
CITY COUNCIL MINUTES

November 6, 2023
Regular Meeting - 7:00 PM

1) CALL TO ORDER

IN A REGULAR SESSION held on Monday, November 6, 2023 at 7:00 PM in the Council Chambers of City Hall, 323 West Michigan Ave, Marshall, MI 49068, the Marshall City Council was called to order by Mayor Schwartz.

2) ROLL CALL

Roll was called:

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

Also Present: Manager Perry and Clerk Eubank

Absent: Scott Wolfersberger

Motion by Joe Caron, supported by Ryan Traver to excuse Scott Wolfersberger. On a voice vote; **Motion carried.**

3) INVOCATION

4) PLEDGE OF ALLEGIANCE

Mayor Schwartz led the Pledge of Allegiance.

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

Moved by Caron, supported by Traver to approve the agenda as presented. On a voice vote: **Motion carried.**

6) PUBLIC COMMENT ON AGENDA ITEMS

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

Lynn Sleight of the City of Marshall questioned whether she could get an itemized list of the spending in the City bills.

Barry Wayne Adams of 622 W Green St stated that the time limit for public comment was a violation of their first amendment rights, that there is no authority to curtail Freedom of Speech and that the restrictions need to be lifted to fully express themselves.

7) CONSENT AGENDA

Moved by Jacob Gates, supported by Theresa Chaney-Huggett to approve the consent agenda as presented. On a roll call vote:

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

Nays: None

Abstain: None

Motion carried.

A. City Council Minutes
Regular Session - October 16, 2023

B. <u>City Bills</u>	
Purchases 10/13/2023	\$441,074.67
Purchases 10/17/2023	\$144,156.65
Purchases 10/20/2023	\$167,626.18
Purchases 10/27/2023	\$87,546.45
Purchases 10/30/2023	\$2,785.00
Purchases 11/07/2023	\$234,757.78
TOTAL	\$1,077,946.73

C. MMEA EGLE WOODEN POLES GRANT APPLICATION AUTHORIZATION

D. CRONIN FOUNDATION AND EATON GRANT REQUEST- EATON PARK

E. HANOVER STREET UTILITY EASEMENT

F. FIRST QUARTER FY2024 FINANCIAL REPORT

G. FIRST QUARTER FY2024 INVESTMENT PORTFOLIO

H. FIRST QUARTER FY2024 CASH POSITION REPORT

I. FIRST QUARTER FY2024 BUDGET AMENDMENTS

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.

11) OLD BUSINESS

12) REPORTS AND RECOMMENDATIONS

A. DISTRIBUTION TRANSFORMER PURCHASES

Moved by Jacob Gates, supported by Theresa Chaney-Huggett to approve the distribution transformer purchases from UTB Transformer in the amount of \$124,852,

Stuart C. Irby Distribution in the amount of \$168,518, Sunbelt Solomon in the amount of \$37,390 and authorize the Purchasing Agent to issue the necessary purchase order documents. On a roll call vote:

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

Nays: None

Abstain: None

Motion carried.

B. GRP ENGINEERING SETTLEMENT AGREEMENT & RELEASE FOR BROOKS SUBSTATION

Moved by Joe Caron, supported by Ryan Underhill to approve the Settlement Agreement and Release with GRP Engineering Inc. and authorize the City Manager and City Clerk to sign the necessary documents. On a roll call vote:

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

Nays: None

Abstain: None

Motion carried.

C. OPRA DISTRICT ESTABLISHMENT FOR 135 WEST MANSION STREET - SET PUBLIC HEARING

Moved by Ryan Underhill, supported by Joe Caron to schedule a public hearing for December 4, 2023 to consider the creation of an OPRA district at 135 West Mansion Street. On a voice vote: **Motion carried.**

D. EXHIBITION DRIVING ORDINANCE UPDATE

Moved by Jacob Gates, supported by Joe Caron to introduce Ordinance 2023-12, An Ordinance amending City of Marshall Code of Ordinances Section 70.06, Exhibition Driving, Publish a summary in the local newspaper and set a Public Hearing for November 20, 2023. On a voice vote: **Motion carried.**

E. DEER FEEDING AND BAITING ORDINANCE

Moved by Ryan Traver, supported by Theresa Chaney-Huggett to introduce Ordinance 2023-13, An Ordinance adding section 97.08, Deer Feeding and Baiting Prohibited, to the City of Marshall Code of Ordinances, Publish a summary in the local newspaper and set a Public Hearing for November 20, 2023. On a voice vote: **Motion carried.**

F. TRANSPORTATION ADMINISTRATION SERVICES AGREEMENT

Moved by Joe Caron, supported by Ryan Traver to approve the Transportation Service Agreement with the City of Battle Creek to provide Marshall DART administrative services and authorize the City Manager and City Clerk to sign the necessary documents. On a roll call vote:

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

Nays: None

Abstain: None

Motion carried.

13) APPOINTMENTS / ELECTIONS

A. TRANSIT AUTHORITY OF CALHOUN COUNTY- BOARD APPOINTMENT

Moved by Joe Caron, supported by Jacob Gates to recommend Tom Tarkiewicz to the Calhoun County Board of Commissioners for appointment to the Transportation Authority of Calhoun County (TACC) for a three-year term. 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.

Gretchen Esser of 219 N Eagle stated with the new parking downtown on Green St, it is hard to see to leave the parking lot around the cars parked in the street, and that although there is a lot of money coming in, the parks seem to be in a state of disrepair.

Barry Wayne Adams of 622 W Green St stated that not having a public hearing in item 10 was a violation of rights, and that the Committee case against the city was to be heard on November 15. He further stated that the lawsuit against the committee was bogus, that once the case gets out of the county, the committee will prevail, and that it should be changed to a state park.

Shavon Tindall of 558 N Marshall stated that people are speeding through the 4 way stop by the high school and that while there is things for adults to do, there isn't much for kids to do in town. She further stated she would like to see opportunities for kids to serve each other, as well as gardens at each school.

Jerry Bossard of 14 Mile Rd questioned why the city would spend money on a new road and parking just to benefit Schuler's, that when Ford walks away, everyone will have egg on their face, and that the township didn't want the zoning to I-3.

Shavon Tindall questioned the construction cones by Family Fare.

15) COUNCIL AND MANAGER COMMUNICATIONS

Gates stated that he believed the Brooks Fountain had money set aside for repairs. Perry stated that Brooks had money allocated for a consultant to see what needed to be done, and is now awaiting money for the needed repairs. He further stated that the riverwalk will see repairs to the most needed sections, hopefully this spring. Caron stated that Kid's Kingdom will also see repairs and improvements.

Perry stated that the pavement markings for Green St were scheduled for this week.

16) ADJOURNMENT

The meeting was adjourned at 7:46 p.m.

Respectfully submitted by,

Michelle Eubank
City Clerk