CITY COUNCIL MINUTES

July 17, 2023

Regular Meeting - 7:00 PM

1) CALL TO ORDER

IN A REGULAR SESSION held on Monday, July 17, 2023 at 7:00 PM in the Board of Commission 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 Traver, Ryan Underhill, Scott Wolfersberger

Also Present: Manager Perry, Attorney Revore, Director Zuzga, and Deputy Clerk Pickford

Absent: None

3) INVOCATION Devon Shepard- 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 Wolfersberger, supported Gates to amend the agenda striking the 12D item for further information and approve as amended. 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 three (3) minutes. Comments shall address AGENDA ITEM topics. Public Hearing items should 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.

Barry Wayne Adams of 622 W Green St, voiced his concern and disapproval of the government's sense of authority to zone land. He stated the city's use of 425 agreement is a cover for eminent domain law and that the property sales to MAEDA were not made in good faith to home owners.

Maggie Emerson-Rich of 616 Union Street, requested it to be on record her disagreement with 425 agreements appropriateness to move land into the city. She stated that 425 agreements are temporary land agreements that do not show a long-term commitment.

7) CONSENT AGENDA

Moved Wolfersberger, supported Caron to amend the consent agenda to include the June power purchase of $879,221.71, brining total purchases to $1,579,098.74, and approve the consent agenda as amended. On a roll call vote:

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

Nays: None

Abstain: None
MOTION CARRIED

A. City Council Minutes
Work Session- June 20, 2023
Regular Session - June 20, 2023

B. City Bills

Purchases- 6/16/2023	$15,696.88
Purchases- 6/20/2023	$216,795.33
Purchases-6/23/2023	$357,686.09
Purchases- 6/28/2023	$54,699.35
Purchases- 7/7/2023	$46,162.38
Purchases- 7/11/2023	$26,837.00
Total	**$717,877.03**

C. MML WORKERS COMPENSATION FUND TRUSTEE ELECTION

D. MARSHALL HOUSE PSA THIRD AMENDMENT

8) PRESENTATIONS AND RECOGNITIONS

9) INFORMATIONAL ITEMS

10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

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 three (3) minutes per public hearing.

A. PA 425 CONDITIONAL LAND TRANSFER REQUEST- PARCEL ID 16-260-006-00 & 16-350-006-00
PUBLIC HEARING AND ENACTMENT

Manager Perry presented the land transfer request.

Mayor Schwartz opened the public hearing at 7:12pm

Barry Wayne Adams of 622 W Green Street, stated that 425 agreements are used to take land from the people and give it to corporate entities. He reiterated that 425 agreements support corporate fascism and that 425 agreements are unconstitutional. He quoted a former Michigan supreme court justice about corporate well fare and stated that it is the Council's job to protect the rights of the people not the rights of corporations.

Leigh Rockwell of Ceresco spoke about her frustration over the vague information provided on the agenda and that she believes the information is purposefully vague to hide the true intent. She further stated her frustration that the public hearing is not informational.

Maggie Emmerson-Rich of 616 Union Street, stated her frustration with tax breaks for development properties. She stated that taxes collected from the people are going to cover the tax breaks being issued in 425 agreements.

The public hearing was closed at 7:20 p.m.

Council Member Wolfersberger spoke about the development being for housing development and no tax abatement has been requested with the land transfer. He spoke about the details of the development, which includes apartments and single-family homes.

Council Member Traver stated that the full agenda packet is provided on the city website as well as a printed version on the binder on the table up front. He stated that the packets provided show a map and details of development, and commented on the workshop meeting held previously that included further details and discussion about this project. Traver stated a member of the public was in attendance and took notes throughout that workshop.

Mayor Schwartz provided clarification and reiterated the previous council comments stating that the 425 agreement is requesting city utilities for the location.

