CITY COUNCIL MINUTES

October 16, 2023
Regular Meeting - 7:00 PM

1) CALL TO ORDER

IN A REGULAR SESSION held on Monday, October 16, 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 Jim Schwartz.

2) ROLL CALL

Roll was called:

Present: James Schwartz, Joe Caron, Jacob Gates, Ryan Traver, Ryan Underhill, Scott Wolfersberger

Also Present: Manager Perry and Clerk Eubank

Absent:Theresa Chaney-Huggett

Moved by Scott Wolfersberger, supported by Jacob Gates to excuse member Chaney-Huggett On a voice vote: **MOTION CARRIED.**

3) INVOCATION

Kris Tarkiewicz of Family Bible Church led the invocation.

4) PLEDGE OF ALLEGIANCE

Mayor Schwartz led the Pledge of Allegiance.

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

Manager Perry offered an amendment to the consent agenda to include the September power purchase of $856,322.78 for a total of $1,836, 335.46.

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

Ayes: James Schwartz, Joe Caron, Jacob Gates, Ryan Traver, Ryan Underhill, Scott Wolfersberger
Nays: None
Abstain: None
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 spoke in opposition of altering agendas, voiced concern for holding closed session, and further stated that Ford will not move forward.

7) CONSENT AGENDA

Moved by Jacob Gates, supported by Ryan Underhill to approve the consent agenda as amended. On a roll call vote:

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

A. **City Council Minutes**
Regular Session - October 2, 2023

B. **City Bills**

Purchases- 9/29/2023	$853,868.81
Purchases- 10/6/2023	$121,443.87
Purchases- 10/10/2023	$4,700.00
September Power Purchase	$856,322.78
Total	**$1,836,335.46**

8) PRESENTATIONS AND RECOGNITIONS

9) INFORMATIONAL ITEMS

A. COMCAST MICHIGAN UNIFORM VIDEO SERVICE FRANCHISE

Moved by Joe Caron, supported by Scott Wolfersberger to receive communication from Comcast. On a voice vote: **Motion Carried.**

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

The Public Hearing opened by Mayor Schwartz at 7:13pm:

Barry Wayne Adams of 622 W Green Street spoke in opposition to the industrial district.

Victoria McGuffin of Marshall Township voiced opposition to the creation of the industrial district, citing the Michigan Code of Ethics.

The Public Hearing closed by Mayor Schwart at 7:20pm.

Moved by Scott Wolfersberger, supported by Ryan Traver to table the discussion on Resolution 2023-27 which would create an Industrial Development District for the Ford BlueOval Battery Park site to the November 20th meeting. On a roll call vote:

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

11) OLD BUSINESS

A. ORDINANCE 2023-11 HUGHES STREET REZONING

Council inquired about the traffic study and site plan status. Director Zuzga responded that the traffic study would be in by the end of the month and dispersed to the county and MDOT. He further stated that the conduction of a speed study at this time of development is not appropriate and the site plan would be presented after the property is zoned.

Moved by Jacob Gates, supported by Ryan Traver to 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.
On a roll call vote:

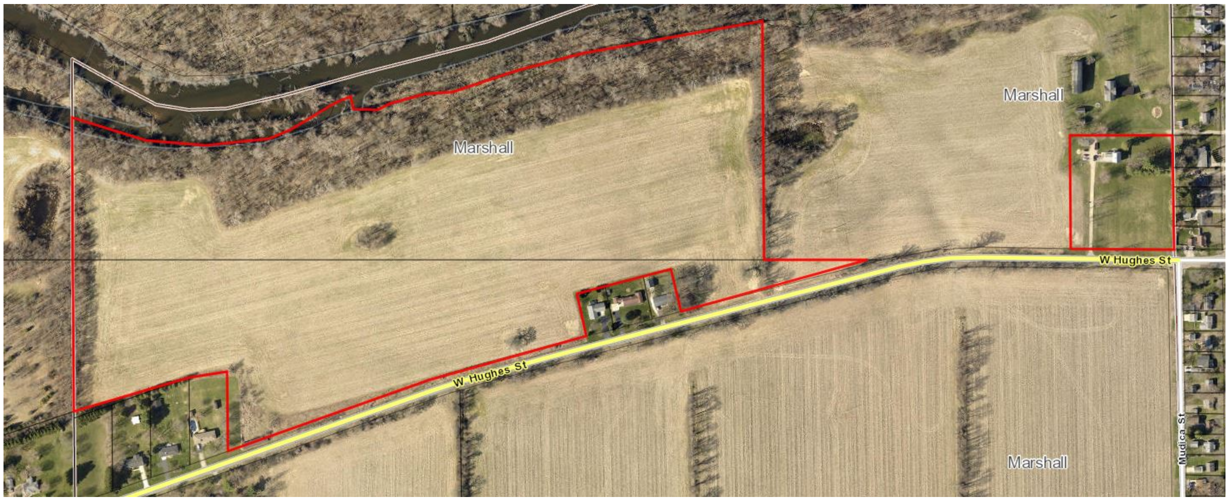
Ayes: James Schwartz, Joe Caron, Jacob Gates, Ryan Traver, Ryan Underhill, Scott Wolfersberger
Nays: None
Abstain: None
Motion Carried

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 Rood 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 \he 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: \hence 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 16TH day of October, 2023.

