

CITY COUNCIL AGENDA

Regular Meeting

October 2, 2023 at 7:00 PM



- 1) **CALL TO ORDER**
- 2) **ROLL CALL**
- 3) **INVOCATION**
- 4) **PLEDGE OF ALLEGIANCE**
- 5) **APPROVAL OF AGENDA** - Items can be added or deleted from the Agenda by City Council action.
- 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.
- 7) **CONSENT AGENDA**
 - A. **City Council Minutes**
Regular Session - September 18, 2023
 - B. **City Bills**

Purchases- 9/15/2023	\$1,449,757.23
Purchases- 9/22/2023	\$4,484,581.82
Purchases- 9/27/2023	\$84,958.93
Purchases-10/3/2023	\$194,338.60
Total	\$6,213,636.58
- 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. **CREATION OF INDUSTRIAL DEVELOPMENT DISTRICT FOR FORD BOBP**
- 11) **OLD BUSINESS**
 - A. **RZ#23.02 and 23.04 HUGHES STREET REZONING**
- 12) **REPORTS AND RECOMMENDATIONS**
 - A. **EL TAJIN MLCC SOCIAL DISTRICT PERMIT REQUEST**
 - B. **CONSUMERS ENERGY FOUNDATION GRANT REQUEST FOR EATON PARK**
- 13) **APPOINTMENTS / ELECTIONS**

MAYOR: Jim Schwartz CITY MANAGER: Derek N. Perry

Joe Caron, Theresa Chaney-Huggett, Jacob Gates,
Ryan Traver, Ryan Underhill, Scott Wolfersberger
, 323 W Michigan Ave, Marshall, Michigan 49068

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.

15) COUNCIL AND MANAGER COMMUNICATIONS

16) ADJOURNMENT

CITY COUNCIL MINUTES

September 18, 2023
Regular Meeting - 7:00 PM

1) CALL TO ORDER

IN A REGULAR SESSION held on Monday, September 18, 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 (arrived at 7:02), Ryan Underhill, Scott Wolfersberger

Also Present: Manager Perry and Clerk Eubank

Absent: None

Moved Jacob Gates, supported Joe Caron to excuse Member Traver. On a voice vote: **Motion carried.**

3) INVOCATION Fr. Craig Lusk- St. Mary's Church

4) PLEDGE OF ALLEGIANCE

Mayor Schwartz led the Pledge of Allegiance.

Ryan Traver arrived.

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

Moved Joe Caron, supported Scott Wolfersberger to approve the agenda as presented. On a voice vote: **Motion carried.**

6) PUBLIC COMMENT ON AGENDA ITEMS Persons addressing City Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of 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.

Jennifer Diepenhorst of 1236 W Hughes spoke of her concerns about the rezoning, citing the future land use map, lack of traffic study results, the multiple owners of the road and the current road condition.

Barry Wayne Adams of 622 W Green St spoke in opposition to zoning, citing that it is in spite of the will of the people, the increase in traffic, pollution, and accidents, and that rezoning is an unconstitutional use of military authority.

7) CONSENT AGENDA

Moved Scott Wolfersberger, supported Joe Caron to approve the consent agenda as presented. On a roll call vote:

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

Nays: None
Abstain: None
Motion carried.

A. City Council Minutes
Regular Session - August 21, 2023

B. <u>City Bills</u>	
Purchases- 8/18/2023	\$73,819.90
Purchases- 8/21/2023	\$1,124,833.71
Purchases- 8/25/2023	\$709,432.88
Purchases- 8/28/2023	\$420.00
Purchases- 9/1/2023	\$521,302.72
Purchases- 9/7/2023	\$88,532.80
Purchases- 9/8/2023	\$140,190.14
Purchases- 9/19/2023	\$92,926.58
August Power Invoice	\$911,362.28
Total	\$3,662,821.01

8) PRESENTATIONS AND RECOGNITIONS

A. PROCLAMATION OF PUBLIC POWER WEEK

Mayor Schwartz declared October 1-7, 2023 as Public Power Week in the City of Marshall.

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. RZ#23.02 and 23.04 HUGHES STREET REZONING

Director Zuzga gave background, stating that both the JPC and PC recommended their portions of the rezoning, and that the results of a traffic study will be coming shortly and will be made public before the site plan is presented. Joe Ellias of Grand City Capital stated that they wanted to bring in a diverse set of housing, while being a good neighbor and welcoming new people to the city. Ellias requested the vote be tabled for another meeting to allow for further due diligence.

Mayor Schwartz opened the public hearing on RZ#23.02 and 23.04 at 7:22 PM.

Jennifer Diepenhorst of 1236 W Hughes stated concerns over the increase in population and what it would mean for our police and fire departments, and the property values of neighboring properties. She further stated that she is not opposed to the development but that there is a large difference between an R1 district and MFRD with no buffer.

Barry Wayne Adams of 622 W Green St stated that the degradation of communities comes from too many people in too small of a space, which increases behavioral issues.

Mayor Schwartz closed the public hearing on RZ#23.02 and 23.04 at 7:29 PM.

Moved Scott Wolfersberger, supported Joe Caron to table the discussion on item 10A until the October 2 meeting. On a roll call vote:

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

Nays: None

Abstain: None

Motion carried.

11) OLD BUSINESS

12) REPORTS AND RECOMMENDATIONS

A. PA 198 POLICY

Council questioned if this was similar to the OPRA policy. Director Zuzga stated that it was, and that in this policy retention is key. Council further questioned if, once the guidelines were in place, if additional criteria could be considered in their decisions. Perry stated that there is room for discretion in the policy.

Moved Joe Caron, supported Jacob Gates to approve the PA 198 policy as presented. On a voice vote: **Motion carried.**

B. INDUSTRIAL DEVELOPMENT DISTRICT ESTABLISHMENT REQUEST

Moved Scott Wolfersberger, supported Ryan Underhill to set a public hearing for October 2, 2023 to consider the establishment of an Industrial Development District for the Ford BlueOval Battery Park. On a voice vote: **Motion carried.**

C. EARLY VOTING

Moved Joe Caron, supported Scott Wolfersberger to authorize the City Clerk and City Manager to notify the Calhoun County Clerk of the City of Marshall's intention to enter into a County Agreement for early voting. On a voice vote: **Motion carried.**

D. TRANSPORTATION AUTHORITY OF CALHOUN COUNTY

Council raised concerns about the timeline, the current transportation budget, and the type of transit. Perry stated that the timeline will be set once it is determined who all will be participating and the type of transit will most likely be small buses and vans.

Moved Jacob Gates, supported Ryan Underhill to direct the City Manager to continue to support and work to implement the TACC in the City of Marshall. On a voice vote: **Motion carried.**

13) APPOINTMENTS / ELECTIONS

A. CONSTRUCTION BOARD OF APPEALS APPOINTMENTS

Moved Joe Caron, supported Ryan Traver to approve the reappointment of Eric Dale with a term ending on January 1, 2025. On a voice vote: **Motion carried.**

14) PUBLIC COMMENT ON NON-AGENDA ITEMS

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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.

Connie Wireman of Marshall Twp spoke about her concerns with the construction on Green St and recent car fires in Battle Creek. Member Caron stated that he would speak with her regarding the Green St project after the meeting.

Barry Wayne Adams of 622 W Green St stated that Judge Marietti's decision was deeply flawed. He further spoke on a recent Detroit Free Press article concerning dark money and Governor Whitmer, and stated that things are beginning to unravel.

15) COUNCIL AND MANAGER COMMUNICATIONS

Wolfersberger stated that the Planning Commission recently met to consider the rezoning.

Gates stated that the Farmer's Market is doing well in their temporary location.

Schwartz stated his concern with items blocking the Veteran's Memorial during a recent event.

16) ADJOURNMENT

The meeting was adjourned at 8:07 PM.

Respectfully submitted by,

Michelle Eubank
City Clerk

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 09/15/2023 - 09/15/2023
JOURNALIZED
PAID

