

CALL TO ORDER

IN REGULAR SESSION Monday, July 20, 2009, 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 Smith.

ROLL CALL

Roll was called:

Present: Council Members: Dyer, Metzger, K. Miller, L. Miller, Mayor Smith, and Williams.

Also Present: Interim City Manager Tarkiewicz and Clerk-Treasurer Bird.

Absent: Council Members: Traver

Moved L. Miller, supported Williams, to excuse the absence of Member Traver. On a voice vote: **MOTION CARRIED.**

INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Smith led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved K. Miller, supported L Miller, to approve the agenda with the addition of item 11E. Records Retention Policy and the addition of the MSCPA invoice to item D. in the Consent Agenda, in the amount of \$810,945.03. On a voice vote: **MOTION CARRIED.**

PRESENTATIONS AND RECOGNITIONS

A. Motor Pool Operational Study and Recommendations:

Larry Strange of the Corrandino Group presented his findings and future considerations regarding the Motor Pool Operational Study.

Moved Dyer, supported Williams, to accept the report as presented and instruct the Deputy Director to report back to Council with a follow-up report within 4 months. On a voice vote: **MOTION CARRIED**

INFORMATIONAL ITEMS

Clerk-Treasurer Sandra Bird reported the Clerk-Treasurer's new office hours will be 8:00 a.m. to 5:00 p.m. effective August 3, 2009 and announced the filling of the Deputy Clerk and Deputy Treasurer positions.

PUBLIC COMMENT ON AGENDA ITEMS

John LaPietra of 386 Boyer Court had questions regarding the addition of item 11E.

PUBLIC HEARINGS AND SUBSEQUENT COUNCIL ACTION

Mayor Smith opened the public hearing to hear comment on the request from AGC Flat Glass North America for an Industrial Facilities Tax Exemption Certificate.

John LaPietra of 386 Boyer Court questioned the financial impact.

Hearing no further comments, the Public Hearing was closed.

Moved Williams, supported Dyer, to approve the Industrial Facilities Tax Exemption Certificate to AGC Flat Glass North America. On a roll call vote - ayes: Dyer, Metzger, K. Miller, L. Miller, Mayor Smith, and Williams; nays: none.
MOTION CARRIED.

**CITY OF MARSHALL, MICHIGAN
RESOLUTION #09-23**

Minutes of a regular meeting of the City Council of the City of Marshall held on July 20, 2009, in the Council Chambers of Town Hall located at 323 West Michigan Avenue, Marshall, Michigan.

Present: Dyer, Metzger, K. Miller, L. Miller, Mayor Smith, and Williams.
Absent: Traver

The following preamble and resolution were offered by Council Member Williams and supported by Council Member Dyer.

**RESOLUTION TO APPROVE APPLICATION OF
AGC FLAT GLASS NORTH AMERICA
1508 GEORGE BROWN DRIVE,
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR
PERSONAL PROPERTY - NEW MACHINERY AND EQUIPMENT**

WHEREAS, pursuant to P.A. 198 of 1974, MCL 211.551 et seq., after a duly noticed public hearing held on February 3, 1997, the Council by Resolution established Industrial Development District No. D-26 as requested; and after a duly noticed public hearing held on February 3, 1997; and

WHEREAS, AGC Flat Glass North America has filed an application for an Industrial Facilities Exemption Certificate with respect to personal property improvements and the acquisition and installation of new machinery and equipment within Industrial Development District D-26; and

WHEREAS, in accordance with Act 334, P.A. 1993 amending Act 198, P.A. 1974, a written agreement shall be executed between the applicant and the City of Marshall allowing, under specific circumstances, the reduction and/or revocation of the certificate and recapture of the taxes abated; and

WHEREAS, before acting on said application, the City of Marshall held a hearing on July 20, 2009 in the Council Chambers of Town Hall, located at 323 West Michigan Avenue, Marshall, Michigan, at 7:00 p.m. at which hearing the applicant, public, Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, the acquisition and installation of the new equipment, had not begun earlier than six (6) months before May 14, 2009, the date of acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, the acquisition of the new equipment and machinery is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Marshall; and

WHEREAS, the granting of said certificate shall not have the effect of substantially impeding the operation of the City of Marshall, or impairing the financial soundness of a taxing unit which levies ad-valorem property taxes in the City of Marshall; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Marshall, after granting this certificate, will exceed 5% of an amount equal to the sum of the SEV of the local unit, plus the SEV of personal and real property thus exempted; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marshall that:

1. The City Council find and determine that the granting of the Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974, shall not have the effect of substantially impeding the operation of the City of Marshall, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Marshall.
2. The application of AGC Flat Glass, 1508 George Brown Drive, for an Industrial Facilities Exemption Certificate, with respect to real property improvements and personal property improvements described as new machinery and equipment to be acquired and installed within the Industrial Development District No. D-26 is hereby approved.

