

**CALL TO ORDER**

IN REGULAR SESSION Monday, June 5, 2017 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 Reed.

**ROLL CALL**

Roll was called:

Present: Council Members: Caron, Costa, McNeil, Metzger, Mayor Reed, Schurig, and Williams.

Also Present: City Manager Tarkiewicz and Clerk Nelson.

Absent: None.

**INVOCATION/PLEDGE OF ALLEGIANCE**

David Good of First Baptist Church gave the invocation and Mayor Reed led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA**

**Moved** Williams, supported Metzger, to approve the agenda with the addition of item 8B. Boy Scout – Eagle Scout Award. On a voice vote – **MOTION CARRIED.**

**PUBLIC COMMENT ON AGENDA ITEMS**

None.

**CONSENT AGENDA**

**Moved** Schurig, supported McNeil, to approve the Consent Agenda:

- A. Authorize the City Clerk to sign the lease with MAEDA;
- B. Approve the bid from Haviland Products from Grand Rapids, MI and award the five-year contract in the amount of \$45,354 annually. It is also recommended that the Phosphate contract be awarded to Elhorn from Mason, MI in the amount of \$11,124 annually;
- C. Approve the proposal from Courtney & Associates and issue a purchase order in the amount of \$30,000 for work to begin July 1, 2017;
- D. Approve the bid from Rieth & Riley of Kalamazoo, MI for Green Street between S. Kalamazoo to Dobbins Street and Montgomery Street between Cedar Street to Maple Street including new sidewalk from S. Marshall Avenue to Kids Kingdom in Ketchum Park, for the estimated amount of \$255,353.55 with a contingency amount of \$24,646.45 for a total of \$280,000.00;
- E. Approve the proposal from Miracle Midwest in the amount of \$32,550 for the purchase of shade sails for Grand Street Park;
- F. Nullified the hangar lease executed on May 1, 2017 for a 60' by 64' area at Brooks Field with Mr. Brian Spencer;

- G. Approve the resolution to allow the Transportation Manager and/or City Manager to sign off on agreements to allow for future funding of projects for the City of Marshall Dial-A-Ride;
- H. Adopt the resolution to authorize certified archery instructors employed by the City of Marshall to teach archery within the city limits;
- I. Scheduled a public hearing for Monday, June 19, 2017 to hear comment on a PA 425 Conditional Land Transfer with Marengo Township for 1005 East Michigan Avenue;
- J. Minutes of the City Council Work Session and Regular Session held on Monday, May 15, 2017;
- K. Approve city bills in the amount of \$ 1,162,678.05.

On a roll call vote – ayes: Caron, Costa, McNeil, Metzger, Mayor Reed, Schurig, and Williams; nays: none. **MOTION CARRIED.**

### **PRESENTATIONS AND RECOGNITION**

#### **A. Marshall Athletic Field:**

Mayor Reed acknowledged the Marshall Recreation Department for receiving a \$10,000 grant from the Calhoun County Visitors Bureau for the refitting of the Athletic Fields.

#### **B. Boy Scout – Eagle Scout Award:**

Mayor Reed recognized Evan Walker on the occasion of earning his Eagle Scout rank in the Boys Scouts of America.

### **INFORMATIONAL ITEMS**

Event Reports were provided for the 2017 Chicken BBQ and the Skeleton Festival.

### **PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**

#### **A. Zoning Amendment #RZ17.02 – 500 S. Kalamazoo Avenue:**

Jeremy Vincent explained that the property was purchased in January with intentions of expanding the business. They have applied for a Class A Dealer's license for the purpose of selling pop-up campers.

Mayor Reed opened the public hearing to hear comment on the request to rezone 500 S. Kalamazoo Avenue from I-1 (Research and Technical District) to B-4 (Regional Commercial District).

Hearing no comment, the hearing was closed.