Moved Wolfersberger, supported Traver to Approve Resolution 2023-24, A Resolution Authorizing Execution of Contract for Conditional Transfer of Property under PA 425 of 1984 for property identified by parcel ID 16-260-006-00 and 16-350-006-00 and authorize the City Manager and City Clerk to sign the necessary documents. . On a roll call vote:

Ayes:Joe Caron, Theresa Chaney-Huggett, Jacob Gates, James Schwartz, Ryan Traver, Ryan Underhill, Scott Wolfersberger
Nays: None
Abstain: None
Motion carried.

CITY OF MARSHALL, MICHIGAN
RESOLUTION NO. 2023-24

A RESOLUTION AUTHORIZING EXECUTION OF CONTRACT FOR CONDITIONAL TRANSFER OF PROPERTY UNDER P.A. 425 of 1984

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

PRESENT:

ABSENT:

The following preamble and resolution were offered by __________________, and supported by ____________________.

WHEREAS, Mark Olinyk, Wendy Berry Olinyk, Ronald J. DeGraw and Jayne E. DeGraw, owners of property with parcel ID's of 16-260-006-00 and 16-350-006-00, have petitioned the City of Marshall and Marshall Township for a Conditional Transfer of their property from Marshall Township into the City of Marshall; and

WHEREAS, on February 25, 2006, the City of Marshall Entered into a Master 425 Agreement with the Township of Marshall; and

WHEREAS, on September 15, 2014, the City of Marshall extended this Master 425 Agreement with the Township of Marshall until 2026; and

WHEREAS, on June 24, 2019, the City of Marshall extended this Master 425 Agreement with the Township of Marshall until December 31, 2029; and

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

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL that the City Manager and the City Clerk are authorized to execute a Contract for Conditional Transfer of Property identified by parcel ID's 16-260-006-00 and 16-350-006-00 from the Township of Marshall to the City of Marshall; and

IT IS FURTHER RESOLVED, that the Contract for Conditional Transfer shall be in the form of the attached document, subject to changes in form approved by the City Attorney.

Resolution declared adopted this 17th day of July 2023.

____
Michelle Eubank, City Clerk

I, Michelle Eubank, being duly sworn as the City Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on July 17, 2023, and that the said meeting was conducted and that the minutes of the meeting were kept and will be or have been made available.

____
Michelle Eubank, City Clerk

B. SLU #23.03- 902/1102 WEST HANOVER SPECIAL LAND USE

Director Zuzga presented information and introduced the owner of the property, Adam Rickert of Coldwater.

Mayor Schwartz opened the public hearing at 7:26 p.m.

Barry Wayne Adams of 622 W Green Street stated that zoning is a tactic of corporate fascism, and reiterated his previous statements that zoning shows the lawlessness of the council. He further stated that zoning property shows utilization of military authority by the City and is infringing on the rights of land owners to their property.

Leigh Rockwell of Ceresco stated her appreciation of the concern being shown at the Planning Commission Meeting for the environmental impact that the development would have on the area, and voiced her frustration and disappointment that the same concern wasn't shown in other developments happening, specifically at the megasite. She further voiced her frustration that the feelings and recommendations of the Joint Planning Commission were not listened to by the Council in regards to the megasite.

Maggie Emerson-Rich of 616 Union St spoke in favor of the development of vacant property by small businesses and encouraged council to facilitate development of small business en lieu of corporate development.

Mayor Schwartz closed the public hearing at 7:33 p.m.

Wolfersberger welcomed the development and spoke in favor of the development of the site. Mayor Schwartz echoed Wolfersberger's statements.

Moved Gates, supported Underhill to Approve Special Land Use (SLU#23.02) for the development of storage units at 902/1102 West Hanover Street.. On a roll call vote:

Ayes:Ryan Traver, Ryan Underhill, Scott Wolfersberger, Joe Caron, Theresa Chaney-Huggett, Jacob Gates, James Schwartz
Nays: None
Abstain: None
Motion Carried

C. 112 N. EAGLE (FORMER DREAMERS BLDG.) OPRA DISTRICT CREATION

Council Member Caron requested to abstain because the owner of the building associated with the OPRA request was his employer. He further stated he has no ownership in the property. There was no opposition or concern from council, and Mayor Schwartz stated that, due to no conflict found by council, that voting could continue.

