
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.