
CITY COUNCIL MINUTES

May 1, 2023

Regular Meeting - 7:00 PM

1) CALL TO ORDER

IN A REGULAR SESSIONS held on Monday, May 1, 2023 at 7:00 PM in the Board of Commission Chambers, 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 Traver, Scott Wolfersberger

Also Present: Manager Perry and Clerk Eubank

Absent: Ryan Underhill

Moved Joe Caron, supported Scott Wolfersberger to excuse member Ryan Underhill. On a voice vote: **Motion carried.**

3) INVOCATION

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 Scott Wolfersberger, supported Joe Caron to approve the agenda as submitted. 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 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.

Jerry Bossard of Marshall Township stated that he would like to have someone pray for the meeting.

Connie Bossard of Marshall Township and First Baptist Church led an invocation.

Glenn Kowalske of Marshall Township stated that he felt the minutes from April 17, 2023 should have more details.

Several people attempted to make comment on the rezoning and were asked by Mayor Schwartz to wait until the public hearing to make their comments on the matter, as that is the appropriate time per the agenda.

Barry Wayne Adams of 622 W Green St stated that the minutes are too redacted and that council cannot abridge first amendment rights.

Justin Shotts disrupted the meeting. Mayor Schwartz gave a first warning to not disrupt the meeting. Justin Shotts ignored the warning from the Mayor and again disrupted the meeting. Mayor Schwartz gave a second warning. Justin Shotts continued to disturb the meeting a third time and Mayor Schwartz asked for him to leave. Mr. Shotts was escorted from the room by police officers.

Maggie Emerson Rich of 616 Union St stated that she looked at the FY2024 budget and the City Manager's pay is high.

7) **CONSENT AGENDA**

Moved Ryan Traver, supported Scott Wolfersberger to approve the consent agenda including the March power purchase. On a roll call vote:

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

Nays: None

Abstain: None

Motion carried.

A. **City Council Minutes**
Regular Session - April 17, 2023

B. <u>City Bills</u>	
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**

Moved Scott Wolfersberger, supported Jacob Gates to waive attorney-client privileged communication, limited specifically to receive from the City Attorney an oral/verbal report, in open session during this public City Council meeting, this date, May 1, 2023. On a voice vote: **Motion carried.**

City Attorney Revore addressed the Council and stated that the City recently received two FOIA requests for "Non-Disclosure Agreements ("NDA") signed with any entity or organization or government agency within the last 5 years."

Under the City's policy, the "Code of Ethics and Conflict of Interest" ("Policy"), the FOIA requestors asked for an investigation of any member of city council or any city employee signing an NDA related to the Marshall Megasite or the announcement of the Ford Blue

Oval Battery plant at the site. Mr. Revore stated that he had not, nor would he, receive any compensation for reviewing this matter or providing a verbal report to the City Council. No other report exists.

Pursuant to the Policy, City Attorney Revore contacted the FOIA requestors. Neither individual was able to provide any information that supported a violation of the City's Policy.

Mr. Revore reported that he contacted MAEDA CEO, Jim Durian, who provided several non-disclosure agreements, signed by Joe Caron, Ryan Travor, Derek Perry and Tom Tarkiewicz. The non-disclosure agreements have been released to the FOIA requestors. Mr. Caron and Mr. Travor are on the Board of Directors for MAEDA, the Marshall Area Economic Development Alliance, representing area business, not the City Council. Derek Perry represents the City on the MAEDA Board, as did Tom Tarkiewicz.

Mr. Revore reviewed records and interviewed Jim Durian, each Council member, City Manager Derek Perry and former City Manager Tom Tarkiewicz, and Matt Davis. Mr. Revore reported that Perry, Tarkiewicz, Caron, Travor each signed non-disclosure agreements. Perry, Tarkiewicz, Caron, and Travor assert that neither they nor their family had any financial interest in the 425 properties from Marshall Township nor do they have any financial interest in the Ford Blue Oval Project. Further, Mr. Revore advised the Council that no other Council member signed a non-disclosure agreement, nor do they or their family members have any financial interest in the 425 properties from Marshall Township nor do they have any financial interest in the Ford Blue Oval Project. Mr. Revore stated that Mr. Travor has created content for an agency in support of Blue Oval and Travor has written a letter to the editor in support of the Project. Mr. Travor asserts that he has not received any payment nor compensation for his ad work. Matt Davis sits on multiple City boards and authorities, as well as MAEDA, but such does not constitute a conflict of interest.