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
93210	ALL-TRONICS, INC.	FIBER CHASSIS REPLACEMENT & LABOR TO INS		1,054.55
93234	ALL-TRONICS, INC.	SEMI-ANNUAL MONITORING SERVICE 10/1/23 -		120.00
93235	ALL-TRONICS, INC.	QUARTERLY FIRE ALARM MONITORING 10/1/23		81.00
93236	ALL-TRONICS, INC.	QUARTERLY FIRE ALARM MONITORING 10/1/23		81.00
1Q4H-7LCM-GY7Q	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 CLIPS		74.75
1RPY-T4CC-LYCW	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 SECURITY BITS		9.99
SI454561	AMERICAN REGISTRY INTE	ID# CM-1544 ANNUAL FEE FOR REGISTRATION		1,000.00
34743706	APPLIED CAPITAL, LLC	CONTRACT NO. 132-1753516-000 MRLEC COPIE		117.52
2199573	APPLIED INNOVATION	ACCT NO. LAG783 MARSHALL HOUSE PRINTER C		397.15
269781843109-2023	AT&T	ACCT NO. 269 781-8431 746 9 AIRPORT SEPT		338.72
269781949209-2023	AT&T	ACCT NO. 269 781-9492 594 7 MARSHALL HOU		327.85
269789901109-2023	AT&T	ACCT NO. 269 789-9011 599 1 MRLEC SEPT 2		299.08
22131025.00 - 3	BARR ENGINEERING CO.	MARSHALL DAM 2023 STID UPDATES - SERVICE		2,000.00
0361153-IN	BEAVER RESEARCH COMPAN	WASTE WATER MAINTENANCE SUPPLIES		837.96
09/12/2023	BERGMOOSER, ALEX	UB refund for account: 300900048		26.01
09/12/2023	BLONDE, ELLI	UB refund for account: 100450006		68.57
85063697	BOUND TREE MEDICAL, LL	PEDIATRIC DEFIBRILLATION ELECTRODE PADS		623.96
09112023	BRUGGEMAN, JOHN	PROPERTY TAX REFUND - DUPLICATE PAYMENT		4,959.87
09112023	CALHOUN COUNTY CLERK	FILING FEE FOR MEC FINALIZATION RESOLUTI		30.00
09112023	CALHOUN COUNTY TREASUR	2023 SUMMER DIST AD VALOREM #2 8/16/23 -		562,736.22
09112023	CALHOUN INTERMEDIATE S	2023 SUMMER DIST AD VALOREM #2 8/16/23 -		152,475.24
09292023	CITY OF MARSHALL	ST. MARY'S UB AUGUST 2023 FOR ELECTIONS		237.10
09112023	CORELOGIC CENTRALIZED	PROPERTY TAX REFUND - OVERPAY/DUPLICATE		16,620.09
09/14/2023	CUMMINS, ANDREW	UB refund for account: 3004620023		45.52
177196	D & D MAINTENANCE SUPP	JANITORIAL SERVICE AT MRLEC AUG 2023 (QT		2,000.00
09/12/2023	DARK, CYNTHIA	UB refund for account: 801680005		283.05
09242023	DEAN TRAILWAYS OF MICH	56 SEAT MOTORCOACH FOR MACKINAC TRIP SEP2024.071		3,950.00
09/12/2023	DENNIS, SANDRA & DAVID	UB refund for account: 2706860018		70.55
09/12/2023	DEWANDELER, COLETTE &	UB refund for account: 3202620015		64.75
37057	ED'S AUTO & TRAILER	6' X 12' UTILITY TRAILER VIN #503UT1213P		1,933.00
23-1826	ELECTION SOURCE	ELECTION SUPPLIES & VOTING EQUIPMENT		900.00
09/14/2023	ELIZABETH MORRISON	UB refund for account: 1358		50.00
S0017730	EMERGENCY VEHICLE PRO	ENGINE 12 PREVENTATIVE MAINTENANCE	2024.028	1,552.99
S0017750	EMERGENCY VEHICLE PRO	ENGINE 12 NEW FRONT BRAKE PADS, ROTORS,	2024.028	3,675.22
S0017751	EMERGENCY VEHICLE PRO	ENGINE 12 REPLACED Q SIREN CLUTCH ASSY,	2024.028	600.50
I126080	ERIC DALE HEATING & AI	SERVICE CALL FOR POWER HOUSE AC UNIT 8/2		830.00
S103731136.013	ETNA SUPPLY	SENSUS ANNUAL HOSTING FEES - YEAR 3	2024.076	22,715.00
S113358424.001	GALLOUP COMPANY	PIPE FITTINGS		33.71
25987924	GRANGER WASTE SERVICES	ACCT NO. 2782490 COMMERCIAL/WASTE SEPT 2		1,131.98
25979588	GRANGER WASTE SERVICES	ACCT NO. 18400290 RESIDENTIAL SEPT 2023		31,697.08
25988430	GRANGER WASTE SERVICES	ACCT NO. 2890780 875 E. MICHIGAN AVE SEP		237.50
25950991	GRANGER WASTE SERVICES	ACCT NO. 18422860 CITY BUILDINGS/RECYCLI		114.08
2389048	GRIFFIN PEST SOLUTIONS	PEST SERVICES AT PSB 8/22/23		51.00
22875114	GUARDIAN ALARM COMPANY	CUSTOMER NO. 10020391 MRLEC ALARM SERVIC		148.00
25318	GUTTERS R US, LLC	MRLEC LAWN MAINTENANCE & LANDSCAPING 8/9		65.00
25317	GUTTERS R US, LLC	LAWN PEST APPLICATION AT MARSHALL HOUSE		235.00
898665	GWIN, DARWIN	MOWING & TRASH AT BROOKS NATURE JULY 202		360.00
18193798	HERITAGE-CRYSTAL CLEAN	ACCT NO. 350790 ANTIFREEZE		264.24
37192	HUNTER-PRELL COMPANY	EMERGENCY SEWER REPAIR ON MICHIGAN AVENU	2024.041	46,700.00
1106A	IMPACT LAWN & LANDSCAP	2023 LAWN MOWING - APRIL (APPROX) TO JUN 2023.216		1,915.00
1113	IMPACT LAWN & LANDSCAP	2023 LAWN MOWING - APRIL (APPROX) TO JUN 2023.216		375.00
1119A	IMPACT LAWN & LANDSCAP	2023 LAWN MOWING - APRIL (APPROX) TO JUN 2023.216		500.00
1120	IMPACT LAWN & LANDSCAP	2023 LAWN MOWING - APRIL (APPROX) TO JUN 2023.216		550.00
1131	IMPACT LAWN & LANDSCAP	2023 LAWN MOWING - APRIL (APPROX) TO JUN 2023.216		360.00
1134	IMPACT LAWN & LANDSCAP	2023 LAWN MOWING - APRIL (APPROX) TO JUN 2023.216		2,160.00
MI2023-0025B	J. R. UNDERGROUND, LLC	DIRECTIONAL BORING FOR GREEN STREET ACTI	2023.257	3,055.00
MI2023-0025A	J. R. UNDERGROUND, LLC	DIRECTIONAL BORING FOR GREEN STREET ACTI	2023.257	1,750.00
09/12/2023	JELINEK, NANCY	UB refund for account: 2708030001		41.77
09112023	KELLOGG COMMUNITY COLL	2023 SUMMER DIST AD VALOREM #2 8/16/23 -		89,379.88
000014430	KELLOGGS REPAIR	BOLTS, BUSHINGS		13.15
000014489	KELLOGGS REPAIR	GATOR BLADES		94.50
09/12/2023	KEMP, SYDNEY	UB refund for account: 2600060009		10.86
08/17/2023	KIDDER, JUDITH	UB refund for account: 600320001		526.79
09/12/2023	KLON, CRYSTAL	UB refund for account: 3004640037		60.05
37820488	LINDE GAS & EQUIPMENT,	CUST NO. 59879658 INDUSTRIAL ACETYLENE		142.29
09022023	LOWES BUSINESS ACCOUNT	ACCT NO. 821 3023 902596 5 WELL POINT (P		1,491.26
09122023	MARSHALL COMMUNITY CRE	PROPERTY TAX REFUND - OVERPAYMENT #53-02		375.86
09112023	MARSHALL DISTRICT LIBR	2023 SUMMER DIST AD VALOREM #2 8/16/23 -		81,676.59
002680	MARSHALL HARDWARE, LLC	ROPE, ROPE CLIP, EYE BOLT		31.58
002674	MARSHALL HARDWARE, LLC	CLEANING SUPPLIES, SAW BLADES, CONCRETE		214.56
002690	MARSHALL HARDWARE, LLC	CAUTION TAPE, SAW BLADES		103.43
002701	MARSHALL HARDWARE, LLC	LAWN MOWER BLADE, CARRIBEANER, RINGS		58.06
002716	MARSHALL HARDWARE, LLC	PUSH LAWNMOWER		299.99
002722	MARSHALL HARDWARE, LLC	AA BATTERIES, SEVIN DUST		30.98
09112023	MARSHALL PUBLIC SCHOOL	2023 SUMMER DIST AD VALOREM #2 8/16/23 -		356,719.97
13317118	MCMMASTER-CARR	SELF-CENTERING HOLE PLUGS (ACCT NO. 1883		29.44
14826	MDK GROUP	MRLEC SHRED SERVICES THROUGH 8/21/23		105.00
S5228723.001	MEDLER ELECTRIC COMPAN	GE LED LIGHT FIXTURES (WINSTON PARK)	2024.068	8,470.58
S5251149.001	MEDLER ELECTRIC COMPAN	FLUORESCENT LIGHTS FOR MRLEC		433.26

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APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 09/15/2023 - 09/15/2023
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Page: 2/2

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
1977	MICHIGAN FIRE INSPECTOR	NFPA CLASS 10/2/23 - GOBLE, MIKE		1,025.00
3-2023	MICHIGAN SHIGA SISTER	2022 SISTER CITY DUES		50.00
23-95217-2	MILLENNIUM	FIBER HANDHOLDS FOR GREEN STREET PROJECT		2,551.33
1890070	MILLER JOHNSON ATTORNEY	CLIENT NO. 52636 SERVICES THROUGH 7/31/2		4,703.59
09/12/2023	MORGAN, MELA	UB refund for account: 3004470049		69.54
626446	NAPA OF MARSHALL	ACCT NO. 1400 WHITE GREASE		43.05
09122023	NASH, WILL	BOOT ALLOWANCE - NASH, WILL (SAFETY GLAS		138.00
491870	NORTH CENTRAL LABORATO	LAB SUPPLIES (ACCT NO. 27850)	2024.005	1,420.79
860034	NYE UNIFORM COMPANY	MARSHALL PD - HYDE PANTS		73.20
4788-367780	O'REILLY FIRST CALL	ACCT NO. 1741510 ANTIFREEZE		41.98
56764817	POWER LINE SUPPLY	CRIMPER M18 FORCE LOGIC 15T KIT	2024.039	4,900.00
09/12/2023	RAE, CRYSTAL & LAI, RA	UB refund for account: 3004520022		32.51
70891600	ROSE PEST SOLUTIONS	CLIENT NO. 70019775 MARSHALL HOUSE SERVI		1,465.00
09/12/2023	SANFORD, SYDNEY & KURT	UB refund for account: 3005140033		35.39
09/12/2023	SELL, YALONDA	UB refund for account: 2103520015		71.36
1650727840	STAPLES BUSINESS CREDI	CREDIT ACCT NO. 302063 OFFICE SUPPLIES		537.83
1059145	STEENSMA	HYDRO FAN KIT (CUSTOMER NO. 5154)		99.74
1059376	STEENSMA	BELT V (CUSTOMER NO. 5154)		41.99
1060448	STEENSMA	AUTOCUT 27 2 HEAD (CUSTOMER NO. 5154)		104.97
1061477	STEENSMA	SPINDLE (CUSTOMER NO. 5154)		196.43
09/14/2023	SWIGER JR, PHILLIP	UB refund for account: 3003280031		50.00
0723224	THE FERGUSON GROUP - T	GRANT WRITING ASSISTANCE FOR FIXED ENERG	2023.274	9,690.00
180	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE 9/4/23 - 9/10/23	2024.007	3,762.00
09/12/2023	TRUDELL, KRISTEN	UB refund for account: 3004130016		30.05
9943428316	VERIZON WIRELESS	ACCT NO. 987146080-00001 SEPTEMBER 2023		1,981.80
09022023	WOW! INTERNET	ACCT NO. 010040764 MARSHALL HOUSE SEPT 2		1,442.03
GRAND TOTAL:				1,449,757.23