Mayor Schwartz opened the public hearing at 7:38 p.m.

Barry Wayne Adams of 622 W Green Street stated that the council was utilizing martial law by assigning an OPRA district license to the property, and spoke about an individual's right to their property and by assigning licenses and zoning that the City is directly assaulting that right.

Maggie Emmerson-Rich of 616 Union Street shared her disappointment in the discouragement of members abstaining to vote due to their perceived conflict of interest and stated that in the conflict of interest clause for the city there is mention of referential gain, which she believes applies in this instance.

The public hearing closed at 7:42 p.m.

Gates stated that the purpose of an OPRA is to encourage the redevelopment of historic buildings and that it is a positive forward-thinking tool to save and revitalize downtowns. Wolfersberger stated that an OPRA does not abate taxes and that taxes are still paid yearly. He stated that the increase in taxes would be delayed over the span of time allotted.
Mayor Schwartz agrees with the statements made by council and encourages the revitalization of decaying buildings in the downtown area.

Moved Wolfersberger, supported Underhill to approve Resolution 2023-18, A Resolution To Establish An Obsolete Property Rehabilitation District for 112 N. Eagle Street under PA 146 of 2000 and authorize the City Manager and City Clerk to sign the necessary documents. On a roll call vote:

Ayes:Joe Caron, Theresa Chaney-Huggett, Jacob Gates, James Schwartz, Ryan Traver, Ryan Underhill, Scott Wolfersberger
Nays: None
Abstain: None
Motion Carried.

RESOLUTION 2023-18
RESOLUTION TO ESTABLISH AN OBSOLETE PROPERTY REHABILITATION DISTRICT FOR 112 N. EAGLE STREET

Minutes of a regular meeting of the Council of the City of Marshall, held on July 17, 2023 at Calhoun County Building in Marshall, MI at 7:00 PM.

PRESENT:

ABSENT:

The following preamble and resolution were offered by __________________, and supported by ____________________.

WHEREAS, pursuant to PA 146 of 2000, the City of Marshall has the authority to establish "Obsolete Property Rehabilitation Districts" within the City of Marshall; and

WHEREAS, Sue Damron has filed a written request with the clerk of the City of Marshall requesting the establishment of the Obsolete Property Rehabilitation District for an area in the vicinity of 112 North Eagle Street located in the City of Marshall hereinafter described; and

WHEREAS, the City Council of the City of Marshall determined that the district meets the requirements set forth in section 3(1) of PA 146 of 2000; and

WHEREAS, written notice has been given by mail to all owners of real property located within the proposed district and to the public by newspaper advertisement in the Marshall Advisor and/or by public posting of the hearing on the establishment of the proposed district; and

WHEREAS, on July 17, 2023 a public hearing was held and all residents and taxpayers of the City of Marshall were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Marshall to establish the Obsolete Property Rehabilitation District as proposed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL that the following described parcel(s) of land situated in the City of Marshall, Calhoun County, and State of Michigan, to wit:

MARSHALL CITY, LOWER VILLAGE S 1/2 OF LOTS 1 & 2 BLK 13
be and here is established as an Obsolete Property Rehabilitation District pursuant to the provisions of PA 146 of 2000 to be known as 112 N Eagle Street Obsolete Property Rehabilitation District No. 1.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of the City of Marshall, County of Calhoun, Michigan at a regular meeting held on July 17, 2023.

____
Michelle Eubank
Clerk

11) OLD BUSINESS

12) REPORTS AND RECOMMENDATIONS

A. DREAMERS BUILDING OPRA SET PUBLIC HEARING

Gates stated that OPRA licenses encourage redevelopment of historic buildings, as well as promote forward thinking, and gives owners tools to help save downtown buildings.

