CITY COUNCIL MINUTES

October 2, 2023

Regular Meeting - 7:00 PM

1) CALL TO ORDER

IN A REGULAR SESSION held on Monday, October 2, 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, Theresa Chaney-Huggett, Jacob Gates, Ryan Traver, Scott Wolfersberger

Also Present: Manager Perry, Attorney Revore, and Clerk Eubank

Absent: Joe Caron and Ryan Underhill

Moved by Traver, supported by Wolfersberger to excuse members Caron and Underhill . On a voice vote: **Motion carried.**

3) INVOCATION

NONE

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.

Perry suggested that the agenda should be amended to remove Item 10A and renotice the public hearing for the next City Council meeting on October 16. Additionally, he suggested adding item 16- closed session, Pursuant to section 8(e) of the Open Meetings Act, to consult with its City Attorney regarding trial or settlement strategy in connection with specific pending litigation: *Committee for Marshall - Not the Megasite v City of Marshall and Michelle Eubank,* Case No. 23-1712 CZ.

Moved by Gates, supported by Wolfersberger to approve the agenda as amended. On a voice vote: **Motion carried.**

6) PUBLIC COMMENT ON AGENDA ITEMS Persons addressing City Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of three (3) minutes. Comments shall address AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion (Item 10) of the meeting agenda. Non-Agenda items shall be addressed during the PUBLIC COMMENT-NON-AGENDA ITEMS (Item 14) portion of the meeting agenda.

Barry Wayne Adams of 622 W Green St stated his objection to additional land coming in by 425 as a replacement for eminent domain and stated that the megasite project is a violation of the constitution.

Wayne Wright of Marshall Twp. stated that he thought it was interesting that the City of Marshall was using Detroit as a defense in the case against the Committee for Marshall-Not the Megasite, when the Detroit government is and was corrupt.

Leigh Rothwell of Marshall Twp questioned if the traffic study had come in for the Hughes St rezoning and objected to it being rezoned without the study, as it is already a dangerous area.

Kelly Isaac of the City of Marshall stated that the meetings need to be recorded and that phone calls need to be returned.

Gretchen Esser of N Eagle St stated that there is no excuse for meetings not being recorded, that she doesn't trust the council as they don't speak for the town, and that the dark money information is coming out and those involved should feel shame.

Justin Kazmar of Marengo Twp stated that meetings not being recorded is disrespectful, that people warned that Ford would back out, that council is just puppets of MAEDA and they should all resign.

7) CONSENT AGENDA

Moved by Jacob Gates, supported by Scott Wolfersberger to approve the consent agenda as presented. On a roll call vote:

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

A. <u>City Council Minutes</u>
Regular Session - September 18, 2023

B. <u>City Bills</u>

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~~

This item was removed from the agenda in Item 5.

11) OLD BUSINESS

A. RZ#23.02 and 23.04 HUGHES STREET REZONING

Council asked if the traffic study was in and Perry responded that it was still pending, but it is known that the current signal is inadequate.

Moved by Scott Wolfersberger, supported by Ryan Traver to table the discussion on item 10A until the October 16 meeting. On a roll call vote:

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

12) REPORTS AND RECOMMENDATIONS

A. EL TAJIN MLCC SOCIAL DISTRICT PERMIT REQUEST

Council questioned if there had been any negative impacts to the social district in general and Perry stated that there have been no negative impacts that point to the social district being a problem.

Moved by Ryan Traver, supported by Theresa Chaney-Huggett to approve the Local Governmental Unit Approval For Social District Permit pursuant to MCL 436.1551 for El Tajin located at 104 West Michigan Ave. On a voice vote: **Motion carried.**

B. CONSUMERS ENERGY FOUNDATION GRANT REQUEST FOR EATON PARK

Moved by Theresa Chaney-Huggett, supported by Ryan Traver to 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. On a voice vote: **Motion carried.**

13) APPOINTMENTS / ELECTIONS

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.

Ian Campbell stated that he believed his appointment to the Brooks Nature Area Board was to be on the agenda for the evening. Perry stated that it will be on the next agenda.

Jennifer Diepenhorst of Hughes St stated that she doesn't want half a project, that people can't save to move up if they are paying rent, that accidents are already happening on Hughes St and thanked the electric team for a quick response on cutting down a tree that was damaged from a recent accident.

Gretchen Esser of N Eagle St reiterated the need for meetings to be recorded.

Wayne Wright stated his opposition to the next meeting being at the same time as the township meeting and questioned the staff report on the rezoning.

Leigh Rothwell of Marshall Twp stated the need for the traffic study on Hughes St, that the future land use map shows low density residential in that area, the need for recording and that if Blue Oval only needs 700 acres, the rest should be open space.

Barry Wayne Adams of 622 W Green St stated that council doesn't have the authority to restrict free speech, encouraged people to come out to the anti-megasite protest on Saturday from 12-2 with people from across the state, and stated that the Committee for Marshall-Not the Megasite is making headway.

Julie Bryant of Squaw Creek stated that she couldn't be happier that the project is on hold, that people should strive for more for their children than working at a battery factory, and that people who can't get jobs elsewhere will be working at Blue Oval and living at Starr Commonwealth.

Rick Sadler of Squaw Creek stated that constitutional processes are being destroyed and that non-elected officials are running the show.

Conni Wireman of Marshall Twp stated the need for recording and that the current industrial park should be pushed for development.

15) COUNCIL AND MANAGER COMMUNICATIONS

Perry stated that there are upgrades in progress for AV equipment in the council chambers and that he hopes they will be completed by the end of October.
Schwartz stated that there is progress being made on moving new industry into the Brooks Industrial Park.

16) CLOSED SESSION Pursuant to section 8(e) of the Open Meetings Act, to consult with its City Attorney regarding trial or settlement strategy in connection with specific pending litigation: Committee for Marshall - Not the Megasite v City of Marshall and Michelle Eubank, Case No. 23-1712 CZ.

Moved Scott Wolfersberger, supported Ryan Traver that the City Council meet in closed session under section 8(e) of the Open Meetings Act, to consult with our City Attorney regarding trial or settlement strategy in connection with Committee for Marshall - Not the Megasite v City of Marshall and Michelle Eubank, Case No. 23-1712 CZ. On a roll call vote:

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

17) ADJOURNMENT

Council returned from closed session at 8:24 p.m.

The meeting was adjourned at 8:24 p.m.

Respectfully submitted by,

Michelle Eubank
City Clerk