

CITY COUNCIL AGENDA

Regular Meeting

May 1, 2023 at 7:00 PM



- 1) **CALL TO ORDER**
- 2) **ROLL CALL**
- 3) **INVOCATION**
- 4) **PLEDGE OF ALLEGIANCE**
- 5) **APPROVAL OF AGENDA** - Items can be added or deleted from the Agenda by City Council action.
- 6) **PUBLIC COMMENT ON AGENDA ITEMS** Persons addressing City Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of five (5) minutes. Comments shall address AGENDA ITEM topics. Public Hearing items shall be addressed during the PUBLIC HEARING portion (Item 10) of the meeting agenda. Non-Agenda items shall be addressed during the PUBLIC COMMENT-NON-AGENDA ITEMS (Item 14) portion of the meeting agenda.
- 7) **CONSENT AGENDA**
 - A. **City Council Minutes**
Regular Session - April 17, 2023
 - B. **City Bills**

Purchases 4/14/23	\$85,804.34
Purchases 4/21/23	\$66,422.31
Purchases 5/2/23	\$108,418.65
March Power Purchase	\$856,318.24
Total	\$1,116,963.54
- 8) **PRESENTATIONS AND RECOGNITIONS**
 - A. **CITY ATTORNEY REPORT**
- 9) **INFORMATIONAL ITEMS**
- 10) **PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**
 - A. **REZONING REQUEST RZ #23-01 FOR PARCEL #53-281-021-00 (PUBLIC HEARING)**
- 11) **OLD BUSINESS**
- 12) **REPORTS AND RECOMMENDATIONS**
 - A. **FY 2024 BUDGET - SCHEDULE A PUBLIC HEARING**
 - B. **SPECIAL EVENT REQUEST- 2023 MEMORIAL DAY PARADE**

MAYOR: Jim Schwartz CITY MANAGER: Derek N. Perry
COUNCIL MEMBERS: COUNCIL MEMBERS: Joe Caron, Theresa Chaney-Huggett, Jacob Gates
Ryan Traver, Ryan Underhill, Scott Wolfersberger
, 315 W Green St, Marshall, Michigan 49068

13) APPOINTMENTS / ELECTIONS

A. APPOINTMENT OF CITY ATTORNEY

B. APPOINTMENT OF CITY PROSECUTING ATTORNEY

- 14) PUBLIC COMMENT ON NON-AGENDA ITEMS** Persons addressing City Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of five (5) minutes. Comments shall address NON-AGENDA ITEM topics. Public Hearing items shall be addressed during the PUBLIC HEARING portion (Item 10) of the meeting agenda. Agenda items shall be addressed during the PUBLIC COMMENT-AGENDA ITEMS (Item 6) portion of the meeting agenda.

15) COUNCIL AND MANAGER COMMUNICATIONS

16) ADJOURNMENT

CITY COUNCIL MINUTES

April 17, 2023

Regular Meeting - 7:00 PM

1) CALL TO ORDER

IN A REGULAR SESSIONS held on Monday, April 17, 2023 at 7:00 PM in the Board of Commissioners Chambers of the Marshall County Building, 315 W Green St, Marshall, MI 49068, the Marshall City Council was called to order by Mayor Schwartz.

2) ROLL CALL

Roll was called:

Present: Mayor James Schwartz, Joe Caron, Theresa Chaney-Huggett, Jacob Gates, Ryan Underhill, Scott Wolfersberger

Also Present: Manager Perry and Clerk Eubank

Absent: Ryan Traver

Moved Joe Caron, supported Scott Wolfersberger to excuse member Traver from the meeting. On a voice vote: **Motion carried.**

3) INVOCATION Devon Shephard- Woodland Church

4) PLEDGE OF ALLEGIANCE

Mayor Schwartz led the Pledge of Allegiance.

5) APPROVAL OF AGENDA - Items can be added or deleted from the Agenda by City Council action.

Moved Joe Caron, supported Scott Wolfersberger to approve the agenda as presented. On a voice vote: **Motion carried.**

6) PUBLIC COMMENT ON AGENDA ITEMS Persons addressing City Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of five (5) minutes. Comments should address AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion (Item 10) of the meeting agenda. Non-Agenda items should be addressed during the PUBLIC COMMENT-NON-AGENDA ITEMS (Item 14) portion of the meeting agenda.

Barry Wayne Adams of 622 W Green St spoke in opposition to the land transfers.

Autumn Smith of 66 Massachusetts stated that the constitution spoke of treaty's and believed the council may be committing treason.

Justin Shotts of 23788 4 1/2 Mile Rd spoke in opposition to the land transfers.

Joshua Withee of 21744 H Dr N questioned if any of the council had signed NDAs, if any council member is employed by the city, if public comment would be accepted on the site plan for Ford and what conditions the council would be looking for on the site plan.

Maggie Emerson Rich of 616 Union St stated that according to the planning commission meeting the previous week, there is no site plan for the Blue Oval project, but she would like to see one if there is one.

Jerry Bossard spoke in opposition to the land transfers.

Mark Robinson of 1114 Fennimore questioned who would be paying the back tax credits if the PA116 in item 12D is terminated.

Lee Rothwell of Ceresco would like to see Riverside farm preserved as public access to the preservation area and questioned if residents on Mulberry St were informed of the potential for a storage facility in their area.

Connie Wyman of B Dr N questioned who would own the mineral rights on the transferred properties and stated that she didn't believe the criteria had been met for the termination of the PA116.

7) CONSENT AGENDA

Moved Jacob Gates, supported Ryan Underhill to approve the consent agenda as presented. On a roll call vote:

Ayes: Joe Caron, Theresa Chaney-Huggett, Jacob Gates, Ryan Underhill, Scott Wolfersberger, James Schwartz

Nays: None

Abstain: None

Motion carried.

A. City Council Minutes

Work Session- April 3, 2023

Regular Session- April 3, 2023

B. City Bills

Purchases- 3/31/2023	\$52,445.78
Purchases- 4/4/2023	\$83,654.05
Purchases- 4/6/2023	\$21,905.65
Purchases- 4/18/2023	\$227,525.75
TOTAL	\$385,531.23

8) PRESENTATIONS AND RECOGNITIONS

9) INFORMATIONAL ITEMS

10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. PA 425 CONDITIONAL LAND TRANSFER REQUESTS (MARSHALL TOWNSHIP)

Mayor Schwartz opened the public hearing on multiple PA 425 conditional land transfer requests from Marshall Township.

Matt Davis of 296 Lyon Lake Rd spoke in favor of the land transfers, stating it would be a positive for the community.

Stephanie Fries of Dearborn spoke in favor of the land transfers, stating Ford is looking forward to being a part of the community and bringing manufacturing back to the US.

Justin Shotts of 23788 4 1/2 Mile Rd spoke in opposition to the land transfers, stating the general public doesn't want it and no input was had prior to the project being put in place.

Carl Dean of 151 Adams Rd spoke in favor of the land transfers, stating it allows for future development.

Laura Bartlett of 435 N Linden spoke in opposition to the land transfers, stating it is a loss of tax dollars.

John Rothwell of 12 Mile Rd spoke in opposition to the land transfers and would like to see Riverside Farm preserved.

Derek Allen of 524 W Green St spoke in favor of the land transfers and stated that it is an inaccurate statement that the public doesn't want it.

Justin Kazmar of 14200 18 1/2 Mile Rd spoke in opposition to the land transfers, stating that most people are against it and that recalls will be coming.

Matt Eggleton of 435 N Linden spoke in opposition to the land transfers, stating most people are against it.

Barry Wayne Adams of 622 W Green spoke in opposition to the land transfers, citing fraud and concerns about the size of the town.

Holly Hardin of 401 E Mansion spoke in opposition to the land transfers, stating that the town should preserve it's historical nature.

Gretchen Essler of 219 N Eagle spoke in opposition to the land transfers, citing the connections to the Chinese, concerns over infrastructure and the public not wanting them.

Josh Withee of 21744 H Dr N stated that he would like to see questions answered and believed NDAs were a conflict of interest.

William Martin of 23701 23 1/2 Mile Rd stated that a failure to answer can only constitute fraud.

Maggie Emerson Rich of 616 Union St spoke in opposition to the land transfers, questioning the transparency of the process and legislatures, as well as what facilities would be coming from the city.

Mark Robinson of 1114 Fennimore spoke in opposition to the land transfers, stating a need for farm land and money for schools.

Lee Rothwell of 12 Mile Rd spoke in opposition to the land transfers, stating Ford had

enough space for their factory and requested that Riverside Farm be preserved.

Connie Wyman of B Dr N spoke in opposition to the land transfers citing the size, scope and scale as well as the proximity to the river.

Mayor Schwartz closed the public hearing on multiple PA 425 conditional land transfer requests from Marshall Township.

Wolfersberger stated that no NDA had been offered to him, nor signed by him. He further stated that this is just to transfer properties to the City and that no site plan had been presented at this time.

Underhill stated that he also has not signed an NDA.

Gates also stated that he had not signed an NDA, nor did he have any financial interest in the project.

Chaney-Huggett stated that she had not stated an NDA.

Schwartz stated that he had not signed an NDA, nor was he currently employed by the City beyond being the Mayor. He further stated that he nor his employer will benefit from the land transfers or project. He stated that there is no site plan at current, but people will be given the opportunity to view it and provide input.

Moved Scott Wolfersberger, supported Jacob Gates to approve Resolution #2023-15 and authorize the City Manager and City Clerk to sign and submit the necessary documents. On a roll call vote:

Ayes: Theresa Chaney-Huggett, Jacob Gates, Ryan Underhill, Scott Wolfersberger, James Schwartz, Joe Caron

Nays: None

Abstain: None

Motion carried.

CITY OF MARSHALL, MICHIGAN

RESOLUTION NO. 2023-15

A RESOLUTION TO APPROVE MULTIPLE P.A. 425 of 1984 CONDITIONAL LAND TRANSFER REQUESTS BETWEEN MARSHALL TOWNSHIP AND THE CITY OF MARSHALL

Minutes of a regular meeting of the Council of the City of Marshall, held on April 17, 2023 at 7:00 PM.

PRESENT:

ABSENT:

The following preamble and resolution were offered by _____, and supported by _____.

WHEREAS, the City of Marshall received a request from the Marshall Area Economic Development Alliance (MAEDA) to enter into a Public Act 425 of 1984 Conditional Land

Transfer for multiple properties that it owns within Marshall Township for economic development purposes; and

WHEREAS, in 2006, the City and Marshall Township entered into a Master Public Act 425 Conditional Land Transfer Agreement. In 2015, the Master Agreement was extended to 2026 and in 2019, it was revised and extended to 2029; and

WHEREAS, the Master 425 Agreement facilitates the provision of City services, including municipal sewer, water, police, and fire protection to properties currently within Marshall Township according to terms acceptable to both Marshall Township and the City of Marshall; and

WHEREAS, on April 3, 2023, the City of Marshall set a Public Hearing for April 17, 2023, as required by P. A. 267 and published said notice; and

WHEREAS, the following parcels have been requested by the property owner to be transferred from Marshall Township into the City of Marshall: 16-290-021-01, 16-290-021-02, 16-290-021-03, 16-201-018-00, 16-290-012-00, 16-290-015-00, 16-281-015-00, 16-281-015-03, 16-281-015-04, 16-290-021-05, 16-290-021-04, 16-281-015-01, 16-281-015-02, 16-281-015-05, 16-190-006-01, 16-193-003-00, 16-193-006-00, 16-193-009-00, 16-300-006-00, 16-300-018-00, 16-300-021-00; and

WHEREAS, on April 17, 2023, the Marshall City Council held a Public Hearing as required by P.A. 425 of 1984; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL approve the Master 425 Development Agreement contracts in substantial form for the Conditional Land Transfer of Property between Marshall Township and the City of Marshall for the following parcels: 16-290-021-01, 16-290-021-02, 16-290-021-03, 16-201-018-00, 16-290-012-00, 16-290-015-00, 16-281-015-00, 16-281-015-03, 16-281-015-04, 16-290-021-05, 16-290-021-04, 16-281-015-01, 16-281-015-02, 16-281-015-05, 16-190-006-01, 16-193-003-00, 16-193-006-00, 16-193-009-00, 16-300-006-00, 16-300-018-00, 16-300-021-00 and authorize the City Manager and City Clerk to sign.

Resolution declared adopted this 17th day of April 2023.

B. 421/423 MITCHELL SPECIAL LAND USE

Mayor Schwartz opened the public hearing on SLU#23.01 for a self-storage facility at 421 and 423 Mitchell St.

Barry Wayne Adams of 622 W Green stated that zoning was an overreach of government authority and that it was not in the best interest of the people.

Justin Shotts of 23788 4 1/2 Mile Rd questioned why the small business had to follow the process but Ford was being rushed through and felt there was inequality.

Maggie Emerson Rich of 616 Union St stated that this is a project that the citizens wouldn't fight the council on as it is a commercial project on commercial land.

Mayor Schwartz closed the public hearing on SLU#23.01 for a self-storage facility at 421

and 423 Mitchell St.

Moved Joe Caron, supported Scott Wolfersberger to approve the requested Special Land Use for the addition of a self-storage facility at 421 and 423 Mitchell Street. On a roll call vote:

Ayes: Jacob Gates, Ryan Underhill, Scott Wolfersberger, James Schwartz, Joe Caron, Theresa Chaney-Huggett

Nays: None

Abstain: None

Motion carried.