Wolfersberger reiterated that taxes are not ceased with an OPRA and that they are still being paid. He stated that OPRA creates an incentive for owners by not increasing the taxes for the determined amount of time to reflect the redevelopment taking place now.

Schwartz agreed with the previous statements by Wolfersberger and Gates and encourages revitalization.

Moved Gates, supported Chaney-Huggett to set a public hearing for August 7, 2023 to consider approval of an OPRA exemption for the proposed Dreamers building renovation. On a voice vote:
Motion Carried

B. VALLEY VIEW DEVELOPMENT AGREEMENT- NORTHEAST NIA

Wolfersberger spoke in favor of the cull de sac development, citing light construction in the surrounding area with benefits to the community.

Schwartz spoke in favor of the increase in housing and how it is alleviating the previous concern in the community.

Moved Caron, supported Underhill to approve the proposed agreement with Allen Edwin for the Valley View Development Phase 1. On a voice vote: **Motion carried**

C. OPRA POLICY

Caron spoke on the importance of consistent guidelines for issuing OPRA licenses in the future and stated the positive outcome moving forward.

Moved Gates, supported Wolfersberger to approve the OPRA policy as presented. On a voice vote: **Motion carried**

D. CITY HALL SERVER REPLACEMENT

This item was removed from the agenda with a motion under item 5.

E. PUBLIC SPACES COMMUNITY PLACES GRANT APPLICATION

Schwartz questioned if the only funding being generated to meet the matching requirement was coming from public donations and not general funds. Staff confirmed only public donations will be utilized to meet the grant match amount.

Moved Chaney-Huggett, supported Underhill to authorize city staff to submit a grant application to the Public Spaces Community Places grant program for a $50,000 grant that would be matched by $50,000 in local donations. On a voice vote: **Motion carried**

F. MOTOR POOL EQUIPMENT PURCHASES

Schwartz spoke on the status of the motor pool fund and questioned if future allocation changes will be made to improve the balance into that fund. Manager Perry confirmed that future budget changes are being explored in relation to that fund. Traver stated for the record that the vehicles looking to be replaced are 4 out of the 75 rolling equipment that are currently used by the City to maintain its services to the community.

Moved Wolfersberger, supported Caron to

- Approve the replacement of the DPW street sweeper (unit 414) at the cost of $227,715 to be funded from the major street fund in the amount $124,500 and the local street fund in the amount of $83,000.

- Approve the replacement of the Electric Department trencher/excavator (unit 832) at the cost of $66,054 to be funded from the Electric fund.
- Approve the replacement of the Electric Department truck (unit 113) at the cost of $51,436 to be funded from the Motor Pool fund.
- Approve the placement of a build order for the Public Works Department bucket truck (unit 307) and the Electric Department bucket truck (unit 324) to be funded in future FY budget anticipated at FY 25 or 26.

On a roll call vote:

Ayes: Theresa Chaney-Huggett, Jacob Gates, James Schwartz, Ryan Traver, Ryan Underhill, Scott Wolfersberger, Joe Caron
Nays: None
Abstain: None
Motion Carried.

G. COUNTY SPONSORED EARLY VOTING CENTER

Wolfersberger questioned if there are suspected locations for the combined voting center with Calhoun County and if by signing the letter of interest, the City is locked in for that voting option.
Manager Perry clarified that this is solely a letter of interest at this time to help the county gauge the interest of each local municipality in participation.
Schwartz shared his interest, depending on the convenience for the city voters and stated that he would like to see this brought back to council once new information is available on proposed locations.

