed.

Moved Wolfersberger, supported Gates, to approve the amendments to the Zoning Ordinance for Commercial Marijuana to be allowed as a permitted use in the I-1 and I-2 zoning districts. On a voice vote – **MOTION CARRIED.**

**CITY OF MARSHALL
ORDINANCE #2019-09**

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, section 3.1.12, I-1 Research and Technical District, subsection B – Principal Permitted Uses, is hereby amended to **Add the following uses:**

- xxiv. *“Any use allowed in such district as provided in the City Commercial Marijuana Ordinance.”*

Section 2. That **Chapter 3.0, Zoning Districts** of the Marshall City Zoning Code, section 3.1.13 I-2 General Industrial District, subsection B – Principal Permitted Uses, is hereby amended to **add the following uses:**

- xxv. *“Any use allowed in such district as provided in the City Commercial Marijuana Ordinance.”*

Section 3. Severability. It is the legislative intent of the City adopting this Ordinance that all provisions hereof shall be liberally construed to protect the public health, safety and general welfare of the inhabitants of the City and all other persons affected by this Ordinance. Consequently, should any provision of this Ordinance be held to be unconstitutional, invalid or of no effect, such holding shall not be construed as affecting the validity of any of the remaining provisions of this Ordinance or Zoning Code, it being the intent of the City Council that this Ordinance shall stand and remain in effect, notwithstanding the invalidity of any provision hereof.

Section 4. 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 Ordinance Book and such recording shall be authenticated by the signatures of the Mayor and the City Clerk.

Section 5. This Ordinance is declared to be effective seven (7) days after publication or as provided by law.

Adopted and signed this 3rd day of December, 2019.

Joe Caron, 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 December 3, 2019, 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

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Bids for Brooks Field Terminal Construction:

Moved Metzger, supported Gates, to approve the bid from Kalleward Group of Kalamazoo for \$909,400 to construct the new Brooks Field Terminal and \$70,000 for Mead Hunts construction administration. It is further recommended that the project be funded by using the four years of available Federal and State funding, a loan of up to \$100,000 from the Michigan Department of Transportation, and borrow from another Airport's funding allocation to be paid in 2021 from the City's federal allocation. It is also recommended that the FY2020 budget for the Airport Capital Outlay account 295-900-970.00 be increased by \$20,470. On a roll call vote – ayes: Traver, Underhill, Wolfersberger, Mayor Caron, Gates, and Metzger; nays: none.
MOTION CARRIED.

B. Major Material Purchase for the Pearl Street Substation:

Moved Wolfersberger, supported Underhill, to approve the following purchases for the Pearl Street Electric Substation project to the low bidders: The Electric System Protection Relays and Associated Panels in the amount of \$298,900 to System Control, Inc and Structural Steel in the amount of \$79,638.18 to Professional Electric Products Co. On a roll call vote – ayes: Underhill, Wolfersberger, Mayor Caron,

Gates, Metzger, and Traver; nays: none. **MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Kathy Miller of 540 Cosmopolitan commented on the Christmas Parade and encouraged everyone to visit the Merry Mile at the fairgrounds.

Jack Reed of 116 S. Sycamore expressed appreciation to Council and stated that more information is needed on the solid waste issue.

Margaret Winchell of 911 Jones Street feel that more information needs to be given regarding the South Neighborhood Improvement Authority.

COUNCIL AND MANAGER COMMUNICATIONS

ADJOURNMENT

The meeting was adjourned at 9:12 p.m.

Joe Caron, Mayor

Trisha Nelson, City Clerk