3. The Industrial Facilities Exemption Certificate, when issued, shall be and remain in force and effect for a period of (7) seven years under the rules and regulations of Act 198 of Public Acts of 1974, as amended, for the new machinery and equipment from the date of approval by the State Tax Commission.

AYES:

NAYS:

Dated: July 20, 2009

Sandra E. Bird, Clerk/Treasurer

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 July 20, 2009.

Sandra E. Bird, Clerk/Treasurer

OLD BUSINESS

A. Development Agreement Extension for Briarwood Subdivision:

Moved K. Miller, supported Williams, to grant a 1 year extension to July 1, 2010 to Jerry & Anita Clifton for installation of a paved cul-de-sac and sidewalk in the Briarwood Development and authorize the Clerk-Treasurer to sign the agreement. On a roll call vote . ayes: Metzger, K. Miller, L. Miller, Mayor Smith, Williams, and Dyer: nays: none. **MOTION CARRIED.**

REPORTS AND RECOMMENDATIONS

A. Request to Move a Home From 215 N. Madison:

Moved Williams, supported L. Miller, to approve the request to move a home from 215 N. Madison to the corner of North Kalamazoo Avenue with the required surety bond of \$8,030 and the staff recommended route (through parking lot directly onto Mansion heading west then North on Kalamazoo then north on Brewer Street to F Drive North). With a friendly amendment to approve the motion subject to a condition of the move to replace the removed tree with a tree not less than three caliper inches at a site to be determined by city staff. On a roll call vote - ayes: K. Miller, L. Miller, Mayor Smith, Williams. Dyer, and Metzger; nays: none. **MOTION CARRIED.**

B. Approval for Proposed Ordinance Changes to §156.181 and §156.182:

Moved Dyer, supported L. Miller, to accept the Planning Commissions recommendation and approve the Ordinance Changes to §156.181 and §156.182 as presented. On a roll call vote - ayes: L. Miller, Mayor Smith, Williams, Dyer, Metzger, and K. Miller; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL
 ORDINANCE #09-02**

AN ORDINANCE TO AMEND CITY OF MARSHALL CODE 156.181 SCHEDULE OF REGULATIONS, MIXED-USE AND NON-RESIDENTIAL DISTRICTS AND ADD SUB-LETTER (q) TO 156.182 NOTES FOR SCHEDULE OF REGULATIONS TO CHAPTER 156.180-156.182 OF THE MARSHALL CITY ZONING CODE REGARDING SCHEDULE OF REGULATIONS.

THE CITY OF MARSHALL ORDAINS:

Section 1. That table 156.181 of the Marshall City Code, is hereby amended to read as follows:

Zoning District	Front	Sides: Least One	Sides: Total of Two	Rear
POSD	25 (j)	15 (a)	30 (a)	20 (l)
HCHSD	25 (q)	15 (q)	30 (q)	15 (q)
B-2	10 (j)	5(a)	15(a)	15(l)
B-3	(o)(j)	(a)	(a)	
B-4	20(j)	10(a)	25(a)	25(l)
FS	75(j)	75(a)	150(a)	75(l)
I-1	50(j)	20(a)	50(a)	25(l)
I-2	60(j)	30(a)	60(a)	30(l)
PSP	(j)	(a)	(a)	(l)
PUD	see §§ 156.275 et seq.			

Section 1a. That the Marshall City Code is hereby amended by adding a sub-letter (q) to 156.182, which said section reads as follows:

“The Health Care and Human Services District observes a front yard facing west, a rear yard facing east, and two side yards facing north and south. This district shall be exempt from other provisions of the ordinance affecting front, side, rear setbacks and how they pertain to parking.”

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 is declared to be effective immediately upon publication.

Adopted and signed this 20th day of July, 2009.

Bruce R. Smith, Mayor

Sandra Bird, Clerk-Treasurer

I, Sandra Bird, being duly sworn as the Clerk-Treasurer 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 July 20, 2009, 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.

Sandra Bird, Clerk-Treasurer

C. MDOT Agreement for N. Kalamazoo Avenue Rehabilitation:

Moved K. Miller, supported Metzger, to approve the resolution for the N. Kalamazoo Avenue Rehabilitation and authorize the Clerk-Treasurer to sign the agreement with the Michigan Department of Transportation. On a roll call vote - ayes: Mayor Smith, Williams, Dyer, Metzger, K. Miller, and L. Miller; nays: none.
MOTION CARRIED.

