

CALL TO ORDER

IN REGULAR SESSION Monday, July 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 Pro-Tem Williams.

ROLL CALL

Roll was called:

Present: Council Members: Dyer (arrived at 7:05 p.m.), Metzger, Miller, Traver and Williams.

Also Present: City Manager Tarkiewicz

Absent: Council Members: Doane and Mayor Smith.

Moved Miller, supported Metzger, to excuse Council Member Doane and Mayor Smith. On a voice vote: **MOTION CARRIED.**

INVOCATION/PLEDGE OF ALLEGIANCE

Richard Gerten of Family Bible Church gave the Invocation and Mayor Pro-Tem Williams led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Miller, supported Metzger, to approve the agenda with the addition of the Michigan South Central Power Agency invoice for a new bill total of \$955,760.03. On a voice vote: **MOTION CARRIED.**

PRESENTATIONS AND RECOGNITION

None.

INFORMATIONAL ITEMS

City Manager Tarkiewicz provided an update on the Civil War Ball and the Community Movie Night.

Clerk-Treasurer Bird provided Council with the Fourth Quarter Investment Portfolio for the City of Marshall.

PUBLIC COMMENT ON AGENDA ITEMS

John LaPietra of 386 Boyer Court clarified the amount of the MSCPA Invoice and encouraged clarification for Ordinance §51.05 and change the word "redundant" to "backup".

Paul Sutherland of 875 E. Michigan Avenue and his nephew, Patrick Visser, shared their support for legalized medical marijuana and feel people should be able to get it in Marshall.

PUBLIC HEARINGS AND SUBSEQUENT COUNCIL ACTION

None.

OLD BUSINESS

Moved Dyer, supported Traver, to remove the Well Ordinance changes from the table.
On a voice vote – **MOTION CARRIED**

Moved Dyer, supported Williams, to approve the text changes to §51.04 and §51.05 of the Marshall City Code. On a roll call vote – ayes: Dyer, Metzger, Miller, Traver, and Williams; nays: none: **MOTION CARRIED.**

**CITY OF MARSHALL
ORDINANCE #2010-03**

AN ORDINANCE TO AMEND CITY OF MARSHALL CODE §51.04 CONNECTION TO CITY WATER SUPPLY SYSTEM REQUIREMENT AND ADDITION OF AN ORDINANCE TO THE CITY OF MARSHALL CODE §51.05 INSTALLATION OF BACKUP WATER WELLS OF THE MARSHALL CITY CODE OF ORDINANCES.

THE CITY OF MARSHALL ORDAINS:

Section 1. That the Marshall City Code §51.04 is hereby amended and the addition of §51.05, to read as follows:

§ 51.04 CONNECTION TO CITY WATER SUPPLY SYSTEM REQUIRED.

(A) *The owner of any house, building, structure or property which is used for human occupancy, employment, recreation or other purposes and for which the nearest point of any house, building or structure located on the property is not more than 200 feet away from the right-of-way line of any street, alley or right-of-way in which the public water supply system is available, shall be required, at the owner's expense, to install a suitable water supply system therein and to connect the water supply system to the city's water supply system upon the earlier of the following events:*

(1) *When any repair, improvement or replacement which would require a permit from the county's Health Department is required to be made to an existing well servicing any house, building, structure or property; and*

(2) *Upon any sale of the house, building, structure or property.*

(B) *Except as set forth in section 51.05 below, no new private well shall be installed serving any house, building, structure or property which is used for human occupancy, employment, recreation or other purposes, and for which the nearest point of the house, building or structure located at the property is not more than 200 feet away from the right-of-way line of any street, alley or right-of-way in which the city has installed water mains as part of the city water supply system.*

§51.05 INSTALLATION OF BACKUP WATER WELLS

(A) The owner of any place of public accommodation may install a private water well when it can demonstrate to the reasonable satisfaction of the Director of Public Services each of the following:

(1) A private well is necessary or helpful in meeting the requirements of any county, state or federal law, regulation, accreditation standard or ordinance requiring a supply of water in addition to the City's municipal water supply,

(2) The additional well will not pose a danger to the City's municipal water supply, whether by way of contamination, depletion of water supply or other cause.

(3) The additional well will be used only as a secondary or backup source of water in the event of failure or contamination of the City's water supply system.

(4) Adequate mechanical and procedural safeguards exist that will prevent the well from being used except in the case of a water system failure, water system contamination, or for routine maintenance of the well.

(5) The well shall be installed in compliance with the regulations of the Calhoun County Health Department and the Michigan department of Natural Resources and Environment, as well as all other applicable laws, ordinances and regulations.

(6) The additional well will be metered for sewage return.

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 19th day of July, 2010.