Mr. Revore provided his opinion that given the information provided, records reviewed, statements obtained, and that neither FOIA requestor had any information about a conflict of interest, Mr. Revore concluded no evidence of a conflict of interest and no violation of the City's Ethics and Conflict of Interest policy.

Moved Jacob Gates , supported Scott Wolfersberger to receive the oral/verbal report from City Attorney David Revore. On a voice vote: **Motion carried.**

9) INFORMATIONAL ITEMS

10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. REZONING REQUEST RZ #23-01 FOR PARCEL #53-281-021-00 (PUBLIC HEARING)

Director Zuzga gave background on the rezoning request. He stated that the Joint Planning Commission (JPC) had opted not to recommend the I-3 zoning district on a 4-2 vote, but that staff did not believe there was sufficient discussion to change the staff recommendation of rezoning to I-3. He stated that this is simply zoning and needs to be

done with no end user in mind. He further stated that the township zoning for this area has been industrial for decades and the township's future land use map shows the area as industrial as well. Mayor Schwartz questioned if the rezoning standards had been considered. Zuzga stated that a full staff report on the rezoning criteria was in the packet.

Jim Durian, CEO of MAEDA, stated that MAEDA was founded in 2012 for the purpose of economic development in Marshall and that the board of directors is a cross section of the community. He stated that he, on behalf of MAEDA as the property owner, was requesting the rezoning of the parcel to the City zoning of I-3.

Richard Lindsay, attorney for MAEDA, stated that MAEDA is the sole owner and applicant for this rezoning, and that it has the support of Marshall township, the county and Battle Creek. He stated that the consideration needed to be the rezoning of this parcel only and that the rezoning factors should be considered. He further stated that the parcel in question does not extend past 13 mile road and that 80% of the property had been zoned industrial since the 1960s and had been used as an industrial farm. He stated that there had been previous interest in the property, including Volkswagen in 2008, which had declined due to lack of options on the properties, as well as lack of infrastructure. He stated that in 2019, work began in earnest to prepare the site, including securing options on the property, and updating the township master plan, which included a survey and a number of public comment opportunities. He further stated that all work to designate the area as industrial was done before there was an official project. He further stated that MAEDA will own a buffer property around the proposed site to allow for screening. He stated that the vote of the JPC was not binding and that they failed to show findings in support of their no votes. He discussed the rezoning criteria and showed findings in support of each criteria.

Ken Jewison of Stantec stated that Stantec has provided over 25 years of engineering support to the City of Marshall and is committed to continuing that work. He stated that this is a nationally unique site and that Stantec will be assisting with the engineering of the water, wastewater and utility plans, which includes a new lift station and an increase in water capacity, as well as a partnership with Battle Creek to provide water to the site.

Stephanie Fries of Ford Motor Company thanked the Mayor, City Council and staff for their partnership in the project and stated that Ford had heard the concerns of the public and is working towards limiting their impact. She further stated that the factory would create 2,500 jobs and would be fully owned by Ford.

Chris Buck of the MEDC stated that he was in support of the rezoning and believed it was consistent with the latest zoning in the township.

Matt Davis, president of the MAEDA board, stated that the board strongly supports the proper zoning of the parcel, which they believe there is no better fit than I-3. He further stated that there has been long-term preparation for a potential project in this area and believes it is good for the community.

Mayor Schwartz opened the public hearing on 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) at 8:36 pm.

Written comment was received by the clerks office prior to the meeting from Consumer's Energy, La June Montgomery Tabron of the W.K. Kellogg Foundation, Jeff Albaugh, and the Battle Creek Area Association of REALTORS board of directors in favor of the rezoning, and from Robert Weiss, Leigh Rothwell, Mark Robinson and Glenn Kowalske opposing the rezoning. Copies of the written comments were placed on the record.

