PLANNING COMMISSION MINUTES

July 12, 2023

Regular Meeting - 7:00 PM

1) CALL TO ORDER

IN A REGULAR SESSIONS held on Wednesday, July 12, 2023 at 7:00 PM in the Council Chambers of Town Hall, 323 West Michigan Ave, Marshall, MI 49068, the Marshall Planning Commission was called to order by Chair Banfield.

2) ROLL CALL

Roll was called: by J. Pickford

Present: T. Banfield, T. Fitzgerald, L. McNiff, K. Reed, J. Zuck, S. Hall (Late; arrival 7:06pm)

Also Present: Council Liason Wolfersberger, Manager Perry, Deputy Treasurer Pickford

Absent: J. Burke-Smtih, C. Longyear, C. Zuzga,

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

Moved Zuck , supported McNiff to approve the agenda as presented. On a voice vote: **Motion carried**

4) APPROVAL OF MINUTES

Moved McNiff, supported Reed to approve the minutes with stipulations to add Member Reed as absent at previous meeting held on June 14th . On a roll call vote:

Ayes: J. Zuck,T. Banfield, T. Fitzgerald, L. McNiff, K. Reed
Nays: None
Abstain: None

Motion carried

A. Minutes of June 14, 2023 Meeting

5) PUBLIC COMMENT ON AGENDA ITEMS Persons addressing the board 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 of the meeting agenda. Non-Agenda items should be addressed during the PUBLIC COMMENT-NON-AGENDA ITEMS portion of the meeting agenda.

Barry Wayne Adams of 622 W Green St- Mr. Adams questioned how public can comment on agenda items when he has seen no agenda published. He questioned if the authority of the board was constitutional. Mr. Adams expressed concern that municipals process of governing land is the use of military authority and that it is outside government authority to tell land owners how to use their property. Mr Adams stated that the practice of the government zoning land is discriminatory, and that the public financed for the BOBPM.

6) PUBLIC HEARINGS & SUBSEQUENT BOARD ACTION

7) OLD BUSINESS

8) REPORTS AND RECOMMENDATIONS/NEW BUSINESS

A. SP#23.05- MARSHALL TIRE- 1111 ARMS STREET

Nick Collier of Olivet was introduced as the owner of Marshall Tire. Nick spoke on their 2004 establishment, 3 current locations, and requested approval to open new proposed location.
Tyler from Mitten State Engineering was introduced as the Professional Engineer on the project.

Chair Banfield noted that the Fire Department changes of letters on the buildings and North Orientation of plans are not reflected in the plans provided to the Board. Chair Banfield also questioned the storage of tires and necessary screening if applicable. Chair Banfield noted that 6ft fence screening is also not reflected on current plan provided and will be a contingency to issuing permit. Lastly, Banfield noted that the 30" shrubs for headlight pollution that were mentioned would not be suitable for screening as the proposed shrubbery is deciduous and would only provide screening for 4 months of the year. Member Zuck clarified that the screening of the dumpster would also be a condition that would be added for permit issuance.

Moved L. McNiff, supported T. Fitzgerald to Approve SP#23.05 with the following conditions: Screening to East of property, show existing trees on landscaping plans, screening for dumpster in SE corner, and stormwater approval from Public Services is required prior to a building permit being issued.. On a voice vote: **Motion carried**

9) PUBLIC COMMENT ON NON-AGENDA ITEMS

Persons addressing the board 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 of the meeting agenda. Agenda items should be addressed during the PUBLIC COMMENT-AGENDA ITEMS portion of the meeting agenda.

Barry Wayne Adams of 622 W Green Street spoke on the unravelling of the Megasite in court and that the court denied intervention of MAEDA and other organizations stating they had no right at the current time. Mr. Adams stated that the property owner cannot participate in the zoning of properties and that the City has to follow the law. He spoke on the only defense is the balance between the interest of money versus consitutional rights of the citizens. Mr. Adams spoke on the disease of authoritative government in the City Council and gave details on public's time to talk at each meeting and that limiting that time is against constitutional rights. Mr. Adams concluded by declaring a future lawsuit for limiting time to talk at meetings he advised the board not to limit time at Planning Commission meetings or they would also be named in the lawsuit.

Autumn Smith of Battle Creek spoke on a variation of the quote made famous by Winston Churchill. She stated that Ford once did business with Nazi's and that should be a large area of concern to the community. She expressed her trust in facts and law not statements made by those overseeing the development of BOBPM. Ms. Smith spoke on the concern that the Megasite has ties to the CCP despite the assurances by the City. Ms. Smith voiced upset over City of Battle Creek supplying back up water to the BOBPM. Lastly, Ms. Smith expressed frustration of disregard of the constitution and oath of office by City employees and pleads with board and community to do research of CCP and affiliates and how it ties into BOBPM.

10) BOARD REPORTS

11) ADJOURNMENT

The meeting was adjourned at 7:34pm

Respectfully submitted by,

Jennifer Pickford
Deputy Clerk