APPROVAL LIST FOR CITY OF MARSHALL
EXP CHECK RUN DATES 09/22/2023 - 09/22/2023
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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
464525	AD-VISOR & CHRONICLE	ACCT NO. 6100458 ADS 8/12, 8/19, 8/26		1,524.45
51282398	ALTEC INDUSTRIES, INC.	REPAIR TRUCK #323		446.00
1PGP-VXC1-RQVV	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 SOCCER BALLS		96.66
2302964	APPLIED INNOVATION	ACCT NO. LAG783-007 MRLEC COPIER SERVICE		68.86
2023-026792	ASPHALT SOLUTIONS PLUS	CRACK REPAIRS AT PSB - ADDITIONAL WORK	2024.057	3,983.00
W022524	AUTO GLASS SOLUTIONS	IIINSTALL NEW WINDSHIELD ON CAPRICE (M7)		400.00
640924	BOSHEARS FORD SALES, I	ACCOUNT NO. 51086 BUCKLE ASD		138.15
09142023	BURNHAM & FLOWER AGENC	MCCA 2023 & ENDORSEMENTS FOR MPAC	2024.088	8,638.00
09202023	CALHOUN COUNTY TREASUR	2023 SUMMER DIST AD VALOREM #3 9/1/23 -		1,732,675.77
09202023	CALHOUN INTERMEDIATE S	2023 SUMMER DIST AD VALOREM #3 9/1/23 -		521,931.75
01-611404	CARLETON EQUIPMENT	CUSTOMER ID: 594507 BC - KIT BLADE		514.00
09212023	CITY OF MARSHALL	REPLENISH FARMER'S MARKET PETTY CASH		250.00
1350359	CLARK HILL PLC	CLIENT NO. K9950 SERVICES THROUGH 8/31/2		25,567.10
09/21/2023	COLTER, MATTHEW	UB refund for account: 3204640022		59.24
204745715780	CONSUMERS ENERGY	ACCT NO. 1000 9033 6411 AIRPORT SEPT 202		1.40
201275130065	CONSUMERS ENERGY	ACCT NO. 1000 0916 3435 CITY HALL SEPT 2		57.59
201275130067	CONSUMERS ENERGY	ACCT NO. 1000 0916 3971 DPW SEPT 2023		74.77
201097190322	CONSUMERS ENERGY	ACCT NO. 1000 0759 4680 DPW SEPT 2023		34.45
206169443546	CONSUMERS ENERGY	ACCT NO. 1030 1580 0248 FIRE STATION SEP		87.66
201186157062	CONSUMERS ENERGY	ACCT NO. 1000 8921 1096 KP FIREPLACE SEP		59.26
206258411277	CONSUMERS ENERGY	ACCT NO. 1000 0033 5602 MARSHALL HOUSE S		369.04
201898013461	CONSUMERS ENERGY	ACCT NO. 1030 1852 1130 MRLEC SEPT 2023		1,012.40
206169447504	CONSUMERS ENERGY	ACCT NO. 1030 1852 0884 MRLEC BARN SEPT		42.70
203321870929	CONSUMERS ENERGY	ACCT NO. 1000 0916 3203 WASTE WATER SEPT		1.40
201275130066	CONSUMERS ENERGY	ACCT NO. 1000 0916 3708 WASTE WATER SEPT		1.40
204033806310	CONSUMERS ENERGY	ACCT NO. 1030 1352 1119 WASTE WATER LIFT		4.70
201720035365	CONSUMERS ENERGY	ACCT NO. 1000 7224 3312 WATER SEPT 2023		69.13
621959	DARLING ACE HARDWARE	VINYL TUBING		6.32
623317	DARLING ACE HARDWARE	RECIPROCATING BLADE SET		34.99
619631	DARLING ACE HARDWARE	TORCH RECIPROCATING BLADE		49.98
09142023	DONAHUE, JAMES & VIRGI	ENERGY OPTIMIZATION - ROOM AIR CONDITION		25.00
S0017853	EMERGENCY VEHICLE PROD	I12-41 PUMP TEST	2024.028	550.00
S0017856	EMERGENCY VEHICLE PROD	I12-31 PUMP TEST	2024.028	550.00
I126376	ERIC DALE HEATING & AI	COMMERCIAL MAINTENANCE AGREEMENT - DPW		570.00
I126377	ERIC DALE HEATING & AI	COMMERCIAL MAINTENANCE AGREEMENT - CITY		2,340.00
I126378	ERIC DALE HEATING & AI	COMMERCIAL MAINTENANCE AGREEMENT - PSB		1,695.00
I126379	ERIC DALE HEATING & AI	COMMERCIAL MAINTENANCE AGREEMENT - OAKRI		285.00
I126380	ERIC DALE HEATING & AI	COMMERCIAL MAINTENANCE AGREEMENT - 614 H		300.00
351082	FAIRBANKS MORSE, LLC	IMPELLER WATER PUMP	2023.202	3,279.04
352566	FAIRBANKS MORSE, LLC	PARTS FOR ENGINE 3 PER QUOTE #Q-12540	2023.275	8,722.48
09/21/2023	FOX, BECCA	UB refund for account: 3202880019		58.15
9333674407	GRAYBAR ELECTRIC	DROP CABLE ACCT NO. 0000571644		155.49
25044	GUTTERS R US, LLC	CLEANED ROOF, GUTTERS, & DOWNSPOUTS AT C		398.00
25072	GUTTERS R US, LLC	LAWN PEST APPLICATION AT MARSHALL HOUSE		235.00
09022023	HERITAGE CLEANERS	ACCT NO. 100243 POLICE DRY CLEANING AUG		847.00
177073	IMPACT SOLUTIONS	CLIENT NO. MARSH - LAW CITATION (TICKETS		1,601.78
177208	IMPACT SOLUTIONS	CLIENT NO. MARSH - DOOR HANGERS		285.70
177209	IMPACT SOLUTIONS	CLIENT NO. MARSH - DOOR HANGERS		228.30
1038	JIMMY'S JOHN'S PORTABL	FARMER'S MARKET SET JOHN & PUMP OUT - MA		125.00
1044	JIMMY'S JOHN'S PORTABL	FARMER'S MARKET SET JOHN & PUMP OUT - JU		125.00
1149	JIMMY'S JOHN'S PORTABL	FARMER'S MARKET JOHN PUMP OUT - AUGUST 2		125.00
10048	JS BUXTON	CHEMICALS - LIME	2024.003	1,302.37
09202023	KELLOGG COMMUNITY COLL	2023 SUMMER DIST AD VALOREM #3 9/1/23 -		244,821.61
09122023	KEMPF FAMILY FUNERAL	REIMBURSEMENT FOR DUPLICATE PAYMENT OF F		528.00
09/21/2023	KRAMER, RAY	UB refund for account: 3200760028		51.39
09152023	LERETA, LLC	TAX REFUND FOR PARCEL #13-53-003-960		3,781.40
018799	LEWEY'S SHOE REPAIR	BOOT ALLOWANCE - JEREMIAH STEELE		18.99
1720997-20230831	LEXISNEXIS RISK DATA	MIBILLING ID: 1720997 AUGUST 2023		200.00
09202023	MARSHALL DISTRICT LIBR	2023 SUMMER DIST AD VALOREM #3 9/1/23 -		271,313.73
09202023	MARSHALL PUBLIC SCHOOL	2023 SUMMER DIST AD VALOREM #3 9/1/23 -		1,235,953.27
09192023	MARSHALL RECREATION -	2023 GRAND EXPERIENCE - CASH FOR TIPS		440.00
23-039-3	MCKENNA	BUILDING INSPECTION CONTRACT FOR FORD TH	2024.015	106,944.44
S5258147.001	MEDLER ELECTRIC COMPAN	JUMPER WIRE		1,213.96
S5258905.001	MEDLER ELECTRIC COMPAN	PVC ELBOWS		200.13
S5258905.002	MEDLER ELECTRIC COMPAN	2" ELBOWS		31.14
S5258905.003	MEDLER ELECTRIC COMPAN	2" ELBOWS		155.71
S5258905.004	MEDLER ELECTRIC COMPAN	4" COUPLINGS		23.99
09/21/2023	MICHAEL DARK	UB refund for account: 2072		50.00
09122023	PARHAM, VANESSA	REFUND FOR MARSHALL HOUSE DEPOSIT		125.01
09/21/2023	PARKER, SUNNY	UB refund for account: 101600027		28.57
2024.079-PAY APP #1	QUALITY EXCAVATORS, IN	S. KALAMAZOO RESURFACING PROJECT - PAY A	2024.079	111,900.31
2024.079-PAY APP #2	QUALITY EXCAVATORS, IN	S. KALAMAZOO RESURFACING PROJECT - PAY A	2024.079	163,973.52
238192	R.W. MERCER CO. INC.	INSTALL AIRPORT FUEL MASTER EQUIPMENT &		2,222.00
10737	SIGNWORLD CONCEPTS	DECALS FOR WATER, ELECTRIC, PUBLIC WORKS		1,452.50
551-597357	STATE OF MICHIGAN	BASIC INVESTIGATOR SCHOOL - KELLER, SCOT		150.00
13399	TECHNICAL TRUCK & TRAI	TRUCK #319 REPAIRS	2024.078	4,358.32
24313	TELNET WORLDWIDE	ACCT NO. 8948 SEPTEMBER 2023		1,248.95
0394-4	THE SHERWIN-WILLIAMS C	ACCOUNT NO. 6731-5519-8 PAINT FOR PSB		521.03
2045	THE WOODHILL GROUP, LL	FINANCE & ACCOUNTING SERVICES FY2024	2023.056	3,106.25

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Page: 2/2

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
BC-PSINV020738	THERMALNETICS, LLC	MRLEC HVAC SERVICE AGREEMENT (YEAR 1) -	2024.027	1,040.58
181-A	TOP TO BOTTOM TREE SER	ELECTRIC LINE CLEARANCE 9/11/23 - 9/17/2	2024.007	3,432.00
181-B	TOP TO BOTTOM TREE SER	REMOVAL OF 2 LARGE COTTONWOOD TREES AT A		2,248.00
0005860765	USA TODAY NETWORK	ACCT NO. 584585 ELECTIONS & BID NOTICE P		125.95
INV00118288	USABLUEBOOK	WEG W22 MOTOR 5HP		905.85
09/21/2023	ZAHARION, THOMAS	UB refund for account: 2705780016		11.74
GRAND TOTAL:				4,484,581.82