Written comment was received by the Mayor from Ron Howland, Lynn Hulkow, Rich Hulkow, Michael Lounds, Sue Damron, Leann Thoron, Joe Sobieralski, Cody Manly, Derek Allen, Sara Jeffery, Ian Stewart, Caryn Drenth, Lisa Johnson, Billy Beers, Ron DeGraw, Scott Puckett, La June Montgomery, Matthew Woods, Steve Wettle, Barb Rosene, Dale Roses, Rebecca Forbes, Joe Elias, Rebecca Flury, Mark Behnke, Stephanie Fries, Randy Lake, Patty Williams, Jeff Albaugh, Dennis Gorsline, Leslie Walsh, Jim Hadsma, Jennifer Darling, Kevin Sackrider, Chad Bischoff, Robert Hall, Shane Gray, Battle Creek Chamber, Albion College President- Joe Calvaruso, Construction Labor Workers(40), Karen Larson, Jay Larson, Ken Decker, Battle Creek Realtors Association, Greg Moore, Julie Plassman, Stephen Casselman, Union Laborers(13) Timothy Fitzgerald, Denise Fitzgerald, Lisa Miller and Joseph Toma in support of the rezoning. Written comment was received by the Mayor from Leigh Rothwell, Ron Quinn, Jan Corey Arnett, Julia Strum, W Jeffery Wilson, Robert Weiss, Leigh Rothwell, Kathy Scharlata, Glen Kowalske, Joseph Rothwell, William Martin, Gretchen Hyman and John Rothwell opposing the rezoning.

Joseph Cella of Ypsilanti spoke in opposition to the rezoning, stating that the threats from China with the factory are a real national security concern as no PRC based company escapes the CCP. He further stated concerns over the environment.

Glenn Kowalske of Marshall Township spoke in opposition to the rezoning, stating that the JPC voted against the recommendation and that he personally submitted a letter opposing 8 of the criteria. He further stated that the appropriation in the ordinance was in violation of the charter.

Derek Allen of 524 W Green St spoke in support of the rezoning, stating that it will spark billions of dollars in development and that history can still be honored while being excited for the future. He further stated that many will not speak out publicly in favor due to threats of retaliation.

Connie Wireman of Marshall Township spoke in opposition to the rezoning, stating concerns for the environment, increased traffic and noise, and that the jobs would be for robots and Chinese nationalists, not locals. She further stated that elected officials are supposed to listen to the will of the people.

Kyle Luce, Barton Township Supervisor, spoke in opposition to the rezoning stating it was the same narrative as Big Rapids and questioned the sustainability and environmental concerns.

Russ Bellant of Detroit spoke in opposition to the rezoning, stating the concern for lack of raw materials and environmental concerns. He further stated that people are being moved away from the Stalantis facility near Detroit due to contamination from the plant.

Wayne Wright of H Dr N in Marshall Township spoke in opposition to the rezoning, citing

concerns for what happens when the plant leaves and concerns with criteria D as the township's master plan is full of farmland. He further stated that in February of 2022 the township board stated that they were unable to vote different than the planning commission.

Josh Jelenk of Pro Services in Portage spoke in favor of the rezoning, stating that it will provide skilled trades jobs for the area and that a multibillion dollar investment supports the whole area.

Steve Carra, the State Representative from Three Rivers, spoke in opposition to the rezoning, stating that a boost to one economy is a loss to another, that this is a redistribution of wealth, and that it perpetuates unfair working conditions with lithium mining around the world. He encouraged council to look at the broken window fallacy.

Elizabeth Wolfersberger of B Dr N spoke in opposition to the rezoning.

Rick Sadler of Marshall Township spoke in opposition to the rezoning, and called for a CFA review of the project.

Charles Hayes of 215 N Linden spoke in favor of the rezoning, stating that it is a simple strategic choice, as the population has seen a steady decline and believes this will sustain the community.

Shanna Turner of 14311 A Dr S in Fredonia Township spoke in opposition to the rezoning, stating that will impact everything in criteria F, that the environmental impacts could be detrimental, and questioned why we should give up so much for so little in return.

Carla Withee of H Dr N in Marengo Township spoke in opposition to the rezoning, stating that it is currently being used as agricultural and is some of the most fertile land in the county. She further cited concerns for increased traffic, land values, and concerns for farmers not being able to compete with the prices big corporations can pay.

Sara Jeffery of S Sycamore St spoke in favor of the rezoning, stating that it was critical to the community, as it will benefit the community before it is built and for years to come with jobs, and funding for local services such as police and fire. She further stated that there has been a lot of intimidation against those who may speak in favor.