11) OLD BUSINESS

12) REPORTS AND RECOMMENDATIONS

A. SITE PLAN REVIEW CONTRACT FOR BLUEOVAL BATTERY PARK PROJECT

Moved Jacob Gates, supported Joe Caron to approve the contract for site plan review services with Progressive AE for the BlueOval Battery Project in the amount up to \$40,000 for the first phase and up to \$15,000 for any future changes/phases. On a roll call vote:

Ayes: Ryan Underhill, Scott Wolfersberger, James Schwartz, Joe Caron, Theresa Chaney-Huggett, Jacob Gates

Nays: None

Abstain: None

Motion carried.

B. SCHEDULE REZONING PUBLIC HEARING FOR 425 PARCELS FROM MARSHALL TOWNSHIP

Moved Joe Caron, supported Scott Wolfersberger to set a public hearing for May 1, 2023 at 7:00 PM to consider zoning designation of Industrial and Manufacturing Complex (I-3) for parcel 53-281-021-00, 13700 West Michigan Avenue. On a roll call vote:

Ayes: Scott Wolfersberger, James Schwartz, Joe Caron, Theresa Chaney-Huggett, Jacob Gates, Ryan Underhill

Nays: None

Abstain: None

Motion carried.

C. COMMUNITY RISK ASSESSMENT & REDUCTION GRANT APPLICATION

Moved Joe Caron, supported Theresa Chaney-Huggett to approve submittal of the grant to FEMA for a Community Risk Assessment (CRA) and Community Risk Reduction (CRR) Plan and authorize the City Manager and City Clerk to sign and submit the necessary documents. On a voice vote: **Motion carried.**

D. P.A. 116 PROGRAM TERMINATION- PROPERTY OWNER REQUEST

Moved Jacob Gates, supported Joe Caron to Approve Resolution #2023-14 and authorize the City Manager and City Clerk to sign and submit the necessary documents.

On a voice vote: **Motion carried.**

**CITY OF MARSHALL, MICHIGAN
RESOLUTION NO. 2023-14**

**A RESOLUTION TO APPROVE TERMINATION OF FARMLAND DEVELOPMENT
RIGHTS AGREEMENT #13-28643-123157**

Minutes of a regular meeting of the Council of the City of Marshall, held on April 17, 2023 at 7:00 PM.

PRESENT:

ABSENT:

The following preamble and resolution were offered by _____, and supported by _____.

WHEREAS, on April 5, 2023, the City of Marshall received a request from the Marshall Area Economic Development Alliance (MAEDA) to have parcel 13-16-290-018-00 released from Farmland Development Rights Agreement #13-28643-123157 which was executed in accordance with the provisions of P.A. 116 of 1974; and

WHEREAS, the farmland is to be owned, operated and maintained by an organization exempt from taxation under section 501(c)(3) of the internal revenue code of 1986, 26 U.S.C. 501, and the relinquishment will be beneficial to the local community; and

WHEREAS, the Calhoun County Planning and Economic Development Department and the Calhoun County Conservation District were notified as part of the application; and

WHEREAS, the subject parcel is part of the Mega Site and the BlueOval Battery Park project site and has been transferred to the City of Marshall pursuant to P.A. 425 of 1984; and

WHEREAS, the State of Michigan has appropriated \$299,700,000 pursuant to P.A. 5 of 2023 for site development declaring it a public purpose to serve the health, safety, and general welfare of the State; and

WHEREAS, the relinquishment of the Agreement #13-28643-123157 has minimal impact on agriculture in the surrounding areas as adjoining parcels were not in the P.A. 116 of 1974 program and/or were zoned industrial; and

WHEREAS, the property is unique in the State of Michigan as recognized by the Mega site designation and investment by the State of Michigan and no reasonable or prudent site alternative exists; and

WHEREAS, the site required infrastructure improvements will not be borne by the City of Marshall, but instead funded by the State of Michigan as provided by P.A. 5 of 2023; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL hereby determines that the requested relinquishment is in the public interest and meets the conditions of termination as required under P.A. 116 of 1974 and hereby approves the Application for Termination of a Farmland Development Rights Agreement.

Resolution declared adopted this 17th day of April 2023.

E. MARSHALL HOUSE PURCHASE AND SALE CONTRACT

Moved Ryan Underhill, supported Scott Wolfersberger to approve the Purchase and Sale Contract with Gene B. Glick Family Housing Foundation, Inc. in substantial form and authorize the City Manager and City Clerk to sign and submit the necessary documents. On a roll call vote:

Ayes: Joe Caron, Theresa Chaney-Huggett, Jacob Gates, Ryan Underhill, Scott Wolfersberger, James Schwartz

Nays: None

Abstain: None

Motion carried.

13) APPOINTMENTS / ELECTIONS

14) PUBLIC COMMENT Persons addressing City Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of five (5) minutes. Comments should address NON-AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion (Item 10) of the meeting agenda. Agenda items should be addressed during the PUBLIC COMMENT-AGENDA ITEMS (Item 6) portion of the meeting agenda.

Derek Allen of 524 W Green spoke in favor of the proposed sinking fund millage for Marshall Public Schools.

Barry Wane Adams of 622 W Green St spoke of the police showing up at a protest.

Justin Shotts of 23788 4 1/2 Mile Rd questioned who had the mineral and ground water rights on the megasite and questioned what had been done for the natives of the land.

Josh Withee of 21744 H Dr N thanked council for their answers and stated that he would like to know what will be important during the site plan review.

Autumn Smith of 66 Massachusetts questioned if anyone was going to be arrested for speaking.

Gretchen Essler of 219 N Eagle stated that the nature preserve won't be anywhere people will want to visit and questioned where the money was coming from for

infrastructure and the tax abatements.

Laura Bartlett of 435 N Linden stated that her father passed away from chemical poisoning from a factory and she worries about the pollution near homes. She would like to see environmental permits.

Lee Rothwell of 12380 12 Mile Rd would like to see an interactive meeting with questions and answers and stated that the new properties are not part of the buffer zone.

Maggie Emerson Rich of 616 Union stated that she is thankful that the police have put their personal through CIT training and was also thankful for Chief Erskine.

15) COUNCIL AND MANAGER COMMUNICATIONS

Underhill stated that anyone can reach out to him by e-mail with their concerns, as during meetings it is hard due to the format.

Wolfersberger stated that Allen Edwin had already sold one of the homes yet to be built on Forest St.

Gates stated that 425 transfers are not rare or unusual and also spoke in favor of the proposed school sinking fund millage.

Chaney-Huggett stated that she appreciated the participation and she does listen to the comments. She further stated that she had not seen a site plan for the Blue Oval project.

Schwartz stated that the city is negotiating a PILOT with Ford as their investment in the community. He further stated that selling homes in the area will increase the tax base and that as the city pays off debt, they will be able to spend money elsewhere.

16) ADJOURNMENT

The meeting was adjourned at 9:48 p.m.

04/14/2023 12:21 PM
User: KWAGNER
DB: Marshall

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 04/14/2023 - 04/14/2023
UNJOURNALIZED
OPEN

Page: 1/1

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
04/14/2023	515 VENTURES LLC	UB refund for account: 701860014		71.51
446577	AD-VISOR & CHRONICLE	AD NO. 8102266 ABANDONED VEHICLE AUCTION		43.50
04112023	ASHBY, RON	REIMBURSEMENT FOR RIGHT OF WAY SPRAY TES		55.00
269781843104-2023	AT&T	ACCT NO. 269 781-8431 746 9 AIRPORT APRI		263.65
269781949204-2023	AT&T	ACCT NO. 269 781-9492 594 7 MARSHALL HOU		252.97
269789901104-2023	AT&T	ACCT NO. 269 789-9011 599 1 MRLEC APRIL		223.85
148274	BALTIC NETWORKS	MIKROTIK ROUTERS RB4011	2023.217	6,889.86
04/14/2023	CARR III, RONNIE	UB refund for account: 1600260033		17.89
04122023	CRUZ, CHANDLER	REIMBURSEMENT FOR CDL PERMIT		30.00
IN9596	D.I.Y. EQUIPMENT RENTA	ACCT NO. 1004 TRENCHER RENTAL (W/O TAX)		140.00
IN9695	D.I.Y. EQUIPMENT RENTA	ACCT NO. 1004 TRENCHER RENTAL		95.00
1792791	DICKINSON WRIGHT PLLC	PROFESSIONAL SERVICES THROUGH 2/28/23		2,024.00
25241027	GRANGER WASTE SERVICES	ACCT NO. 2782490 COMMERCIAL/WASTE APRIL		1,131.98
25418146	GRANGER WASTE SERVICES	ACCT NO. 18400290 RESIDENTIAL APRIL 2023		31,446.77
25239554	GRANGER WASTE SERVICES	ACCT NO. 2890780 875 E. MICHIGAN AVE APR		183.50
25395423	GRANGER WASTE SERVICES	ACCT NO. 18422860 CITY BUILDINGS/RECYCLI		114.08
208	HERMANS ELECTRICAL SER	SERVICE ON FIBERNET ELECTRIC CIRCUIT/BAC		2,158.93
18351	HOEKSTRA ROOFING COMP	AJOB NO. SMARS1004 SERVICE CALL PSB FOR L		889.58
04/14/2023	KAGE/DAVIDSON	UB refund for account: 1902240015		52.35
701082	KENNEDY INDUSTRIES, IN	2023 ANNUAL SCADA MONITORING AT WWTP	2023.218	16,708.00
018489	LEWEY'S SHOE REPAIR	BOOT ALLOWANCE - KEDO, MISSY		215.00
018382	LEWEY'S SHOE REPAIR	BOOT ALLOWANCE - BOWSHER, CONNOR		254.99
04022023	LOWES BUSINESS ACCOUNT	ACCT NO. 821 3023 902596 5 MARSHALL HOUS		699.00
04/14/2023	MARENGO, JANE	UB refund for account: 2705640003		28.37
2303004	MUNIMETRIX SYSTEMS COR	CUST NO. 1355 IMAGEFLOW CLERKS SOFTWARE		550.00
04112023	NASH, WILL	REIMBURSEMENT FOR MEAL AT CONFERENCE		13.25
04032023	QUADIENT FINANCE USA,	ACCT NO. 7900 0440 5582 9307 POSTAGE APR		3,000.00
15959	RICE'S SHOES, INC	BOOT ALLOWANCE - WISE, TIM		190.00
15945	RICE'S SHOES, INC	BOOT ALLOWANCE - CRUZ, CHANDLER		290.00
5984148-00	STS OPERATING, INC.	CUST NO. 90000652 FILTRATE PUMP PARTS		361.13
158-A	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE (3-PERSON \$132/H2023.163		3,234.00
158-B	TOP TO BOTTOM TREE SER	STREET DEPT TREE REMOVAL ON W. MICHIGAN .		924.00
9931525218	VERIZON WIRELESS	ACCT NO. 987146080-00001 APRIL 2023		2,083.64
04/14/2023	WATSON, CHARESE	UB refund for account: 801220001		223.14
04/14/2023	WATSON, TANNIS	UB refund for account: 2303900001		32.59
88417546	WEX BANK	ACCT NO. 0470-00-462076-1 FUEL APRIL 202		10,912.81
GRAND TOTAL:				85,804.34

