

CALL TO ORDER

IN REGULAR SESSION Monday, June 17, 2013 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 Dyer.

ROLL CALL

Roll was called:

Present: Council Members: Mayor Dyer, Mankerian, Reed, Revore, and Williams.

Also Present: City Manager Tarkiewicz.

Absent: Council Members Metzger and Miller.

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

INVOCATION/PLEDGE OF ALLEGIANCE

Dennis Croy of Marshall Wesleyan Church gave the invocation and Mayor Dyer led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Williams, supported Reed, to approve the agenda with the addition of item 9B – Event Report-Cruise to the Fountain and the MSCPA invoice in the amount of \$789,738.84. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

Moved Reed, supported Mankerian, to approve the Consent Agenda:

- A. Schedule a public hearing for Monday, July 1, 2013 to hear public comment on the proposed application for an Industrial Facilities Tax Exemption Certificate for J & L Manufacturing;
- B. Schedule a public hearing for July 1, 2013 to hear public comment on the proposed application for an Industrial Facilities Tax Exemption Certificate for Progressive Dynamics, Inc.;
- C. Schedule a public hearing for July 1, 2013 to hear public comment on the proposed Renewable Energy Plan – Biennial Filing;
- D. Receive the FY 2014 Administrative Chain of Command Appointments;
- E. Approve minutes of the City Council Regular Session held on Monday, June 3, 2013;
- F. Approve city bills in the amount of \$ 1,160,346.32.

On a roll call vote – ayes: Mankerian, Reed, Revore, Williams, and Dyer; nays: none. **MOTION CARRIED.**

PRESENTATIONS AND RECOGNITIONS

None.

INFORMATIONAL ITEMS

Event Reports were provided for Home Tour and Cruise to the Fountain.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Rental Rehabilitation Grant:

Natalie Huestis, Director of Community Services, provided background on the City's application for the MSHDA Rental Rehabilitation grant.

Bruce Johnston, Third Party Administrator from Revitalize LLC, spoke regarding the Rental Rehabilitation program and its success. The program is one of MSHDA's most successful endeavors in the creation of new viable rental units in traditional downtown settings. Mark Stuart, 121 ½ W. Michigan Avenue, is the first applicant seeking the Rental Rehabilitation grant funds. The project will take space that has been vacant for decades and turn it into viable rental units for housing which will benefit people with low and moderate incomes.

Mayor Dyer opened the public hearing to hear public comment on the proposed application for the Rental Rehabilitation Grant.

Hearing no comment, the hearing was closed.

Moved Reed, supported Williams, to approve the application for the Rental Rehabilitation Grant through MSHDA and the recommendation to adopt the Fair Housing Policy, Program Guidelines, Section 3 Policy and appoint Revitalize LLC as Section 3 coordinators as required by MSHDA. On a roll call vote – ayes: Revore, Williams, Mayor Dyer, Mankerian, and Reed; nays: none. **MOTION CARRIED.**

B. Proposed Text Changes to §156.231: Wireless Communications Facilities and Services:

Natalie Huestis, Director of Community Services, provided an overview of the proposed changes to the ordinance.

Mayor Dyer opened the public hearing to hear public comment on the proposed changes to §156.231.

Hearing no comment, the hearing was closed.

Moved Williams, supported Mankerian, to approve the proposed text changes to §156.231: Wireless Communications Facilities and Services Ordinance. On a roll call vote – ayes: Reed, Revore, Williams, Mayor Dyer, and Mankerian; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL
ORDINANCE #2013-04**

AN ORDINANCE TO AMEND CITY OF MARSHALL CODE, CHAPTER AND SECTION 156.231 SUB-LETTER (B) SUB-SECTION (1): WIRELESS COMMUNICATION FACILITIES AND SERVICES: PRINCIPAL PERMITTED USES.

THE CITY OF MARSHALL ORDAINS:

Section 1. That section **§156.231 (B)(1) Wireless Communication Facilities and Services: Principal Permitted Uses** of the Marshall City Code, is hereby amended to read:

(1) Attached wireless communication facilities in all districts at locations where a wireless communication facility currently exists, provided that the existing structure or facility shall not:

- a. increase in height by more than 20 feet or 10% of its original height, whichever is greater.**
- b. increase in width by more than the minimum necessary to permit collocation.**
- c. existing equipment area compound will not increase by more than 2,500 square feet.**

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 17th day of June, 2013.

James L. Dyer, 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 June 17, 2013, 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. Shearman Park Rezoning:

Natalie Huestis, Director of Community Services, provided background on rezoning request #RZ13.01 for 624 W. Mansion Street and the Planning Commission's recommendations.

Mayor Dyer opened the public hearing to hear public comment on rezoning request #RZ13.01 for 624 W. Mansion Street.