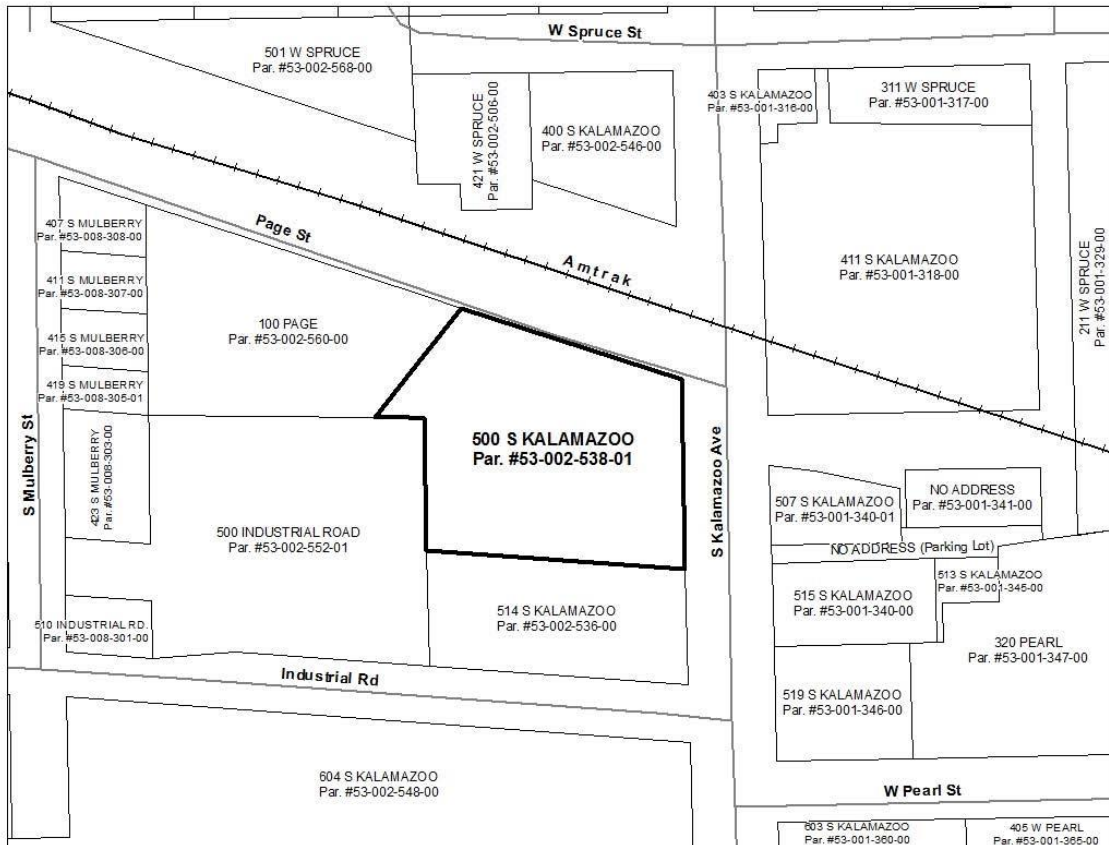
**Moved** Williams, supported Schurig, to approve Zoning Amendment Application #RZ17.02 to rezone 500 S. Kalamazoo Avenue from I-1 (Research and Technical District) to B-4 (Regional Commercial District). On a roll call vote – ayes: Costa, McNeil, Metzger, Mayor Reed, Schurig, Williams, and Caron; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL  
ORDINANCE #2017-02**

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CHANGE THE ZONING OF ONE PARCEL OF REAL PROPERTY AT 500 SOUTH KALAMAZOO AVENUE, PARCEL #53-002-538-01 FROM THE ZONING DISTRICT OF RESEARCH AND TECHNICAL DISTRICT (I-1) TO REGIONAL COMMERCIAL DISTRICT (B-4).

THE CITY OF MARSHALL, MICHIGAN ORDAINS:

Section 1. Pursuant to the authority granted in Section 7.1 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 properties from Research and Technical District (I-1) to Regional Commercial District (B-4).



Property Descriptions

**PARCEL #53-002-538-01**

A PARCEL OF LAND LOCATED IN THE SE 1/4 OF SEC 26, T2S, R6W, CITY OF MARSHALL CALHOUN COUNTY MICHIGAN BEING DESCRIBED AS: COM AT THE E 1/4 CORN OF SEC 26 TO THE S LINE OF THE CONRAIL RR; TH N 69 DEG, 29' 24"W, 52.85 FT ALONG S LINE TO W LINE OF KALAMAZOO AVENEUE TO THE POB OF THE FOLLOWING DESCRIBED PARCEL; TH S 00 DEG 00' 46"E, 183.24 FT ALONG W LINE; TH N 85 DEG 16' 56" W, 296.21 FT (RECORDED AS 297 FT); TH N00 12' 31" E, 129.78 FT; TH N 84 DEG 46' 50" W, 60.10 FT; TH N 38 DEG 49' 08"E, 154.16 FT TO THE S LINE OF CONRAIL RR; TH S 69 DEG 29' 24" E, 275.37 FT TO THE POB. SUBJECT TO ALL EASEMENTS, CONDITIONS, AND LIMITATIONS OF RECORD. 2007LD-009 SEE PARCEL 002-538-00

Common Addresses

500 South Kalamazoo Avenue

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 June, 2017.