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 04/21/2023 - 04/21/2023
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
03022023	AMERICAN PUBLIC WORKS	MEMBER ID: 105256 MEMBERSHIP DUES - SMIT		432.00
12720	BUD'S TOWING & AUTOMOT	MAINTENANCE TO D.A.R.T. BUS #6		155.41
12736	BUD'S TOWING & AUTOMOT	INSTALL NEW TIRES ON D.A.R.T. BUS		1,182.86
04182023	CALHOUN COUNTY CLERK	FILING (12) PA425 AGREEMENTS 4/2023 C DR		420.00
04182023	CALHOUN COUNTY TREASUR	PRE CHANGE INVOICE 170-23		11.10
STREETS-2023-00000	CITY OF BATTLE CREEK	STREETS-2023-00000037 FEB 2023 TRAFFIC		683.14
10042	COURTNEY & ASSOCIATES	MONTHLY RETAINER SERVICE - MARCH 2023		250.00
174387	D & D MAINTENANCE SUPP	ACCT NO. CIMA1 HOSE ASSEMBLY		61.45
174425	D & D MAINTENANCE SUPP	ACCT NO. CIMA1 HOSE ASSEMBLY		61.45
0016954	ENG., INC.	LEGGITT ROAD AND S. KALAMAZOO DESIGN ENG 2023.106		4,507.50
84692303	FIRST ADVANTAGE RESIDE	ACCT NO. 138549 RESIDENTIAL SCREENING AT		20.39
9645846198	GRANGER	ACCT NO. 804945673 CORDLESS WORK LIGHT		212.44
04012023	HERITAGE CLEANERS	ACCT NO. 100243 MARSHALL POLICE DRY CLEA		333.00
D376368-IN	ILLUSTRATUS, DIVISION	(ACCT NO. 01-BT508 MARSHALL HOUSE SUBSCRI		46.93
CP220-APR102023	INTERNAL REVENUE SERVI	CHANGES TO SEPTEMBER 30, 2022 FORM 941		347.58
74207	KEBS, INC.	PROJECT 101088.BND 1005 E. MICHIGAN AVE		975.00
635659	KENNEDY INDUSTRIES, INC	CUST NO. MAR350 - POWERHOUSE CHECK VALVE 2023.187		4,800.00
1720997-20230331	LEXISNEXIS RISK DATA	MBILLING ID: 1720997 MARCH 2023		200.00
04212023	MARSHALL FIREFIGHTERS'	SHARED COST OF MHS YEARBOOK ADVERTISEMEN		100.00
04122023	MCGINTY, HITCH, PERSON	CLIENT NO. 4030.001 SERVICES THROUGH 3/3		12,149.00
14197	MDK GROUP	MRLEC SHRED SERVICES THROUGH 04/03/2023		105.00
03082023-A	MICHIGAN DEPARTMENT OF	2022 SUMMER IFT DIST FINAL		7,944.04
03082023-B	MICHIGAN DEPARTMENT OF	2022 WINTER IFT DIST FINAL		4,384.61
01262023	MICHIGAN DEPARTMENT OF	2022 SUMMER OPRA DIST FINAL		3,923.18
04202023	MICHIGAN DEPARTMENT OF	2022 WINTER OPRA FINAL		2,393.76
03072023-A	MICHIGAN DEPARTMENT OF	2022 SUMMER LAND BANK FINAL		633.92
03072023-B	MICHIGAN DEPARTMENT OF	2022 WINTER LAND BANK FINAL		408.87
NNS47092	NEONOVA NETWORK SERVIC	ISP TECH SUPPORT MARCH 2023		1,000.00
484868	NORTH CENTRAL LABORATO	ACCT NO. 27850 WWTP LAB SUPPLIES 2023.015		797.13
60824	OHM ADVISORS	TRAFFIC STUDY AT S. KALAMAZOO AND HUGHES 2023.228		1,187.00
71836	PEERLESS MIDWEST, INC.	2023 ANNUAL WELL & PUMP MAINTENANCE - PO		975.00
04042023	QLT CONSUMER LEASE SER	ACCT NO. 269-781-3559 EXTENSION BELLS		13.20
23-1115	QUALITY EXCAVATORS, INC	ELECTRIC DEPT - 1 YARD OF GRAVEL (W/O TA		44.00
23-1117	QUALITY EXCAVATORS, INC	ELECTRIC DEPT - 2 YARDS OF GRAVEL (W/O T		88.00
70872679	ROSE PEST SOLUTIONS	CLIENT NO. 70019775 MARSHALL HOUSE SERVI		1,465.00
04182023-A	STATE OF MICHIGAN	AUTHENTICATION REQUEST FORM FEE - REISSU		3.00
04182023-B	STATE OF MICHIGAN	AUTHENTICATION REQUEST FORM FEE - REISSU		1.00
04182023-C	STATE OF MICHIGAN	AUTHENTICATION REQUEST FORM FEE - (12) P.		12.00
141012225	SUMMIT FIRE PROTECTION	CUST ID: MARSHAL362 FIRE EXTINGUISHER IN		115.00
141012229	SUMMIT FIRE PROTECTION	CUST ID: MARSHAL369 FIRE EXTINGUISHER IN		145.00
270851	TELNET WORLDWIDE	ACCT NO. 8948 APRIL 2023		1,319.30
1940	THE WOODHILL GROUP, LL	FINANCE & ACCOUNTING SERVICES FY2023 - M2023.056		3,095.39
BC-PSINV017146	THERMALNETICS, LLC	CUSTOMER ID: BC-C01457 2023 Q2 MRLEC HVA		2,978.75
159-A	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE (3-PERSON \$132/H 2023.163		1,056.00
159-B	TOP TO BOTTOM TREE SER	GREEN STREET PROJECT TREE REMOVAL		3,960.00
305937	USABLUEBOOK	CUST NO. 859103 WWTP LAB SUPPLIES		1,024.41
103135	VC3 INC	ACCT NO. MAR11 SERVICE CONTRACT FOR ASUS		253.50
106404	VC3 INC	ACCT NO. MAR11 SERVICE CONTRACT FOR EVEN		147.00
GRAND TOTAL:				66,422.31

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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
49269	ACTRON SYSTEMS, INC.	ACCT NO. 181905/18-1904 POWER HOUSE QTR		392.04
1FXK-7K4V-11J6	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1E02 COLORED PAPER, A		213.80
1LJY-JXRP-3LYY	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1E02 EXTERNAL HARD DR		75.79
19XF-9VKP-161K	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1E02 AMERICAN FLAG		59.00
1X1V-9KPK-4LCV	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1E02 ANIMAL BALLOONS		24.62
14LX-C9PY-34NG	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1E02 LIGHT BULBS		93.96
16L1-NNKC-3HFG	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1E02 DIGITAL VOICE RE		50.15
1KR3-DGWM-HYMM	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1E02 DIGITAL CLOCK/TI		104.99
11GY-QXWN-QF9D	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1E02 BATTERY REPLACEM		66.98
16L1-NNKC-WRPN	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1E02 PRESENTATION BIN		76.96
225-506083	AUTO VALUE MARSHALL	GARAGE/STREETS - FILTERS, GEAR OIL		324.55
225-506142	AUTO VALUE MARSHALL	GARAGE/STREETS - PLASTIC WELDER		63.49
225-506148	AUTO VALUE MARSHALL	GARAGE/STREETS - MERCON LV		65.17
225-506168	AUTO VALUE MARSHALL	GARAGE/STREETS - AIR FILTER		15.75
225-506236	AUTO VALUE MARSHALL	GARAGE/STREETS - FUEL PRESS KIT		46.99
225-506238	AUTO VALUE MARSHALL	GARAGE/STREETS - PUMP HANGER, FUEL FILTE		231.43
225-506332	AUTO VALUE MARSHALL	GARAGE/STREETS - VEHICLE BATTERY		148.00
225-506357	AUTO VALUE MARSHALL	GARAGE/STREETS - WIRING KIT, VEHICLE BAT		215.16
225-506391	AUTO VALUE MARSHALL	POWER HOUSE - FUEL LINE HOSE		10.34
225-506453	AUTO VALUE MARSHALL	GARAGE/STREETS - OIL FILTER, FOAMY BRITE		56.55
225-506527	AUTO VALUE MARSHALL	GARAGE/STREETS - CAR SOAP, POLISH		24.47
225-506619	AUTO VALUE MARSHALL	GARAGE/STREETS - REPL LENS, 3 STUD LAMP		53.84
50539	B&B SERVICES	FIRE DEPT - ENGINE 12 SERVICE CALL 4/17/		347.86
0356193-IN	BEAVER RESEARCH COMPAN	ACCT NO. CIT123 BC-417 COOLING FOR #6 MA		1,124.55
4079500	BESCO WATER TREATMENT,	CUST NO. 2041022 REPROGRAM SOFTENER AT F		308.10
157999	BOSHEARS FORD SALES, I	CUST NO. 59497 2011 CHEVROLET CAPRICE RE		1,520.68
146861	BS& A SOFTWARE	ANNUAL SOFTWARE RENEWAL 5/1/23 - 5/1/24		4,662.00
76589	BUD'S TOWING & AUTOMOT	2004 FORD F-150 TOWED TO CITY GARAGE		153.00
071503	CLEVELAND/PRICE INC.	QT#22LO807 SWITCHES FOR BROOKS SUBSTATIO	2023.120	1,378.16
IN9818	D.I.Y. EQUIPMENT RENTA	ACCT NO. 1004 MINI EXCAVATOR RENTAL		550.00
615972	DARLING ACE HARDWARE	CUST NO. 1650 - CABLE TIES		9.99
616018	DARLING ACE HARDWARE	CUST NO. 1650 - ANT SPRAY		24.77
616261	DARLING ACE HARDWARE	CUST NO. 1650 - TARP STRAP		16.73
616283	DARLING ACE HARDWARE	CUST NO. 1650 - ADHESIVE 4OZ		9.59
616437	DARLING ACE HARDWARE	CUST NO. 1650 - KEYS		4.78
616458	DARLING ACE HARDWARE	CUST NO. 1650 - MOP AND REFILLS		42.97
616600	DARLING ACE HARDWARE	CUST NO. 1650 - SAWZALL BLADES		22.99
616719	DARLING ACE HARDWARE	CUST NO. 1650 - GRASS SEED		42.99
616397	DARLING ACE HARDWARE	CUST NO. 1650 - SURGE PROTECTOR		27.99
616757	DARLING ACE HARDWARE	CUST NO. 1650 - CHAIN, NUTS, BOLTS		94.50
616762	DARLING ACE HARDWARE	CUST NO. 1650 - BEARING		8.49
616807	DARLING ACE HARDWARE	CUST NO. 1650 - CHISEL TOOTH BLADE, RIDE		54.76
616633	DARLING ACE HARDWARE	CUST NO. 1650 - WATER SOFTENER PELLETS		79.90
12538	FREDRICKSON SUPPLY, LL	SONETICS WIRELESS HEADSETS	2023.205	9,455.40
2305	GREAT LAKES FUNDRASIN	MARSHALL REC. SPRING FLAG FOOTBALL T-SHI		1,128.00
2332465	GRIFFIN PEST SOLUTIONS	ACCT NO. 3422841 SERVICES AT PSB 3/27/23		51.00
2349036	GRIFFIN PEST SOLUTIONS	ACCT NO. 197892 SERVICES AT FIRE STATION		42.00
4435-811405	HARMON GLASS DOCTOR	MARSHALL HOUSE CLEAR ANNEALED INSULATED		1,171.59
36072	HUNTER-PRELL COMPANY	JOB NO. BC23-0069 MRLEC WATER PUMP MAINT		892.40
9948	JS BUXTON	WASTE WATER - CHEMICAL LIME		1,284.87
47117	MARSHALL CUSTOM EMBROI	NEW LOGO ON VESTS		54.00
96370629	MCMASTER-CARR	ACCT NO. 188371900 THUMB SCREW, STEEL TA		42.25
M500-136	MEDALLION MANAGEMENT,	MARSHALL HOUSE CONSULTING FEES APR 2023	2023.188	4,800.00
M500-137	MEDALLION MANAGEMENT,	MARSHALL HOUSE PAYROLL	2023.188	7,763.20
S5189957.001	MEDLER ELECTRIC COMPAN	CUST NO. 979 MATERIALS FOR UNDERGROUND U	2023.230	508.92
S5189959.001	MEDLER ELECTRIC COMPAN	CUST NO. 979 MATERIALS FOR UNDERGROUND U	2023.230	12,145.12
S5189957.002	MEDLER ELECTRIC COMPAN	CUST NO. 979 MATERIALS FOR UNDERGROUND U	2023.230	103.56
S5189959.002	MEDLER ELECTRIC COMPAN	CUST NO. 979 MATERIALS FOR UNDERGROUND U	2023.230	4,896.20
IN4383464	MICHIGAN OFFICE SOLUTI	ACCT NO. MC26-S COPY OVERAGE FEE 1/1/23		422.35
984668	MID-WEST INSTRUMENT	CUST NO. 118867 5 VALVE BACKFLOW TEST KI		97.00
88673	MUZZALL GRAPHICS	CUST NO. 951834 ACCOUNTS PAYABLE CHECKS		788.00
04102023	NAPA OF MARSHALL	ACCT NO. 1400 GASKET MAKER, SILICONE, SE		41.94
04132023	NAPA OF MARSHALL	ACCT NO. 1400 OIL DRY		238.75
04262023	NAPA OF MARSHALL	ACCT NO. 1400 GENERATOR BATTERY		127.20
485901	NORTH CENTRAL LABORATO	ACCT NO. 27850 WWTP LAB SUPPLIES	2023.015	224.25
61660	OHM ADVISORS	TRAFFIC STUDY AT S. KALAMAZOO AND HUGHES	2023.228	7,986.50
I3354	OVERHEAD DOOR CO. OF B	SERVICE CALL AT PSB FOR DOOR REPAIR 4/6/		569.34
72123	PEERLESS MIDWEST, INC.	WELLHEAD PROTECTION PROGRAM (WHPP) PLAN	2022.292	1,750.00
56737392	POWER LINE SUPPLY	CUST ID: 100402 METERING EQUIPMENT FOR F	2023.130	6,661.20
56737496	POWER LINE SUPPLY	CUST ID: 100402 LANYARD & BAG		178.61
56737646	POWER LINE SUPPLY	CUST ID: 100402 T-BRACKET		614.00
56737647	POWER LINE SUPPLY	CUST ID: 100402 ELECTRIC DEPARTMENT INVE	2023.157	5,611.68
56737648	POWER LINE SUPPLY	CUST ID: 100402 WORK GLOVES		375.06
9046903	POWER SYSTEM ENGINEERII	CONSULTING SERVICES FOR AMI GRANT WITH M	2023.232	4,743.00
00192487	PROGRESSIVE AE	PROJECT NO. 83260007.0 PHASE 1 - SITE PL		913.75
591-11095572	STATE OF MICHIGAN - MD	AIRPORT WEATHER OBS & DATA SYSTEM JAN -		434.18
13386	TIRE CITY TIRE PROS	2017 FORD F-250 NEW TIRES & INSTALL		963.92
X106009884:01	TRI-COUNTY INTERNATION	CUST NO. 100717 MOTOR CONTROL ACTUATOR		38.75
07521	TRITERRA	MARSHALL HOUSE ENVIRONMENTAL PLAN AND RE	2023.222	15,656.25