Hearing no comment, the hearing was closed.

Moved Reed, supported Mankerian, to approve rezoning request #RZ13.01 for 624 W. Mansion Street – former Shearman School to be rezoned from Planned Unit Development (PUD) to Public/Semi Public (PSP). On a roll call vote – ayes: Williams, Mayor Dyer, Mankerian, Reed, and Revore; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL
ORDINANCE NO. 2013-05**

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 624 W. MANSION (aka. 643 W. MANSION), PARCEL #13-53-000-236-00 FROM THE ZONING DISTRICT OF PLANNED UNIT DEVELOPMENT (PUD) TO PUBLIC/SEMI-PUBLIC (PSP).

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 Planned Unit Development (PUD) to Public/Semi-Public (PSP).

Property Description

Marshall City, lower village lots 1, 2, 6, & 7 BLK 7. (Shearman School)

Common Address

624 W. MANSION STREET (PARCEL #13-53-000-236-00)

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.

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James L. Dyer, MAYOR

Trisha Nelson, CITY CLERK

D. Shearman Park Designation:

Carl Fedders, Director of Public Services, provided an overview of the proposed changes to Chapter 91 Parks and Recreation Ordinance and the formation of a steering committee for Shearman Park.

Mayor Dyer opened the public hearing to hear public comment on the proposed changes.

Hearing no comment, the hearing was closed.

Moved Reed, supported Williams, to approve the proposed changes to the City of Marshall – Code of Ordinances; Chapter 91 Parks and Recreation. On a roll call vote – ayes: Mankerian, Reed, Revore, Williams, and Mayor Dyer; nays: none.
MOTION CARRIED.

**CITY OF MARSHALL, MICHIGAN
ORDINANCE #2013-06**

CHAPTER 91: PARKS AND RECREATION

- 91.01 Establishment of city parks
- 91.02 Park Hours
- 91.03 Regulation of parks
- 91.04 Usage of parks
- 91.05 Weapons and firearms
- 91.06 Alcoholic beverages
- 91.07 Animals - pets, dogs, cats
- 91.08 Penalty

THE CITY OF MARSHALL ORDAINS:

§ 91.01 ESTABLISHMENT OF CITY PARKS.

The following properties owned by the city are hereby designated as city parks:

- (A) Carver Park, located near the intersection of East Michigan Avenue and Exchange Street;
- (B) Brooks Memorial Fountain Park, located in the center of the traffic circle at West Michigan Avenue and Kalamazoo Avenue;
- (C) Marshall Athletic Fields, located on West Michigan Avenue near the east end of the city;
- (D) Ketchum Park, located on the north and south sides of Rice Creek, from South Marshall to eastern city limits;
- (E) Stuart Landing and Millpond Park, located on the south side of the Kalamazoo River, near Homer Road; and
- (F) The Brooks Nature Area, located along the shore of both Upper and Lower Brace (Stuart) Lake.
- (G) Shearman Park, located along N. Linden Street between W. Mansion Street and W. Prospect Street.

§ 91.02 PARK HOURS

Ketchum, Carver, Stuart Landing and Millpond Parks, the Brooks Nature Area, and Shearman Park shall be open to the public daily between the hours of 7:00 a.m. and 10:00 p.m. of any one day. Marshall Athletic Fields shall be open to the public daily between the hours of 7:00 a.m. and 10:00 p.m., or ½ hour after the conclusion of any city-sanctioned event, whichever is later. It shall be unlawful for any person other than city personnel conducting city business

therein to occupy or be present in the park during any hours in which the park is not open to the public.

§ 91.03 REGULATION OF PARKS.

In addition to those provided for in this chapter, the Parks, Recreation, and Cemetery Board shall propose rules, regulations, hours of operation, and fees necessary for the enjoyment of the city parks and recreational programs for adoption by the City Council.

(Ord. 07-02, passed 5-7-2007)

§ 91.04 USAGE OF PARKS.

(A) All persons using park property shall dispose of litter in receptacles provided.

(B) No persons shall pollute any lake, stream, creek, ditch, drain, or waterway as specified in § 50.04 of Chapter 50 Garbage and Rubbish.

(C) No person shall build a fire except in an approved appliance and every person shall extinguish all fires prior to leaving the area.

(D) It shall be unlawful for any person to use any amplified music device while on any park property which may be disruptive to the use of the park.

(E) All persons shall pay appropriate fees for use of the park as approved by the City Council.

(F) No person may hunt, trap, feed, or endanger animals or birds in any way except fishing unless authorized by the City Council.

(G) No camping shall be allowed in any park, unless otherwise authorized by the City Council.

