

CALL TO ORDER

IN REGULAR SESSION, Monday, December 7, 2020, at 7:00 P.M., via Electronic Meeting format utilizing ZOOM. City Council was called to order by Mayor Caron.

ROLL CALL

Roll was called:

Present: Council Members: Mayor Caron (Marshall, MI), Gates (Marshall, MI), McNeil (Milwaukee, WI), Metzger (Marshall, MI), Traver (Marshall, MI), Underhill (Marshall, MI), and Wolfersberger (Marshall, MI).

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: Council Member Traver.

INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Caron led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Metzger, supported McNeil, to approve the agenda as presented. On a roll call vote – ayes: Gates, McNeil, Metzger, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

Mike Yarger of Republic Services stated he was on the meeting if there were any questions for him regarding Trash.

Barry Wayne Adams stated that he believes the will of the people does not matter. He did not authorize the City to enter into a contract on his behalf and he feels we are taking away people's rights and constitutional given rights.

Vicki DeGraw of 609 Hill Road stated she did not see a cost analysis on the trash issue and feels the city should not go into a contact on the citizen's behalf. Ms. DeGraw feels that the Zoom Meeting is wrong and hopes it is voted down.

CONSENT AGENDA

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

- A. Schedule a public hearing for Monday, January 4, 2021 to hear comments on the proposed amendments to sections 70.13 through 70.17 of Chapter 70: Vehicle and Traffic of the Marshall City Code of Ordinances;
- B. Received the dates for the 2021 City Council Meetings;
- C. Received the listing of the 2021 Boards and Commission positions that are scheduled to expire and the term of office;

- D. Approved the revised Title VI Non-Discrimination Plan as presented;
- E. Approve the MERS Defined Contribution Plan addendum and the Defined Benefit Plan addendum with an effective date of January 1, 2021 and to authorize the City Clerk to sign the agreements;
- F. Minutes of the City Council Work Session and Regular Session held on Monday, November 16, 2020 and the Special Session held on Thursday, November 19, 2020;
- G. Approve city bills in the amount of \$249,344.09.

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

PRESENTATIONS AND RECOGNITION

A. 2020 Financial Audit:

Matt Holland of Gabridge and Co. presented the findings of the FY 2020 Financial Audit for the City of Marshall.

B. Certificates of Appreciation:

Mayor Caron acknowledged past boards and commissions members.

INFORMATIONAL ITEMS

None.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Solid Waste Disposal Ordinances:

Director of Special Projects Eric Zuzga provided background regarding the proposed solid waste ordinance. Staff has been working on updating the proposed ordinance to address comments and concerns that were received during the discussion in 2019.

Mayor Caron opened the public hearing for public comment regarding the Solid Waste Disposal Ordinance.

Barry Wayne Adams finds it disturbing that the City is discussing the ordinance again and feels that people's constitutional rights are being ignored. Mr. Adams also feels that the Zoom meeting is in violation of the Open Meetings Act and what the City is trying to do is corporate fascism.

Tim Ruddock does not agree with using a single hauler for the City and wanted clarification if he would be charged for his vacant parcel on Montgomery Street.

Sara Huggett commented in support of the issue and stated the few voices don't

speaking for the entire City and the single hauler would be in the best interest of the community.

Vicki DeGraw inquired regarding the \$2.00 admin fee and the limitations on what could be charged to citizens. Ms. DeGraw also likes having competition and the single contract would eliminate this.

Brian Huggett feels the issue is a good fight and to continue to pursue the issue. He thanked Council for hearing their voices.

Heather Johnson inquired if it could be set up similar to FiberNet.

Stephanie Davis expressed opposition to the issue.

Bill Collins stated he is currently paid in full for a year with his current provider and inquired what would happen. Mr. Collins asked why only 1 bid was presented and stated he is not in agreement.

Hearing no further comment, the hearing was closed.