**CITY OF MARSHALL, MICHIGAN
RESOLUTION 09-21**

WHEREAS, the City Council of the City of Marshall has reviewed attached Contract #09-5385 for federal project ARRA 0913(233) for job number 106533 with the Michigan Department of Transportation for the resurfacing of N. Kalamazoo Avenue from Brewer Street to N. Linden Street; and

WHEREAS, the City Council agrees to utilize the combination of federal, state and local funding to cause paving and other related improvements as stated within contract #09-5385 to be performed; and

WHEREAS, the estimated expense of the project is \$144,800 and the Federal Government will provide a maximum of \$145,000; and

WHEREAS, the City will be responsible for any expenses over \$145,000; and

WHEREAS, the City Council understands and agrees to the contract and its attached conditions.

NOW THEREFORE BE IT RESOLVED that based upon a motion made by K. Miller, and supported by Metzger to authorize Sandra Bird, Clerk-Treasurer to sign contract 09-5385 for federal project ARRA 0913(233).

AYES:

NAYS:

Dated: July 20, 2009

CERTIFICATION OF CITY CLERK/TREASURER

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Marshall at a regular meeting held on the 20th day of July, 2009.

Sandra Bird, City Clerk-Treasurer

Date

D. Dart Operational Study:

Moved Williams, supported Dyer, to authorize the Clerk-Treasurer to sign an agreement with the Corrandino Group of Southfield, Michigan to complete the work under the original operational study proposal in an amount not to exceed \$20,000. On a roll call vote -- ayes: Williams, Dyer, Metzger, K. Miller, L. Miller, and Mayor Smith; nays: none. **MOTION CARRIED.**

E. MML Retention Policy:

Moved Dyer, supported L. Miller, to adopt the resolution approving the Michigan Municipal Leagues record retention policy for the City of Marshall. On a roll call vote -- ayes: Dyer, Metzger, K. Miller, L. Miller, Mayor Smith, and Williams; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN
RESOLUTION #09-22

WHEREAS, all municipalities in the State of Michigan are required to have an approved retention and disposal schedule; and

WHEREAS, the Michigan Municipal League has developed a schedule applicable to all Michigan cities and villages and covers the usual records found in most municipal departments and administrative offices;

WHEREAS, *Schedule #8 Records Management Handbook: Guidelines and Approved Retention and Disposal Schedule for Cities and Villages*; **Schedule #11 Local Law Enforcement**; **Schedule #18 Fire/Ambulance Departments**; **Schedule #23 Elections Records**; **Schedule #24 City and Village Clerks**; and **Schedule #26 Local Government Human Resources** all pertain to the City of Marshall and have been pre-approved by the State of Michigan;

THEREFORE, BE IT RESOLVED, that the Marshall City Council ordains that the City of Marshall shall comply with the policies set forth in these manuals developed by the Michigan Municipal League for all documents of the city effective July 20, 2009:

AYES:

NAYS:

Dated: July 20, 2009

Bruce R. Smith

I, Bruce R. Smith, being duly sworn as the Mayor for the city of Marshall, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council, city of Marshall, county of Calhoun, state of Michigan, at a regular meeting held on July 20, 2009 and that said meeting was conducted in accordance with the Open Meeting Act and that the minutes of said meeting were kept and will be or have been made available to the public.

Bruce R. Smith, Mayor

APPOINTMENTS / ELECTIONS

None.

CONSENT AGENDA

Moved Williams, supported Metzger, to approve the consent agenda as presented:

- A. Approve the Chain of Command Appointments for the 2009/2010 Fiscal Year;

- B.** Approve the request to close Exchange Street from Michigan Avenue to Green Street on Saturday, September 12, 2009 from 5:00 p.m. to 12:00 a.m. for the annual Civil War Ball;
- C.** Minutes of the Regular City Council meeting held Monday, July 6, 2009 and minutes of the City Council Work Session held Monday, July 6, 2009.
- D.** Approve city bills in the amount of \$1,097,396.73.

On a roll call vote . ayes: Metzger, K. Miller, L. Miller, Mayor Smith, Williams, and Dyer; nays: none. **MOTION CARRIED**

PUBLIC COMMENT ON NON-AGENDA ITEMS

Creighton Burrows of 19254 B Drive North asked for some blacktop to be spread on River Road.

Keith Crowell from Oaklawn Hospital stated that Oaklawn is examining additional alternatives that include suitable on site patient parking at the former Kempf funeral home in response to the Planning Commissions request.

John LaPietra of 386 Boyer Court encouraged more public comment on the planning process.

Gardy Berezonski of 19150 B Drive North questioned cell phone usage and the house move.

ADJOURNMENT

The meeting was adjourned at 8:48 p.m.

Bruce R. Smith, MAYOR

Sandra Bird, Clerk-Treasurer