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## CITY COUNCIL MINUTES

August 21, 2023  
Regular Meeting - 7:00 PM

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### 1) CALL TO ORDER

IN A REGULAR SESSION held on Monday, August 21, 2023 at 7:00 PM in the Council Chambers of City Hall, 323 West Michigan Ave, 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

Also Present: Manager Perry and Clerk Eubank

Absent: Scott Wolfersberger

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

### 3) INVOCATION

Brandon Crawford of Grace Baptist Church led the 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** Joe Caron, supported Ryan Traver 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 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 objected to the consent agenda as the minutes were overly reductive. He further stated that the first amendment does not allow for restriction of topic or time and that it was a violation of rights to attempt to do so.

### 7) CONSENT AGENDA

**Moved** Joe Caron, supported Ryan Traver to approve the consent agenda as presented. On a roll call vote:

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

Nays: None

Abstain: None

**Motion carried.**

#### A. City Council Minutes

Regular Session - August 7, 2023

|           |                          |                       |
|-----------|--------------------------|-----------------------|
| <b>B.</b> | <b><u>City Bills</u></b> |                       |
|           | Purchases- 8/4/2023      | \$138,480.62          |
|           | Purchases- 8/11/2023     | \$267,367.51          |
|           | July Power Invoice       | \$875,208.92          |
|           | <b>Total</b>             | <b>\$1,281,057.05</b> |

## 8) PRESENTATIONS AND RECOGNITIONS

### A. POLICE DEPARTMENT ACCREDITATION – MLEAC

Chief Lankerd gave background. Bob Stevenson, Executive Director of the Michigan Association of Chiefs of Police, stated that accreditation is difficult to earn and that currently out of 600 agencies in the state, Marshall is the 61st to receive accreditation. Ron Whiles, Deputy director of the Michigan Association of Chiefs of Police, stated that there were over 800 tasks that needed to be checked and proven compliance to receive accreditation and that now the work begins to keep their promise and work towards reaccreditation in 3 years. Chief Lankerd thanked the council and his staff for their efforts toward accreditation and continued commitment to the Marshall Police.

## 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 - PUBLIC HEARING & ENACTMENT 440 WEST HUGHES, PARCEL ID 16-260-003-01

Manager Perry stated that both the current and future land owners were requesting transfer to the city for the use of city services for the purposes of a residential development.

Mayor Schwartz opened the public hearing on Resolution 2023-22, A Resolution Authorizing Execution of Contract for Conditional Transfer of Property under PA 425 of 1984 for property located at 440 W. Hughes Street (parcel ID 16-260-003-01) at 7:20 p.m.

Barry Wayne Adams of 622 W Green St stated that PA425 agreements were a way to get around eminent domain and that the whole process is evil. He further stated that the contracts are void as they serve a corporate interest.

Mayor Schwartz closed the public hearing on Resolution 2023-22, A Resolution Authorizing Execution of Contract for Conditional Transfer of Property under PA 425 of 1984 for property located at 440 W. Hughes Street (parcel ID 16-260-003-01) at 7:24 p.m.

Mayor Schwartz stated that there was no use or threat of eminent domain on the properties and that it was a request from the property owners. Perry confirmed this.

**Moved** Joe Caron, supported Jacob Gates to approve Resolution 2023-22, A Resolution Authorizing Execution of Contract for Conditional Transfer of Property under PA 425 of 1984 for property located at 440 W. Hughes Street (parcel ID 16-260-003-01) and authorize the City Manager and City Clerk to sign the necessary documents. On a roll call vote:

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

Nays: None

Abstain: None

**Motion carried.**

## **11) OLD BUSINESS**

## **12) REPORTS AND RECOMMENDATIONS**

### **A. HUGHES STREET REZONING - SET PUBLIC HEARING**

**Moved** Jacob Gates, supported Joe Caron to set a public hearing for September 18, 2023 at 7:00 PM to consider the rezoning of the following parcels to Multi Family Residential (MFRD): 53-002-562-00, 16-260-003-01, 16-260-006-00, and 16-350-006-00. On a voice vote: **Motion carried.**

### **B. CITY HALL AND POLICE DEPARTMENT SERVER REPLACEMENTS**

**Moved** Joe Caron, supported Theresa Chaney-Huggett to accept the bids from VC3 for the replacement of both servers in the amount of \$68,171 and amend the current budget by adding \$24,000 to line item 636-5723-728.00. On a roll call vote:

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

Nays: None

Abstain: None

**Motion carried.**

### **C. WATER, WASTEWATER, AND FIBERNET UTILITY RATE STUDY**

Council questioned the timing of when the information would be returned and the considerable difference in quotes. Davenport stated that the proposal stated that increases take effect in January so the timing would work with that and that the company was questioned about the price difference and stated that they have someone working locally and that they would honor their pricing. She further stated that the company is a reputable company for rate studies and that Stantec has worked with them in the past.

**Moved** Joe Caron, supported Ryan Underhill to accept the Utility Rate Study proposal from Raftelis in the amount of \$24,216 with a contingency of \$2,784 for a total funded amount of \$27,000 and authorize the City Manager and City Clerk to sign the necessary documents and approve a budget amendment for Water and Wastewater Funds in the amount of \$9,000 each from fund balance to the Professional Services line in the FY 2024 budget to fund the project. On a roll call vote:

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

Nays: None  
Abstain: None  
**Motion carried.**

### **13) APPOINTMENTS / ELECTIONS**

#### **A. CONSTRUCTION BOARD OF APPEALS APPOINTMENTS**

**Moved** Joe Caron, supported Ryan Traver to approve the appointment of Scott Puckett and Rick Bolek to the Construction Board of Appeals with a term ending on January 1, 2024 and reappoint Joe Booton and Marcia Strange with a term ending on January 1, 2025. 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 St spoke on conflict of interests and the referendum lawsuit.

### **15) COUNCIL AND MANAGER COMMUNICATIONS**

Underhill stated that he visited the Farmer's Market at their temporary location in the parking lot of the County Building and that it was a nice setup.

Schwartz stated that the county fair the previous week went well and that many area businesses supported it.

### **16) ADJOURNMENT**

The meeting was adjourned at 7:40 p.m.

Respectfully submitted by,

Michelle Eubank  
City Clerk