04/27/2023 05:19 PM
User: KWAGNER
DB: Marshall

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Page: 2/2

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
1620061795	UNIFIRST CORPORATION	UNIFORM SERVICES - MARSHALL HOUSE 4/12/2		46.55
1620061792	UNIFIRST CORPORATION	UNIFORM SERVICES - DPW & GARAGE 4/12/23		56.69
1620061794	UNIFIRST CORPORATION	UNIFORM SERVICES - ELECTRIC & FIBER 4/12		166.61
1620061793	UNIFIRST CORPORATION	UNIFORM SERVICES - POWER HOUSE 4/12/23		70.63
1620061790	UNIFIRST CORPORATION	UNIFORM SERVICES - WASTE WATER 4/12/23		41.44
1620061796	UNIFIRST CORPORATION	UNIFORM SERVICES - WATER 4/12/23		44.72
1620062557	UNIFIRST CORPORATION	UNIFORM SERVICES - MARSHALL HOUSE 4/19/2		46.55
1620062554	UNIFIRST CORPORATION	UNIFORM SERVICES - DPW & GARAGE 4/19/23		56.69
1620062556	UNIFIRST CORPORATION	UNIFORM SERVICES - ELECTRIC & FIBER 4/19		166.61
1620062555	UNIFIRST CORPORATION	UNIFORM SERVICES - POWER HOUSE 4/19/23		70.63
1620062552	UNIFIRST CORPORATION	UNIFORM SERVICES - WASTE WATER 4/19/23		41.44
1620062558	UNIFIRST CORPORATION	UNIFORM SERVICES - WATER 4/19/23		44.72
327547	USABBLUEBOOK	CUST NO. 859103 WWTP LAB SUPPLIES		697.30
9662	WATERSOLVE, LLC	WASTE WATER - TEST POLYMER		1,195.00
GRAND TOTAL:				108,418.65



MICHIGAN SOUTH CENTRAL POWER AGENCY

168 DIVISION STREET
COLDWATER, MICHIGAN 49036
PHONE (517) 279-6961
FAX (517) 279-6969

INVOICE MONTH: March, 2023
INVOICE DATE: 4/17/2023
DUE DATE: 5/2/2023
TOTAL AMOUNT DUE: \$856,318.24

MARSHALL CITY ELECTRIC DEPARTMENT
323 WEST MICHIGAN AVENUE
MARSHALL, MICHIGAN 49068
ATTN: KEVIN MAYNARD

MSCPA Member Power Billing - March, 2023

Total Power Charges:	\$708,095.71
Transmission / Capacity / Ancillary Services:	\$116,960.34
Total Other Charges:	\$8,999.05
Total Miscellaneous Charges:	\$22,263.15

TOTAL CHARGES \$856,318.24

NOTE: PLEASE SEE ENCLOSED BACKUP FOR ADDITIONAL DETAIL

* Any amounts due and not paid by the due date shall bear interest at the rate of 1% per month until paid

Notes:

ITEM: 8.A

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
DATE: May 1, 2023
SUBJECT: CITY ATTORNEY REPORT

BUDGET IMPACT:
N/A.

RECOMMENDATION:
Receive report from City Attorney David Revore.

ITEM: 10.A

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Eric Zuzga, Director of Community Services
DATE: May 1, 2023
SUBJECT: **REZONING REQUEST RZ #23-01 FOR PARCEL #53-281-021-00
(PUBLIC HEARING)**

Summary

Subsequent to approval of a 425 Conditional Land Transfer by the Marshall Township Board and Marshall City Council, the Marshall Area Economic Development Alliance (MAEDA), owner of 13700 West Michigan Avenue (Parcel #53-281-021-00), has submitted a Rezoning Application (RZ#23-01) for said property to Industrial and Manufacturing Complex (I-3) Zoning District. City Council has final approval on rezoning requests, which is made after a review and recommendation by the Planning Commission/Joint Planning Commission.

Public Hearing and Notice Requirements

As required by the Michigan Zoning Enabling Act (PA 110 of 2006), as amended, a public hearing was held by the Joint Planning Commission on April 25, 2023. The required notice was published in the Marshall Advisor and Chronicle on Saturday, April 8, 2023. Notices of the public hearing were also sent by regular mail to the owners/ occupants of properties located within 300' of the subject parcel. Fifty parcels were identified within 300' of the parcel, with 17 notices sent out due to individuals/organizations owning and occupying multiple parcels.

As required by the City Charter, a public hearing was scheduled for consideration of adoption of the rezoning ordinance. The required notice was published in the Marshall Advisor and Chronicle on Saturday, April 15, 2023.

Joint Planning Commission Review

On April 25, 2023, a public hearing was held before the Marshall Joint Planning Commission to review Rezoning Application #RZ23-01. As noted above, all of the required public hearing notices were posted and distributed per the Michigan Zoning Enabling Act (PA 110 of 2006), as amended. Chair Tim Banfield read a prepared statement that attempted to focus discussion on the actions required by both state statutes and local ordinance. Initial comments were made by Director Zuzga introducing the request and then the applicant was provided an opportunity to introduce their request.

Upon completion of the introduction, public comment was held where supporters and opponents of the rezoning were provided the opportunity to provide comment on the rezoning request. Supporters of the rezoning discussed the benefits of the new jobs and investment for the community. Opponents cited issues surrounding land use, impact on the environment, traffic, and other development issues. Comments were made about non-disclosure agreements,

political considerations, and threats of lawsuits were made that were not germane to the rezoning discussion/decision. The draft minutes summarizing these comments will be available on Monday and will be distributed to City Council at that time.

Upon completion of public comment, the public hearing was closed and the Joint Planning Commission provided an opportunity to ask questions of city staff, township zoning administrator, and the applicant. The session then moved to a review of the findings that were presented by staff. The majority of these standards received little to no comment differing from the staff presentation. Dissenting comments on traffic, compatible land use, master plan/future land use map inclusion, and environmental issues were identified as concerns. Staff provided information regarding these concerns and methods of mitigation in their initial findings and in discussions at the meeting. The following were the main concerns from the JPC and staff's response:

Traffic- There will be an increase in traffic due to the rezoning of the site, but the existing state trunkline and location of nearby interchanges provide the capacity to address these concerns. In addition, the County commissioned a traffic study, which was completed in conjunction with MDOT, Road Department, and professional engineering consultants. This study analyzed the impact of traffic levels from several possible development scenarios and identified general improvements that would need to be made to address varying levels of access and capacity needs. Funding has been committed from the State of Michigan to provide the necessary improvements that would result from the rezoning. These planning and engineering processes will address any increased traffic to and from the site and support the findings recommended by staff.

Environmental- An inventory and analysis of existing conditions of the surrounding environment has been developed through several studies on the site. Any development will require an approved site plan that takes into consideration impacts to "protect natural, cultural and civic resources, minimize adverse impacts on adjoining or nearby lots and uses, encourage cooperation and consultation between the City and the applicant." To this end, the zoning ordinance provides regulations and standards and creates a process in which the site plan will be reviewed by a multi-disciplinary team of professionals. During and after the entire construction process, an end user will need to provide protection for the natural environment in their processes and will be required to follow environmental regulations in place through state and federal agencies. These permit processes and the resulting reporting and monitoring provide the mitigation required to support the findings recommended by staff.

Upon completion of reviewing the standards and recommended findings, a vote was held on the motion which would have resulted in a recommendation to the City Council of approval of the rezoning request. This vote was defeated with two members voting for the motion and four against.

Based on the discussion during the review of the findings, staff does not believe that enough information was shared by the JPC members to dispute the totality of the findings. Two members spoke of their opposition to the project prior to completing the review and one member did not make any comments during the meeting prior to voting against the findings. While we respect their votes, the comments provided by the JPC do not provide enough of a basis to support the defeat of the rezoning motion.

City Council has the final responsibility to consider the question of rezoning this parcel. City Council has the following options on this issue: approve the rezoning, deny the rezoning, or

return the matter to the Joint Planning Commission for further study.

Findings

The following findings were included in the staff report to the Joint Planning Commission and are shared again for your consideration on the proposed rezoning. Staff confirm their belief that the requested rezoning/zoning designation of Industrial and Manufacturing Complex (I-3) should be approved by the City Council based on the findings listed below.

A. The proposed zoning district is more appropriate than any other zoning district, or more appropriate than adding the desired use as a special land use in the existing zoning district.

This site has been zoned industrial in the township for many years, in anticipation of industrial development. This property is within the urban growth boundary established by the Township Master Plan/Future Land Use map, again demonstrating the intent to provide for industrial development.

The new zoning district was developed in accordance with Township Master Plan and future land use map, ensuring land uses that both the City and Township found potentially unsuitable (i.e., marihuana, adult sexually oriented businesses), would not be allowed.

B. The property cannot be reasonably used as zoned.

The property was zoned industrial in the township, but without public utilities, could not be reasonably used for industrial purposes. A PA 425 is required to transfer the property to the City, which will extend public services and allow the property to be used as it has been zoned for several decades.

With a rezoning, the City Zoning Ordinance allows property to transfer to the city with the underlying township zoning district intact, which in this case is industrial. The ordinance also provides an opportunity for the City Council to adopt a new map which requires a public hearing before the Joint Planning Commission and City Council.

In order to limit the nature of future end uses to those acceptable to the Township, a new district was created to target uses included in the I-3 Zoning District.

C. The proposed zone change is supported by and consistent with the goals, policies, and future land use map of the adopted City Master Plan. If conditions have changed since the plan was adopted, as determined by the Planning Commission, the consistency with recent development trends in the area shall be considered.

As identified earlier, the City Master Plan encourages collaboration with the Township (Goal #6) in encouraging development through the use of PA 425 agreements and in collaboration through the Joint Planning Commission. In addition, another goal (Goal #5) seeks to ensure the long term strength of the city's employment base.

The proposed zoning is consistent with the goals, policies, and future land use map adopted in the Township Master Plan. As identified earlier in this report, the following goals support the proposed rezoning:

1. *Economic Development- Industrial development areas are planned and targeted for significant private investment, public infrastructure expansion, and job creation in cooperation with the City of Marshall*
2. *Public Utilities- Cooperatively plan areas for 425 Agreements with the City of Marshall and coordinate development areas with the Future Land Use Plan.*
3. *Land Use-Future Land Use Plan will direct higher-density and intensity uses to areas planned for utility and infrastructure expansion or established urban areas.*

These goals listed in both the Township's and City's master plan clearly support the rezoning and are reinforced by decades old past and present Future Land Use maps that have identified this area for industrial uses.

While this site is not specifically listed on the City of Marshall Future Land Use map, it is a result of changing conditions that allowed for the attraction of a top tier automaker to the area. The need for public utilities had prompted the transfer from Township to City, which is why the future land use for this site is not indicated on the City's Future Land Use Map.

D. The proposed zone change is compatible with the established land use pattern, surrounding uses, and surrounding zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values, and is consistent with the needs of the community.

The proposed zoning is consistent with the current Township Zoning Ordinance and the Future Land Use map. The bulk of the property is used as agriculture including large scale commercial farms with scattered residential uses. Due to the size of the development and land acquisition efforts by MAEDA, it is expected that there will be a significant distance between any proposed buildings and any remaining homes. Additionally, due to landscaping, buffering, and stormwater management requirements, industrial development will have a significant setback from any road rights-of-ways with green space to accommodate these elements. While the development of farmland and other natural spaces will be viewed as a negative to many in the area, the proposed zoning district requires any development to add buffering to address the loss of agrarian character and provide a visual buffer that respects the natural environment where viewed from public rights of way and residential properties. The project will also maintain the land between the railroad and Kalamazoo River leaving a highly attractive natural area that will provide additional buffering for those that use the river and properties to the south of the river.

While some concern has been expressed around impacts on the environment, State, local, and regional organizations are required to monitor these impacts and address any potential issues. State and local permitting efforts are already underway, and the proposed development will meet these standards which have been developed to protect the surrounding environment. Engineering controls for soil erosion and sedimentation and stormwater management are required to protect the natural environment.

The site is located directly off a state trunkline. Two expressway interchanges are in close proximity and provide a high level of capacity and access for freight and heavy trucks. Traffic studies and design plans will be developed to ensure local traffic will be maintained at a high level of service. Resources to address any needed improvements identified through the studies have been committed by the State of Michigan and will be developed as necessary.

The site has been identified for development due to its location along Michigan Avenue and the distance from the City of Marshall's infrastructure. The city is working with the State of Michigan and other regional partners to develop a comprehensive infrastructure approach to serve the site which will benefit the entire region. This plan will increase the benefits to public safety and the reliability of public utilities in the region.

The proposed project is consistent with the community's needs as identified in the respective Township and City Master Plans. Both plans identify economic development and the attraction of jobs to the community as a priority.

E. All the potential uses allowed in the proposed zoning district are compatible with the site's physical, geological, hydrological, and other environmental features.

Since 2019, the Calhoun County Community Development Department has completed master planning on the proposed site in order to be ready for development. During that time, consultants that are experts in their fields were contracted to provide reports on the potential land use/ site development issues identified in this specific rezoning criteria. The following reports were completed and have indicated that the site can support the proposed development:

- [Archeological Survey](#)
- [Geodynamic Testing & Evaluation Report](#)
- [Kalamazoo River Sample Results](#)
- [Phase I Environmental Site Assessment Report](#)
- [Protected Species Habitat Assessment](#)
- [Supplemental Preliminary Geotechnical Evaluation Report](#)
- [Temporary Construction Stormwater Management Narrative](#)
- [Traffic Impact Study & Preliminary Project Scoping Report](#)
- [Vibration Monitoring & Analysis Report](#)
- [Wetland Delineation Report](#)

In addition, permits have been issued by the County Drain Commission and County Road Department in relation to temporary stormwater management and soil erosion. Additional permitting with state and local agencies will be underway as a site plan is fully developed and submitted to the City, which will address permanent stormwater management amongst other issues.

F. The change would not severely impact traffic, public facilities, utilities, and the natural characteristics of the area, or significantly change population density, and would not compromise the health, safety, and welfare of the city.

While the proposed rezoning could impact the level of traffic around the site and in the community, its proximate location on a state trunkline and in the vicinity of two expressway interchanges already provides a high level of capacity and access. Traffic studies and design plans will be developed to ensure local traffic will be maintained at a high level of service. Resources to address these needed improvements have been committed by the State of Michigan and will be developed as necessary.