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Page: 1/1

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
09272023PAYOFF	STATE OF MICHIGAN - MD	AIRPORT LOAN PAYOFF AS OF 9/30/23	2024.096	84,958.93
GRAND TOTAL:				84,958.93

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INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
72505	ALEXANDER CHEMICAL CORP	CHLORINE, FLUORIDE, AND PERMANGANATE	2024.089	6,966.49
51284975	ALTEC INDUSTRIES, INC.	TRUCK #323 REPAIRS	2024.094	12,180.38
1Y11-WQN1-3T66	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 PUBLIC POWER WEE		139.67
1J1C-KQFL-MMMF	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 NERF WARS		60.58
1VQK-GLCJ-LKL9	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 CARHARTT UNIFORM		2,541.12
19X6-J4VV-1G3T	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 CARHARTT UNIFORM		1,171.62
1J7R-WGHQ-DM3K	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 HARNESS		146.95
13WY-94XH-JXLJ	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 WALL CLOCK		36.21
1RFY-RLJH-NFJP	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 GATE OPENER		35.74
1MM3-9XCW-CRM1	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 WIRELESS MOUSE		15.78
1DWF-3GG3-36PR	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 DISPLAYPORT CABL		136.89
11W1-4PFT-9JGD	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 CARHARTT UNIFORM		456.50
1L6F-JRW7-LFXX	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 CARHARTT UNIFORM		109.98
1LFH-DPTV-NX76	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 KIDS GOGGLES (NE		35.39
1MND-NMC1-1T3M	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 MOLD TEST KITS &		39.72
1CXM-D7VY-3MFL	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 RESERVED PARKING		75.81
1Y6R-HL3H-6TJ9	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 ELECTRONIC WHIST		23.99
1CPC-VJ4K-CC1L	AMAZON CAPITAL SERVICE	ACCT NO. A1P4GM99HG1EO2 SOAP DISPENSERS		71.78
6002236	AMP INC.	ENVIRONMENTAL SERVICES		1,320.00
6161	AUGUST ENVIRONMENTAL S	CONTRACT LAB ANALYSIS		1,219.00
225-511639	AUTO VALUE MARSHALL	AIR FILTER, OIL FILTER, OIL		74.69
225-511751	AUTO VALUE MARSHALL	TREAD DEPTH GAUGE, NITRILE GLOVES, SEMI-		37.37
225-511826	AUTO VALUE MARSHALL	SPRAY PAINT, PRIMER, STICK-ON REFLECT		58.57
225-511808	AUTO VALUE MARSHALL	QT BLACK SEMI-GLOSS (QTY 2)		105.98
225-511809	AUTO VALUE MARSHALL	PIERCE PROBE KIT		26.39
225-511903	AUTO VALUE MARSHALL	12V VEHICLE BATTERY W/ CORE RETURN		147.46
225-511885	AUTO VALUE MARSHALL	HEX HEAD PLUG		2.67
225-512057	AUTO VALUE MARSHALL	AIR PRESSURE, TRANSPORTATION C		277.90
225-512131	AUTO VALUE MARSHALL	PRIMER, SPRAY PAINT, QT SEMI-GLOSS, 1GAL		211.30
225-512172	AUTO VALUE MARSHALL	PM27D		378.86
225-512160	AUTO VALUE MARSHALL	SPRAY PAINT, PAINT BRUSH SET		22.38
225-512246	AUTO VALUE MARSHALL	AIR SAFETY VALVE, TRANSPORTATION C		86.22
225-512229	AUTO VALUE MARSHALL	AIR FILTER		48.40
225-512219	AUTO VALUE MARSHALL	ABRASIVE CUT-OFF		7.17
INUS188095	AXON ENTERPRISE, INC.	TASER CARTRIDGES	2024.090	2,400.00
154448	BALTIC NETWORKS	RB962 MIKROTIK ROUTERS	2024.086	4,902.00
P19441	BELL EQUIPMENT COMPANY	WATER PUMP		1,575.41
176626	BRUTSCHE CONCRETE PROD	CUSTOM FOUNDATIONS W/ EXTRA STEEL & TABS		168.00
176627	BRUTSCHE CONCRETE PROD	FOUNDATIONS		739.00
08082023SPECIAL	CALHOUN COUNTY CLERK	COSTS RELATED TO SPECIAL ELECTION 8/8/23		1,392.29
4167544444	CINTAS CORP	UNIFORM SERVICES - ELECTRIC & FIBER 9/12		54.70
4167544427	CINTAS CORP	UNIFORM SERVICES - POWER HOUSE 9/12/23		98.39
4167544370	CINTAS CORP	UNIFORM SERVICES - WASTE WATER 9/12/23		62.71
4167544443	CINTAS CORP	UNIFORM SERVICES - WATER 9/12/23		69.41
4168252585	CINTAS CORP	UNIFORM SERVICES - ELECTRIC & FIBER 9/19		54.70
4168252573	CINTAS CORP	UNIFORM SERVICES - POWER HOUSE 9/19/23		98.39
4168252436	CINTAS CORP	UNIFORM SERVICES - WASTE WATER 9/19/23		62.71
4168252565	CINTAS CORP	UNIFORM SERVICES - WATER 9/19/23		69.41
9199	COMPLETE ELECTRIC	REPLACE BALL BEARINGS ON 5HP ELEKTRIM		218.00
623971	DARLING ACE HARDWARE	NUTS, BOLTS, FASTENERS		7.98
623934	DARLING ACE HARDWARE	LP GAS		31.17
624160	DARLING ACE HARDWARE	SANDING MASKS 20PK		27.99
624421	DARLING ACE HARDWARE	BATTERIES AA 20PK		41.98
624392	DARLING ACE HARDWARE	PLIERS, BLADES, WALL PLATES		43.45
624380	DARLING ACE HARDWARE	3PK PREWOUND SPOOLS, AUTOCUT, LITHIUM BA		441.93
624476	DARLING ACE HARDWARE	BATTERY TRIMMER, 400FT LINE, AUTOCUT		349.97
624542	DARLING ACE HARDWARE	VELCRO, FLEX MAGNETIC TAPE		39.97
23-1044	DIXON ENGINEERING, INC	ENGINEERING DESIGN AND BID 200K TOWER PA 2023.177		5,000.00
1510	ECOGRASS LAWN CARE	EDGING & BUSH TRIMMING AT PSB		125.00
I126465	ERIC DALE HEATING & AI	NEW AIR FILTER - OAKRIDGE CHAPEL		10.00
866716	FOSTER, SWIFT, COLLINS	PROFESSIONAL SERVICES THROUGH 8/31/23		297.50
15119	FREDRICKSON SUPPLY, LL	PARTS FOR VAC TRUCK	2024.080	3,824.16
20230782	GRP ENGINEERING, INC.	ENGINEERING SERVICES - BROOKS SUBSTATION	2022.046	1,524.93
20230783	GRP ENGINEERING, INC.	ENGINEERING SERVICES - BROOKS SUBSTATION	2022.046	3,237.50
20230784	GRP ENGINEERING, INC.	ENGINEERING SERVICES - PS-11 & PS-12 CIR		853.00
20230785	GRP ENGINEERING, INC.	ENGINEERING SERVICES - MEGASITE CIRCUIT		328.00
20230786	GRP ENGINEERING, INC.	ENGINEERING SERVICES - MISC. 7/31/23 - 9		1,077.50
INV-1644456	INDUSTRIAL NETWORKING	NEW POLICE VEHICLE MODEM		1,308.68
1089836-REISSUE	IPTM	TRAFFIC CRASH RECONSTRUCTION COURSE - PA		547.50
101428089	KIMBALL MIDWEST	RESTORER, GREASE, DRILL SET		704.84
43119	LAKELAND ASPHALT CORPO	1.99 TONS BITUMINOUS AGGREGATES		141.29
43167	LAKELAND ASPHALT CORPO	1.11 TONS BITUMINOUS AGGREGATES		78.81
018833	LEWEY'S SHOE REPAIR	BOOT ALLOWANCE - JOSH DAVIS		276.99
P19712	MACQUEEN EMERGENCY GRO	MSA ALTAIR PRO SINGLE GAS DETECTOR		551.15
09202023	MCGINTY, HITCH, PERSON	CLIENT NO. 4030.001 SERVICES THROUGH 8/3		15,769.50
14084086	MCMMASTER-CARR	PADLOCKS		296.12
14964	MDK GROUP	MRLEC SHRED SERVICES THROUGH 9/18/23		105.00
M500-148	MEDALLION MANAGEMENT,	MARSHALL HOUSE CONSULTING FEES SEPT 2023	2023.188	4,800.00
M500-149	MEDALLION MANAGEMENT,	MARSHALL HOUSE PAYROLL/INSURANCE 8/19/23	2023.188	11,432.75

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Page: 2/2

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	PO NUMBER	AMOUNT
S5262601.001	MEDLER ELECTRIC COMPANY	CREDIT MEMO FROM INVOICE S5195501.001		(11,550.78)
2022715	MICHIGAN URBAN SEARCH	ROPE RESCUE OPERATIONS TRAINING	2024.095	13,755.00
1894476	MILLER JOHNSON ATTORNEY	CLIENT NO. 52636 SERVICES THROUGH 8/31/2		3,366.00
844391	NYE UNIFORM COMPANY	MARSHALL PD - DEKRYGER MOLLE ITEMS		225.76
2694447	OFFICE THREE SIXTY INC	LAMINATING SHEETS		21.83
56769262	POWER LINE SUPPLY	WR969 CONNECTOR H-TAP		164.00
56769272	POWER LINE SUPPLY	UNIFORM - TAYLOR, JEFF		108.00
00194680	PROGRESSIVE AE	GREEN STREET CONSTRUCTION ENGINEERING TH	2024.017	10,961.58
SI-29459	SMART HOMES, INC.	AUDIO VISUAL UPDATES TO CITY HALL CONFER	2024.014	2,592.50
SI-29461	SMART HOMES, INC.	AUDIO VISUAL UPDATES TO CITY HALL TRAINI	2024.014	7,345.00
2135129	STANTEC CONSULTING MIC	2022 CONSTRUCTION ENGINEERING - S MARSHA	2023.073	4,666.92
30569	THOMPSON TECH SUPPLY,	TIRE REPAIR		27.00
15524	TIRE CITY TIRE PROS	NEW TIRES & INSTALL ON VAC TRUCK		1,564.12
INV00124371	USABUEBOOK	LMI MULTIFUNCTION VALVE RETROFIT KIT		155.19
INV00128409	USABUEBOOK	HACH DPD SAMPLES, POWDER PILLOWS		375.74
124135	VC3 INC	FY 2024 SERVER REPLACEMENTS	2024.059	21,197.00
124140	VC3 INC	FY 2024 SERVER REPLACEMENTS	2024.059	35,192.00
124147	VC3 INC	FY 2024 SERVER REPLACEMENTS	2024.059	3,927.00
123214	VC3 INC	LAPTOP COMPUTERS FOR PATROL VEHICLES (W/	2024.049	6,736.00
GRAND TOTAL:				194,338.60