Moved Wolfersberger, supported Metzger, to adopt the proposed Chapter 50: Garbage and Rubbish Ordinance. On a roll vote – ayes: Traver, Wolfersberger, Mayor Caron, and Gates; nays: Metzger, McNeil, and Underhill. **MOTION CARRIED.**

MARSHALL CITY ORDINANCE
CALHOUN COUNTY, MICHIGAN

ORDINANCE NUMBER #2020-13

AN ORDINANCE TO REPEAL SECTIONS 50.01-50.99 OF THE CITY OF MARSHALL CODIFIED ORDINANCES AND REPLACE THEM WITH NEW SECTIONS 50.01-50.99

THE CITY OF MARSHALL ORDAINS:

Section 1. THAT TITLE V, PUBLIC WORKS, CHAPTER 50: GARBAGE AND RUBBISH READS AS FOLLOWS:

Section

- 50.01 Definitions
- 50.02 Disposal of Refuse and Garbage
- 50.03 Disposal of Industrial Waste
- 50.04 Deposits on Public Grounds

50.05	Exclusive Contracts
50.06	Storage of Containers
50.07	Types of Collections Services
50.08	Pollution of Streams
50.09	Rates and Charges
50.10	Liens; Special Assessments, Deposits
50.11	Issuance of Civil Infractions Citations and Notices
50.12	Disposal of Brush and Loose Leaves; Brush and Loose-Leaf Collection
50.13	Vacant Lots
50.14	Enforcement
50.99	Penalty

50.01 Definitions.

- A. "Brush" means twigs, brush, branches, and tree trunks not greater than four inches in diameter.
- B. "Commercial garbage service" means the miscellaneous waste material, such as garbage, rubbish, and ashes, resulting from the operation of business enterprises and institutions. Such term includes construction waste, but excludes industrial trade waste.
- C. "Garbage" means rejected organic waste including waste from the accumulation of animal, fruit or vegetable matter used or intended for use in the preparation, use, cooking, processing or storing of meat, fish, fowl, fruit, vegetable or other food; accumulations of leaves, branches, cut grass or other vegetation. Excluded from the definition is organic waste which is contained within managed compost.
- D. "Industrial waste" means accumulated on industrial or manufacturing premises arising from industrial, manufacturing, or chemical processing and includes, but is not limited to, metal scrap and solid or liquid chemical waste.
- D. "Recyclable materials" means refuse materials designated by the City Manager to be part of the City's recycling program and which are intended for transportation, processing and remanufacturing or reuse. Such items include, but are not limited to, the following: various grades of paper and cardboard, plastic bottles and jugs, glass, tin and aluminum containers and yard waste. Selection of the materials to be recycled will be at the discretion of the City Manager.
- E. "Refuse" means all manner of the same, including; but not limited to, ashes, rags, discarded clothing, discarded furniture, discarded appliances, tin cans, tin ware, bottles, broken glass, or waste paper. The words "refuse," "trash,"

"rubbish," "litter," and "debris" shall be considered synonymous terms for the purposes of this chapter.

- F. "Residential refuse and residential garbage service" means service provided to premises having dwellings of less than four units.
- G. "Solid industrial waste service" means all trade wastes peculiar to industrial manufacturing or processing plants, including hazardous refuse, but not including commercial refuse
- H. "Yard waste" means leaves, grass clippings, weeds, hedge clippings, garden waste, twigs and brush no longer than two feet in length and one-half inch in diameter, and other organic material subject to natural composting as approved by the City Manager.

50.02 DISPOSAL OF REFUSE AND GARBAGE.

- A. It shall be unlawful for any person to keep on or about premises owned or occupied by him or her any refuse or garbage, unless the same shall be kept in a watertight receptacle, which shall be kept tightly covered so as to prevent the access of insects or animals. The contents of such receptacles shall be removed from the premises and properly disposed of at least once every seven days. However, if the owner of a premises occupied by a tenant or tenants shall furnish or cause to be furnished garbage pickup once every seven days for such tenant or tenants, such owner may not be prosecuted for violations of this section on such tenant-occupied premises during the period in which such garbage pickup was furnished.
- B. It shall be unlawful for any person knowingly to dump, deposit, place, throw or leave, or cause or permit the dumping, depositing, throwing, or leaving of garbage or refuse on any private property within the City.
- C. No person shall burn any garbage or refuse.
- D. No person shall burn any substance which shall, due to the nature of the substance or manner of burning, create or constitute a nuisance.