The city does not anticipate major impact to its public facilities to serve the proposed development. The city will negotiate a public services agreement with the development to cover the increased cost of serving the site. Other public facilities (e.g., Marshall District Library and

Marshall Public Schools) will receive additional resources from the State of Michigan due to the proposed Renaissance Zone tax exemption.

The proposed development will require the extension of public utilities to serve the site. The City of Marshall will be providing FiberNet service, sanitary sewer, and potable water. The proposed development will be a utility customer of the City of Marshall. The City is partnering with other local units of government to supplement the City's water supply with a wholesale water purchase agreement with the City of Battle Creek. This will allow increased water reliability and provide additional capacity to the site. The City also expects increased public safety benefits will also be realized through this interconnect.

There will be a change to the natural characteristics of the site as a large manufacturing building will be built on the site of former farmland. However, required greenbelt buffering will attempt to improve the viewshed of surrounding properties and the proposed conservation easement on the property south of the railroad tracks will protect major natural characteristics.

Studies completed by third parties indicate that this development expects to attract employees from surrounding counties. The city expects to see additional development from people interested in moving to the community and is already working to add various housing options. However, we do not expect to capture every employee and their respective families. Employees will commute from surrounding cities (Battle Creek, Kalamazoo, Jackson, Coldwater, etc.) and rural areas in the surrounding counties.

The proposed development is required to meet health and safety standards of several state and federal agencies. This site will be monitored by these agencies to protect the health of the surrounding community and natural resources.

As described through each of the subject areas above, the City does not believe that the proposed development will threaten the health, safety, and welfare of the community.

G. The rezoning would constitute and create an isolated and unplanned district contrary to the City Master Plan which may grant a special privilege to one landowner not available to others.

The rezoning is not contrary to the Township Master Plan and was in fact planned over several decades as shown in their current and past Master Plans. As stated earlier, there have been changes in the conditions in the area around the need for public services, which required the transfer to the City, which was anticipated in the City Master Plan.

H. The change of present district boundaries is consistent in relation to existing uses, and construction on the site will be able to meet the dimensional regulations for the proposed zoning district listed in the schedule of regulations.

As stated, the proposed zoning change is consistent with the surrounding uses as identified in the Township Zoning Ordinance and Master Plan. The redeveloped site would be required to meet all zoning requirements for this parcel in this zoning district. Site development standards take into consideration issues such as setbacks, buffering, landscaping, stormwater management, and lighting. Developments complete an independent review by a multi-disciplinary development review team to ensure all regulations will be met prior to their approval, and inspections will be completed during construction to ensure compliance with state and local codes and ordinances.

I. There was a mistake in the original zoning classification, or a change of conditions in the area supporting the proposed rezoning.

The Township has consistently zoned the property as industrial use since the 1960's. As stated in both Master Plans, properties that require connection to public water and sewer would be transferred to the City of Marshall through a PA 425 agreement, which has now been completed. The proposed development requires connections to public utilities, so there has been a change in conditions that support the proposed rezoning.

J. Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district.

While there are industrially zoned parcels within the City, there are none of sufficient size to serve the proposed development. The land transferred into the city under the recent 425 agreements are the only properties that meet the size threshold within the city for this type of development.

Therefore, based on the above findings and pursuant to Section 7.1 of the City of Marshall Zoning Ordinance-Amendments, staff recommends that the City Council approve Ordinance #2023-08 which would approve Rezoning Application #RZ 23-01 changing the zoning of parcel #53-281-021-00 from Township Zoning to City Zoning District- Industrial and Manufacturing Complex (I-3).

BUDGET IMPACT:

None.

RECOMMENDATION:

Approve Ordinance #2023-08, An ordinance to amend the zoning map of the City of Marshall so as to change the zoning of a parcel of real property, Parcel #53-281-021-00, from Township Zoning to Industrial and Manufacturing Complex (I-3).



ITEM #7A

TO: Joint Planning Commission Members
FROM: Eric Zuzga, Director of Community Services
DATE: April 25, 2023
SUBJECT: Rezoning Request- RZ #23-01
13700 West Michigan Avenue
Parcel #53-281-021-00

Summary

Subsequent to approval of a 425 Conditional Land Transfer by the Marshall Township Board and Marshall City Council, the Marshall Area Economic Development Alliance (MAEDA), owner of 13700 West Michigan Avenue (Parcel #53-281-021-00), has submitted a Rezoning Application for said property to Industrial and Manufacturing Complex (I-3) Zoning District, pursuant to M.C.L. 125.3401.

Please note, the only issue that the Joint Planning Commission is considering at this time is the rezoning request. If the Rezoning request is approved, the applicant would then file a site plan application and building/ trades permits to construct a new facility, parking lots, driveways, and associated on-site utility improvements; site development review and determinations would be addressed through their own processes at a later date.

Background

This parcel was recently transferred to the City of Marshall ("City") under PA 425 Conditional Land Transfer from Marshall Township ("Township") in the last three months. The bulk of the parcel subject to this rezoning application has been zoned "Industrial" since the 1960's, under the Township's jurisdiction. After several decades of planning by Marshall Township for the development of this large industrial area, the Township took action to update their Master Plan and Future Land Use map to reflect this intent for the purposes of attracting prospective industrial businesses.

Prior to commencing the PA 425 land transfer, the City determined that a new zoning district was necessary to address anticipated issues or concerns that could potentially arise from development in this area of the township. A meeting was held in April 2022 with the City Planning Commission and members of the Township Planning Commission to discuss issues of joint interest relative to the development of a new ordinance. One item that the township requested was to prohibit cannabis uses in areas developed

under this ordinance. (The City's current ordinance allows cannabis in its two current Industrial zoning districts.)

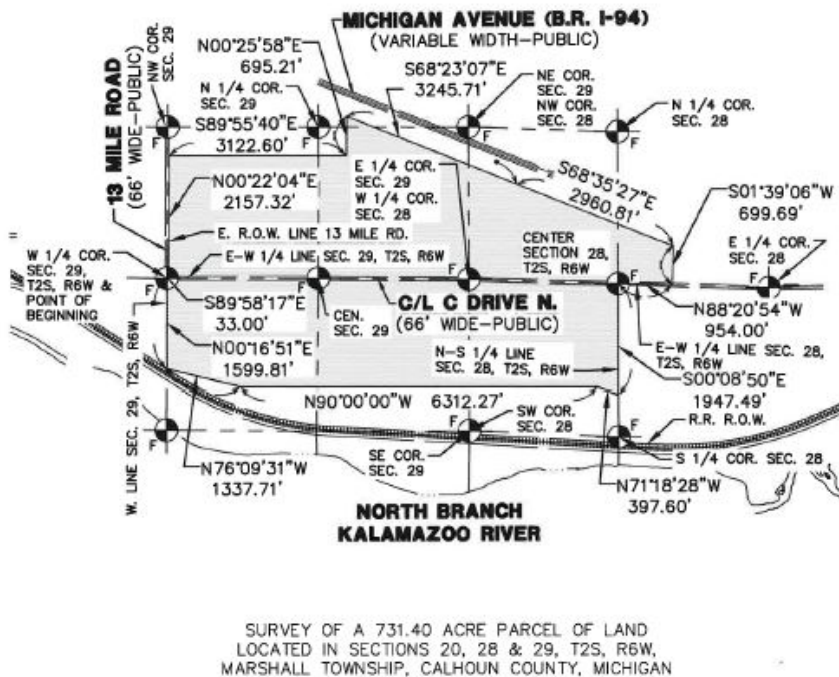
After this meeting, City staff worked with a planning consultant, Progressive AE, to develop a new zoning district that would govern the development of large industrial sites to be transferred to the City from the Township. After several months of Planning Commission meetings and public hearings, the City Council approved a new I-3 zoning ordinance on January 18, 2023.

Starting in January of 2023 and continuing through April 2023, the City and Township approved several PA 425 agreements which transferred authority over acreage intended for industrial development from the Township to the City. Subsequently, MAEDA requested these parcels to be combined into one parcel and then split to meet any proposed development's needs. Once the lots were combined, a split was requested of approximately 741 acres for a proposed development.

With the creation of this new parcel, a request was submitted by MAEDA to rezone the property to Industrial and Manufacturing Complex (I-3). City staff then set a date for the Joint Planning Commission to meet and consider this request.

Property/Neighborhood Description

The subject site, 13700 Michigan Avenue, is located south of West Michigan Avenue between 13 mile and 15 mile roads. The site subject to this rezoning application is identified in the map below:



The new 741-acre parcel proposed for rezoning is comprised of relatively flat farmland and contains nine (9) houses, for which demolition permits have been issued. Other structures on the site are either being used by the development team, contemplated for other uses, or may be demolished at a later date. The site abuts another parcel of land, owned by the petitioner, to be used as a buffer from surrounding parcels and public rights-of-way, and to address storm water management.

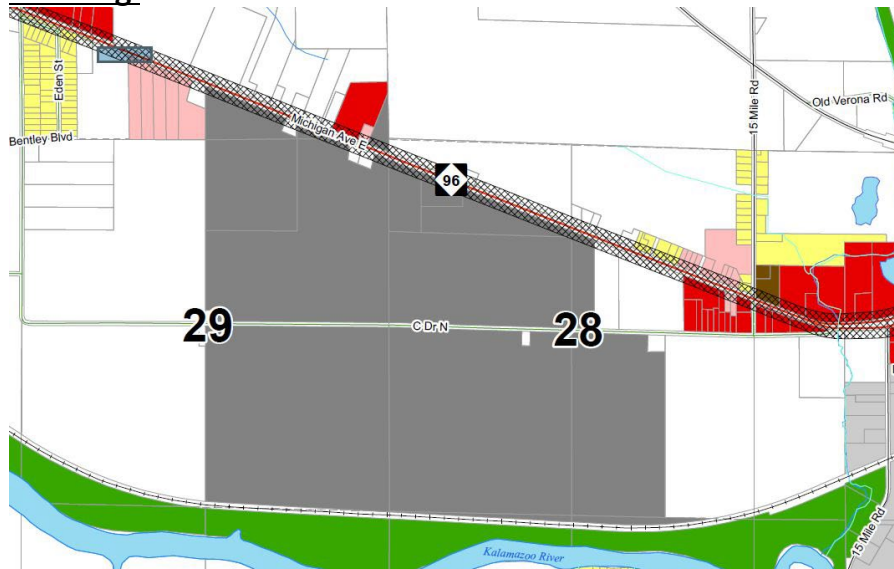
Development in the surrounding area could be characterized as semi-rural, with a majority of the parcels housing single family residences or farm property. There are small neighborhoods to the northwest and east of the site with a commercial area to the north and east. South of the site is a MDOT/Norfolk Southern rail line and the Kalamazoo River. West of the site is the unincorporated Village of Ceresco.

Neighborhood Zoning

All of the site's existing zoning is currently based on the Marshall Township Zoning Ordinance. As noted earlier, the bulk of the parcel has been zoned for Industrial development since the 1960's. The following Marshall Township zoning.

The 2018 Township Zoning Map (below), shows that the site considered for rezoning was split between Industrial (IP) and Agricultural (AR). Parcels to the immediate east, west, and north of the parcel were zoned Agricultural (AR). The southern boundary of the site is bordered by an MDOT owned rail line. Immediately to the south, there are several parcels zoned Open Space Waterbody (OC). There were six (6) parcels zoned Community Service Commercial (CS) and thirteen (13) zoned Highway Service Commercial (HS) in the immediate area.

February 22, 2018, Township Zoning Map- section covering parcel proposed for rezoning.



Zoning

 OC - Open Space Waterbody	 MF - Multiple Family Residence
 AB - Agricultural Business	 CS Community Service Commercial
 AR - Agricultural	 HS - Highway Service Commercial
 RA - Low Density Residential	 LI - Light Industrial
 RB - Medium Density Residential	 IP - Industrial Park
 MHP - Manufactured Home Park	 P.A. 425 Agreement
	 Additional Setback Corridor

Marshall Township's most recently adopted zoning map reflects this site as "PA 425 Agreement" as it was updated after the Conditional Land Transfer's approval.

Marshall Township Master Plan

As required by the Michigan Planning Enabling Act, Marshall Township has adopted and maintained a Master Plan to governs land use decisions in the Township. The current Master Plan was adopted on November 21, 2022. The Master Plan contains goals around land use, economic development, public utilities/facilities, housing, and natural resources. The proposed rezoning addresses the following goals in the current Master Plan:

Chapter 4 Goal (Economic Development)- Industrial development areas are planned and targeted for significant private investment, public infrastructure expansion, and job creation in cooperation with the City of Marshall. Additionally, smaller-scale businesses are supported along Michigan Avenue East.

Earlier in the section, the township states that, "recent economic development efforts in cooperation with the City of Marshall and the Michigan Economic Development Corporation will put the Township and City on the map as a premier site for private investment and job creation." It is very clear that the intention of the Township was to develop this site for the type of development proposed in this rezoning.