\_\_\_\_\_  
Jack Reed, 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 5, 2017, 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 Amendment #RZ17.04 – 417 Locust Street:**

Kelly Williams, owner of 417 Locust Street, explained this is a vacant lot and wishes to use the land to develop multi-family residential housing.

Mayor Reed opened the public hearing to hear comment on the request to rezone 417 Locust Street from R-2 (Suburban Residential District) to MFRD (Multi-Family Residential District).

Hearing no comment, the hearing was closed.

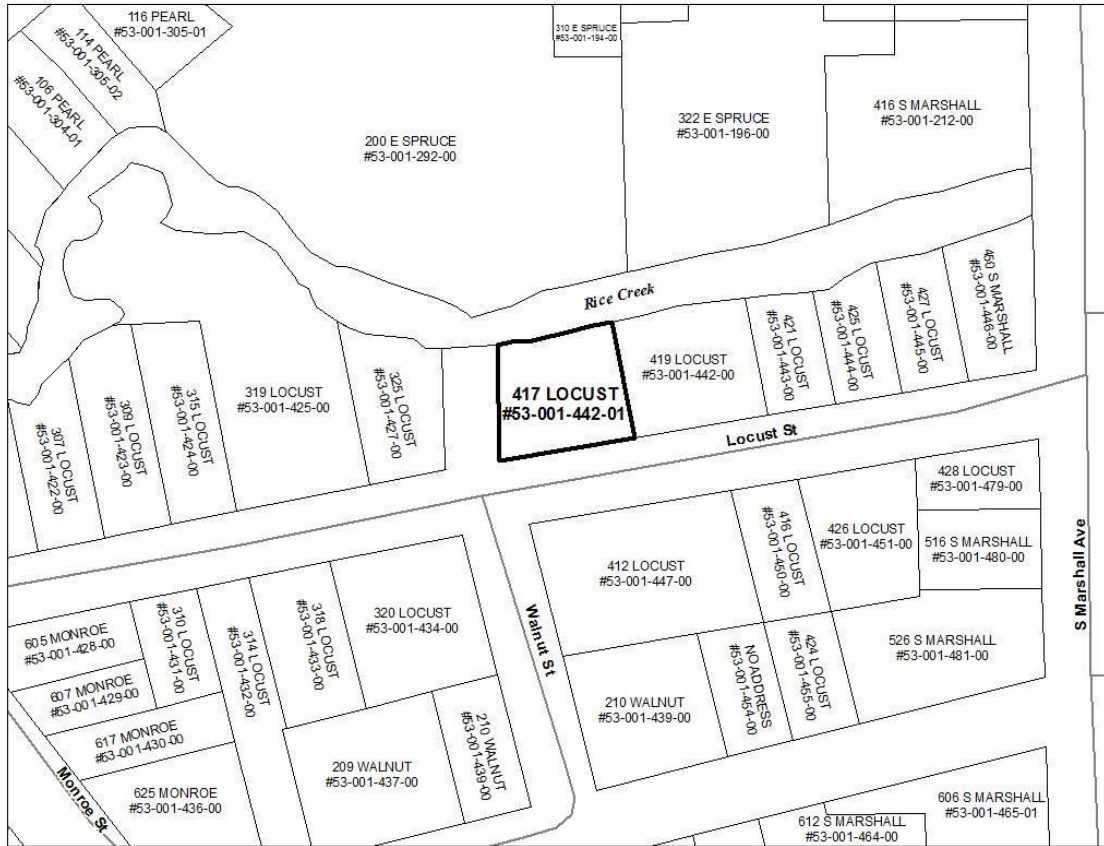
**Moved** Caron, supported Williams, to approve Zoning Amendment Application #RZ17.04 to rezone 417 Locust Street from R-2 (Suburban Residential District) to MFRD (Multi-Family Residential District). On a roll call vote – ayes: McNeil, Metzger, Mayor Reed, Schurig, Williams, Caron, and Costa; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL  
ORDINANCE #2017-03**

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CHANGE THE ZONING OF ONE PARCEL OF REAL PROPERTY AT 417 LOCUST ROAD, PARCEL #53-001-442-01 FROM THE ZONING DISTRICT OF SUBURBAN RESIDENTIAL (R-2) TO MULTI-FAMILY RESIDENTIAL DISTRICT (MFRD).