(H) No person shall operate any recreational vehicles in any park as defined under Chapter 156, Zoning, § 156.003 or prohibited under Chapter 74, Snowmobiles, § 74.04.

§ 91.05 WEAPONS AND FIREARMS.

It shall be unlawful for any person, except authorized peace officers, to possess, display, or use on any land operated under the jurisdiction of City of Marshall, any gun including shotgun, rifle, pistol, revolver, air or BB gun, sling shot, bow and arrow, switchblade knife with spring loaded blade, throwing knife, tomahawk, or throwing axe, unless specifically authorized by the City Council.

§ 91.06 ALCOHOLIC BEVERAGES.

Per § 137.03 Possession of an/or Consumption of Alcoholic Liquor while in city parks, it shall be unlawful for any person to possess or consume alcoholic

beverages on any park property unless prior approval is granted by the City Council and insurance acceptable to the city insurance carrier is provided.

§ 91.07 ANIMALS - PETS, DOGS, CATS.

(A) It shall be unlawful for any person to allow or otherwise permit any pet, dog, or cat, or other domesticated animal to be upon any park property unless leashed or restrained at all times and under the specific physical control of the person who owns or has legal custody of said animal. Leashes must be no longer than ten feet in length. All persons who bring animals, as described above, onto property must have proof that the animal has a current valid rabies inoculation and valid license.

(B) It shall be unlawful for any person to bring or keep a noisy, vicious, or dangerous animal, onto park property and remain thereon after having been asked to leave by a city official, law enforcement officer, or employee.

(C) It shall be unlawful for any person bringing said animal, as heretofore described, not to remove and dispose of its animal waste in proper containers from park premises.

§ 91.08 PENALTY.

Any person who violates those rules and regulations as adopted by the City Council and in conformance with this Code shall be responsible for a municipal civil infraction punishable by a civil fine in such amounts as may from time to time be established pursuant to § [35.10](#) of the Code. In addition, nothing in this section shall prohibit the city from seeking other remedies pursuant to § [35.12](#).

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James L. Dyer, MAYOR

Trisha Nelson, CITY CLERK

E. Motor Vehicle Code:

Jim Schwartz, Police Chief, provided an overview of the proposed changes to the City of Marshall Traffic Code.

Mayor Dyer opened the public hearing to hear public comment on the proposed changes to the City of Marshall Traffic Code.

Hearing no comment, the hearing was closed.

Moved Williams, supported Mankerian, to approve the proposed changes to the City of Marshall Traffic Code and the recommendation to adopt the Motor Vehicle Code (MVC), Uniform Traffic Code (UTC), Motor Carrier Safety Act (MCSA), and Part 821 of the Natural Resources and Environmental Protection Act. On a roll call vote – ayes: Reed, Revore, Williams, Mayor Dyer, and Mankerian; nays: none. **MOTION CARRIED.**

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Bid Award – Division Street Improvements:

Moved Reed, supported Mankerian, to accept the low bid from Hunter-Prell Co. of Battle Creek, Michigan in the amount of \$206,662 for the Division Street Improvements Project. On a roll call vote – ayes: Revore, Williams, Mayor Dyer, Mankerian, and Reed; nays: none. **MOTION CARRIED.**

B. Kalamazoo River Watershed Stormwater Project:

Moved Williams, supported Mankerian, to authorize the Clerk to sign the Kalamazoo River Watershed Stormwater Project Partnership Agreement. On a voice vote – **MOTION CARRIED.**

C. Fire Department Building Project – Owner’s Representative Services:

Moved Williams, supported Mankerian, to approve the recommendation to retain William R. Wheeler of Ann Arbor to provide Owner’s Representative services for the Fire Department Building Project. On a roll call vote – ayes: Mankerian, Reed, Revore, Williams, and Mayor Dyer; nays: none. **MOTION CARRIED.**

D. Renewal of Employee Leasing Agreement and Assessing Services Agreement:

Moved Williams, supported Mankerian, to approve the agreements with Calhoun County for (1) the assessing clerk leasing arrangement and (2) the City assessing services agreement and authorize the Clerk to sign the agreements. On a roll call vote – ayes: Reed, Revore, Williams, Mayor Dyer, and Mankerian; nays: none. **MOTION CARRIED.**

APPOINTMENTS / ELECTIONS

A. Downtown Development Authority/Main Street Board Appointment:

Marshall City Council, Regular Session
Monday, June 17, 2013

Moved Reed, supported Mankerian, to approve the appointment of Jill Koysl to the DDA/Main Street Board with a term expiring December 31, 2016. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

COUNCIL AND MANAGER COMMUNICATIONS

ADJOURNMENT

The meeting was adjourned at 8:15 p.m.

James L. Dyer, Mayor

Trisha Nelson, City Clerk