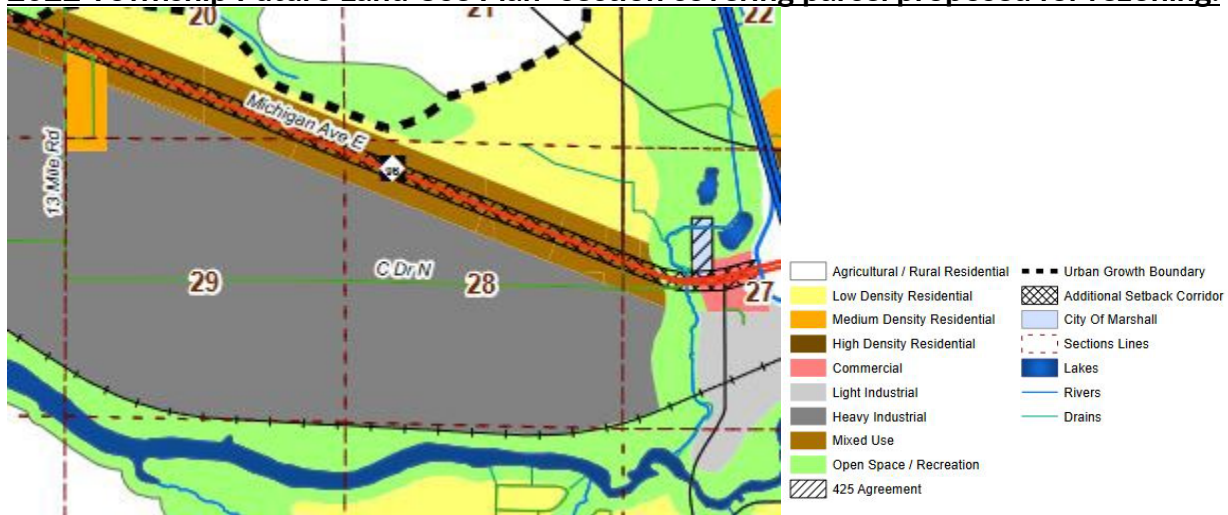
Chapter 5 (Public Services, etc.) Goal- The Township shall strive to maintain excellent public facilities, services, and infrastructure to serve the needs of its residents and business. As part of this goal, the township has adopted the following principles: Plan for new connecting roadways through planned industrial areas; and cooperatively plan areas for 425 Agreements with the City of Marshall and coordinate development areas with the Future Land Use Plan.

Chapter 6 Goal (Land Use)- Future land use within the Township shall be developed in a manner that is sensitive to agricultural areas, existing neighborhoods, and natural resources, and the Future Land Use Plan will direct higher-density and intensity uses to areas planned for utility and infrastructure expansion or established urban areas.

Within this section, the township references an Urban Growth Boundary where more intensive, dense growth will be targeted. This is described in the following section (page 27) from the chapter: “Inside the boundary, commercial and industrial developments and higher residential densities are considered to be more appropriate and feasible in these areas from an environmental, development, and utility feasibility perspective.”

A major part of the Master Plan is the adoption of a Future Land Use map. The section of the current Future Land Use Plan that covers the proposed rezoning is as follows:

2022 Township Future Land Use Plan- section covering parcel proposed for rezoning.



The Future Land Use map shows that the entire area covered by the rezoning is included in the Heavy Industrial classification. Previous Future Land Use maps adopted in prior Master Plans also contain a future industrial land use designation.

City of Marshall Master Plan

As required by the Michigan Planning Enabling Act, the City of Marshall has adopted and maintained a Master Plan to govern land use decisions in the city. The current Master Plan was adopted on June 10, 2015, and reviewed in 2020 with confirmation by the Planning Commission that it was still relevant. As in the Township’s Master Plan, there are goals that support the type of development that is being proposed. The following goals support the type of development that is being proposed at this site:

- *Goal 5: Ensure the long term strength of the city's employment base.*
- *Goal 6: Strengthen cooperation and coordination with neighboring townships and community partners to ensure the long term success of the City, its neighbors, and institutions.*

These goals encourage collaboration with Marshall Township to encourage economic development in areas targeted for development through the use of PA 425 agreements.

Specific language encourages the use of the Joint Planning Commission to make land use decisions.

With both entities adopting language surrounding collaboration in land use decisions and economic development activities, it is evident that both communities have jointly strategized and planned for this type of development.

Applicable Ordinance Provisions

City of Marshall Zoning Ordinance

Pursuant to Section 3.6 of the City Zoning Ordinance, properties transferred from another governmental unit are assigned a zoning classification to whatever district most closely conforms with the previous zoning designation; this ordinance also allows for City Council to adopt a new zoning map by holding a public hearing and upon receiving a recommendation from the Planning Commission.

The Michigan Planning and Zoning Enabling Acts, case law, and local ordinance outline the criteria by which a rezoning request is reviewed, and a determination made. In making a recommendation to City Council on the zoning classification(s) for such land areas, the Planning Commission shall consider any previous township or county zoning classifications that existed for the land prior to the extension of City boundaries, the pattern of land uses in the area, adopted City Master Plan recommendations, and planned future land use designations for the land area or adjacent areas within the City.

Another area of the City Zoning ordinance that addresses issues in the proposed rezoning is that the requested zoning district (I-3) was developed to address issues in this area of Marshall Township and the type of development that would be developed from this proposed rezoning. The I-3 purpose, and intent is as follows:

The proposed rezoning is also intended to address issues that cannot be remedied or accommodated by Marshall Township in a manner that would advance the Township's Future Land Use vision. In this case, it is the need for significant public infrastructure to facilitate site development. The Purpose, and Intent of the Industrial and Manufacturing Complex (I-3) zoning district is to:

"Provide for the siting of larger scale manufacturing, processing, and production operations which may require extensive access to transportation facilities and community utilities and may include multiple supporting ancillary services such as storage, daycare, cafeteria, gym, or other supportive amenities. This district may be established in areas that are;

- i. comprised of an extensive amount of contiguous land area that is greater than two hundred (200) acres;*
- ii. served by major highways, rail or air service, or secondary road improved to state standards;*
- iii. served by public water and sewer, and*
- iv. clearly suitable for intended uses with regard to physical characteristics and relationship to surrounding development."*

The site under consideration for rezoning meets these standards as it is greater than 200 acres, it is served by a state trunkline with direct access to two expressways, and will be served by public water and sewer.

As stated earlier, the I-3 District was developed to limit uses that were not desirable in this highly visible property in Marshall Township. Uses allowed in the I-1 and I-2 zoning districts, such as cannabis and adult and sexually oriented businesses would not be appropriate in an area designated for major manufacturing facilities.

Rezoning Process, Standards

The following criteria are to be used as a guide in determining whether the rezoning should be approved:

- A. The proposed zoning district is more appropriate than any other zoning district, or more appropriate than adding the desired use as a special land use in the existing zoning district.
- B. The property cannot be reasonably used as zoned.
- C. The proposed zone change is supported by and consistent with the goals, policies, and future land use map of the adopted City Master Plan. If conditions have changed since the plan was adopted, as determined by the Planning Commission, the consistency with recent development trends in the area shall be considered.
- D. The proposed zone change is compatible with the established land use pattern, surrounding uses, and surrounding zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values, and is consistent with the needs of the community.
- E. All the potential uses allowed in the proposed zoning district are compatible with the site's physical, geological, hydrological, and other environmental features.
- F. The change would not severely impact traffic, public facilities, utilities, and the natural characteristics of the area, or significantly change population density, and would not compromise the health, safety, and welfare of the city.
- G. The rezoning would constitute and create an isolated and unplanned district contrary to the City Master Plan which may grant a special privilege to one landowner not available to others.

- H. The change of present district boundaries is consistent in relation to existing uses, and construction on the site will be able to meet the dimensional regulations for the proposed zoning district listed in the schedule of regulations.
- I. There was a mistake in the original zoning classification, or a change of conditions in the area supporting the proposed rezoning.
- J. Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district.

Public Hearing and Notice Requirements

As required by the Zoning Enabling Act of 2006, as amended, a public hearing notice was published in the Marshall Advisor and Chronicle on Saturday, April 8, 2023. Notices of the public hearing were also sent by regular mail to the owners/ occupants of properties located within 300' of the subject parcel. Fifty parcels were identified within 300' of the parcel, with 17 notices sent out due to individuals/organizations owning and occupying multiple parcels. To date, the city has not received any comments from individuals in this area. Any written comments received before the end of day Tuesday, April 24, will be forwarded to the JPC members via email. Any written comments received after the close of business on April 24, will be presented at the meeting on April 25, 2023.

Recommendation

Staff recommends in support of the requested rezoning/zoning designation of Industrial and Manufacturing Complex (I-3) and makes the findings listed below, as a result of the review and analysis of the rezoning application; analysis of the neighboring land uses and existing conditions; and also finds the project consistent with the objectives of City and Township Master Plans and intent of the City and Township Zoning Ordinances.

Findings

- A. The proposed zoning district is more appropriate than any other zoning district, or more appropriate than adding the desired use as a special land use in the existing zoning district.**

This site has been zoned industrial in the township for many years, in anticipation of industrial development. This property is within the urban growth boundary established by the Township Master Plan/Future Land Use map, again demonstrating the intent to provide for industrial development.

The new zoning district was developed in accordance with Township Master Plan and future land use map, ensuring land uses that both the City and Township found potentially unsuitable (i.e., marihuana, adult sexually oriented businesses), would not be allowed.

B. The property cannot be reasonably used as zoned.

The property was zoned industrial in the township, but without public utilities, could not be reasonably used for industrial purposes. A PA 425 is required to transfer the property to the City, which will extend public services and allow the property to be used as it has been zoned for several decades.

With a rezoning, the City Zoning Ordinance allows property to transfer to the city with the underlying township zoning district intact, which in this case is industrial. The ordinance also provides an opportunity for the City Council to adopt a new map which requires a public hearing before the Joint Planning Commission and City Council.

In order to limit the nature of future end uses to those acceptable to the Township, a new district was created to target uses included in the I-3 Zoning District.

C. The proposed zone change is supported by and consistent with the goals, policies, and future land use map of the adopted City Master Plan. If conditions have changed since the plan was adopted, as determined by the Planning Commission, the consistency with recent development trends in the area shall be considered.

As identified earlier, the City Master Plan encourages collaboration with the Township (Goal #6) in encouraging development through the use of PA 425 agreements and in collaboration through the Joint Planning Commission. In addition, another goal (Goal #5) seeks to ensure the long term strength of the city's employment base.

The proposed zoning is consistent with the goals, policies, and future land use map adopted in the Township Master Plan. As identified earlier in this report, the following goals support the proposed rezoning:

- Economic Development- Industrial development areas are planned and targeted for significant private investment, public infrastructure expansion, and job creation in cooperation with the City of Marshall*
- Public Utilities- Cooperatively plan areas for 425 Agreements with the City of Marshall and coordinate development areas with the Future Land Use Plan.*
- Land Use-Future Land Use Plan will direct higher-density and intensity uses to areas planned for utility and infrastructure expansion or established urban areas.*

These goals listed in both the Township's and City's master plan clearly support the rezoning and are reinforced by decades old past and present Future Land Use maps that have identified this area for industrial uses.

While this site is not specifically listed on the City of Marshall Future Land Use map, it is a result of changing conditions that allowed for the attraction of a top tier automaker to the area. The need for public utilities had prompted the transfer from Township to City, which is why the future land use for this site is not indicated on the City's Future Land Use Map.

- D. The proposed zone change is compatible with the established land use pattern, surrounding uses, and surrounding zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values, and is consistent with the needs of the community.**

The proposed zoning is consistent with the current Township Zoning Ordinance and the Future Land Use map. The bulk of the property is used as agriculture including large scale commercial farms with scattered residential uses. Due to the size of the development and land acquisition efforts by MAEDA, it is expected that there will be a significant distance between any proposed buildings and any remaining homes. Additionally, due to landscaping, buffering, and stormwater management requirements, the industrial development will have a significant setback from any road rights-of-ways with green space to accommodate these elements. While the development of farmland and other natural spaces will be viewed as a negative to many in the area, the proposed zoning district requires any development to add buffering to address the loss of agrarian character and provide a visual buffer that respects the natural environment where viewed from public rights of way and residential properties. The project will also maintain the land between the railroad and Kalamazoo River leaving a highly attractive natural area that will provide additional buffering for those that use the river and properties to the south of the river.

While some concern has been expressed around impacts on the environment, State, local, and regional organizations are required to monitor these impacts and address any potential issues. State and local permitting efforts are already underway, and the proposed development will meet these standards which have been developed to protect the surrounding environment. Engineering controls for soil erosion and sedimentation and stormwater management are required to protect the natural environment.

The site is located directly off a state trunkline. Two expressway interchanges are in close proximity and provide a high level of capacity and access for freight and heavy trucks. Traffic studies and design plans will be developed to ensure local traffic will be maintained at a high level of service. Resources to address any needed improvements identified through the studies have been committed by the State of Michigan and will be developed as necessary.

The site has been identified for development due to its location along Michigan Avenue and the distance from the City of Marshall's infrastructure. The city is working with the State of Michigan and other regional partners to develop a comprehensive infrastructure approach to serve the site which will benefit the entire region. This plan will increase the benefits to public safety and the reliability of public utilities in the region.

The proposed project is consistent with the community's needs as identified in the respective Township and City Master Plans. Both plans identify economic development and the attraction of jobs to the community as a priority.

E. All the potential uses allowed in the proposed zoning district are compatible with the site's physical, geological, hydrological, and other environmental features.

Since 2019, the Calhoun County Community Development Department has completed master planning on the proposed site in order to be ready for development. During that time, consultants that are experts in their fields were contracted to provide reports on the potential land use/ site development issues identified in this specific rezoning criteria. The following reports were completed and have indicated that the site can support the proposed development:

- Archeological Survey
- Geodynamic Testing & Evaluation Report
- Kalamazoo River Sample Results
- Phase I Environmental Site Assessment Report
- Protected Species Habitat Assessment
- Supplemental Preliminary Geotechnical Evaluation Report
- Temporary Construction Stormwater Management Narrative
- Traffic Impact Study & Preliminary Project Scoping Report
- Vibration Monitoring & Analysis Report
- Wetland Delineation Report

In addition, permits have been issued by the County Drain Commission and County Road Department in relation to temporary stormwater management and soil erosion. Additional permitting with state and local agencies will be underway as a site plan is fully developed and submitted to the City, which will address permanent stormwater management amongst other issues.