50.03 DISPOSAL OF INDUSTRIAL WASTE.

It shall be unlawful for the owner of premises and the occupant thereof to permit or suffer the accumulation of industrial waste on any premises in the City. Industrial waste shall be stored in receptacles and disposed of properly. Items of solid industrial waste too large to be stored in such receptacles shall be neatly stacked and disposed of properly at least once every three months. It shall be unlawful for any person knowingly, without the consent of the owner of private property, to dump,

deposit, place, throw or leave, or cause or permit the dumping, depositing, placing, throwing, or leaving of industrial waste on private land in the City. Liquid industrial waste shall be disposed of in accordance with applicable State and Federal regulations.

50.04 DEPOSITS ON PUBLIC GROUNDS.

No person shall throw or deposit any garbage or refuse on any of the public streets, sidewalks, lanes, alleys, parks, cemeteries or other public grounds in the City at any time, including, but not limited to, the deposit of household garbage or refuse in garbage, trash or refuse containers located on any public street, sidewalk, lane, alley, park, cemetery or other public grounds.

50.05 EXCLUSIVE CONTRACTS.

The City Council shall, either by advertising for bids or otherwise, enter into an exclusive contract, with the mutual consent of the contractor, who shall be licensed, or extend the term of such contract, with such person as the City Council may deem best able to collect and dispose of residential refuse in the City in accordance with the best interests of the City and its residents. The contractor shall be the only person allowed to provide residential refuse collection and disposal services within the City or within the boundaries prescribed by the limitations of this chapter. The contract documents shall contain provisions that the City contractor shall collect and dispose of refuse from residential premises in the City in full compliance with this chapter and applicable local, State and Federal laws, rules, and regulations.

50.06 STORAGE OF CONTAINERS

From and after the passage and taking effect of this ordinance, it shall be unlawful for any person to leave their containers along any public way, street, alley, sidewalk, or other public property. Containers used for the disposing of said trash and rubbish shall be kept on the property's side yard, rear yard, garages, car ports, homes, or another inconspicuous place. Containers can be placed adjacent to the road within a period of time 24 hours before to 12 hours after any collection by a licensed hauler for the residential home involved.

50.07 TYPES OF COLLECTION SERVICES.

The contractor shall provide either curbside unlimited or backyard collection service one time per week and curbside recycling services as defined by this chapter to each residential premises either one time per week, or bi-weekly as may be determined appropriate by the City Manager. Curbside refers to that portion of a right-of-way adjacent to paved or travelled City roadways, excluding approved alleys. Backyard refers to a side or backyard or place that is convenient for both the City contractor

and the customer, but in no case shall the City contractor be required to enter a garage or dwelling.

50.08 POLLUTION OF STREAMS.

No person shall cast or throw or cause to be cast or thrown into Kalamazoo River or Rice Creek, or into any of the streams or sewers leading thereto or into any pond or stream of water in the city, or into any ditch or drain in the city any garbage or litter.

50.09 RATES AND CHARGES.

If the City maintains any public disposal site, the City may establish, by resolution, any reasonable charge to offset, in part or total, the cost of operating the disposal facility.

50.10 LIENS; SPECIAL ASSESSMENTS; DEPOSITS.

Charges for residential premises refuse collection shall constitute a lien on such premises.

In addition to the methods of collection of fees imposed by or pursuant to this chapter, prior to the creation of the August 1 tax bills, the Director of Finance shall certify all unpaid charges for such service furnished to any premises which, as of such dates, have remained unpaid for a period of six months, to the City Treasurer who shall place the same on a summer tax roll of the City.

50.11 ISSUANCE OF CIVIL INFRACTION CITATIONS AND NOTICES.

The City Manager and his or her designated representative is hereby designated as the authorized City official to issue Municipal civil infraction citations.