THE CITY OF MARSHALL, MICHIGAN ORDAINS:

Section 1. Pursuant to the authority granted in Section 7.1 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 properties from Suburban Residential (R-2) to Multi-Family Residential (MFRD).



Property Descriptions

**PARCEL #53-001-442-01**

MARSHALL CITY, UPPER VILLAGE LOT 440. ALSO, VACATED E 1/2 HAMILTON ST

Common Addresses

417 Locust Road

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Trisha Nelson, CITY CLERK

**C. Zoning Amendment #RZ17.03 – 1002 Mann Road:**

Jacqueline Slaby, Director of Community Services, explained the area is approximately 10.9 acres in the O’Keefe neighborhood. Jerry Clifton, owner of the property, desires to use the land to develop multi-family housing.

Mayor Reed opened the public hearing to hear comment on the request to rezone 1002 Mann Road from R-2 (Suburban Residential District) to MFRD (Multi-Family Residential District).

John Fahrenbruch, 401 Julia’s Place, commented he has concerns with an apartment complex overlooking his back yard and feels it would not be good for the property values in the area. He also has concerns with traffic pattern in the area and feels that more compatible uses are available and an open-ended rezoning is not a good idea.

Joyce Soebbing, 1102 O’Keefe, feels that an open-ended rezoning is not the answer. A Planned Unit Development would be much more appealing for the neighborhood and a plan would be available for everyone to see and he would have to get approval to make changes.

Art Hill, 910 O’Keefe, feels that the rezoning is not a good compatible use and there is no commitment. He asked the Council to not give there approval.

Hearing no further comment, the hearing was closed.

**Moved** Williams, supported Costa, to approve Zoning Amendment Application #RZ17.03 to rezone 1002 Mann Road from R-2 (Suburban Residential District) to MFRD (Multi-Family Residential District). On a roll call vote – ayes: none; nays: Metzger, Mayor Reed, Schurig, Williams, Caron, Costa, and McNeil. **MOTION DEFEATED.**

**D. Sign Ordinance:**

Jacqueline Slaby, Director of Community Services, provided background regarding the Sign Ordinance and the proposed changes. The Planning Commission held a public hearing on May 10, 2017.

Mayor Reed opened the public hearing to hear comment regarding the proposed changes to the Sign Ordinance.

Hearing no comment, the hearing was closed.

**Moved** McNeil, supported Costa, to adopt the proposed changes to the Sign Ordinance. On a roll call vote – ayes: Schurig, Williams, Caron, Costa, McNeil, Metzger, and Mayor Reed; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL  
ORDINANCE #2017-04**

AN ORDINANCE TO AMEND CITY OF MARSHALL ZONING CODE, CHAPTER AND SECTION 2.2 DEFINITIONS AND 5.0 SITE STANDARDS SECTIONS B AND C, TABLE 5.1.3 AND M (ii)(c) THE CITY OF MARSHALL ORDAINS:

**Section 1.** That **chapter 2.0, Definitions** of the Marshall City Zoning Code, is hereby amended to **Strike the following definitions:**

- (13) “*Expressive Sign*. A sign placed or displayed for the purpose of expressing an opinion about any societal or political issue.”
- (26) “*Off Premises Sign*. A temporary sign or permanent sign advertising any establishment, merchandise, service, or entertainment which is not sold, produced, manufactured, or furnished at the property on which said sign is located.”
- (40) “*Vehicle Sign*. A temporary sign or permanent sign which is mounted or painted on a vehicle which is displayed in public view under such circumstances as to indicate that the primary purpose of said display is to attract the attention of the public rather than to serve the business or the owner thereof in the manner which is customary for said vehicle.”