F. The change would not severely impact traffic, public facilities, utilities, and the natural characteristics of the area, or significantly change population density, and would not compromise the health, safety, and welfare of the city.

While the proposed rezoning could impact the level of traffic around the site and in the community, its proximate location on a state trunkline and in the vicinity of two expressway interchanges already provides a high level of capacity and access. Traffic studies and design plans will be developed to ensure local traffic will be maintained at a high level of service. Resources to address these needed improvements have been committed by the State of Michigan and will be developed as necessary.

The city does not anticipate major impact to its public facilities to serve the proposed development. The city will negotiate a public services agreement with the development to cover the increased cost of serving the site. Other public facilities (e.g., Marshall District Library and Marshall Public Schools) will receive additional resources from the State of Michigan due to the proposed Renaissance Zone tax exemption.

The proposed development will require the extension of public utilities to serve the site. The City of Marshall will be providing FiberNet service, sanitary sewer, and potable water. The proposed development will be a utility customer of the City of Marshall. The City is partnering with other local units of government to supplement the City's water supply with a wholesale water purchase agreement with the City of Battle Creek. This will allow increased water reliability and provide additional capacity to the site. The City also expects increased public safety benefits will also be realized through this interconnect.

There will be a change to the natural characteristics of the site as a large manufacturing building will be built on the site of former farmland. However, required greenbelt buffering will attempt to improve the viewshed of surrounding properties and the proposed conservation easement on the property south of the railroad tracks will protect major natural characteristics.

Studies completed by third parties indicate that this development expects to attract employees from surrounding counties. The city expects to see additional development from people interested in moving to the community and is already working to add various housing options. However, we do not expect to capture every employee and their respective families. Employees will commute from surrounding cities (Battle Creek, Kalamazoo, Jackson, Coldwater, etc.) and rural areas in the surrounding counties.

The proposed development is required to meet health and safety standards of several state and federal agencies. This site will be monitored by these agencies to protect the health of the surrounding community and natural resources.

As described through each of the subject areas above, the City does not believe that the proposed development will threaten the health, safety, and welfare of the community.

G. The rezoning would constitute and create an isolated and unplanned district contrary to the City Master Plan which may grant a special privilege to one landowner not available to others.

The rezoning is not contrary to the Township Master Plan and was in fact planned over several decades as shown in their current and past Master Plans. As stated earlier, there have been changes in the conditions in the area around the need for public services, which required the transfer to the City, which was anticipated in the City Master Plan.

H. The change of present district boundaries is consistent in relation to existing uses, and construction on the site will be able to meet the dimensional regulations for the proposed zoning district listed in the schedule of regulations.

As stated, the proposed zoning change is consistent with the surrounding uses as identified in the Township Zoning Ordinance and Master Plan. The redeveloped site would be required to meet all zoning requirements for this parcel in this zoning district. Site development standards take into consideration issues such as setbacks, buffering,

landscaping, stormwater management, and lighting. Developments complete an independent review by a multi-disciplinary development review team to ensure all regulations will be met prior to their approval, and inspections will be completed during construction to ensure compliance with state and local codes and ordinances.

I. There was a mistake in the original zoning classification, or a change of conditions in the area supporting the proposed rezoning.

The Township had consistently zoned the property as an industrial use since the 1960's. As stated in both Master Plans, properties that required connection to public water and sewer would be transferred to the City of Marshall through a PA 425 agreement, which has now been completed. The proposed development requires connection to public utilities so there has been a change in conditions that support the proposed rezoning.

J. Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district.

While there are industrially zoned parcels within the City, there are none of sufficient size to serve the proposed development. The land transferred into the city under the recent 425 agreements are the only properties that meet the size threshold within the city for this type of development.

Therefore, based on the above findings and pursuant to Section 7.1-Amendments and MCL 125.3101 et seq., staff recommends that the Joint Planning Commission recommend to the City Council adoption of the Rezoning Application #RZ23-01 from Township Zoning to City Zoning District- Industrial and Manufacturing Complex (I-3). If the Joint Planning Commission agrees with the findings presented by staff, the following motion could be used.”

The Joint Planning Commission recommends approval of the proposed rezoning request of 13700 West Michigan Avenue (Parcel #53-281-021-00) to Industrial and Manufacturing Complex (I-3) based on the findings included in the staff report on this matter.

If the Joint Planning Commission finds that the criteria above are not met, and chooses to deny the rezoning, statements related to the above criteria justifying how this request does not meet the rezoning standards must be made.

Attachments

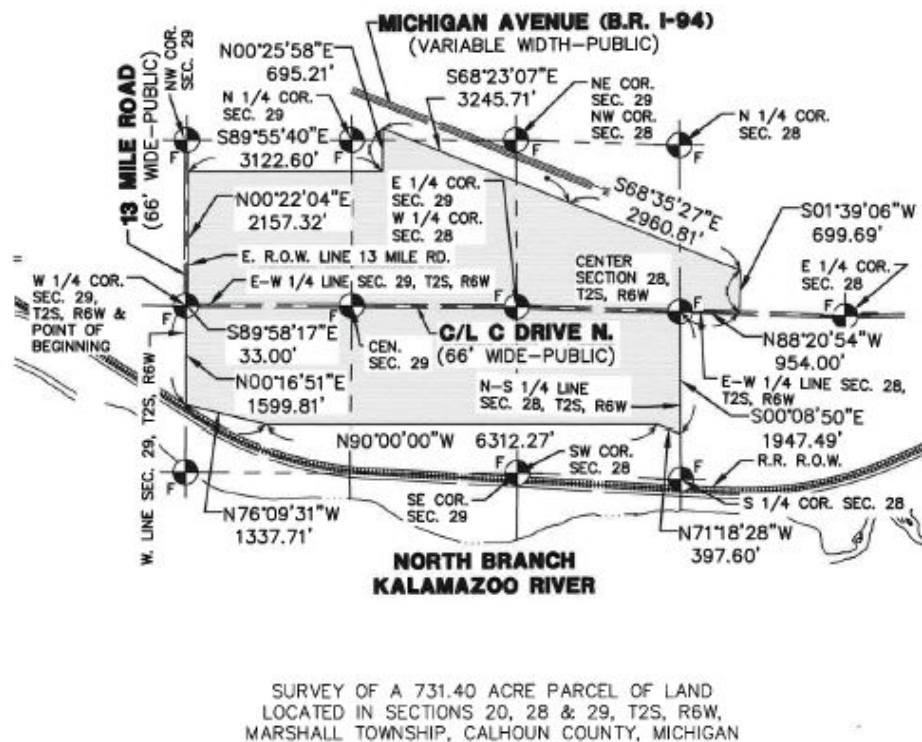
The following information is attached and made part of this Staff report:

- Rezoning Application Form and Material (Application #RZ23-01)
- Vicinity Map
- Map of MAEDA Owned Parcels
- Township Zoning and Future Land Use Maps

**CITY OF MARSHALL
PUBLIC HEARING NOTICE**

The Marshall City Council will be holding a public hearing on Monday, May 1, 2023 at 7:00 p.m. in the Board of Commission Chambers of the Marshall County Building, 315 W Green St, Marshall, MI 49068. The purpose of the meeting will be to consider the following items:

- **Public Hearing for Rezoning Application RZ 23.01 for the rezoning of 13700 W Michigan Ave, parcel 53-281-021-00, which contains parcels that were transferred under a PA 425 agreement with Marshall Township from Township Zoning to Industrial and Manufacturing Complex (I-3)**



The following parcels or portions of parcels that are included in the above map are included in the rezoning request:

16-201-021-00	16-290-006-00	16-291-009-00	16-201-015-00	16-282-006-00
16-281-021-00	16-290-009-00	16-291-015-00	16-282-003-00	16-290-024-00
16-291-012-00	16-290-018-00	16-290-021-01	16-290-021-02	16-290-021-03
16-290-021-04	16-290-021-05	16-281-015-01	16-281-015-02	16-281-015-05

Any property owner or their representative, or any interested person is invited to attend the meeting to be held as noticed above. Those wishing to comment may do so in person at the meeting or may send written comments to the attention of Eric Zuzga, City of Marshall, 323 W. Michigan Ave., Marshall, Michigan 49068.

The City of Marshall will provide necessary and reasonable auxiliary aids and services to individuals with disabilities at the hearing upon reasonable notice to the City Clerk of the need for the same. Individuals

with disabilities requiring auxiliary aids or services should contact the office of the City Clerk at least four (4) days prior to the hearing. The City Clerk's Office can be reached at phone: 269-781-5183 or in-person at the location and times indicated below.

A copy of the ordinance may be obtained, inspected, or reviewed in the Office of the Clerk, Monday-Friday, between the hours of 8:30AM-12:00PM and 1:00PM- 4:00PM. The Clerk's Office is located at City Hall, 323 West Michigan Avenue, Marshall, MI 49068. The Clerk's Office can be reached at 269-781-5183.



SCALE: 1"=1500'

LEGEND



NOTE: BEARINGS BASED ON
STATE PLANE COORDINATES AS
DETERMINED FROM GLOBAL
POSITIONING SYSTEM (GPS).

MIDWESTERN
CONSULTING

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MAEDA

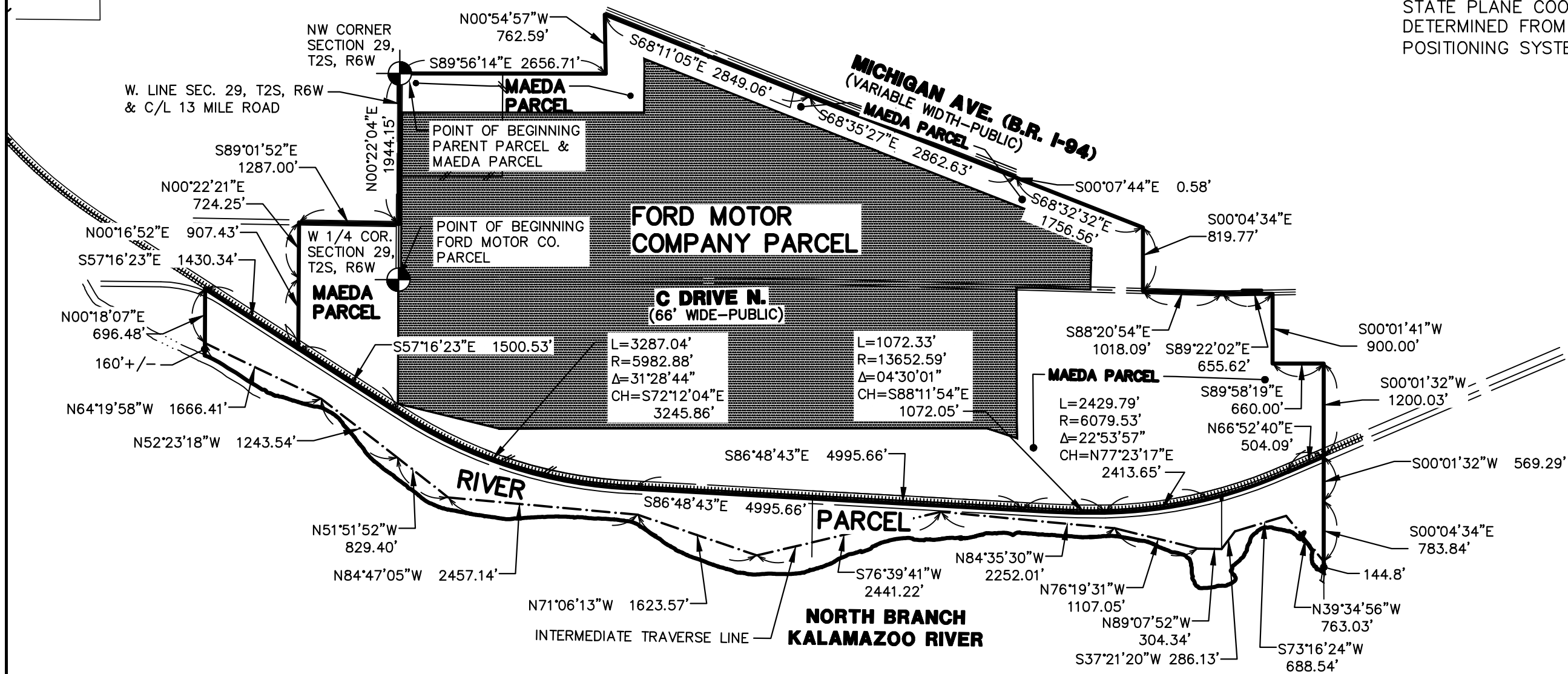
SURVEY OF LAND IN SEC. 20, 27, 28, 29, 30, 32, 33 & 34,
T2S, R6W, MARSHALL TWP., CALHOUN CO., MI.