50.12 DISPOSAL OF BRUSH AND LOOSE LEAVES; BRUSH AND LOOSE-LEAF COLLECTION PROGRAM.

- A. No person shall place or deposit or cause to be placed or deposited, upon public or private property, brush, except as provided by this section.
- B. The City Manager is hereby authorized to establish a City-wide residential brush and loose-leaf collection program, which shall include provisions for the collection of brush resulting from storm damage, and to establish rules and regulations for the implementation of the program.
- C. The rules and regulations for the collection of brush and loose-leaves shall establish the dates for pick-up. Any items set out subsequent to pick-up shall be removed from the curb lawn area within forty-eight hours by the owner,

agent, or occupant of the premises in front of or adjacent to which the brush is located. Failure to remove improperly placed brush will result in the issuing of a Municipal civil infraction violation notice.

- D. The brush program is not meant to circumvent the free-enterprise system of commercial tree and brush removal. The City will not pick-up material that is left as a result of a tree or lot being commercially cleared, removed, or pruned.

50.13 VACANT LOTS.

Any person owning or having a possessory interest in any lot or portion of land within the City which is vacant is responsible for securing, collecting and disposing of refuse which may accumulate thereon by contracting with a person licensed in accordance with this chapter or by self-removal through proper collection and storage of refuse, transporting the refuse in a manner to prevent littering or any other nuisance and depositing the same at an approved disposal area, in accordance with applicable local, State and Federal laws, rules and regulations.

50.14 ENFORCEMENT.

The City Manager or his/her appointee is hereby charged with enforcing this chapter.

50.99 Penalty

A person who violates any provision of this chapter is responsible for a Municipal Civil Infraction and shall be subject to the payment of a civil fine of not more than five hundred dollars (\$500.00), plus costs and other sanctions, for each infraction, including any costs of clean-up. The City Council shall adopt a fine schedule for violations of this ordinance.

Severability.

The various parts, sections and clauses of the Ordinance are declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of the ordinance shall not be affected.

Effective Date.

This Ordinance shall be effective thirty (30) days after publication.

Date Enacted: December 7, 2020

Date Published: December 12, 2020

Date Effective: January 11, 2021

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

Section 3. This Ordinance shall be effective thirty (30) days after publication.

Adopted and signed this 7th day of December, 2020.

Joe Caron, MAYOR

Trisha Nelson, CITY CLERK

I, Trisha Nelson, being duly sworn as the 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 special meeting held on December 7, 2020, 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 and City Ordinance, Chapter 121 to define Hoop House and Commercial Greenhouse and define Use Standards for same:

Planning and Zoning Administrator Trisha Nelson provided background on the proposed ordinance amendments. The purpose of the amendments is to allow the cultivation of marihuana in semi-permanent structures defined as hoop houses and commercial greenhouses.

Mayor Caron opened the public hearing to hear comment on the proposed changes to the Zoning Ordinance and City Ordinance to define Hoop House and Commercial Greenhouse.

Barry Wayne Adams commented that he finds it interesting that government is trying to regulate an individual growing plants and it is an overreach by the government.

Mike Beck, Director of Community Public Relations for MPM, thanked staff for doing a good job on the ordinance and the use of commercial greenhouses for MPM will add money and jobs.

Hearing no further comment, the hearing was closed.

Moved Traver, supported Metzger, to approve the changes to the Zoning Ordinance and Chapter 121 of the City of Marshall Code of Ordinances to define Hoop House and Commercial Greenhouse and to define the Use Standards. On a roll call vote –

ayes: Underhill, Wolfersberger, Mayor Caron, Gates, McNeil, Metzger, and Traver;
nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
ORDINANCE #2020-14**

AN ORDINANCE TO AMEND CITY OF MARSHALL ZONING CODE, CHAPTER 2.0, DEFINITIONS, SECTION 2.2, AND CHAPTER 4.0 USE STANDARDS, SECTION 4.16, COMMERCIAL GREENHOUSES, NURSERIES AND GARDEN CENTERS.

THE CITY OF MARSHALL HEREBY ORDAINS:

Section 1. That **Chapter 2.0, Definitions** of the Marshall City Zoning Code, Section 2.2 “Definitions”, is hereby amended to **add the following terms or words as defined as follows:**

Hoop House. A temporary structure used exclusively for the production and storage of live plants, with no permanent anchoring system or foundation; no storage, temporary or otherwise, of solvents, fertilizers, gases or other chemicals or flammable materials; built according to manufacturer recommendations; no more than 18 feet maximum height.

