

CALL TO ORDER

IN REGULAR SESSION Monday, April 19, 2010 at 7:00 P.M. in 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: Doane, Dyer, Metzger, Miller, Mayor Smith, Traver and Williams.

Also Present: City Manager Tarkiewicz

Absent: None

INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Smith led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

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

PRESENTATIONS AND RECOGNITION

Frances Rauth and Shirley Works presented a Marshall District Library update.

Mayor Smith read letters of support designating April as Child Abuse Prevention Month and Sexual Assault Awareness Month and also designating April 18-24, 2010 as National Crime Victim's Rights Week.

Moved Miller, supported Metzger, to approve the submittal of the letters of support. On a voice vote: **MOTION CARRIED.**

Chief Schwartz announced the promotion of Scott McDonald to Lieutenant of the Police Department.

INFORMATIONAL ITEMS

None.

PUBLIC COMMENT ON AGENDA ITEMS

Diane Larkin, Main Street Manager, thanked the Marshall District Library for the resources they provide for the community.

PUBLIC HEARINGS AND SUBSEQUENT COUNCIL ACTION

A. C & S Carton Division IFT Application:

Mayor Smith opened the public hearing to hear comment regarding the Industrial Facilities Tax Exemption Certificate for Chelsea Milling Company, C & S Carton Division.

Hearing no public comment, the hearing was closed.

Moved Williams, supported Dyer, to approve the application for an Industrial Facilities Tax Exemption Certificate for Chelsea Milling Company. On a roll call vote – ayes: Doane, Dyer, Metzger, Miller, Mayor Smith Traver, and Williams; nays: none. **MOTION CARRIED**

**CITY OF MARSHALL, MICHIGAN
RESOLUTION # 2010-04**

**RESOLUTION TO APPROVE APPLICATION OF
CHELSEA MILLING COMPANY, C & S CARTON DIVISION
310 Oliver Drive
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR REAL PROPERTY
IMPROVEMENTS**

WHEREAS, pursuant to P.A. 198 of 1974, MCL 211.551 et seq., after a duly noticed public hearing held on October 20, 2008, the Council by Resolution established Industrial Development District No. 23 as requested; and after a duly noticed public hearing held on August 4, 1992; and

WHEREAS, Chelsea Milling Company, C & S Carton Division, has filed an application for an Industrial Facilities Exemption Certificate with respect to real property improvements and the acquisition and installation of new machinery and equipment within Industrial Development District 23; 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 April 19, 2010 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 facility upgrades, had not begun earlier than six (6) months before 02/23/2010, the date of acceptance of the application for the Industrial Facilities Exemption Certificate; and

WHEREAS, the acquisition of the upgrades 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.

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 Chelsea Milling Company, C & S Carton Division, 310 Oliver Drive, for an Industrial Facilities Exemption Certificate, with respect to real property improvements described as new equipment upgrades to be acquired and installed within the Industrial Development District No. 23 is hereby approved.
3. That and IFEC Letter of Agreement, attached, be signed and submitted by Chelsea Milling Company C & S Carton Division to the City of Marshall.
4. The Industrial Facilities Exemption Certificate, when issued, shall be and remain in force and effect for a period of twelve (12) years under the rules and regulations of Act 198 of Public Acts of 1974, as amended, for the new equipment from the date of approval by the State Tax Commission.

AYES:

NAYS:

Sandra 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 on April 19, 2010.

Sandra Bird, Clerk/Treasurer

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Downtown Parking Meters:

Moved Dyer, supported Williams, to approve the resolution suspending the enforcement of meters within the City of Marshall. On a roll call vote – ayes: Dyer, Metzger, Mayor Smith, Williams and Doane; nays: Miller and Traver: **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN
RESOLUTION # 2010-05**

WHEREAS, the Marshall City Council has received input from the owners, employees and customers of downtown businesses, as well as other interested persons regarding parking along streets in Marshall's downtown area; and

WHEREAS, the Marshall City Code §73.24 authorizes the City's Traffic Engineer to determine and designate metered parking zones within the City of Marshall; and

WHEREAS, the Marshall City Council and the City's Traffic Engineer have both determined that a suspension of enforcement of parking meters in the downtown area may assist in the improvement of the local economy and the general well-being of the public with minimal disadvantages,

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL, MICHIGAN the designation all metered parking zones within the City of Marshall is hereby suspended until further notice.

AYES:

NAYS:

Dated: April 19, 2010

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 a resolution adopted by the City Council, city of Marshall, county of Calhoun, state of Michigan, at a regular meeting held on April 19, 2010 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.

Sandra Bird, Clerk-Treasurer

APPOINTMENTS / ELECTIONS

A. Planning Commission Appointment:

Moved Miller, supported Metzger, to reappoint Keith Mengel to the Planning Commission with a term expiring November 1, 2012. On a voice vote – **MOTION CARRIED.**

B Zoning Board of Appeals Appointment:

Moved Dyer, supported Williams, to reappoint Keith Mengel to the Zoning Board of Appeals with a term expiring March 10, 2013. On a voice vote – **MOTION CARRIED.**

CONSENT AGENDA

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

- A. Approve the Clerk-Treasurer to issue licenses to Schuler's Inc. and Pastrami Joes to operate outdoor restaurant/café effective May 1, 2010 through April 30, 2011.
- B. Schedule a public hearing for Monday, May 3, 2010 to hear public comment regarding the Pratt Park PUD rezoning.
- C. Schedule a public hearing for Monday, May 3, 2010 to hear public comment regarding the proposed text changes to §156.195 Home Occupations of the Marshall City Code.
- D. Minutes of the City Council Regular Session held on Monday, April 5, 2010;
- E. Approve city bills in the amount of \$979,113.03

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

PUBLIC COMMENT ON NON-AGENDA ITEMS

Don Marx of 117 W. Michigan Avenue asked the Council to consider the effects on business owners in the downtown when shutting down Michigan Avenue for events.

Girl Scouts Alena Buczynski, 713 Allison Drive, and Maddie Rayner, 332 N Division, extended an invitation to the Council to attend a community vigil in honor of Phoebe Prince.

Paul Herman of 135 W. Michigan Avenue expressed concern over the Michigan Avenue street closure.

Keith Mengel of 216 Division supported the Girl Scouts.

COUNCIL AND MANAGER COMMUNICATIONS

None.

CLOSED SESSION

Moved Dyer, supported Williams, to enter into executive session under Section 8 of the Michigan Open Meetings Act, specifically subsections C, D and H to consider collective bargaining strategies, the purchase of property and attorney client privilege communication. On a roll call vote – ayes: Miller, Mayor Smith, Traver, Williams, Doane, Dyer and Metzger; nays: none. **MOTION CARRIED.**

At 8:27 p.m. moved to conference room for closed session.

At 9:20 p.m. returned to open session.

Council discussion took place concerning changes to the FY 2011 Proposed Budget.

ADJOURNMENT

The meeting was adjourned at 9:47 p.m.

Bruce R. Smith, Mayor

Sandra Bird, Clerk-Treasurer