JOB #: 22367

DATE: 4/03/23

SHEET 1 OF 1

CADD: KMW



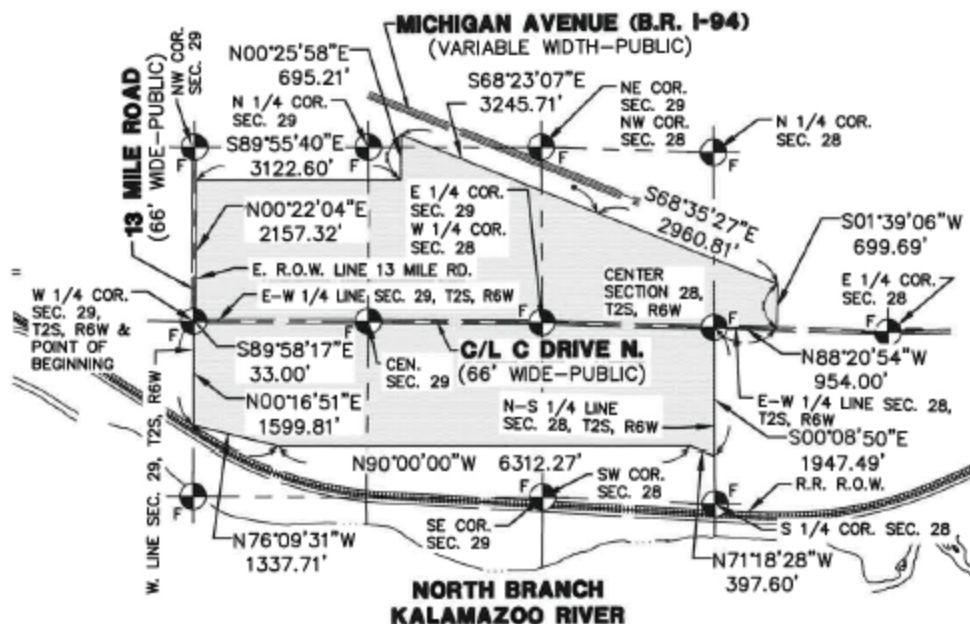
**CITY OF MARSHALL
ORDINANCE #2023-08**

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CHANGE THE ZONING OF A PARCEL OF REAL PROPERTY, PARCEL # 53-281-021-00, FROM TOWNSHIP ZONING TO INDUSTRIAL AND MANUFACTURING COMPLEX (I-3).

THE CITY OF MARSHALL, MICHIGAN ORDAINS:

Section 1. Purpose. The purpose of the Zoning Ordinance amendment is to the promote the public health, safety, and general welfare of the residents of the City of Marshall by regulating the land use for safe and efficient use of lands to meet the needs of the state's residents for industry, trade, service, and other uses of land and to reduce hazards to life and property.

Section 2. Amendment to the Zoning Ordinance. 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 Township Zoning to Industrial and Manufacturing Complex (I-3).



SURVEY OF A 731.40 ACRE PARCEL OF LAND
LOCATED IN SECTIONS 20, 28 & 29, T2S, R6W,
MARSHALL TOWNSHIP, CALHOUN COUNTY, MICHIGAN

TAX PARCEL # (53-281-021-00) Legal Description

LEGAL DESCRIPTION OF LAND LOCATED IN SECTIONS 20, 28, & 29, T2S, R6W, MARSHALL TOWNSHIP, CALHOUN COUNTY, MICHIGAN
BEGINNING at the W 1 / 4 corner of Section 29, T2S, R6W, Marshall Township, Calhoun County, Michigan, thence S 89°58' 17" E 33.00 feet along the E-W 1 / 4 line of said Section 29 to the East right-of-way line of 13 Mile Road; thence N 00°22'04" E 2157 .32 feet along said East right-of-way; thence S 89°55' 40" E 3122.60 feet; thence N 00°25'58" E 695.21 feet; thence S 68°23'07" E 3245.71 feet; thence S 68°35'27" E 2960.81 feet; thence S 01°39'06" W 699.69 feet; thence N 88°20'54" W 954.00 feet along the E-W 1 / 4 line of Section 28, T2S, R6W, Marshall Township, Calhoun County, Michigan & the centerline of C Drive North (66.00 feet wide) to the Center of said Section 28; thence S 00°08'50" E 194 7.49 feet along the N-S 1 / 4 line of said Section 28; thence N 71°18'28" W 397.60 feet; thence N 90°00'00" W 6312.27 feet; thence N 76°09' 31" W 1337. 71 feet; thence N 00°16'51" E 1599.81 feet along the West line of said Section 29 to the POINT OF BEGINNING.

Being a part Sections 20, 28 & 29, T2S, R6W, Marshall Township, Calhoun County, Michigan and containing 731 .40 acres of land, more or less. Being subject to the rights of the public over that portion of land as occupied by C Drive North (66.00 feet wide). Being subject to easements and restrictions of record, if any.

Section 3. Appropriation. The City Council appropriates \$40,000 for site plan review services and \$250,000 for building inspection services for the development of the proposed industrial project on the properties identified and described under this ordinance.

Section 4. Severability. It is the legislative intent of the City by adopting this Ordinance that all provisions hereof shall be liberally construed to protect the public health, safety and general welfare of the residents of the City and all other persons affected by this Ordinance. Consequently, should any provision of this Ordinance be held to be unconstitutional, invalid or of no effect, such holding shall not be construed as affecting the validity of any of the remaining provisions of this Ordinance or Zoning Code, it being the intent of the City Council that this Ordinance shall stand and remain in effect, notwithstanding the invalidity of any provision hereof. If any section, paragraph, clause, phrase or part of this Ordinance is held invalid by any court of competent jurisdiction or any agency, department or commission empowered by statute for such purposes, such decision shall not affect the validity of the remaining provisions of this Ordinance, and the application of those provisions to any person or circumstance shall not be affected thereby.

Section 5. Code Edits. The editors of the Marshall City Code are hereby authorized, subject to approval of the City Manager, or designee, to update and revise code section numbers to effectuate the provisions of this Ordinance.

Section 6. Section Headings. The section headings used in this ordinance are for convenience only and are not a part of this Ordinance.

Section 7. Publication. This Ordinance 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 8. Effective. This Ordinance be effective publication upon the expiration of 7 days after publication.

Introduced by the Marshall City Council this ____ day of _____, 2023.

Adopted by the Marshall City Council this _____ day of _____, _____.

Motion by

Second by

Ayes:

Nays:

Absent:

Approved:

James Schwartz, Mayor

STATE OF MICHIGAN
COUNTY OF CALHOUN

I, Michelle Eubank, Marshall City Clerk, certify this is Ordinance #_____ adopted by the Marshall City Council at a meeting held the _____ day of _____, 2023, a meeting held according to the Open Meetings Act, Public Act No. 267 of 1976, as amended. I further certify Ordinance # 2023 - ____ was published in the Marshall Ad-Visor, a newspaper of general circulation in the City of Marshall, the _____ day of _____, 2023, subsequent to its adoption.

Michelle Eubank, City Clerk

Introduced:
Public Hearing:
Adopted:
Published:
Effective:

ITEM: 12.A

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
William Dopp, Finance Director/ City Treasurer
DATE: May 1, 2023
SUBJECT: **FY 2024 BUDGET - SCHEDULE A PUBLIC HEARING**

Act 2 of 1968 commonly known as the Uniform Budgeting and Accounting Act (the “Act”), requires the legislative body of government to pass a general appropriations act for the General Fund (includes Recreation, Farmer’s Market, and Airport), Special Revenue Funds (MVH Major and Local, Municipal Streets, MRLEC, Leaf & Brush, Building, LDFA,DDA, South NIA, and Northeast NIA), and may pass a special appropriations act for the Enterprise Funds (Marshall House, Fiber to the Premise, Electric, Dial-A-Ride, Solid Waste, Waste Water and Water) and Internal Service Funds (Information Technology and Motor Pool). The general appropriations act shall set the total number of mills of ad valorem property taxes to be levied and the purposes for which that millage is to be levied. In accordance with Public Act 43 of 1963, a public hearing shall be held on the proposed budgets. The required notice shall be published in the newspaper not less than six days prior to the hearing.

Additionally, Section 9.05 *Adoption of Budget, Tax Limit* of the Marshall City Charter requires “not later than the first meeting of the council in June, the council shall, by resolution, adopt all budgets for the next fiscal year and shall, in such resolution, make an appropriation of the money needed for municipal purposes during the ensuing fiscal year of the city and provide for a levy of the amount necessary to be raised upon real and personal property for municipal purposes...”

BUDGET IMPACT:
None at this time.

RECOMMENDATION:
Schedule a public hearing for Monday, May 15, 2023 to receive comment on the FY 2024 General Fund, Special Revenue Funds, Enterprise Funds and Internal Service Funds budgets.

ITEM: 12.B

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Joshua Lanker, Chief of Police
DATE: May 1, 2023
SUBJECT: **SPECIAL EVENT REQUEST- 2023 MEMORIAL DAY PARADE**

A Special Event Application and request was received for the Annual Memorial Day Parade for Monday, May 29th 2023. This event is being organized by the American Legion Stanley E. Lamb Post 79. The event requires the closing of Michigan Ave from Dobbins St. to Liberty St. The road will be closed for line up at 0900hrs, with a ceremony starting at 0930hrs and the parade to follow. The parade follows Michigan Ave to Exchange St and then to Oakridge Cemetery.

This is one of our larger events in the city, requiring many barricades, volunteers, and staff to adequately provide police protection, traffic control, and traffic direction. An application and proof of liability insurance has been provided by the organizers. Staff is working to determine volunteer and staffing levels as we work to complete the operational plan for the event.

The organizers are planning to have around 100 parade entries. The Memorial Day Parade has been a great annual community tradition to honor and remember the men and women who gave their lives serving our country.

BUDGET IMPACT:

City staff is still working on the operational plan and financial impact. However, initial estimates show 28 barricades, six vehicles, and at least ten personnel members are needed for the event, which will last around 1-2 hours. Costs are currently estimated to be \$2,100. Actual amounts will be absorbed into each department's existing budget. Any necessary year end budget adjustments will be brought to the City Council during the 4th quarter budget adjustments.

The City Council has authorized the Memorial Day Parade as a city-sponsored public event, so no entities will be billed for city costs/fees.

RECOMMENDATION:

To approve the 2023 Memorial Day Parade special event request.

ITEM: 13.A

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: James Schwartz, Mayor
Derek N. Perry, City Manager
DATE: May 1, 2023
SUBJECT: **APPOINTMENT OF CITY ATTORNEY**

According to the Marshall City Charter, Section 2.10, the City Attorney shall hold office by virtue of appointment by the Mayor and subject to confirmation of two-thirds (2/3) of the City Council.

The appointment shall be made at the first regular meeting of the City Council in May following each regular city election. Upon appointment, the person shall hold the office for a term of two (2) years from the first day of June following the appointment.

Current City Attorney David Revore of McGinty, Hitch, Person, Anderson and Revore, P.C. is requesting reappointment and has attached his letter of consideration for your review.

BUDGET IMPACT:

In the FY 2024 General Fund Budget, \$75,000 has been appropriated to Department 266 for legal services.

RECOMMENDATION:

Reappoint Attorney David Revore as the Marshall City Attorney per section 2.10 of the Marshall City Charter.

McGINTY, HITCH, PERSON, ANDERSON & REVORE, P.C.

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OF COUNSEL:
DENNIS E. McGINTY
THOMAS M. YEADON

April 21, 2023

Via Email Delivery

Mayor James Schwartz
Town Hall
323 W. Michigan Ave.
Marshall, MI 49068

Re: *Reappointment as City Attorney*

Dear Mayor Schwartz:

I respectfully request reappointment as City Attorney for the City of Marshall. I appreciate working with Council and City Staff as we endeavor to complete several major projects as we look forward to our City moving forward. We do not propose an increase in our retainer or hourly rates.

Thank you for considering the continuation of our services.

Very truly yours,



David M. Revore
Marshall City Attorney

Cc: Derek Perry
John Sullivan

ITEM: 13.B

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM:
DATE: May 1, 2023
SUBJECT: **APPOINTMENT OF CITY PROSECUTING ATTORNEY**

According to the Marshall City Charter, Section 2.10, the City Attorney shall hold office by virtue of appointment by the Mayor and subject to confirmation of two-thirds (2/3) of the City Council.

The appointment shall be made at the first regular meeting of the City Council in May following each regular city election. Upon appointment, the person shall hold the office for a term of two (2) years from the first day of June following the appointment.

Current City Prosecuting Attorneys John B. Sullivan and John D. Brundage are requesting reappointment and have attached their letter of consideration for your review.

BUDGET IMPACT:

In the FY 2024 General Fund Budget, \$75,000 has been appropriated to Department 266 for legal services.

RECOMMENDATION:

Reappoint Attorney John B. Sullivan and Attorney John D. Brundage as the Marshall City Prosecuting Attorneys per section 2.10 of the Marshall City Charter.

JOHN D. BRUNDAGE
JOHN B. SULLIVAN
City of Marshall Attorneys
208 West Michigan Avenue
Marshall, MI 49068
Telephone: (269) 781-9090
Fax: (269) 781-9899

April 18, 2023

The Honorable Jim Schwartz
Mayor, City of Marshall
323 West Michigan Avenue
Marshall, MI 49068

Re: City Prosecuting Attorney

Dear Mayor Schwartz:

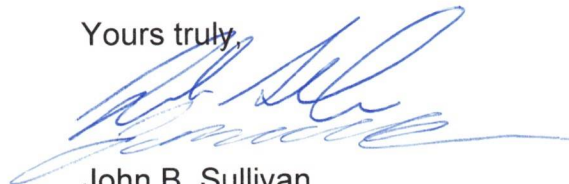
We are writing to request re-appointment as City Prosecuting Attorney for ordinance enforcement matters. Having served in this capacity for over fifteen (15) years, we have developed a good working relationship with Marshall law enforcement, the business community and local residents.

We propose to continue our service to the City in the same manner and at the same rates.

We appreciate your confidence in us and we are honored to serve in this capacity.

If you have any questions or would like to discuss this matter further, please do not hesitate to call.

Yours truly,

A handwritten signature in blue ink, appearing to be "John B. Sullivan" and "John D. Brundage" written together.

John B. Sullivan
John D. Brundage

cc: Derek Perry
Joshua Lankerd
David Revore