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 19, 2010, 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

REPORTS AND RECOMMENDATIONS

A. Medical Marijuana:

Moved Miller, supported Traver, to adopt the Medical Marijuana Moratorium Ordinance which will allow the Council time to carefully analyze the requirements of the law. On a roll call vote – ayes: Metzger, Miller, Traver, Williams, and Dyer; nays: none: **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN
RESOLUTION #2010-

WHEREAS, the sale or dispensation of medical marijuana was not envisioned when the current Zoning Ordinance was adopted on September 18, 2006 and is not regulated in any way; and,

WHEREAS, allowing the sale or dispensation of medical marijuana prior to the amendment of the Zoning Ordinance would be contrary to the goals of the 2008 Master Plan for Land Use; and,

WHEREAS, the City desires to ascertain the best and safest path to compliance with the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law; MCL 333.26423(d) in order to protect the public health, safety, and welfare; and,

WHEREAS, the City Council determines that it is desirable to forbid the sale or dispensation of medical marijuana until an amendment to the Zoning Ordinance (Chapter 156 of the City Code) becomes effective and a permitting process is established; and,

RESOLVED that the following ordinance – to impose a moratorium on the issuance of permits or licenses for the sale or dispensation of medical marijuana for a period of six (6) months from the effective date of this ordinance, or until the effective date of the adoption of proper text amendments to the Zoning Ordinance (Chapter 156 of the City Code) and any necessary licensing requirements, whichever occurs first – is hereby adopted.

The proposed ordinance reads as follows:

**CITY OF MARSHALL
ORDINANCE #2010-04**

AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE OF
PERMITS OR LICENSES FOR THE SALE OR DISPENSATION OF MEDICAL
MARIJUANA WITHIN THE CITY OF MARSHALL.

THE CITY OF MARSHALL ORDAINS:

Section 1. Findings. The City Council has determined that:

1. The provisions within Chapter 156 of Title XV of the City Code of the City of Marshall were adopted on September 18, 2006 and that these zoning regulations have not kept pace with recent statewide legislation.
2. It is within the rights of the City to establish reasonable regulations to control the sale and dispensation of medical marijuana in order to protect the public health, safety, and welfare.
3. A moratorium should be imposed upon the issuance of any and all permits or licenses for the sale or dispensation of medical marijuana for six (6) months or until an amendment of the Zoning Ordinance and other applicable codes, whichever occurs first.

Section 2. That there be and hereby is imposed for a period of six (6) months from the effective date of this ordinance a moratorium upon the issuance of any and all permits or licenses for the sale or dispensation of medical marijuana within the City of Marshall.

Section 3. The moratorium imposed by this ordinance shall expire the earlier of six (6) months from its effective date or the effective date of an amendment to the Zoning Ordinance – Chapter 156 of the City Code and/or other applicable codes as deemed necessary.

Carried by a roll call vote:

Yeas:

Nays:

Dated: July 19, 2010

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 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.

Bruce R. Smith, Mayor

B. Cronin Building Lease Extension for Gallery 105, LLC:

Moved Dyer, supported Miller, to authorize the Clerk-Treasurer to sign the lease extension with Gallery 105 LLC for the Cronin Building. On a roll call vote – ayes: Miller, Traver, Williams, Dyer, and Miller; nays: none: **MOTION CARRIED.**

C. City Hall Exterior Painting:

Moved Traver, supported Metzger, to accept the bid from Building Restoration of Kalamazoo in the amount of \$45,700 for the painting of the exterior of City Hall. On a roll call vote – ayes: Traver, Williams, Dyer, Metzger, and Miller; nays: none: **MOTION CARRIED**

D. Tree and Stump Removal Bids:

Moved Dyer, supported Miller, to accept the low bid of \$28,117.80 and \$25,756.20 from Mills Tree Service from Angola, Indiana for the 2010.03 and 2010.04 Tree and Stump Removal projects contingent on line clearance certification. On a roll call vote – ayes: Williams, Dyer, Metzger, Miller, and Traver; nays: none: **MOTION CARRIED**

APPOINTMENTS / ELECTIONS

A. DDA/Main Street Board:

Moved Miller, supported Metzger, to approve the appointment of Brian Mason to the DDA Board with a term expiring December 31, 2010. On a voice vote: **MOTION CARRIED**

CONSENT AGENDA

Moved Dyer, supported Metzger, to approve the consent agenda as presented. On a voice vote – **MOTION CARRIED**

- A. Approve the recommended purchase order limit change from \$500 to \$1,500;
- B. Minutes of the City Council Work Session and City Council Regular Session held on Tuesday, July 6, 2010;
- C. Approve city bills in the amount of \$955,760.03.

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

PUBLIC COMMENT ON NON-AGENDA ITEMS

John LaPietra of 386 Boyer Court stated the Hospital/Neighborhood Committee held its first meeting and believes there has been positive development.

Marshall City Council, Regular Session
Monday, July 19, 2010

COUNCIL AND MANAGER COMMUNICATIONS

None.

ADJOURNMENT

The meeting was adjourned at 8:00 p.m.

Bruce R. Smith, Mayor

Sandra Bird, Clerk-Treasurer