ITEM: 10.A

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Eric Zuzga, Director of Community Services
William Dopp, Finance Director/ City Treasurer
DATE: October 2, 2023
SUBJECT: **CREATION OF INDUSTRIAL DEVELOPMENT DISTRICT FOR FORD BOBP**

Public Act 198 of 1974 was enacted by the State of Michigan as an incentive program to stimulate economic growth. This incentive program involves removing real property from the regular assessment roll and instead levying a specific tax called an “industrial facilities tax” upon the owner or lessee of approved industrial property. The holder of an Industrial Facilities Tax Exemption Certificate (IFEC) will pay a specific tax with a millage rate that is approximately half of the rate that is applied to the regular assessment roll, although the State Treasurer also has the ability to exempt all of the millage levied under the State Education Tax Act. To qualify for an IFEC, an applicant must have a business that qualifies as a manufacturing operation and a new or existing industrial facility that is defined within the Act as industrial property. Since 1977, the City of Marshall has approved 135 IFT's. The most recent active certificates are from 2015, and were issued to Stelmi America, Inc. and Progressive Dynamics, Inc.

As part of the Ford/BlueOval Incentive package, the City of Marshall committed to approving a real property tax abatement. The first step in approving a tax abatement is the creation of an Industrial Development District. To create the district, City Council needs to pass the attached Resolution (2023-27) following the public hearing. Upon creation of the district, the property owner(s) would then be able to submit an abatement request for City Council consideration under State law and our Industrial Facilities Tax Abatement Program Guidelines Policy.

BUDGET IMPACT:

None anticipated with the creation of a district.

RECOMMENDATION:

Approve Resolution 2023-27 which would create an Industrial Development District for the Ford BlueOval Battery Park site.

RESOLUTION 2023-27
RESOLUTION TO ESTABLISH AN INDUSTRIAL DEVELOPMENT DISTRICT

Minutes of a regular meeting of the City Council of City of Marshall, held on October 2, 2023, at Marshall City Hall, 323 West Michigan Avenue, Marshall, MI at 7:00 PM.

PRESENT:

ABSENT:

The following preamble and resolution were offered by: _____ and supported by: _____.

Resolution Establishing an Industrial Development District for Ford BlueOval Battery Park

WHEREAS, pursuant to PA 198 of 1974, as amended, this Council has the authority to establish "Industrial Development Districts" within City of Marshall; and

WHEREAS, the City of Marshall on its own initiative seeks to establish an Industrial Development District on property located within the Marshall city boundaries;

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

WHEREAS, on October 2, 2023, a public hearing was held at which all owners of real property within the proposed Industrial Development District and all residents and taxpayers of 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 Industrial Development District as proposed; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of City of Marshall that the following described parcel of land situated in City of Marshall, Calhoun County, and State of Michigan, to wit:

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.

Is established as an Industrial Development District pursuant to the provisions of PA 198 of 1974, as amended, to be known as BlueOval Battery Park Industrial Development 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 October 2, 2023.

Michelle Eubank
Clerk

ITEM: 11.A

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Eric Zuzga, Director of Community Services
DATE: October 2, 2023
SUBJECT: **RZ#23.02 and 23.04 HUGHES STREET REZONING**

Summary

Subsequent to approval of a 425 Conditional Land Transfer by the Marshall Township Board and Marshall City Council, GCC 550 Hughes, LLC, owner of four parcels on West Hughes Street (Parcels 16-260-006-00, 16-350-006-00, 16-260-003-00, 53-002-562-00), submitted a Rezoning Application for said parcels to Multiple Family Residential (MFRD) Zoning District, pursuant to M.C.L. 125.3401.

If the rezoning request is approved, the applicant would then file a site plan application and building/trades permits to construct new facilities, parking lots, driveways, and associated on-site utility improvements; site development review and determinations would be addressed through their own processes at a later date. The Site Plan would be reviewed and approved by the Joint Planning Commission and Planning Commission at future meetingw.

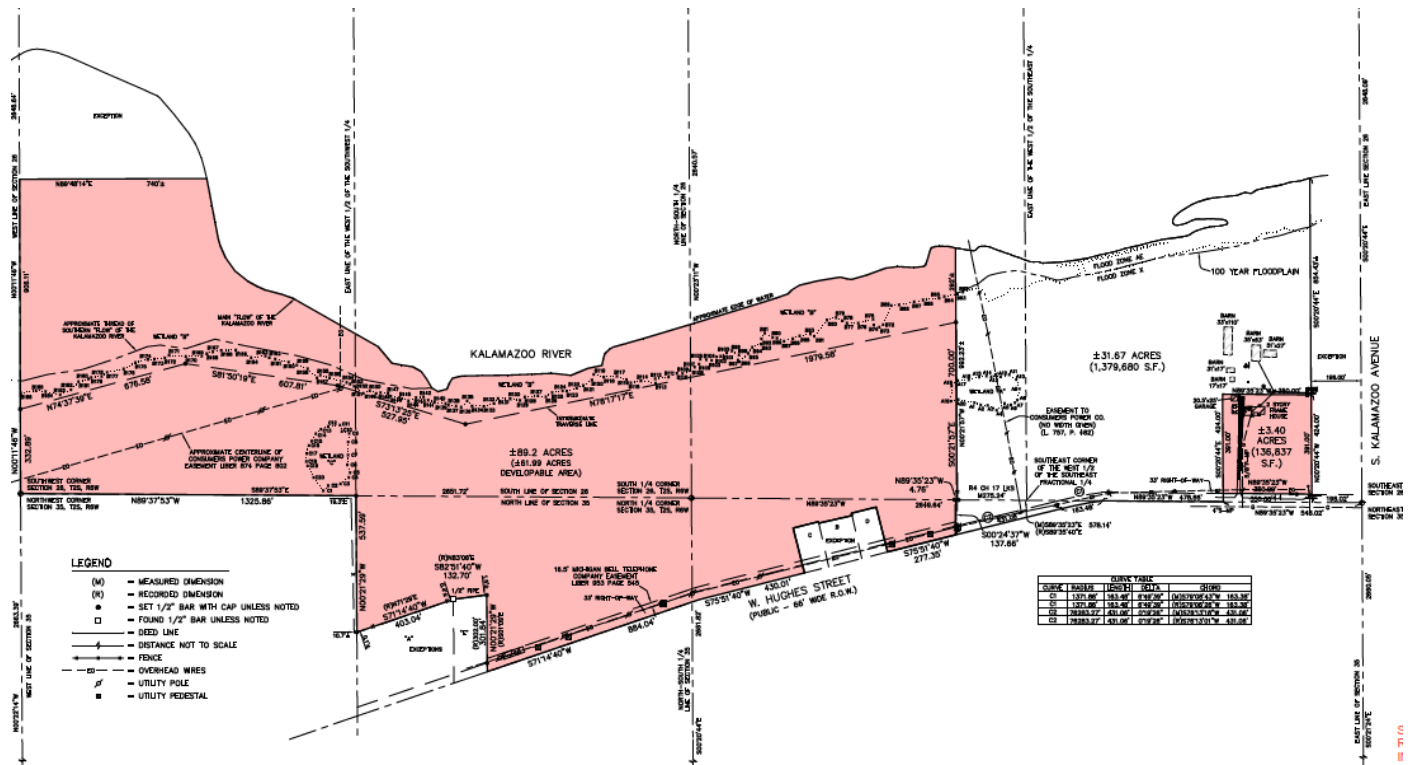
Background

These parcels were recently transferred to the City of Marshall ("City") under PA 425 Conditional Land Transfer from Marshall Township ("Township"). The owners have requested rezoning of the parcel to MultiFamily Residential as that district provides the ability to provide the various types of housing that they intend to build on the site. Rezoning of these parcels would add to the parcel rezoned MFRD by the Joint Planning Commission in 2022, approx. 32 acres (former Kelly Farm), and allow for a unified development on the parcels.

The City Planning Commission and Joint Planning Commission reviewed these requests at their September meetings. Both entities recommended approval of the rezoning to MFRD. City Council has the responsibility to review these recommendations and provide the final approval.

Property/Neighborhood Description

The subject site is located on the north side of West Hughes Street/ A Drive North, just west of South Kalamazoo Avenue. The parcels subject to this rezoning application are identified on the map below:



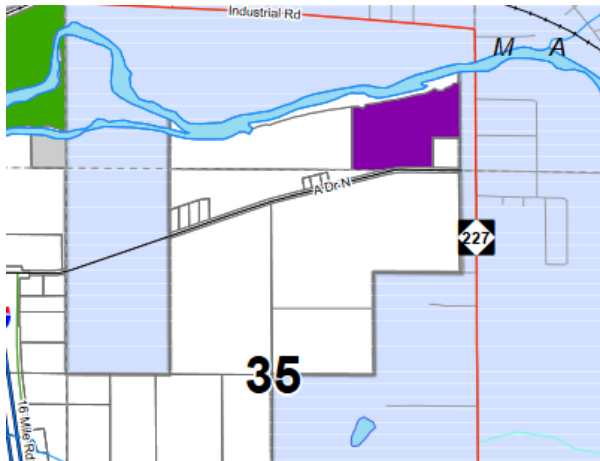
The parcels proposed for rezoning are comprised of slightly rolling farmland, with two ponds on site, and contain one (1) house. The site abuts another parcel of land, owned by the petitioner, which will be included in a future site plan. The Kalamazoo River comprises the north boundary of the parcels. The south side of the parcels are bordered by Hughes Street and several single family homes.

Development in the surrounding area could be characterized as semi-rural, with a majority of the parcels housing single family residences or a large parcel owned by Consumers Energy.