**Section 1a.** That **chapter 5.0, Site Standards** of the Marshall City Zoning Code, is hereby amended to **Strike the following site standards:**

- B (iv) (b) “Off Premises”
- B (ix) “Political and Expressive signs”
- C (iv) “Vehicle signs”

**Section 1b.** That **table 5.1.3, Signs by Type, as Permitted by District** of the Marshall City Zoning Code, is hereby amended to **Strike the following signs by type:**

- A. R-1, R-2, R-3 districts (x) Political/Expressive



- B. MFRD and MHPD districts (xi) Political/Expressive
- C. POSD district (xi) Political/Expressive
- D. B-3 district (x) Political/Expressive
- E. B-3 and B-4 districts (xi) Political/Expressive
- F. FS district (ix) Political/Expressive
- G. I-1 and I-2 districts (xii) Political/Expressive
- H. HCHSD (xi) Political/Expressive

**Section 1c.** That **chapter 5.0, Site Standards** of the Marshall City Zoning Code, is hereby amended to **Strike the following site standards:**

- (M) (ii) (c) Political Signs and Expressive Signs. Political and expressive signs are permitted in all districts, subject to the following:
  - (1) It shall be unlawful to place or display a political or expressive sign on any property owned or under control of the City of Marshall the County of Calhoun the State of Michigan, the United States of America, any school district, any utility, or within any right-of-way easement located on private property, unless otherwise permitted by law.
  - (2) No political or expressive sign shall exceed 6 square feet in area or 3 feet in height.
  - (3) The total square footage of all political or expressive signs on a given parcel shall not exceed 24 square feet at any time.
  - (4) It shall be unlawful to display or place a political sign which is in violation of the requirements of the Michigan Campaign Finance Act (MCL 169.201 et seq.) as amended from time to time.

**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.

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Jack Reed, MAYOR

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Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available by said Act.

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Trisha Nelson, CITY CLERK

**E. Michigan Medical Marihuana Facilities Licensing Act Ordinance:**

City Attorney Jim Dyer provided background regarding the Michigan Medical Marihuana Facilities Licensing Act (MMMFLA) signed into law in 2016. The MMMFLA does not require any action by a municipality, but that inaction would mean that none of the uses permitted by the MMMFLA would be available in Marshall. Attorney Dyer does not advise that course of action.

Mayor Reed opened the public hearing to hear public comment on the proposed Michigan Medical Marihuana Facilities Licensing Act Ordinance.

Michael Robertson of 316 E. Spruce stated that legalizing Marihuana is going to happen and by adopting this ordinance we are ahead of the game.

Mike Pennock of 842 E. Michigan is in favor of Medical Marihuana. He feels the process is organized and cited the law, the process of obtaining a license, and the regulations.

Eric Myer of 4101 1 ½ Mile Road, East Leroy, expressed support of the ordinance and his interest in a location for a growing facility. He asked Council to reconsider the 1 mile radius between facilities and fencing requirements.

John Vercher of 623 W. Hanover is in support of the ordinance and being compliant with the law. He stated that this could lead to job creation and increased commerce which results in tax revenue. He stated concerns with the fees and the limitation of distance between facilities.

Mathew Sill inquired if the ordinance would only be in effect for the city limits.

Chad Zaki commented he has been in the Medical Marihuana industry since 2010 and he feels that more separation between facilities is better and history has shown less problems. He also stated that the number of licenses and the uses allowed by state law has been left up to the cities to decide which to allow in their jurisdictions.

Hearing no further comment, the hearing was closed.

**Motion**

**Moved** Schurig, supported McNeil, to approve the Michigan Medical Marihuana Facilities Licensing Act Ordinance as presented.

**Amendment #1**

**Moved** Williams, supported Metzger, to amend the ordinance to remove subsections 1 and 2 from the “Growers” Section and renumber accordingly. On a roll call vote – ayes: Caron, Costa, McNeil, Metzger, Mayor Reed, Schurig, and Williams; nays: none. **MOTION CARRIED.**

**Amendment #2**

**Moved** Costa, supported Metzger, to amend the ordinance to add “A security plan must be approved by the City Manager with the advice of the Director of Public Safety” to the definition of a Security Plan on Page 2. On a roll call vote – ayes: Williams, Caron, Costa, McNeil, Metzger, Mayor Reed, and Schurig; nays: none. **MOTION CARRIED.**