Jason LaForge of Marshall spoke in favor of the rezoning, stating that there are more future job losses coming and that there needs to be new jobs brought in to support the future.

Bob Lyng of Marshall Township spoke in favor of the rezoning, stating that while he didn't agree completely with the staff review, he agreed with most and that others on the JPC did not give reasons for their no votes.

Barry Wayne Adams of 622 W Green St spoke in opposition to the rezoning, citing environmental concerns. He further stated that there would be recalls, class action suites, referendums and initiatives.

Andrew Scibbe of the City of Marshall spoke in favor of the rezoning, stating that a new large business is needed to support the small local businesses.

John Mozena of the Center for Economic Accountability, spoke in opposition to the rezoning, stating that this is being done to the people, not for the people and that this deal is about politics. He further stated that most do not understand the full impact the funding of this project will have on the people/

MOTION Wolfersberger, supported Caron to extend the meeting to 11pm. On a voice vote; **Motion carried.**

Doug Murch of 615 W Prospect spoke in favor of the rezoning, stating that the council does not expend state funds, nor does it work for the FBI or National Security and that voting yes supports the downtown and the need to move forward to bring more people to town.

Paul Watson of Marshall Township spoke in favor of the project, stating that Kellogg Community College is prepared to provide training for the facility and that this will support generations. He further stated that KCC has already been approached by students asking what they can do to prepare for jobs at Blue Oval.

Justin Kazmar of Marengo Township spoke in opposition to the rezoning, stating that this is a conflict of interest for Traver, Caron and Manager Perry, that this is a redistribution of wealth, and that this will bring in Chinese communists.

Julie Bryant of Squaw Creek, Marshall Township, spoke in opposition to the rezoning, stating air and water contamination, traffic concerns, and connections to the CCP.

Bill Chapel of Squaw Creek, Marshall Township, spoke in opposition to the rezoning, stating concerns for traffic, air quality, the Kalamazoo River, and congestion. He further stated that he would like to see it go to a vote.

Deb Withee of Marengo Township, spoke in opposition to the rezoning, stating that the population of the area could go from 7,000 to 40,000, the project costs the tax payers too much, and that Marshall already has an employee shortage.

George Hoopka of Barry County spoke in opposition to the rezoning, stating that he doesn't believe the water will be supplied by Marshall, the \$330 million appropriated towards roads from the state could be better spent elsewhere, and concerns for the connection with the Chinese.

Scott Brown of Albion spoke in favor of the rezoning, stating that people are leaving the area after graduation due to lack of jobs and that this will be built by union workers for union workers.

Linda Smoot of Fredonia Township spoke in opposition to the rezoning, citing environmental concerns for the watershed, the river, and the air.

Maggie Emerson Rich of 616 Union St spoke in opposition to the rezoning, stating that there are current job openings for trades people now and that criteria F should be against

the rezoning.

Chris Morgan of Saline, spoke on behalf of Walbridge in favor of the rezoning, stating that the project will attract local employees and that 90% of the project cost will go directly to the subcontractors for the project.

Laura Bartlett of 435 N Linden spoke in opposition to the rezoning, stating that residential and industrial zoning are not compatible near each other, concerns for the health of people in the area from air pollution, and concerns for the road from the weight of the vehicles.

John Thompson of Ventura Way spoke in favor of the rezoning, stating that fear is the strongest emotion with all the unknowns, and that Marshall is one major employer away from a different type of change.

Holly Harden of E Mansion spoke in opposition to the rezoning, stating that it is a loss of prime farmland, national security concerns, and concerns for pollution. She further stated that Ford has several areas of blight around the state.

Joe Sobieralski of Battle Creek Unlimited spoke in favor of the rezoning, stating that this is a multi-generational opportunity to bring new jobs to the area and support the entire community.

Bryce Weaver of Marshall spoke in favor of the rezoning, stating that the jobs will keep families together.

Kemp Mauer of Verona Rd spoke in favor of the rezoning, stating that there used to be jobs in Marshall that would keep families together and this is an opportunity for that. He further stated that this will bring more opportunities downtown and that change is not always bad.

Victoria Minkleton of Marshall Township spoke in opposition to the rezoning, citing environmental concerns with industry near the river, as rivers are no longer needed for transportation, and that the environmental study was biased.