Neighborhood Zoning

The respective Zoning Maps (below), show that the site considered for rezoning has been zoned agricultural (AR) in the Township and R-1 in the City. The parcels to the west in the City are zoned Residential Estate District (R-1). The parcels to the south are zoned Agricultural and are single family homes and the Consumers Energy Training Center. The north side of the river is zoned Industrial (I-2). The parcels east of the site are zoned Suburban Residential (R-2).

February 22, 2018, Township Zoning Map- section covering parcel proposed for rezoning.



Zoning

 OC - Open Space Waterbody	 MF - Multiple Family Residence
 AB - Agricultural Business	 CS Community Service Commercial
 AR - Agricultural	 HS - Highway Service Commercial
 RA - Low Density Residential	 LI - Light Industrial
 RB - Medium Density Residential	 IP - Industrial Park
 MHP - Manufactured Home Park	 P.A. 425 Agreement
	 Additional Setback Corridor

Marshall Township's most recently adopted zoning map reflects these parcels as Agricultural.

Marshall Township Master Plan

As required by the Michigan Planning Enabling Act, Marshall Township has adopted and maintained a Master Plan to govern land use decisions in the Township. The current Master Plan was adopted on November 21, 2022. The Master Plan contains goals around land use, economic development, public utilities/facilities, housing, and natural resources. The proposed rezoning addresses the following goals in the current Master Plan:

Chapter 3 Goal (Housing & Neighborhoods)- The majority of land in Marshall Township shall develop at low rural residential densities, while areas of increased single-family development will be supported in established areas. High-density attached housing, apartments, and senior living will be focused on areas that can be served by infrastructure and services. One of the items cited in this goal is variety and contains the following: "...reasonable and incremental housing density expansion must be considered to support the significant economic development efforts addressed in Chapter Four. Additionally, a variety of housing types in 425 Agreement areas is recommended to accommodate the anticipated regional workforce expansion."

Objectives under this goal that support the rezoning are as follows:

1. Maintain rural densities in the Township and promote higher densities in 425 Agreement areas and areas closer to City services.
2. Plan for a variety of housing types accommodating a range of preferences and incomes, primarily in areas within the Urban Growth Boundary

Chapter 5 (Public Services, etc.) Goal- The Township shall strive to maintain excellent public facilities, services, and infrastructure to serve the needs of its residents and business. As part of this goal, the township has adopted the following principles: Plan for new connecting roadways through planned industrial areas; and cooperatively plan areas for 425 Agreements with the City of Marshall and coordinate development areas with the Future Land Use Plan.

The Section on 425 Agreements states the following: "...Properties within Marshall Township are primarily served by on-site wells and septic systems. However, as discussed in Chapter One, 425 Agreements allow for the expansion of the City of Marshall water and sewer services into Marshall Township, and the City takes control of regulation and public services. This plan prioritizes 425 Agreements for areas within reach of City water and sewer services to accommodate denser residential development and more intensive commercial and industrial development."

Objectives under this goal that support the rezoning are as follows:

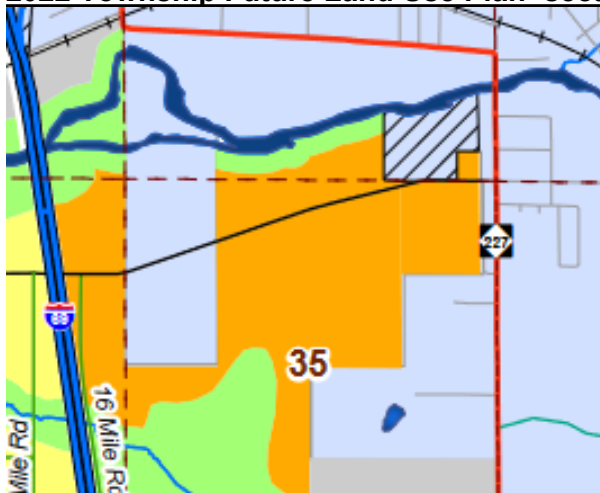
3. Cooperatively plan areas for 425 Agreements with the City of Marshall and coordinate development areas with the Future Land Use Plan.
4. Major new developments, along with areas with failing septic systems or that are close to watercourses or groundwater recharge areas, will be prioritized for collaboration with the City of Marshall for services.

Chapter 6 Goal (Land Use)- Future land use within the Township shall be developed in a manner that is sensitive to agricultural areas, existing neighborhoods, and natural resources, and the Future Land Use Plan will direct higher-density and intensity uses to areas planned for utility and infrastructure expansion or established urban areas.

Within this section, the township references an Urban Growth Boundary where more intensive, dense growth will be targeted. This is described in the following section (page 27) from the chapter: "Inside the boundary, commercial and industrial developments and higher residential densities are considered to be more appropriate and feasible in these areas from an environmental, development, and utility feasibility perspective."

A major part of the Master Plan is the adoption of a Future Land Use map. The section of the current Future Land Use Plan that covers the proposed rezoning is as follows:

2022 Township Future Land Use Plan- section covering parcel proposed for rezoning.





The Future Land Use map shows that the entire area covered by the rezoning is included in the Medium Density Residential for a majority of the parcel, with Open Space/Recreation along the river.

City of Marshall Master Plan

As required by the Michigan Planning Enabling Act, the City of Marshall has adopted and maintained a Master Plan to govern land use decisions in the city. The current Master Plan was adopted on June 10, 2015, and reviewed in 2020 with confirmation by the Planning Commission that it was still relevant. As in the Township's Master Plan, there are goals that support the type of development that is being proposed. The following goals support the type of development that is proposed at this site:

- *Goal 3: Ensure the long term stability of Marshall's neighborhoods- Objective: Provide for a variety of housing choices to meet the needs of existing and future residents of all ages, needs and abilities.*
- *Goal 6: Strengthen cooperation and coordination with neighboring townships and community partners to ensure the long term success of the City, its neighbors, and institutions.- Objective: Encourage dialogue and collaboration with neighboring townships regarding land use and development issues. Consider the appropriateness of additional 425 Agreements.*

These goals encourage collaboration with Marshall Township to encourage economic development in areas targeted for development through the use of PA 425 agreements. Specific language encourages the use of the Joint Planning Commission to make land use decisions.

With both entities adopting language surrounding collaboration in land use decisions and economic development activities, it is evident that both communities have jointly strategized and planned for this type of development.

Applicable Ordinance Provisions

City of Marshall Zoning Ordinance

Pursuant to Section 3.6 of the City Zoning Ordinance, properties transferred from another

governmental unit are assigned a zoning classification to whatever district most closely conforms with the previous zoning designation; this ordinance also allows for City Council to adopt a new zoning map by holding a public hearing and upon receiving a recommendation from the Planning Commission.

The Michigan Planning and Zoning Enabling Acts, case law, and local ordinance outline the criteria by which a rezoning request is reviewed, and a determination made. In making a recommendation to City Council on the zoning classification(s) for such land areas, the Planning Commission shall consider any previous township or county zoning classifications that existed for the land prior to the extension of City boundaries, the pattern of land uses in the area, adopted City Master Plan recommendations, and planned future land use designations for the land area or adjacent areas within the City.

Rezoning Process, Standards

The following criteria are to be used as a guide in determining whether the rezoning should be approved:

- 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.
- B. The property cannot be reasonably used as zoned.
- 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.
- 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.
- E. All the potential uses allowed in the proposed zoning district are compatible with the site's physical, geological, hydrological, and other environmental features.
- 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.
- 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.
- 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.
- I. There was a mistake in the original zoning classification, or a change of conditions in the area supporting the proposed rezoning.
- J. Adequate sites are neither properly zoned nor available elsewhere to accommodate the proposed uses permitted in the requested zoning district.

Public Hearing and Notice Requirements

As required by the Zoning Enabling Act of 2006, as amended, a public hearing notice was published in the Marshall Advisor and Chronicle on Saturday, August 26, 2023. Notices of the public hearing were also sent by regular mail to the owners/ occupants of properties located within 300' of the subject parcel. To date, the city has not received any comments from individuals in this area, but have received several questions from one resident. The majority of the comments were issues that would be addressed in the site plan. Any written comments received before the close of business on September 12, 2023, will be presented at the meeting that night.

Recommendation

Staff recommends in support of the requested rezoning/zoning designation of Multiple Family Residential District (MFRD) and makes the findings listed below, as a result of the review and analysis of the rezoning application; analysis of the neighboring land uses and existing conditions; and also finds the project consistent with the objectives of City and Township Master Plans and intent of the City and Township Zoning Ordinances.

Findings

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.

This area has been targeted for increased density in the Township Master Plan. This property is within the urban growth boundary established by the Township Master Plan/Future Land Use map and in an area targeted for PA 425 agreements. In fact, the Joint Planning Commission approved the rezoning of an adjacent parcel that is owned by the same group. Approving this rezoning is consistent with the decision that was made by the JPC in that decision.

B. The property cannot be reasonably used as zoned.

The majority of the property was zoned under the township zoning ordinance, so there is no existing city zoning. 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 agricultural. 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.

The current city parcel could reasonably be used as zoned.

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.

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 #3) seeks to provide for a variety of housing choices to meet the needs of existing and future residents of all ages, needs and abilities.

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. Housing and Neighborhoods- reasonable and incremental housing density expansion must be considered to support the significant economic development efforts addressed in Chapter Four. Additionally, a variety of housing types in 425 Agreement areas is recommended to accommodate the anticipated regional workforce expansion.*
- 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.

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.

The proposed zoning is consistent with the current Township Zoning Ordinance and the Future Land Use map. The property is used as agricultural and one residential property. The project will also maintain the land near the Kalamazoo River as is, leaving a highly attractive natural area.

Engineering controls for soil erosion and sedimentation and stormwater management are required to protect the natural environment.

The site is located directly off a County major road and a state trunkline. A Traffic Study has been commissioned and the city is working to finalize the study with its consultant so that necessary improvements can be identified. This study is a joint effort with MDOT and the County so that impact can be modeled for all area roads.

The site is near city infrastructure and within the Township's Urban Growth Boundary.

The proposed project is consistent with the community's needs as identified in the respective Township and City Master Plans. Both plans identify housing as a priority to address, especially different housing types.

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

The site is able to be developed for all potential uses in the zoning district. The developer would need to work with state, county, and city agencies to address any impacts to the environment. Permits in relation to temporary stormwater management and soil erosion would need to be approved by the City and County.

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.