Commercial Greenhouse. A permanent structure that is constructed primarily of glass, glass-like or translucent material which is devoted to the protection or cultivation of plants, food or ornamental crops.

Section 2. That **Chapter 3.0, Zoning Districts** of the Marshall City Zoning Code, Section 3.1.12 “I-1 Research and Technical District”, is hereby amended to **add “hoop houses” to the following Special Land Uses as follows:**

- v. Commercial greenhouses, **hoop houses**, nurseries, and garden centers.

Section 3. That **Chapter 4.0 Use Standards** of the Marshall City Zoning Code, Section 4.16 “Commercial Greenhouses, Nurseries and Garden Centers”, is hereby amended to **add requirements for Hoop Houses and Commercial Greenhouses for marihuana cultivation as follows:**

Hoop Houses and Commercial Greenhouses for marihuana cultivation are permitted as special land uses in the I-1 district with no limits on square footage.

1. Hoop House. The following shall apply:
 - A. Setbacks shall be 1500 feet from any residential structure, 250 feet from the road right-of-way centerline, and 50 feet from any rear or side property line.
 - B. Limited duration not to exceed three (3) years.

- C. If a Hoop House contains any device subject to the electrical code or any mechanical equipment subject to the mechanical code, a permit shall be required for the device, system or fixture only. If the hoop house is connected to a potable water system, a permit shall be required for the backflow prevention devices only.
2. Commercial Greenhouse. The following shall apply:
 - A. Setbacks shall be required under Section 3.1.12(D).
 3. Hoop House and Commercial Greenhouse cultivation of marihuana. The following shall apply:
 - A. Comply with applicable LARA/MRA rules and regulations, City ordinances and City Zoning Ordinance.
 - B. Subject to a Special Land Use permit under Section 6.2, permit and for special conditions as may be necessary based upon the uniqueness of the property, subject to a public hearing, review and recommendation by the Planning Commission, and approval by the City Council in accordance with the procedures and conditions specified in Section 6.2. of the Zoning Ordinance. A Special land Use permit may be revoked or rescinded by the City Council for violation of the SUP, City ordinance, Zoning Ordinance, or state law and regulations, after notice to the SUP holder and hearing.
 - C. As permitted in this section, the area containing the cultivation of marihuana plants must be completely confined and enclosed in a Hoop House or Commercial Greenhouse made of durable construction to include metal framing materials and durable translucent material on all sides and top of a Hoop House, or glass, glass-like or translucent material on all sides and top of a Commercial Greenhouse. Hoop Houses and Commercial Greenhouses may not exceed 18 feet maximum height.
 - D. Hoop Houses and Commercial Greenhouses must be located on the parcel of the grower establishment or facility, fully enclosed by property security fencing. Security fencing must be at a minimum of eight (8) feet in height.
 - E. Site Plan approval. Hoop Houses and Commercial Greenhouses are subject to site plan review and must receive approval.
 - F. Screening shall comply with Section 5.15.8, and also include the means, including walls and plantings, to accomplish complete

visual screening from the road right-of-way and adjacent property. Hoop Houses and Commercial Greenhouses must have greenbelt barriers that block outside visibility of the marihuana plants from the public view, with no marihuana plants growing outside the top of the Hoop House or Commercial Greenhouse nor above the fence and barrier that is visible to the public eye and the fences must be secured and comply with the applicable security measures in City ordinances and LARA/MRA rules and regulations, including but not limited to, locked entries only accessible to authorized persons or emergency personnel.

- G. After the marihuana is harvested, all drying, trimming, curing, or packaging of marihuana must occur inside a permanent building meeting all the requirements of City ordinance, state statute, codes and LARA/MRA rules and regulations.
- H. Hoop Houses and Commercial Greenhouses must meet the security requirements and pass inspections required under City ordinance and LARA/MRA rules and regulations and any necessary building permit pursuant to City ordinance, state statute, code and LARA/MRA rules and regulations.
- I. Odor Control. A grower or a processor shall install and maintain in operable condition a system which precludes the emission of unreasonable marihuana odor from the property.