MOTION by Gates, supported Traver to extend the meeting until 12 am if needed. On a voice vote; **Motion carried.**

Bryan Hoffman of Battle Creek spoke in favor of the rezoning, stating that it encourages people to live and work in the same area.

Matt Eggleton of 435 N Linden spoke in opposition to the rezoning, stating that the jobs will bring in less than the median household income for the county, and cited concerns over air and water pollution, as well as the connections to China.

Pete Baily of Marengo Township spoke in opposition to the rezoning.

Virgie Ammermon of Homer spoke on behalf of the Albion Economic Development Corporation in favor of the rezoning. She stated that this is a life changing project for the county, that the population of Michigan has lost more people than it has gained, and that

based on the zoning maps, this is the best zoning for the property.

Leigh Rothwell of Ceresco spoke in opposition to the rezoning, stating that according to criteria D it is not compatible due to the watershed, that the township had the area zoned light industrial, but there are no records of the change, and that the traffic will be unmanageable.

Caryn Drynth of Marshall spoke in favor of the rezoning, stating that the project will infuse the local economy and help the small businesses. She further stated that jobs for combustion engines will be ending and that if Marshall turns away this project, another will never come back.

Ian Stuart of 515 Schuyler spoke in favor of the rezoning, and asked the council to see all the potential positives for future generations of the community.

Natalie Valle of Fredonia Township spoke in opposition to the rezoning, citing concerns for public safety, farm preservation, and too quick of growth for the area.

Melissa Fish of SW MIFirst spoke in favor of the rezoning, stating that this will bring in thousands of jobs and is a once in a generation opportunity.

Josh Withee of Marengo Township spoke in opposition to the rezoning, stating that the Calhoun County Board of Commissioners stated that agriculture supports the economy, adds scenic character, protects wildlife habitats and watersheds, and is an irreplaceable resource. He further stated that the JPC should control all land usage for 425 properties.

Connie Ryber of Marengo Township spoke in opposition to the rezoning, stating that the health and welfare of the community is a concern and goes against criteria F. She further stated concerns for pollution near the river and that Ford will leave a blight.

Michael Holcomb of High St spoke in opposition of the rezoning, stating that the traffic plans won't be ready for at least a year, there is no finalized environmental impact study, and that there is no township documentation to support the industrial zoning. He further stated that you could bring in the same number of jobs by bringing in multiple facilities to the current industrial park and that young families can't afford to live in Marshall.

Jack Reed of Marshall spoke in favor of the rezoning, stating that a proper city zoning is needed and that the JPC should have given a recommendation of what to zone it.

Tony Iovino of Battle Creek spoke in favor of the rezoning, stating that the impacts of the project will be felt well beyond Marshall with increases in wages and affordable housing and that the real concerns for the project are being drowned out by allegations and half truths.

Moved by Caron, supported by Wolfersberger to extend the meeting until 1 am if needed. On a voice vote; **Motion carried.**

Emily Emerson Rich of 616 Union St spoke in opposition to the rezoning, stating that the site plan had just been received, that it was unethical for someone on the MAEDA board to vote on the rezoning, and urged the council to listen to the JPC

recommendation not to approve the rezoning.

Steve Cassleman of N Mulberry spoke in favor of the rezoning, stating that Marshall is lucky to have the opportunity with Ford and that it will be a positive for the community.

Meg Towler of Marshall Township spoke in favor of the rezoning, stating that it will be good for everyone in the community.

Mary Tiery of Marshall spoke in opposition to the rezoning, urging council to listen to the experts saying it is not safe and citing concerns for the health of the public.

Sandra Sinkey of Marshall Township spoke in opposition to the rezoning, stating concerns for the ground water and wells in the area, the loss of farmland, and that Ford would be gone in less than 15 years.

Adam Heikkila, former Bedford Township supervisor, spoke in opposition to the rezoning, stating that the system should be about representing the people but it is full of crony politicians. He further stated that this would destroy the community, that everyone needs workers and the only people in favor of the project are ones who will benefit from it.

Cody Mannly of Marshall spoke in favor of the rezoning, stating that if an owner wants to sell their property that is their right and no vote is needed, that the project really hasn't been a big secret and that there are no other high paying jobs in the area for those without a college degree.

