

CALL TO ORDER

IN REGULAR SESSION Monday, June 6, 2011 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 Dyer.

ROLL CALL

Roll was called:

Present: Council Members: Booton, Mayor Dyer, Mankerian, Metzger, Miller, Traver, and Williams.

Also Present: City Manager Tarkiewicz.

Absent: None.

INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Dyer led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Miller, supported Metzger, to approve the agenda with the addition of Agenda Item 12D Fire Contract. On a voice vote: **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

John LaPietra of 386 Boyer Court inquired about the savings in our purchased power costs.

Vince Trudell of 1212 Comstock inquired about the completion of 1148 Woodruff.

Tracy Trudell of 1212 Comstock inquired about the Development Agreement for Pratt Park.

CONSENT AGENDA

Moved Williams, supported Mankerian, to approve the consent agenda:

- A. Received the FY 2012 Administrative Chain of Command Appointments;
- B. Schedule a public hearing for Monday, June 20, 2011 for a resolution adopting the final project plan for the wastewater treatment and collection system improvements and designating an authorized project representative;
- C. Approve the Privacy Practices Policy to replace Appendix D of the Personnel Policy Manual;

- D. Approve minutes of the City Council Work Session and Regular Session held on Monday, May 16, 2011;
- E. Approve city bills in the amount of \$836,392.74.

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

PRESENTATIONS AND RECOGNITIONS

None.

INFORMATIONAL ITEMS

Director of Public Services Fedders provided information regarding the Bakers Dozen Beer Run.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Controlled Substance Ordinance:

Mayor Dyer opened the public hearing to hear public comment regarding the adoption of proposed ordinance §137.06 – Association with Controlled Substances to the Marshall City Code.

Police Chief Schwartz provided some background regarding the ordinance and Mayor Dyer read the context of the ordinance into the record:

No person shall knowingly loiter in or about any building, apartment, store, automobile, trailer or other place, or an area open to the public, where a controlled substance or drug paraphernalia is being illegally used, sold, dispensed, furnished, given away or stored.

John LaPietra of 386 Boyer Court inquired how this ordinance interacts with Medical Marijuana.

John Ryan of 818 River Road inquired how this ordinance would apply with the smoking ban.

Brian Munger of 120 S. Grand feels that there are drug problems in Marshall and approves of the enforcement.

Hearing no further comment the hearing was closed.

Moved Metzger, supported Williams to approve the adoption of §137.06 – Association with Controlled Substances to the Marshall City Code. On a roll call vote – ayes: Mayor Dyer, Mankerian, Metzger, Miller, Traver, Williams, and Booton; nays: none. **MOTION CARRIED.**

ORDINANCE #2011- 11

**AN ORDINANCE TO AMEND CHAPTER 137, OF THE MARSHALL CODE,
ENTITLED "OFFENSES RELATING TO CONTROLLED SUBSTANCES"**

Chapter 137 of the Marshall Code is hereby amended to read as follows:

§137.06 ASSOCIATION WITH CONTROLLED SUBSTANCES

No person shall knowingly loiter in or about any building, apartment, store, automobile, trailer or other place, or an area open to the public, where a controlled substance or drug paraphernalia is being illegally used, sold, dispensed, furnished, given away or stored.

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.

This Ordinance is declared to be effective immediately upon publication.
Adopted and signed this 6th day of June, 2011.

James L Dyer, 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 June 6, 2011, 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

OLD BUSINESS

A. Pratt Park Phase I and II Update:

City Manager Tarkiewicz provided an update on Pratt Park Phase I and Phase II to address some concerns that have been made regarding the project.

REPORTS AND RECOMMENDATIONS

A. Michigan Main Street Program:

Moved Miller, supported Traver, to receive the recommendation from the DDA to graduate out of the Main Street program immediately and table any council action until the first meeting of September. On a roll call vote – ayes: Mankerian, Metzger, Miller, Traver, Williams, Booton, and Mayor Dyer; nays: none. **MOTION CARRIED.**

B. Replacement of 2400 Volt Switchgear:

Moved Miller, supported Williams to approve the proposal submitted by Primary Integration Encorp LLC for \$253,000 for the 2400 Volt Switchgear. On a roll call vote – ayes: Metzger, Miller, Traver, Williams, Booton, Mayor Dyer, and Mankerian; nays: none. **MOTION CARRIED.**

C. Design Services – 2011.03 Local Street Rehabilitation:

Moved Metzger, supported Williams to accept the proposal from Civil Engineering Inc. for the design and construction services for the 201.03 Local Street Rehabilitation for the not to exceed cost of \$9,805. On a roll call vote – ayes: Miller, Traver, Williams, Booton, Mayor Dyer, Mankerian, and Metzger; nays: none.

D. Fire Contract:

Moved Williams, supported Booton, to ratify the fire contract with Local 1929 International Association of Firefighters. On a roll call vote – ayes: Williams, Booton, Mayor Dyer, Mankerian, Metzger, Miller, and Traver; nays: none.

APPOINTMENTS / ELECTIONS

A. Sister City Delegate:

Moved Miller, supported Booton to appoint Nick Metzger as the Council delegate to participate in the Sister City Trip to Koka, Japan. On a roll call vote – ayes: Traver, Williams, Booton, Mayor Dyer, Mankerian, Metzger, and Miller; nays: none. **MOTION CARRIED.**

Marshall City Council, Regular Session
Monday, June 6, 2011

PUBLIC COMMENT ON NON-AGENDA ITEMS

Fran Rauth of 372 Westbrook Court expressed the need to fill a vacancy on the Library Board.

John Ryan of 818 River Road announced his formation of a Presidential Exploratory Committee to run for President of the United States.

Brian Munger of 120 S. Grand thanked Council and past Councils for not renewing an agreement with Michigan South Central Power Agency.

John LaPietra of 386 Boyer Court spoke of some personal issues and his stand for peace.

COUNCIL AND MANAGER COMMUNICATIONS

None.

ADJOURNMENT

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

James L. Dyer, Mayor

Sandra Bird, Clerk-Treasurer