While the proposed rezoning could impact the level of traffic around the site and in the community, its proximate location on a County Major road and near a state trunkline provides an increased level of capacity and access. A traffic study has been commissioned to address the potential growth on this site and in nearby areas in the city. Results of this study are expected in the near future.

The city does not anticipate major impact to its public facilities to serve the proposed development. The city is working with MDOT, County Road Department, and developers on potential road improvements on Hughes and Kalamazoo.

The proposed development will require the extension of public utilities to serve the site. The City of Marshall will be providing FiberNet service, garbage service, sanitary sewer, electric, and potable water.

There will be a change to the natural characteristics of the site as a major housing project will be built on the site of former farmland. The developers have committed to maintaining the riverfront and having minimal impact on the river.

As described in 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.

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.

The rezoning would add to the Kelly Farm rezoning already completed by the Joint Planning Commission. Changes in local conditions support the rezoning of the parcel to MFRD.

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.

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.

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

There is no mistake in the original zoning classification, but a new zoning designation is necessary due to the recently approved 425 agreement. The addition of 2500 jobs through the development of the Ford site has changed conditions since the Master Plan was approved. Additional housing units are necessary to serve the expected increase in residents and the existing parcels with MFRD zoning are not sufficient in number to serve this increase.

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

Existing sites zoned MFRD are not sufficient to meet the expected demand.

BUDGET IMPACT:

The rezoning will allow the developers to move forward with a site plan that will see several hundred residential units constructed on the properties, which would provide an increase in tax base and utility revenues.

RECOMMENDATION:

Therefore, based on the above findings and pursuant to Section 7.1-Amendments and MCL 125.3101 et seq., staff recommends that the City Council accept the Planning Commission and Joint Planning Commission's recommendation to approve ORdinance 2023-11 which would rezone parcels 16-260-006-00, 16-350-006-00, 16-260-003-00 from Township Zoning to City Zoning District- Multiple Family Residential District (MFRD) and parcel 53-002-562-00 from Residential Estate (R-1) District to Multiple Family Residential District (MFRD). If the City Council agrees with the findings presented, the following motion could be used.

Enact Ordinance 2023-11 AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CHANGE THE ZONING OF THE FOLLOWING PARCELS OF REAL PROPERTY, PARCELS #16-260-003-01, 16-260-006-00, and 16-350-006-00 , FROM TOWNSHIP ZONING AGRICULTURE DISTRICT (AR) TO MULTI-FAMILY RESIDENTIAL DISTRICT (MFRD) AND PARCEL #53-002-562-00 (913 INDUSTRIAL ROAD), FROM RESIDENTIAL ESTATE DISTRICT (R-1) to Multi-Family Residential District (MFRD) and order the clerk to publish the ordinance in full.

If the City Council finds that the criteria above are not met, and chooses to deny the rezoning, statements related to the above criteria justifying how this request does not meet the rezoning standards must be made.

**CITY OF MARSHALL
ORDINANCE #2023-11**

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CHANGE THE ZONING OF THE FOLLOWING PARCELS OF REAL PROPERTY, PARCELS #16-260-003-01, 16-260-006-00, and 16-350-006-00 , FROM TOWNSHIP ZONING AGRICULTURE DISTRICT (AR) TO MULTI-FAMILY RESIDENTIAL DISTRICT (MFRD) AND PARCEL #53-002-562-00 (913 INDUSTRIAL ROAD), FROM RESIDENTIAL ESTATE DISTRICT (R-1) TO MULTI-FAMILY RESIDENTIAL DISTRICT (MFRD) .

THE CITY OF MARSHALL, MICHIGAN ORDAINS:

Section 1. 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 Agricultural to Multi-Family Residential District (MFRD).



PARCEL #16-260-003-01 (440 WEST HUGHES) LEGAL DESCRIPTION

A parcel of land in the Southeast 1/4 of Section 26, T2S, R6W, Marshall Township, Calhoun County, Michigan, the surveyed boundary of said parcel described as: Commencing at the Southeast corner of said Section 26; thence N89°35'23"W along the South line of said Section 26 a distance of 198.02 feet; thence N00°20'44"W parallel with the East line of said Section 26 a distance of 33.00 feet to the North line of Hughes Street and the point of beginning of this description; thence N89°35'23"W along said North line 350.00 feet; thence N00°20'44"W parallel with said East line 391.00 feet; thence S89°35'23"E parallel with said South line 350.00 feet; thence S00°20'44"E parallel with said East line 391.00 feet to the point of beginning; said parcel containing 3.14 acres, more or less; said parcel subject to all easements and restrictions, if any.

PARCEL #16-260-006-00 LEGAL DESCRIPTION

That part of the East 1/2 of the Southwest fractional 1/4 of Section 26, Town 2 South, Range 6 West, Marshall Township, Calhoun County, Michigan, lying South of the Kalamazoo River, and that part of the West 1/2 of the Southeast fractional 1/4 of said Section 26, Town 2 South, Range 6 West, lying South of the Kalamazoo River.

Except, commencing at the Southeast corner of the West 1/2 of the Southeast 1/4 fractional of said Section 26, and running thence West on the Section line 4 chains and 17 links; thence North to the Kalamazoo River; thence East 4 chains and 17 links; thence South to the place of beginning.

PARCEL #16-350-006-00 LEGAL DESCRIPTION

Commencing at a point where the center of Hughes Street crosses the North and South 1/4 line of Section 35, Town 2 South, Range 6 West, Marshall Township, Calhoun County, Michigan, and running thence North on said 1/4 line 6 chains and 18 links to the Section line between Section 26 and said Section 35; thence East on said Section line 15 chains and 83 links; thence South 2 chains and 10 links to the center of said Hughes Street; thence Southwesterly along the center line of said Hughes Street to the place of beginning.

ALSO, that part of the East 1/2 of the Northwest 1/4 of Section 35, Town 2 South, Range 6 West, that lies North of Hughes Street.

EXCEPTING THEREFROM parcels described as:

- A. Commencing at a point on the West line of Section 35 and the intersection of the center line of Hughes Road being 1332.1 feet South of the Northwest corner of said Section; thence North 71 degrees 29 minutes East along the center line of said road 1393 feet to a fence and the true point of beginning of this exception; thence North 01 degrees 09 minutes West along said fence 330 feet; thence North 71 minutes 29 minutes East parallel to Hughes Street 414.9 feet; thence South 01 degrees 09 minutes East 330.0 feet to the center line of Hughes Road; thence South 71 degrees 29 minutes West along the center line of Hughes Road 419.9 feet to the place of beginning.
- B. Commencing at the North 1/4 corner of said Section 35; thence South 89 degrees 16 minutes East 482.0 feet along the North line of said Section; thence South 12 degrees 29 minutes 55 seconds East 97.70 feet to the PLACE OF BEGINNING OF THIS DESCRIPTION: thence South 12 degrees 29 minutes 55 seconds East 177.0 feet to the centerline of Hughes Street; thence North 76 degrees 11 minutes 03 seconds East 135.0 feet along said centerline; thence North 12 degrees 29 minutes 13 seconds West 173.50 feet; thence South 77 degrees 40 minutes 11 seconds West 135.0 feet to the place of beginning of this description.
- C. Commencing at the North 1/4 corner of said Section 35; thence South 89 degrees 16 minutes East 482 feet along the North line of said Section; thence South 12 degrees 29 minutes 55 seconds East 274.70 feet to the centerline of Hughes Street and the true place of beginning of this description: thence South 76 degrees 11 minutes 03

seconds West 99.24 feet along the centerline of Hughes Street; thence North 13 degrees 48 minutes 57 seconds West 183 feet; thence North 76 degrees 11 minutes 03 seconds East 103.45 feet; thence South 12 degrees 29 minutes 55 seconds East to the true place of beginning.

- D. That part of the North 1 / 2 of Section 35, Town 2 South, Range 6 West, Marshall Township, Calhoun County, Michigan, described as: Commencing at the North 1/4 corner of said Section; thence South 89 degrees 16 minutes East 482.0 feet along the North line of said Section; thence South 12 degrees 29 minutes 55 seconds East 274.70 feet to the centerline of Hughes Street; thence North 76 degrees 11 minutes 03 seconds East 135.0 feet along the centerline of said street to the place of beginning of this description; thence North 12 degrees 29 minutes 13 seconds West 183.04 feet; thence North 76 degrees 11 minutes 03 seconds East 100.0 feet; thence South 13 degrees 48 minutes 57 seconds East 183.0 feet to the centerline of Hughes Street; thence South 76 degrees 11 minutes 03 seconds West 104.24 feet to the place of beginning of this description.
- E. Commencing at a point on the West line of Section 35, Town 2 South, Range 6 West, and the intersection of the centerline of Hughes Road, being 1332.1 feet South of the Northwest corner of said Section; thence North 71 degrees 29 minutes East along the centerline of said Hughes Road, 1807.9 feet to the true place of beginning; thence North 01 degrees 09 minutes West 330 feet; thence North 83 degrees 06 minutes East 132.7 feet; thence South 01 degrees 09 minutes East 302 feet to the centerline of said Road; thence South 71 degrees 29 minutes West along the centerline of said Road, 138.3 feet to the place of beginning.

Section 2. 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 property at 913 Industrial Road, described below, from Residential Estate District (R-1) to Multi-Family Residential District (MFRD).



PARCEL #53-002-562-00 (913 INDUSTRIAL ROAD) LEGAL DESCRIPTION
MARSHALL CITY, PART OF SEC 26-2-6 THAT PART OF W 1/2 OF SW 1/4 LYING S OF
KAL RIVER, EXC 6 1/2 ACRES TO EASTERN POWER CO.

Section 3. This Ordinance or a summary thereof 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 3. This Ordinance is declared to be effective immediately upon publication.

Adopted and signed this 18TH day of September, 2023.

James Schwartz, Mayor

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 an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on September 18, 2023, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available by said Act.

Michelle Eubank, City Clerk

ITEM: 12.A

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Joshua Lanker, Chief of Police
DATE: October 2, 2023
SUBJECT: **EL TAJIN MLCC SOCIAL DISTRICT PERMIT REQUEST**

We were contacted by Jamie Witkowski the owner of El Tajin Mexican Restaurant located at 104 W. Michigan Ave regarding a request for a Social District Permit. El Tajin opened in July of 2021 and recently obtained a class C liquor license in August of 2023. The business is currently located in the designated social district area. City Council Approval is required prior to applying for the permit.