Jim Hadzma of Bedford Township spoke in favor of the rezoning, stating that it will be transformational not just for Marshall, but the whole southwest Michigan area in the best ways.

Greg Moore of Battle Creek spoke in favor of the rezoning, stating that it would be a transformative economic opportunity, and encourage the council to replace the words jobs with people to see the true impact. He further stated that the people in the county are focused on what is dividing and not what brings everyone together, their love for the community.

Johnny Lews of Martin Township spoke in opposition to the rezoning, stating that it is one employer with technology that won't last and concerns over the involvement of the Chinese.

Juanitta Main of Marshall Township spoke in favor of the rezoning, stating that she has watched Marshall dwindle over the past 50 years and that the city needs this to keep the local kids here after graduation.

Regis Klingler of Grand St in Marshall spoke in opposition to the rezoning, stating that there were enough comments at the JPC meeting to support not recommending the rezoning, that the wind will carry any pollution into the city, that the landscaping will not help with noise, odor or lighting in the beginning, and that this is not the proper site for this project.

Christy Pressman of Battle Creek spoke in opposition to the rezoning, stating national security concerns and that Battle Creek has spent millions trying to get a vibrant downtown like Marshall and is failing.

Heather Rocco of Ceresco spoke in opposition to the rezoning, stating concerns for historical properties and Ceresco.

Gretchen Esser of 219 N Eagle St spoke in opposition to the rezoning, stating that no one in the area wants it, that EVs won't outlast the 15 year tax abatement, that there are companies constantly hiring, and concerns over the involvement of the Chinese.

Carolyn Watson of Marshall spoke in opposition to the rezoning for all the reasons previously stated.

Mayor Schwartz closed the public hearing on 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) at 12:56 am.

Moved Joe Caron, supported Scott Wolfersberger to extend the meeting to 2 am if needed. On a voice vote: **Motion carried.**

Member Traver stated that he had always been a strong proponent of economic growth and that he has zero interest or potential financial gain from the project. He further stated that he had volunteered his time towards the promotion of the Blue Oval project through MAEDA and requested to be recused. Mayor Schwartz asked attorney Revore if there was any potential for a conflict of interest. Revore stated that participation in MAEDA is not an incompatible office and that as there is no benefit to either Traver or Caron from their participation or volunteering of their time, there is no conflict of interest that should prohibit them from voting. Member Wolfersberger stated that he opposed the recusal as member Traver is an advocate for Marshall and there is no compensation involved. Gates stated while he did not oppose the recusal, he did not believe it was necessary.

Motion Jacob Gates to recuse member Ryan Traver from the discussion and subsequent vote on 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). Hearing no second, **Motion died for lack of second.**

Schwartz stated that the council had been tasked with zoning the parcel now that public comment had been heard and the staff report received in the packet.

Gates stated that his focus was on the zoning. He further stated his confusion as to why the Joint Planning Commission did not give any direction to the council for a preferred zoning and why they didn't follow the future land use map. He stated that the I-3 zoning is the logical choice.

Caron stated that after serving on the council in different capacities over the years, he has learned to look at the bigger picture and take that into account.

Wolfersberger stated that he had concluded that this is the appropriate zoning for the

parcel. He further stated that the loudest voices cannot be the only voices heard and that he believes the future is brighter with Ford in Marshall.

Chaney-Huggett stated that she had been listening and had heard people's concerns. She further stated that she had received many phone calls, e-mails, and had been stopped on the street by people expressing their opinions and some stating that they were afraid to publicly voice their opinions. She stated that she is representing all of the people of Marshall and that with the numerous people who have contacted her, she believes the majority are for the project.

Traver stated that he believes it is the right zoning for the parcel and that further questions would be answered in the site plan process.

Schwartz stated that the area was zoned industrial in the township and that now that it is part of the city it must have some type of zoning. He further stated that the future land use map shows heavy industrial for this area and that the previous land owners freely sold their land. He stated that traffic concerns would be addressed by MDOT and that as of 5:30 that afternoon he had received 105 letters in support of the project and only 17 against.

The Council went through the rezoning criteria and staff recommendations:

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.

Staff: 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.

Council had no further discussion and agreed by consensus on the finding.

B. The property cannot be reasonably used as zoned.

Staff: 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.