Moved Caron, supported Underhill to authorize the City Manager and City Clerk to sign the letter of intent to partner with the Calhoun County Clerk for Early Voting. On a voice vote: **Motion Carried**

H. FIBERNET STATIC IP ADDRESS FEE

Wolfersberger commented on what the IP address does for the consumer.
Moved Wolfersberger, supported Gates to approve the modification to the FiberNet rate schedule to include a $10 static IP monthly rate. On a voice vote: **Motion carried.**

I. MARSHALL HOUSE PILOT ORDINANCE INTRODUCTION AND SET PUBLIC HEARING

Moved Theresa Chaney-Hugget, supported Joe Caron to introduce Ordinance 2023-10, An Ordinance to provide for a service charge in lieu of taxes for a multiple family dwelling project for low income persons and families to be financed with a federally-aided mortgage loan pursuant to the provisions of the state housing development authority act of 1966 (1966 pa 346, as amended; mcl 125.1401, et seq) (the "act") and set a Public Hearing for August 7, 2023. On a voice vote: **Motion Carried**

13) APPOINTMENTS / ELECTIONS

A. BOARD OF REVIEW APPOINTMENT

Moved Joe Caron, supported Scott Wolfersberger to approve the appointment of Carol Paul to the Board of Review with a term ending on January 1, 2024. 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 two (2) 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 should be addressed during the PUBLIC COMMENT-AGENDA ITEMS (Item 6) portion of the meeting agenda.

Barry Wayne Adams of 622 W Green Street spoke about his concern over Cliff Hill Law Firm being employed by the City as a consultant and it being the same firm that employed the printing company who produced the mailers that discouraged the Not-the-megasite movement. He proposed his theory that the City is the one who asked for the printing and distribution of the mailers.

Maggie Emmerson-Rich of 616 Union Street shared her frustration with the lack of recording of the meetings and it not being available to the public. She voiced her frustration that funds were distributed for truck replacement but no money was being given to record meetings. She stated that recordings of meetings used to be available to the public. She further voiced concern and frustration over the fountain's crosswalks condition and the need for painting and pleaded for action on the crosswalks for community safety.

Leigh Rockwell of Ceresco voiced concern and fear about allegations that City paid for threatening mailers. She voiced her concern about the verbiage on the published material, stating a "small minority" is against Megasite development and stated that a vote should occur as a "small minority" will not pass a vote to cease development. She stated that petitioners do not feel heard or respected after the denial of the referendum.

Rick Sadler of Marshall Township stated that the concern about downtown building conditions by the council and its members is hypocritical after approving the Megasite where homes are being torn down.

Connie Riever of Marengo Township stated that she finds the actions of the City repulsive in determining signatures not from Marshall residents, and stated that the council is actively demolishing democracy. She stated that the City has caused, and will continue to cause, destruction in the community through corporate welfare. She further stated that council members are disgusting and despicable in the choices that they make and questions how they live with themselves.

15) COUNCIL AND MANAGER COMMUNICATIONS

Member Underhill spoke on a Methodist Church event.

Member Chaney-Huggett gave a summary of the airport board meeting, stating that a new sign is coming, a fly in breakfast is scheduled from 8am to noon on August 12th, and the annual inspection was completed with no issues found. Chaney-Huggett also reported on library meetings and stated that the turnout was positive and the community raved on items that have been completed. There was good community discussion.

Member Wolfersberger gave a summary of the Planning Commission meeting that took place previously, which included the site plan for new construction for Marshall Tire.

Member Gates reiterated that the crosswalks around the fountain are under MDOT jurisdiction and, although they agree, they can only request the changes.

Manager Perry spoke about the MDOT signage for the crosswalks at the fountain and the lengthy timeline from request by the City to the installation by MDOT. Perry provided that the crosswalks were repainted at the time of signage being placed but faded quickly and that an alternative is being explored to encourage a better turn out of long term painting. Perry also provided an update on the Committee for Marshall- not the megasite v. City of Marshall court case stating the opinion of the court was issued and can be found on the website.

Mayor Schwartz spoke about the mailers and the accusation of City funds being utilized to create and distribute the propaganda. He also asked for comment by Manager Perry and Attorney Revore. Both stated that no money to their knowledge or approval was distributed to support any mailers or signage against the committee for Marshall-Not The Megasite.

16) ADJOURNMENT

The meeting was adjourned at 8:27 p.m.

Respectfully submitted by,

Jennifer Pickford
Deputy Clerk