Section 4. 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 5. This Ordinance shall be published in 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 6. This Ordinance is declared to be effective seven (7) days after publication or as provided by law.

Adopted and signed this 7th day of December, 2020.

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 7, 2020, 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

CITY OF MARSHALL, MICHIGAN

Ordinance No. 2020-15

PREAMBLE

AN ORDINANCE TO AMEND ORDINANCE NO. 2019-06 TO PERMIT THE OUTDOOR CULTIVATION OF MARIHUANA IN COMMERCIAL GREENHOUSES AND HOOP HOUSES CONSISTENT WITH THIS ORDINANCE, STATE LAW AND REGULATION; TO AMEND SECTIONS "DEFINITIONS", "LOCATION AND ELIGIBILITY", AND "MARIHUANA CULTIVATION"; TO AMEND ANY SECTIONS INCONSISTENT WITH ORDINANCE NO. 2019-06; AND TO ESTABLISH AN EFFECTIVE DATE AS PROVIDED BY LAW.

The City of Marshall, Michigan Ordains:

That Ordinance 2019-06 and the Code of Ordinances of the City of Marshall, Title XI Business Regulations, Chapter 121, Commercial Marihuana, as amended, to read as follows:

§ DEFINITIONS.

Section "DEFINITIONS" is hereby amended to add following words, terms and phrases in Ordinance No. 2019-06, and shall have the meanings ascribed to them, except where the context clearly indicates otherwise:

COMMERCIAL GREENHOUSE. A permanent structure that is constructed primarily of glass, glass-like or translucent material which is devoted to the protection or cultivation of plants, food or ornamental crops.

HOOP HOUSE. A temporary structure used exclusively for the production and storage of live plants, with no permanent anchoring system or foundation; no storage, temporary or otherwise, of solvents, fertilizers, gases or other chemicals or flammable materials; built according to manufacturer recommendations; no more than 18 feet maximum height.

§ LOCATION AND ELIGIBILITY.

Section "LOCATION AND ELIGIBILITY" is hereby amended to add following words, terms and regulations in Ordinance No. 2019-06:

(D) Marihuana Establishment licenses permitted under this Ordinance are governed by type and location requirements, as follows:

(1) Marihuana Grower License:

b. All grower establishments and operations must be within an enclosed, secured structure, and cultivation of marihuana may occur in an outdoor area confined to a "commercial greenhouse" or "hoop house" that must meet all the following conditions:

- i. Comply with applicable state law, rules and regulations, and City ordinances and City Zoning Ordinance.
- ii. Cultivation of marihuana in a commercial greenhouse or hoop house is only permitted and subject to a Special Land Use for special conditions (special land uses) in the identified Industrial District subject to the provisions of the City's Zoning Ordinance. A Special land Use permit may be revoked or rescinded by the City Council for violation of the Special Land Use permit, City ordinance, Zoning

Ordinance, or state law and regulations, after notice to the permit holder and hearing.

- iii. Cultivation of marihuana in a commercial greenhouse or hoop house must be concealed from public view and must be completely confined and enclosed in a commercial greenhouse or hoop house made of durable translucent material on all sides and top of a hoop house, or glass, glass-like or translucent material on all sides and top of a commercial greenhouse. Hoop houses and commercial greenhouses may not exceed 18 feet maximum height.
- iv. Commercial greenhouses and hoop houses must be located on the parcel of the licensed grower facility/establishment, fully enclosed by security fencing and barriers that block outside visibility of the commercial greenhouse, hoop house, and marihuana plants from the public view to accomplish complete screening from the road right-of-way and adjacent property. No marihuana plants may grow outside the top of the commercial greenhouse or hoop house and must not be visible above the fence and barrier that is visible to public view. Fencing must comply with the applicable security measures and fencing requirements under city ordinance and LARA/MRA rules, including but not limited to, locked entries only accessible to authorized persons or emergency personnel. Security fencing must be at a minimum of eight (8) feet in height.
- v. After the marihuana is harvested, all drying, trimming, curing, or packaging of marihuana must occur inside a permanent building meeting all the requirements of City ordinance, state statute, codes and LARA/MRA rules and regulations.