Council stated that the staff report made sense and that the proposed zoning was created in coordination with the township, and eliminated some uses that the township found undesirable and agreed by consensus on the finding.

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.

Staff: 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.

Council had no further discussion and agreed by consensus on the finding.

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.

Staff: 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.

Council agreed that there would be an impact on traffic, but that it would be addressed during the site plan review process and agreed by consensus on the finding.

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

Staff: 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.

Council had no further discussion and agreed by consensus on the finding.

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.

Staff: 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.

Council agreed that the focus should be on the word severely, as there will be changes, but they shouldn't be severe and agreed by consensus on the finding.

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.

Staff: 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.

Council agreed that it was part of the Township Master Plan and that it does need to have a city zoning due to the 425 agreements and agreed by consensus on the finding.

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.

Staff: 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.

Member Traver questioned who all was to be on the site plan review team. Director Zuzga stated that it would be comprised of the Director of Community Services, Director of Public Services, Electric Director, Police and Fire Chiefs, City Building Official, the Water, Wastewater and DPW superintendents, the FiberNet lead tech, the Township zoning administrator, 2 Marshall Planning Commission members, and outside

consultants. By consensus, council agreed with the finding.

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

Staff: 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.

Council agreed that it had been industrial in the township since the 60's and agreed by consensus on the finding.

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

Staff: 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.

Council agreed that there are no other adequately sized parcels anywhere else in the city and agreed by consensus on the finding.

Moved Scott Wolfersberger, supported Joe Caron to 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) and accept the staff findings report on such ordinance. On a roll call vote:

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

Nays: None

Abstain: None

Motion carried.

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

**AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF
MARSHALL SO**

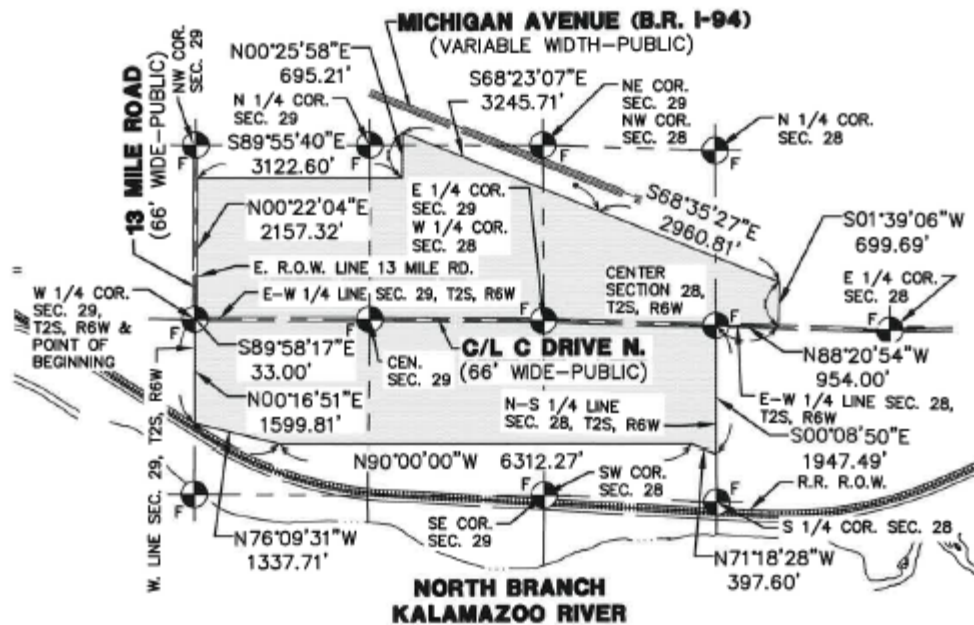
**AS TO CHANGE THE ZONING OF A PARCEL OF REAL PROPERTY, PARCEL #
53-281-021-00, FROM TOWNSHIP ZONING TO Industrial and Manufacturing
Complex (I-3).**

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

11) OLD BUSINESS

12) REPORTS AND RECOMMENDATIONS

A. FY 2024 BUDGET - SCHEDULE A PUBLIC HEARING

Moved Scott Wolfersberger, supported Jacob Gates to schedule a public hearing for Monday, May 15, 2023 to receive comments on the FY 2024 General Fund, Special Revenue Funds, Enterprise Funds and Internal Service Funds budgets. On a voice vote: **Motion carried.**

