

**CALL TO ORDER**

IN REGULAR SESSION Monday, March 5, 2012 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 Pro Tem Williams.

**ROLL CALL**

Roll was called:

Present: Council Members: Booton, Mayor Dyer (arrived at 7:08 p.m.), Mankerian, Miller, and Williams.

Also Present: City Manager Tarkiewicz.

Absent: Council Members: Metzger and Reed.

**Moved** Miller, supported Mankerian to excuse the absence of Council Members Metzger and Reed. On a voice vote – **MOTION CARRIED.**

**INVOCATION/PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Williams led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA**

**Moved** Mankerian, supported Miller, to approve the agenda as presented. On a voice vote: **MOTION CARRIED.**

**PUBLIC COMMENT ON AGENDA ITEMS**

None.

**CONSENT AGENDA**

**Moved** Miller, supported Booton, to approve the consent agenda:

- A. Schedule a public hearing for March 19, 2012 to hear public comment on the establishment of Industrial Development District #33, 604 South Kalamazoo Avenue;
- B. Schedule a public hearing for March 19, 2012 to hear public comment on the proposed Industrial Facilities Tax Exemption Certificate application for Progressive Dynamics;
- C. Approve minutes of the City Council Regular Session held on Tuesday, February 21, 2012;
- D. Approve city bills in the amount of \$2,113,308.67.

On a roll call vote – ayes: Booton, Mankerian, Miller, and Williams; nays: none.  
**MOTION CARRIED.**

**PRESENTATIONS AND RECOGNITIONS**

None.

**INFORMATIONAL ITEMS**

None.

**PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**

**A. Public Hearing – Rezone Marshall Animal Care Center:**

Mayor Pro Tem Williams opened the public hearing to hear comment on the rezoning request for Marshall Animal Care Center to rezone from Highway Service (HS) to Professional Office Service District (POSD).

Director of Community Services Natalie Huestis provided background for the rezoning request.

Hearing no comment, the public hearing was closed.

**Moved** Miller, supported Mankerian to approve the rezoning request for Marshall Animal Care Center to rezone from Highway Service (HS) to Professional Office Service District (POSD). On a roll call vote – ayes: Mankerian, Miller, Williams, and Booton; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL  
ORDINANCE NO. 2012-01**

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CHANGE THE ZONING OF CERTAIN PARCEL OF REAL PROPERTY COMMONLY KNOWN AS 713 BREWER STREET (PARCEL #13-53-425-001-00) FROM THE TOWNSHIP ZONING OF HIGHWAY SERVICE DISTRICT (HS) TO PROFESSIONAL OFFICE SERVICE DISTRICT (POSD).

THE CITY OF MARSHALL, MICHIGAN ORDAINS:

Section 1. Pursuant to the authority granted in Sections 156.021 and 156.030 of the Marshall City Code, the Zoning Map of the City of Marshall is hereby amended so as to change the zoning district for the below described property from to Highway Service (HS) to Professional Office Service District (POSD).

**Property Description**

BEGINNING AT THE EAST ¼ POST OF SECTION 23, TOWN 2 SOUTH, RANGE 6 WEST, MARSHALL TOWNSHIP, CALHOUN COUNTY,

MICHIGAN; THENCE NORTH 89 DEGREES 31' 10" WEST ALONG THE EAST AND WEST ¼ LINE OF SAID SECTION 23, A DISTANCE OF 55.95 FEET TO THE WEST RIGHT OF WAY LINE OF BREWER ROAD (OLD U.S. 27); THENCE 120.00 FEET ALONG SAID WEST LINE, AND THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS IS 171793.50 FEET AND WHOSE CHORD BEARS NORTH 00 DEGREES 16' 12" WEST, 120.00 FEET TO THE TRUE PLACE OF BEGINNING; THENCE NORTH 89 DEGREES 31' 10" WEST, 350.39 FEET; THENCE NORTH 00 DEGREES 27' 15" WEST, 280.00 FEET; THENCE SOUTH 89 DEGREES 31' 10" EAST, 350.96 FEET TO SAID WEST LINE OF BREWER ROAD; THENCE 280.00 FEET; THENCE 280.00 FEET ALONG SAID WEST LINE AND THE ARC OF A CURVE TO THE RIGHT, WHOSE RADIUS IS 171793.50 FEET; AND WHOSE CHORD BEARS SOUTH 00 DEGREES 20' 12" EAST, 280.00 FEET TO THE TRUE PLACE OF BEGINNING.

Common Address

713 BREWER STREET (PARCEL #13-53-425-001-00)

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 5<sup>th</sup> day of March, 2012.

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James L. Dyer, MAYOR

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Sandra Bird, CLERK-TREASURER

**B. Public Hearing – Stelmi IFT Application:**

Marshall City Council, Regular Session  
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Mayor Dyer opened the public hearing to hear comment on the proposed Industrial Facilities Tax Exemption Certificate application for Stelmi American, Inc.

Marshall Economic Development Manager provided background for the IFT application.

Hearing no comment, the public hearing was closed.

**Moved** Williams, supported Mankerian to approve the proposed application for an Industrial Facilities Tax Exemption Certificate for Stelmi American, Inc. On a roll call vote – ayes: Miller, Williams, Booton, Mayor Dyer, and Mankerian; nays: none. **MOTION CARRIED.**

### **RESOLUTION**

Minutes of a regular meeting of the City Council of the City of Marshall held on March 5, 2012, in the Council Chambers of Town Hall located at 323 West Michigan Avenue, Marshall, Michigan.

Present: Booton, Mayor Dyer, Mankerian, Miller, and Williams.

Absent: Metzger and Reed.

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

### **CITY OF MARSHALL, MICHIGAN RESOLUTION #2012-05**

### **RESOLUTION TO APPROVE APPLICATION OF STELMI AMERICA, INC. 1601 BROOKS DRIVE, MARSHALL, MI 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 December 5, 1988, the Council by Resolution established Industrial Development District No. D-19 as requested; and after a duly noticed public hearing held on December 5, 1988; and

**WHEREAS**, Stelmi America, Inc. 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-19; 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 March 15, 2012 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 January 31, 2012, 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 Stelmi America, Inc, 1601 Brooks 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-19 is hereby approved.
3. The Industrial Facilities Exemption Certificate, when issued, shall be and remain in force and effect for a period of (12) twelve 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: 5

NAYS: 0

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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 March 5, 2012.

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Sandra E. Bird, Clerk/Treasurer

**OLD BUSINESS**

None.

**REPORTS AND RECOMMENDATIONS**

None.

**APPOINTMENTS / ELECTIONS**

Marshall City Council, Regular Session  
Monday, March 5, 2012

None.

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

None.

**COUNCIL AND MANAGER COMMUNICATIONS**

**ADJOURNMENT**

The meeting was adjourned at 7:15 p.m.

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James L. Dyer, Mayor

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Sandra Bird, Clerk-Treasurer