- vi. Greenhouses and hoop houses must meet the security requirements and pass the inspections in this ordinance and LARA/MRA rules and any required building and electrical permit pursuant to City ordinance, state statute and LARA/MRA rules.
- vii. Commercial greenhouses and hoop houses shall meet setback requirements of the City's Zoning Ordinance.
- viii. Odor Control. A grower or a processor shall install and maintain in operable condition a system which precludes the emission of unreasonable marijuana odor from the property.
 - i. All buildings, commercial greenhouses, hoop houses, and structures shall be subject to inspection at any time by the City Fire Department to insure compliance with all applicable statutes, codes and ordinances.

§ MARIHUANA CULTIVATION.

Section "MARIHUANA CULTIVATION" is hereby amended to add following words, terms and regulations in Ordinance No. 2019-06:

(A) Cultivation, generally.

- (1) Marijuana cultivation shall be conducted consistent with this Ordinance, the MRTMA, including but not limited to MCL 333.27961, and any LARA rules, within an enclosed, secured structure, and as permitted in a commercial greenhouse or hoop house under city ordinances and Special Land Use permit; and

§ SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the

remainder of such ordinance which shall continue in full force and effect. The provisions herein shall be construed as not interfering or conflicting with the statutory regulations for licensing recreational (adult use) marijuana establishments pursuant to Initiated Law 1 of 2018, as amended.

§ EFFECTIVE DATE.

This Ordinance shall become on 30 days after publication and recording as required by law.

This Ordinance shall be published in 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.

Adopted and signed this 7th day of December, 2020.

Joe Caron, Mayor

Trisha Nelson, City Clerk

I, Trisha Nelson, being duly sworn as the 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 7, 2020, 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

C. Obsolete Property Rehabilitation Exemption (OPRA):

Moved Metzger, supported Traver, to recuse Mayor Caron from voting on the OPRA Exemption as he is an employee of Schuler's Restaurant. On a roll vote – ayes: McNeil, Metzger, Traver, Underhill, Wolfersberger, and Gates; nays: None. **MOTION CARRIED.**

Eric Zuzga provided background on the OPRA exemption request by Schuler's Restaurant for the redevelopment of the second floor. The exemption will assist with the redevelopment of 7 apartments.

Mayor Pro-Tem Nick Metzger opened the public hearing to hear public comment regarding the Obsolete Property Rehabilitation Exemption request by Schuler's Restaurant.

Hearing no comment, the hearing was closed.

Moved Gates, supported Traver, to approve the application for an Obsolete Property Rehabilitation Exemption for Schuler's Restaurant located at 115 S. Eagle Street for a period of 12 years. On a roll vote – ayes: Traver, Underhill, Wolfersberger, Gates, McNeil, and Metzger; nays: None. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #2020-38**

**RESOLUTION TO APPROVE AN OBSOLETE PROPERTY REHABILITATION
EXEMPTION CERTIFICATE APPLICATION
PA 146 OF 2000 AS AMENDED**

Minutes of a regular meeting of the Council of the City of Marshall, held on December 7, 2020 at 7:00 PM.

PRESENT: Mayor Caron, Gates, McNeil, Metzger, Traver, Underhill, and Wolfersberger.

ABSENT: None.

The following preamble and resolution were offered by Gates, and supported by Traver.

**Resolution 2020- 38 Approving Obsolete Property Rehabilitation Exemption
Certificate Application for Schuler's Located at 115 South Eagle Street**

WHEREAS, pursuant to PA 146 of 2000, as amended, the City of Marshall is a Qualified Local Governmental Unit eligible to establish one or more Obsolete Property Rehabilitation Districts (OPRA); and

WHEREAS, the City of Marshall legally established the Obsolete Property Rehabilitation District Schuler's Building Obsolete Property Rehabilitation District No. 1 on October 19, 2020, after a public hearing held on October 19, 2020; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 (IFT's) does not exceed 5% of the total taxable value of the City of Marshall; and

WHEREAS, the application was approved at a public hearing as provided by section 4(2) of Public Act 146 of 2000, as amended, on December 7, 2020; and

WHEREAS, Schuler's is not delinquent in any taxes related to the facility; and

WHEREAS, the application is for obsolete property as defined in section 2(h) of Public Act 146 of 2000, as amended; and