B. SPECIAL EVENT REQUEST- 2023 MEMORIAL DAY PARADE

Moved Joe Caron, supported Theresa Chaney-Huggett to approve the 2023 Memorial Day Parade special event request. On a voice vote: **Motion carried.**

13) APPOINTMENTS / ELECTIONS

A. APPOINTMENT OF CITY ATTORNEY

Moved Jacob Gates, supported Scott Wolfersberger to reappoint Attorney David Revore as the Marshall City Attorney per section 2.10 of the Marshall City Charter. On a voice vote: **Motion carried.**

B. APPOINTMENT OF CITY PROSECUTING ATTORNEY

Moved Joe Caron, supported Ryan Traver to 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. On a voice vote: **Motion carried.**

- 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.

Justin Kazmar of Marshall Township stated that the council is selling out to the Chinese and that who put is here won't be forgotten.

Connie Bossard of Marshall Township stated her disappointment in the lack of investigation being done. She further stated that several contractors had placed calls in to the City in regards to First Baptist Church and had not heard anything back.

Steve Carra of Three Rivers stated that the Ford project was a massive amount of money hurting the people of the state and encouraged the council to assess the economics.

Carla Withee of Marengo Township stated that she will not stop fighting for farming and agriculture and that small farms can't compete with larger farms, which sends the wrong message to youth who want to get involved with farming.

Jerry Bossard of Marshall Township stated that it is unethical the amount of money that is being given to Ford and that they will keep asking for more and it will be given. He further stated that it was clear to those in attendance that the JPC had done their job at their meeting.

Adam Heikke of Beford Township read excerpts from The Doctrine of Lesser Magistrates, stating that there is a constant battle for our souls and the book tells how to restore the government from tyranny.

Glenn Kowalske of Marshall Township stated that the title of the ordinance did not include the appropriation which he believed was a violation of the charter and was done intentionally to block a referendum. He further stated that Joanna Johnson of the JPC did not feel that the staff did an accurate job of summarizing the meeting and that Banfield should have brought up an alternate recommendation.

Maggie Emerson Rich of 616 Union St stated that she strongly opposed the megasite as the infrastructure of the city can't handle an influx of people, the utilities can't handle a battery plant, the plant won't employ anyone local, and that there is already an industrial area in Marshall.

Moved Caron, supported Gates to extend the meeting for 15 minutes until 2:47 am if needed. On a voice vote; **Motion carried.**

Emily Emerson Rich of 616 Union st stated that in the April 29 edition of the advisor there was a grant through MAEDA for small businesses downtown that was due on April

30, but that the grant wouldn't be awarded for months. She believed it would be given to those who support the megasite.

Rick Sadler of Squaw Creek, Marshall Township, stated that the rezoning was a usurpation of Constitutional rights and that council doesn't help anyone but themselves.

Barry Wayne Adams of 622 W Green St stated that the love of money is the route of all evil, that CATL is an instrument for the communist party and that this will go to court.

Moved Traver, supported Caron to extend the meeting for 6 minutes until 2:52 am. On a voice vote; **Motion failed.**

Moved Caron, supported Wolfersberger to extend the meeting until 3:05 am. On a voice vote; **Motion carried.**

Leigh Rothwell of Ceresco stated her confusion over rewritten statements on the boards position on the rezoning and questioned what the point of the JPC was. She further stated that she would like the council to save Riverside Farm and to not go further than this parcel for heavy industrial.

Josh Withee of Marengo Township stated that the point of the JPC is to protect the residents of both the township and the city and that this should have been up to township residents.

Mick Woods of Squaw Creek, Marshall Township stated that the actions tonight will have serious negative impacts on the residents of Squaw Creek and Ceresco. He further stated that speeding on Michigan Ave is a problem downtown.

Julie Bryant of Squaw Creek, Marshall Township, stated that she was disappointed in the outcome, that Caron and Traver should have been recused as they have too many positions influencing each other, and that the project will poison the residents.

15) COUNCIL AND MANAGER COMMUNICATIONS

Traver asked everyone to get out and vote in favor of the school sinking fund.

Schwartz stated that the council does listen and that the managers salary would be clarified in a later meeting.

16) ADJOURNMENT

The meeting was adjourned at 2:58 am.