

Marshall City Council, Regular Session  
Monday, October 4, 2010

**CALL TO ORDER**

IN REGULAR SESSION Monday, October 4, 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: Dyer, Mankerian, Metzger, Miller, Mayor Smith, Traver, and Williams.

Also Present: City Manager Tarkiewicz

Absent: None.

**INVOCATION/PLEDGE OF ALLEGIANCE**

Kris Tarkiewicz of Family Bible Church gave the Invocation and Mayor Smith led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA**

**Moved** Williams, supported Dyer, to approve the agenda with the addition of Item 11C Set Public Hearing for Rental Rehab Grant and add Dave Fhaner under Presentations. On a voice vote: **MOTION CARRIED.**

**PRESENTATIONS AND RECOGNITION**

Dave Fhaner provided a recap of the 9<sup>th</sup> Annual Conservation Day and provided information for the Brooks Nature Area Open House on October 9, 2010 from 1:00 - 4:00 p.m.

Ken Struble spoke on behalf of George Strander, candidate for Probate Court Judge.

Mike Jaconette spoke of his candidacy for Probate Court Judge.

**INFORMATIONAL ITEMS**

None.

**PUBLIC COMMENT ON AGENDA ITEMS**

None.

**PUBLIC FORUM**

A. Public Forum - Medical Marihuana:

Mayor Smith opened the public forum to hear public input regarding the Michigan Medical Marihuana Act of 2008. Information provided at this forum will be considered by the City Council and Staff in drafting a City Ordinance regulating Medical Marihuana.

Jerry Clifton of 15766 171/2 Mile Road doesn't feel the City should allow Marihuana to be sold in the City.

Hearing no further comment the forum was closed.

### **OLD BUSINESS**

None.

### **REPORTS AND RECOMMENDATIONS**

#### **A. CCCDA Intergovernmental Agreement - MERS Pension Obligation:**

**Moved** Dyer, supported Miller, to authorize the City Manager to sign the Calhoun County Consolidated Dispatch Authority Intergovernmental Agreement regarding MERS Funding Obligations. On a roll call vote – ayes: Dyer, Mankerian, Metzger, Miller, Mayor Smith, Traver, and Williams; nays: none. **MOTION CARRIED.**

#### **B. Storm Sewer Study - North Mulberry Street and Union Street:**

**Moved** Williams, supported Traver, to accept the proposal from FTCH for the study of the drainage system affecting the intersection of N. Mulberry Street and Union street for the not to exceed cost of \$8,700 and allow City Staff to negotiate an amendment to this proposal to investigate the storm sewer problem at the intersection of Allen Road and O'Keefe Road. On a roll call vote – ayes: Mankerian, Metzger, Miller, Mayor Smith, Traver, Williams, and Dyer; nays: none. **MOTION CARRIED.**

#### **C. Set Public Hearing - Rental Rehabilitation Grant:**

**Moved** Williams, supported Dyer, to schedule a public hearing for Monday, November 1, 2010 to hear public comment regarding the proposed application for a Rental Rehabilitation Grant.

### **APPOINTMENTS / ELECTIONS**

#### **A. Local Development Finance Authority Appointment:**

**Moved** Williams, supported Metzger, to approve the appointment of J.P. Walters of Walters Dimmick Petroleum to the Local Development Finance Authority with a term expiring on June 3, 2013. On a voice vote - **MOTION CARRIED.**

### **CONSENT AGENDA**

**Moved** Miller, supported Williams, to approve the consent agenda as presented:

- A. Scheduled a Public Hearing for October 18, 2010 to receive comments regarding the revisions to Chapter 98: Airport and Aircraft of the Marshall City Code;
- B. Approve a permanent Traffic Control Order to erect “No Parking” signs on the west side of Madison Street between Mansion Street and Prospect Street;
- C. Approve the recommendation to authorize the Mayor and the Clerk to sign the Supplement to the Power Sales Agreement with AMP for 1,180 kW of hydroelectric energy;
- D. Approve minutes of the City Council Regular Session held on Monday, September 20, 2010;
- E. Approve city bills in the amount of \$3,815,413.94.

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

### **PUBLIC COMMENT ON NON-AGENDA ITEMS**

Becky Rocho, County Commissioner, provided an update to the Council regarding County issues.

Jerry Clifton, of 15766 17 ½ Mile Road, commented on the Rental Rehab Grant and the process of appointing the Clerk and the City Assessor.

City Attorney Beardslee clarified some comments on the Rental Rehab Grant and commented on the Michigan Medical Marijuana Forum.

### **COUNCIL AND MANAGER COMMUNICATIONS**

Council Member Miller encouraged people to attend the Alternative Education Open house.

Council Member Williams reminded members of the joint meeting at the City of Albion on Monday, October 11<sup>th</sup>.

Council Member Dyer spoke in favor of the Forum held for comment on Medical Marijuana and requested a comment written by Judge O’Connell be placed in to the record of this meeting. This helps identify how poorly the law is written.

*“Defense counsel was particularly concerned that the law was not specific enough for him to advise his clients on both the strictures of the MMMA and the ramifications of certain provisions. The prosecuting attorney noted that he was unable to advise municipalities, townships, police, and*

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*others regarding whether particular conduct was permitted or prohibited under the act. More generally, in the absence of clear direction from the appellate courts, many citizens believe that the MMMA supports and legitimizes the marijuana business.”*

**ADJOURNMENT**

The meeting was adjourned at 8:30 p.m.

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Bruce R. Smith, Mayor

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Sandra Bird, Clerk-Treasurer