WHEREAS, the applicant has provided answers to all required questions under the application instructions to the City of Marshall; and

WHEREAS, the City of Marshall requires that rehabilitation of the facility shall be completed by December 31, 2021; and

WHEREAS, the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District; and

WHEREAS, the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000, as amended, and that is situated within an Obsolete Property Rehabilitation District established in the City of Marshall eligible under Public Act 146 of 2000, as amended, to establish such a district; and

WHEREAS, completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to create employment, revitalize urban areas, and increase the number of residents in the community in which the facility is situated; and

WHEREAS, the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of Public Act 146 of 2000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marshall Be and hereby is granted an Obsolete Property Rehabilitation Exemption for the real property (2nd floor of 115 South Eagle Street), excluding land, located in Obsolete Property Rehabilitation District Schuler's Building Obsolete Property Rehabilitation District No. 1 at 115 South Eagle Street for a period of 12 years, beginning December

31, 2021, and ending December 30, 2033, pursuant to the provisions of PA 146 of 2000, as amended.

AYES: Traver, Underhill, Wolfersberger, Gates, McNeil, and Metzger.

NAYS: None.

ABSTAIN: Mayor Caron

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of the City of Marshall, County of Calhoun, Michigan at a regular meeting held on December 7, 2020.

Clerk

OLD BUSINESS

A. City Council Rules of Procedure:

Moved Metzger, supported McNeil, to adopt the revised City Council Rules of Procedure as amended. On a roll vote – ayes: McNeil, Metzger, Traver, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: None. **MOTION CARRIED.**

REPORTS AND RECOMMENDATIONS

A. Transformer Purchase for CRESCO Labs Inc.:

Moved McNeil, supported Metzger, to approve awarding the purchase of three (3) new 3000KVA transformers for the Cresco Labs development project in the amount of \$133,425 with the approval of the City Manager and Director of Electric Utility. On a roll vote – ayes: Gates, McNeil, Metzger, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: None. **MOTION CARRIED.**

B. Social District Changes:

Moved Gates, supported McNeil, to approve the changes to the Social District as proposed by the Ad-Hoc Committee. On a roll vote – ayes: McNeil, Metzger, Traver, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: None. **MOTION CARRIED.**

C. Solid Waste Proposals:

Moved Wolfersberger, supported Traver, to accept the bid from Granger to provide Solid Waste services and to direct staff and City Attorney to negotiate a contract for a period of 5 years and to approve the proposed Rules and Regulations for the

provision of Solid Waste Services. On a roll vote – ayes: McNeil, Metzger, Wolfersberger, Mayor Caron, and Gates; nays: Underhill. **MOTION CARRIED.**

D. Assistant Director of Electric Utility Salary and FiberNet Manager and IT Team Leader Salary Adjustment:

Moved Wolfersberger, supported McNeil, to approve a \$65,000 annual salary for the FiberNet Manager and IT Team Leader effective January 4, 2021. On a roll vote – ayes: McNeil, Metzger, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: None. **MOTION CARRIED.**

Moved McNeil, supported Metzger, to approve a salary range of \$90,000 to \$100,000 for the Assistant Director of Electric Utility position. On a roll vote – ayes: McNeil, Metzger, Traver, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: None. **MOTION CARRIED.**

APPOINTMENTS/ELECTIONS

None

PUBLIC COMMENT ON NON-AGENDA ITEMS

Barry Wayne Adams spoke regarding the validity of the mask wearing and Governor Whitmore’s orders. Mr. Adams also commented on the Montgomery Street issue and the harassing of Mr. Ruddock.

Moved McNeil, supported Traver, to extend the Council Meeting beyond 10:00 p.m. On a roll vote – ayes: Gates, McNeil, Metzger, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: None. **MOTION CARRIED.**

Tim Ruddock of 560 N. Madison commented the taking of one’s property is against the 5th amendment and he would be willing to sell his property to the City for \$200,000.

ADJOURNMENT

The meeting was adjourned at 10:15 p.m.

Joe Caron, Mayor

Trisha Nelson, City Clerk