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James Schwartz, Mayor Michelle Eubank, City Clerk

12) REPORTS AND RECOMMENDATIONS

A. COUNTY EARLY VOTING AGREEMENT

Council questioned proposed grant coverage, legislative compliance, and the cost of going alone or with the County for early voting. Clerk Eubank stated the grant coverage from the state will depend on how much is requested from all jurisdictions, but it would be applied by an equal percentage to all. She further stated that this would bring us into compliance with the state and that if we were to go alone, the cost of labor would be nearly $12,000 a year with a start up cost of around $25,000.

Moved by Joe Caron, supported by Scott Wolfersberger to authorize the City Clerk and City Manager to sign the early voting agreement with Calhoun County. On a roll call vote:

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

B. BROOKS FIELD ENGINEERING CONTRACT

Council questioned the funding. Director Zuzga replied that maintenance is in the budget and the airport only needs to cover 5%, as MDOT will cover the rest.

Moved by Ryan Traver, supported by Joe Caron to approve the contract with Mead & Hunt for the design and contract administration of the West Parallel Taxiway and North Apron Rehabilitation project in the amount of $68,770 and authorize the City Clerk and City Manager to sign the necessary documents.

On a roll call vote:

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

C. INTER-FUND LOAN FOR ACTIVATION ZONE

Moved by Joe Caron, supported by Ryan Underhill to approve the DDA to borrow $384,400 from the General Fund, and the DDA will pay back the General Fund per the supplied debt schedule. On a roll call vote:

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

13) APPOINTMENTS / ELECTIONS

A. BROOKS NATURE AREA ADVISORY BOARD APPOINTMENT

Moved by Joe Caron, supported by Jacob Gates to approve the appointment of Ian Campbell to the Brooks Nature Area Advisory Board with a term ending on August 15, 2025. On a voice vote: **Motion Carried**

B. SISTER CITY BOARD APPOINTMENTS

Moved by Joe Caron, supported by Scott Wolfersberger to approve the reappointment of Jack Reed, Mike Sullivan, Charlie Cook and Shirley Cook to the Sister City Board with terms ending December 31, 2026. On a voice vote: **Motion Carried**

C. AIRPORT BOARD APPOINTMENTS

Moved by Scott Wolfersberger, supported by Jacob Gates to approve the appointment of Mike Walraven and Desmond Kirkland to the Airport Board with terms ending on October 1, 2026. On a voice vote: **Motion Carried**

D. DDA/LDFA APPOINTMENT

Moved by Jacob Gates, supported by Ryan Underhill to approve appointment of Desmond Kirkland to the DDA/LDFA for term ending on December 31, 2027. On a voice vote: **Motion Carried**

E. SOUTH NEIGHBORHOOD IMPROVEMENT AUTHORITY APPOINTMENTS

Moved by Joe Caron, supported by Ryan Underhill to approve the appointments of Ben Holben, Sean LeFere and Michael Murphy to the South Neighborhood Improvement Authority for terms ending on December 31, 2027. On a voice vote: **Motion Carried**

F. NORTHEAST NEIGHBORHOOD IMPROVEMENT AUTHORITY APPOINTMENTS

Moved by Scott Wolfersberger, supported by Jacob Gates to approve the appointment of Matt Davis for the term ending December 31, 2026, and the appointments of Krista Trout-Edwards and Greg Beeg to the Northeast Neighborhood Improvement Authority for terms ending on December 31, 2027. On a voice vote: **Motion Carried**

14) PUBLIC COMMENT ON NON-AGENDA ITEMS Persons addressing City Council are required to give their name and address for the record when called upon by the Mayor. Members of the public shall be limited to speaking for a maximum of two (2) minutes. Comments shall address NON-AGENDA ITEM topics. Public Hearing items shall be addressed during the PUBLIC HEARING portion (Item 10) of the meeting agenda. Agenda items should be addressed during the PUBLIC COMMENT-AGENDA ITEMS (Item 6) portion of the meeting agenda.

Jennifer Diepenhorst of 1236 W Hughes St spoke in opposition of development on Hughes Street citing current agriculture usage and drastic change to the surrounding area by zoning MFRD.

Barry Wayne Adams of 622 W Green Street voiced concern for councils lack of response to community concerns. Committee case is still pending and could return the land at the development site back to what it once was.

Rick Sadler of Squaw Creek voiced concern of lack of video and audio equipment as was previously discussed at other meetings. States lack of equipment as an ADA violation. Requested who the ADA liaison is for the City.

15) COUNCIL AND MANAGER COMMUNICATIONS

Mayor Schwartz advised everyone to move forward safely during this time of unrest.

Member Gates stated that he was not a previous member of MAEDA as declared previously in the meeting by the public

Manager Perry voiced that all ADA communications equipment will be operational by the next meeting and that the City ADA liaison is the Clerk Michelle Eubank.

16) ADJOURNMENT

The meeting was adjourned at 7:57pm

Respectfully submitted by,

Jennifer Pickford
Deputy Clerk