**Restate Original Motion**

**Moved** Schurig, supported McNeil, to approve the Michigan Medical Marihuana Facilities Licensing Act Ordinance as amended. On a roll call vote – ayes: Costa, McNeil, Metzger, Mayor Reed, Schurig, Williams, and Caron; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN  
ORDINANCE #2017-05**

The City of Marshall, Michigan Ordains:

**Legislative Findings**

The City of Marshall, through its elected City Council, recognizes that the state of Michigan has permitted by legislative action, the medical use of Marihuana, in the Michigan Medical Marihuana Act (the MMMA, being MCL 333.26421 et seq.) and provided for the licensing and regulation of medical marihuana growers, processors, provisioning centers, secure transporters, and safety compliance facilities, in the Michigan Medical Marihuana Facilities Licensing Act (the MMFLA, being, MCL 333.27101 et seq.)

It is further recognized that the MMFLA provides that a municipal ordinance is a prerequisite for State approval of any State license issued under the MMFLA.

It is further recognized that, at the time of the enactment of this ordinance, Marihuana remains subject to criminal penalties under both federal and state law.

It is further recognized that while federal and state regulation of Marihuana may be pervasive, and local regulation of Marihuana subject to a claim of preemption, the MMMFLA expressly permits local control or regulation of certain aspects of the operation of a Medical Marihuana facility, but only if the City enacts an ordinance permitting some, or all, of the facilities also regulated by the MMMFLA.

It is further recognized that <<reserved for future council input following the public hearing >>.

### **Purposes and Intent**

The City of Marshall adopts this ordinance:

- (1) To implement the provisions of the MMMFLA (Public Act 281 of 2016; MCL333.27101, et. seq.) with respect to local zoning and land use.
- (2) To establish a new section in the City of Marshall code pertaining to the permitted distribution of medical marihuana consistent with state law. Nothing in this Chapter purports to permit activities that are otherwise illegal under state or local law.
- (3) To prevent the diversion of medical marihuana for unlawful use and protect the safety and welfare of the community.
- (4) To provide for and limit, the location, type and number of facilities licensed under the MMMFLA within the City limits, without totally prohibiting the types of land uses otherwise permitted by the MMMFLA.

### **Definitions**

The following phrases, when used in this Chapter, shall be construed as defined in the MMMFLA, as amended. These definitions are for guidance only, and the actual definition in the MMMFLA:

“Grower” means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

“Marihuana” means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

“Marihuana-infused product” means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation. Marihuana-infused product shall not be considered a food for purposes of the food law, 2000 PA 92, MCL 289.1101 to 289.8111.

“Processor” means a licensee that is a commercial entity located in this state that purchases marijuana from a grower and that extracts resin from the marijuana or creates a marijuana-infused product for sale and transfer in packaged form to a provisioning center.

"Co-location" means the aggregation of multiple types of licenses, or additional licenses of the same type, permitted under the MMMFLA and located on one, or more, lot of record owned by an existing MMMFLA licensee, approved for operation in the City of Marshall.

"Stacking" means where an existing MMMFLA licensee, approved for operation in the City of Marshall, by written agreement, leases to or operates for another MMMFLA licensee, approved for operation in the City of Marshall.

"Volatile Substances Processing Room" means a Class 1, Division 1 room, as defined by the National Fire Protection Act, or such other fire, mechanical or electrical code adopted or in use by the City of Marshall, concerning the use of gas or other volatile substances in an extraction process.

"Security Plan" means a plan for preventing unauthorized access to, or theft and pilferage from, an MMMFLA licensed facility, approved for operation in the City of Marshall. The plan shall be subject to review and reasonable approval by City staff, but shall include at a minimum the following components: (1) an eight (8) foot tall perimeter fence; (2) an exterior lighting system; (3) a building security system; (4) an on-site security guard program; (5) an off-site official contact list; (6) established hours of operation; (7) appropriate signage; (8) a plan for facility inspection by the City of Marshall, which shall include no less than an annual comprehensive fire and security inspection; and, (9) such other conditions as may be suitable for the particular license, or facility to be operated by the MMMFLA licensee. A security plan must be approved by the City Manager with the advice of the Director of Public Safety.

“Safety compliance facility” means a licensee that is a commercial entity that receives marijuana from a marijuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marijuana to the marijuana facility.

“Secure transporter” means a licensee that is a commercial entity located in this state that stores marijuana and transports marijuana between marijuana facilities for a fee.