The Marshall Police Department has no issues with the approval of the social district permit. To effect the change, the Michigan Department of Licensing and Regulatory Affairs Liquor Control Commission (MLCC) requires the approval of the local governmental unit by resolution.

BUDGET IMPACT:

Adding this social district permit may provide an increase in our fees that the city receives from the state.

RECOMMENDATION:

Approve the LOCAL GOVERNMENTAL UNIT APPROVAL FOR SOCIAL DISTRICT PERMIT pursuant to MCL 436.1551 for El Tajin located at 104 West Michigan Ave.



Social District Permit Information

Local Governmental Approval Required Before You Apply

The city, township, or village where your business is located must have first designated a Social District before you may apply. Your licensed business must be contiguous to the commons area inside the Social District to qualify. Check with your local governmental unit to see if you qualify.

Your licensed business must also be approved individually by the city, township, or village before you apply for a Social District Permit. A local governmental unit approval form is attached to this application.

The governing body of a local governmental unit may designate a Social District within its jurisdiction that contains a commons area in which the patrons of qualified licensees may consume alcoholic liquor (beer, wine, mixed spirit drink, spirits, or mixed drinks/cocktails) in the commons area.

At least two (2) qualified licensees must have their licensed premises contiguous to a commons area for the area to qualify to be part of a social district.

The local governmental unit must define and clearly mark the commons area with signs. The local governmental unit must establish a management plan, including the hours of operation, for the commons area. These plans must be submitted to the Commission.

A qualified licensee may apply to the Commission for a Social District Permit using the attached application. The licensee must first obtain approval from the governing body of the local governmental unit before applying for the permit.

A licensee that has been issued a Social District Permit may sell alcoholic liquor for on-premises consumption on its licensed premises only, but then customers may remove the alcoholic liquor from the premises to be consumed in the commons area. A licensee must not sell alcoholic liquor in the commons area.

The commons area is not considered part of any licensee's licensed premises. Nevertheless, a licensee that has been issued a Social District Permit must make every effort to ensure that it does not sell alcoholic liquor to a minor or intoxicated person.

Any alcoholic liquor sold to customers for consumption in the commons area by a licensee with a Social District Permit must comply with all of the following:

- The serving container must prominently display the licensee's trade name or logo or some other mark that is unique to the licensee that sold the alcohol.
- The serving container must prominently display a logo or some other mark that is unique to the commons area.
- The serving container is not made of glass.
- The serving container does not have a liquid capacity over 16 ounces.

A customer that purchases alcoholic liquor to be consumed in a commons area must not transport that alcoholic liquor onto the licensed premises of another licensee contiguous to the commons area from which the customer did not purchase the alcoholic liquor, unless the other licensee is a B-Hotel licensee and also holds a Social District Permit. A licensee, other than a B-Hotel licensee with a Social District Permit, shall not allow alcoholic liquor to be brought onto its licensed premises that was purchased from another licensee with a Social District Permit.

A customer that purchases alcoholic liquor to be consumed in a commons area must not transport that alcoholic liquor outside of the commons area.

Qualified licensees for Social District Permits are:

- A retailer licensee that is licensed to sell alcoholic liquor for consumption on the premises, such as a Class C, Tavern, A-Hotel, B-Hotel, Club, G-1, or G-2. A Special License issued to a nonprofit organization is not a qualified licensee.
- A manufacturer with an On-Premises Tasting Room Permit.
- A manufacturer with an Off-Premises Tasting Room License or a Joint Off-Premises Tasting Room License. For Joint Off-Premises Tasting Room Licenses, all licensees that have licenses at that same location must be approved for and issued a Social District Permit.



Social District Permit Application

Part 1 - Licensee Information

Individuals, please state your legal name. Corporations or Limited Liability Companies, please state your name as it appears on your Articles of Incorporation / Organization.

Licensee name: <u>El Tajin Mexican Restaurant LLC</u>		
Address: <u>104 W Michigan Ave</u>		
City: <u>Marshall</u>	State: <u>MI</u>	Zip Code: <u>49068</u>
Contact Name: <u>Jamie Witkowski</u>	Phone: <u>269-558-8077</u> <u>517-435-8077</u>	Email: <u>eltajinmexicanrestaurantmi@gmail.com</u>

Part 2 - Required Documents & Fees

☐ Local Governmental Unit Approval ☐ Approval from the local governmental unit (city council, township board, village council) is required to be submitted with this application (See page 2 for approval form)	
☒ \$70.00 Inspection Fee (MLCC Fee Code 4036) ☒ \$250.00 Social District Permit Fee (MLCC Fee Code 4081)	TOTAL DUE: <u>320.00</u> Make checks payable to State of Michigan

Leave Blank - MLCC Use Only

Part 3 - Signature of Licensee

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of this application by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals for this business before using this permit for the sale of alcoholic liquor on the licensed premises.

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing **false** or **fraudulent** information is a violation of the Liquor Control Code pursuant to MCL 436.2003.

The person signing this form has demonstrated that they have authorization to do so and have attached appropriate documentation as proof.

<u>Jamie Witkowski - owner</u> Print Name of Licensee & Title	<u>Jamie</u> Signature of Licensee	<u>9/18/23</u> Date
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Please return this completed form and fees to:
Michigan Liquor Control Commission
Mailing address: P.O. Box 30005, Lansing, MI 48909
Hand deliveries: Constitution Hall - 525 W. Allegan Street, Lansing, MI 48933
Overnight deliveries: 2407 N. Grand River Avenue, Lansing, MI 48906
Fax with Credit Card Authorization to: 517-284-8557



Local Governmental Unit Approval For Social District Permit

Instructions for Governing Body of Local Governmental Unit:

A qualified licensee that wishes to apply for a Social District Permit must first obtain approval from the governing body of the local governmental unit where the licensee is located and for which the local governmental unit has designated a social district with a commons area that is clearly marked and shared by and contiguous to the licensed premises of at least two (2) qualified licensees, pursuant to MCL 436.1551. Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a _____ meeting of the _____ council/board
(regular or special) (name of city, township, or village)

called to order by _____ on _____ at _____
(date) (time)

the following resolution was offered:

Moved by _____ and supported by _____

that the application from _____
(name of licensee - If a corporation or limited liability company, please state the company name)

for a **Social District Permit** is _____ by this body for consideration for approval by the
(recommended/not recommended)
Michigan Liquor Control Commission.

If not recommended, state the reason: _____

Vote

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the _____
council/board at a _____ meeting held on _____
(regular or special) (date) (name of city, township, or village)

I further certify that the licensed premises of the aforementioned licensee are contiguous to the commons area designated by the council/board as part of a social district pursuant to MCL 436.1551.

Print Name of Clerk

Signature of Clerk

Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.



Michigan Department of Licensing and Regulatory Affairs
Finance and Administrative Services
Revenue Services

Credit Card Authorization Form

**** FAX COMPLETED FORM TO SECURE FAX LINE: 517-284-8557 ****

**** DO NOT EMAIL OR MAIL THIS FORM ****

Requests with credit card payments that are not faxed to the above secure fax line will be destroyed along with the credit card authorization in order to ensure the security of applicants' personal credit card numbers.

****IF YOU ARE NOT SUBMITTING AN APPLICATION FORM WITH THIS CREDIT CARD AUTHORIZATION, YOU MUST PROVIDE AN ITEMIZATION OF THE FEES FOR WHICH YOU ARE SUBMITTING PAYMENT OR YOUR PAYMENT WILL NOT BE PROCESSED****

Name on Card: Jamie M Witkowski
El Tajin Mexican Restaurant

Payment Amount: \$ 320.00

Billing Address: 104 W Michigan Ave

Card Number: 5119 7779 0298 2461

City: Marshall State: MI Zip Code: 49068

Check One:

Phone: 269-558-8077

☒ MasterCard ☐ Visa ☐ Discover

Email: el-tajinmexicanrestaurantmi@gmail.com

Security Code/CVV Code: 523

Applicant/Licensee Name: Request or Business ID #:

Expiration Date: 04/27

El Tajin Mexican Restaurant LLC 0286043

Payment is for:

Social district permit

Jamie M Witkowski
Signature

IF YOU ARE NOT SUBMITTING AN APPLICATION FORM WITH THIS CREDIT CARD AUTHORIZATION, YOU MUST PROVIDE AN ITEMIZATION OF THE FEES FOR WHICH YOU ARE SUBMITTING PAYMENT OR YOUR PAYMENT WILL NOT BE PROCESSED.

Credit Card Payment Itemization:

Fee Type	Fee Amount	MLCC Fee Code
☒ Inspection Fee(s):	<u>70.00</u>	4036
☒ Social District Permit Fee:	<u>250.00</u>	4081

ITEM: 12.B

ADMINISTRATIVE REPORT



TO: Honorable Mayor and City Council
FROM: Derek N. Perry, City Manager
Eric Zuzga, Director of Community Services
Justin Miller, Parks and Recreation Superintendent
DATE: October 2, 2023
SUBJECT: **CONSUMERS ENERGY FOUNDATION GRANT REQUEST FOR
EATON PARK**

As part of our continuing efforts to raise funds for the development of Eaton Park, staff have been searching for funding opportunities for the project. The Consumers Energy Foundation was created to support community projects within Consumers Energy's service territory. City staff and the Eaton Park committee are requesting authorization to submit a grant request of up to \$50,000 to the Consumers Energy Foundation to help ensure the development of Phase 1 of Eaton Park. To date, we have raised \$731,668 towards the construction of the first phase of Eaton Park. We have the Patronicity crowdfunding grant almost ready to submit, which will result in an additional \$100,000 towards the project, if we are successful in raising the full amount under that grant.

We continue to explore other funding opportunities as the bid from our low bidder was over \$1.1 million (over \$300k more than the engineer's estimate). We have decided not to bring this forward for your consideration due to this bid amount and the current level of funds raised. Staff will work with our consultants to refine the scope for phase 1 and will rebid the project later this year. During that time we will also continue to raise additional funds so that we are prepared for construction in 2024.

BUDGET IMPACT:

None anticipated with the approval to submit a grant request. If awarded, a future budget amendment will be needed for the increased revenue.

RECOMMENDATION:

Approve submission of the grant request to the Consumers Energy Foundation in an amount up to \$50,000 to be used for the development of Eaton Park.