“State operating license” or, unless the context requires a different meaning, “license” means a license that is issued under this act that allows the licensee to operate as 1 of the following, specified in the license:

- (i) A grower.

(ii) A processor.

(iii) A secure transporter.

(iv) A safety compliance facility.

"Zoning Ordinance" means the City of Marshall Zoning Ordinance, adopted September 16, 2016, as amended.

### **Grower**

The location at which a grower cultivates medical marihuana is a permitted use in the following zoning districts; I-1, and I-2, as provided by and subject to the requirements of the Zoning Ordinance (art. III, § 3.19-20). The city will restrict locations and entity but shall not restrict number of licenses managed by that entity.

The grower must also meet the following requirements:

(1) The odor must be managed at the site and by the installation of an operable filtration to ventilation and exhaust equipment and odors must otherwise be effectively confined to the interior of the building or dwelling from which the odor is generated.

(2) The facility must not be within 5,280 – foot of another grow or processing facility.

(3) For a facility using artificial light for night time growing period, a plan to contain demonstrating that the owner can contain all artificial light to the interior space of the facility.

(4) An approved Security Plan.

(5) Co-location and Stacking of this license shall be permitted, up to, but not beyond, any applicable lot coverage limitations set forth in the City Marshall Zoning Code.

### **Processor**

The location at which a processor extracts resin from the marihuana or creates a marihuana-infused product is a permitted use in the following zoning districts; I-1, and I-2, as provided by and subject to the requirements of the Zoning Ordinance (art. III, § 3.19-20). The city will restrict locations and entity but shall not restrict number of licenses managed by that entity.

A processor must meet the following requirements:

(1) The odor must be managed by the installation of an operable filtration to ventilation and exhaust equipment and odors must otherwise be effectively confined to the interior of the building or dwelling from which the odor is generated.

(2) No marihuana shall be manufactured or processed in any manner that would create excessive noise beyond the interior of the structure if adjoining tenants may be disturbed by said noise.

(3) The facility must not be within 5,280 – foot of another grow or processing facility.

(4) An approved Security Plan.

(5) Co-location and Stacking of this license shall be permitted, up to, but not beyond, any applicable lot coverage limitations set forth in the City Marshall Zoning Code.

### **Secure Transporter**

The location at which a secure transporter stores marihuana and transports marihuana from is a permitted use in the following zoning districts I-1 and I-2, as provided by and subject to the requirements of the Zoning Ordinance (art. III, § 3.19-20). The city will allow up to two (2) state approved and licensed secure transporters.

A transporter must meet the following requirements:

(1) An approved Security Plan.

(2) Co-location of this license shall be permitted, up to, but not beyond, any applicable lot coverage limitations set forth in the City Marshall Zoning Code.

### **Safety Compliance Facility**

The location at which a safety compliance facility tests medical marihuana and marihuana in-fused products is a permitted use in the following zoning districts; I-1, and I-2, as provided by and subject to the requirements of the Zoning Ordinance (art. III, § 3.19-20). The city will allow up to two state approved and licensed safety compliance facilities. A Safety Compliance must meet the following requirements:

(1) An approved Security Plan.

(2) Co-location of this license shall be permitted, up to, but not beyond, any applicable lot coverage limitations set forth in the City Marshall Zoning Code.

### **Municipality Compliance with State Board**

1. The city shall provide the following information to the state Medical Marijuana licensing board within 30 days after the city receives notification from the applicant that he or she has applied for a license under Public Act 281.

a. A copy of the local ordinance that authorizes the Medical Marijuana Facility.

b. A copy of any zoning regulations that apply to the proposed Medical Marijuana Facility within the city.

c. A description of any violation of the local ordinance or zoning regulations included under subdivision (a) or (b) committed by the applicant, but only if those violations relate to activities licensed under this act or the Michigan Medical Marijuana Act.

2. The board may consider this information submitted in subsection (1) however, the failure of the city to provide the information to the board shall not be used against the applicant.

3. A municipal ordinance may establish an annual, nonrefundable fee of not more than \$5000 to defray the administrative and enforcement costs of associated with the operation of a Marijuana facility in the municipality.

4. Information a municipality obtains from an applicant related to licensure under this section is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

### **Future Legislation or Initiative to Allow Adult Use of Marihuana**

In the event that future laws deem Adult Use of Marihuana to be legal in the state of Michigan, the city hereby preserves the ability to allow additional Marihuana Facilities in accordance with law and market demand.

### **Severability**

If any section, sub-section, paragraph, sentence, or word of this Chapter is deemed to be invalid, the invalidity of such provision shall not affect the validity of any other sections, sub-sections, paragraphs, sentences, or words of this Chapter, or the application thereof; and to that end, the sections, sub-sections, paragraphs, sentences, and words of this Chapter shall be deemed severable.

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Trisha Nelson, City Clerk

**OLD BUSINESS**

None.

**REPORTS AND RECOMMENDATIONS**

**A. Transfer Property to the Local Development Financing Authority or the Economic Development Corporation:**

**Moved** Williams, supported Metzger, to approve the resolution to transfer property within the Industrial Park to the Local Development Financing Authority or the Economic Development Corporation as appropriate. On a roll call vote – ayes: Metzger, Mayor Reed, Schurig, Williams, Caron, Costa, and McNeil; nays: none.  
**MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN  
RESOLUTION #2017-13**

**RESOLUTION TO TRANSFER PROPERTY TO THE  
EDC OR LDFA AS APPROPRIATE**

WHEREAS, the City of Marshall has established an Economic Development Corporation (EDC) and a Local Development Finance Authority (LDFA); and

WHEREAS, from time to time the City of Marshall has acquired real property to establish an industrial park(s) and accumulate real property for economic development purposes; and

WHEREAS, the City has the authority to sell and transfer its ownership interest in real property under Article 7, Section 22 of the Michigan Constitution of 1963, and under Section 4e of Michigan's Home Rule City Act, and Section 2.20 of the City of Marshall Charter, as amended; and

WHEREAS, the EDC and LDFA are the appropriate parties to hold real property acquired by the City of Marshall for economic development purposes; and

WHEREAS, the City has determined that it is in its best interests to transfer ownership of all property that it may hold for economic development purposes to either its EDC or its LDFA; and,

WHEREAS, the City has in the past transferred by deed property that it held for economic development purposes to its EDC or LDFA, and the City finds it is necessary to confirm or ratify that those transfers were authorized by the City Council pursuant to Charter Section 2.20; and

WHEREAS, Charter Section 2.20 requires the reading of any resolution to sell real property, with a value that exceeds \$4.00 per capita according to the last official U.S. Census, after two public readings of the resolution at two regularly scheduled meetings of the City Council; and

WHEREAS, the City has determined that the real property commonly known as the L. Alta Brooks Industrial Park parcels 1-5; the Quigley Property and the Lafferty Property as more fully described in the attached Exhibits 1 and 2; is all economic development property that is properly transferred to either the EDC or the LDFA of the City of Marshall, as may be appropriate.

NOW THEREFORE BE IT RESOLVED, that the Marshall City Council does authorize the transfer by deed of the real property commonly known as the L. Alta Brooks Industrial Park parcels 1-5; the Quigley Property and the Lafferty Property as more fully described in the attached Exhibits 1 and 2, to either the EDC or the LDFA of the City of Marshall, as may be appropriate.

BE IT FURTHER RESOLVED, that the Marshall City Council does hereby consent to, and fully ratify, any past transfers by deed of the real property commonly known as the L. Alta Brooks Industrial Park parcels 1-5; the Quigley Property and the Lafferty Property as more fully described in the attached Exhibits 1 and 2, to either the EDC or the LDFA of the City of Marshall, or a third party purchaser, as may have been appropriate.

BE IT FURTHER RESOLVED, that the Marshall City Council will schedule a second public reading of this resolution at its next regularly scheduled meeting on June 5, 2017.

BE IT FURTHER RESOLVED, that the City Clerk shall be, and hereby is,

authorized for and on behalf of the City of Marshall to execute and deliver any deeds, or other documents necessary or appropriate to carry out this Resolution.

Dated: June 5, 2017

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed seal of said City of Marshall, this 5<sup>th</sup> day of June, 2017.

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Trisha Nelson, City Clerk

**APPOINTMENTS/ELECTIONS**

None.

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

Kayla Leach of 115 S. Fountain spoke regarding the Autism Benefit.

**COUNCIL AND MANAGER COMMUNICATIONS**

**ADJOURNMENT**

The meeting was adjourned at 8:38 p.m.

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Jack Reed, Mayor

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Trisha Nelson, City Clerk