
CITY COUNCIL MINUTES

December 4, 2023
Regular Meeting - 7:00 PM

1) CALL TO ORDER

IN A REGULAR SESSION held on Monday, December 4, 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 Schwartz, Chaney-Huggett, Gates, Traver, Underhill and Wolfersberger

Also Present: Manager Perry and Deputy Clerk Pickford

Absent: Caron

Motion by Gates, supported by Traver to excuse member Caron. 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.

Motion by Mayor Schwartz to accept Agenda as amended adding Section F to the Consent agenda amending the date change to the tax board of Review to 12/13/2023.

Moved by Gates, supported by Wolfersberger to approve the agenda as submitted. 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 Admas of 622 W Green Street voiced his objection to the continued work at the BOBPM. Mayor Schwartz questioned if Mr. Adams would be speaking on agenda items as that is what is to be discussed. Mr. Adams stated that Michigan constitution does not allow any rule stopping the public from speaking on non-agenda items during item 6 of the agenda. Mr. Adams voiced his concern with council enforcing a rule to limit the topics discussed.

7) CONSENT AGENDA

Council Member Gates asked to recuse himself from the vote due to possible conflict of interest with item on Consent Agenda.

Moved by Wolfersberger, supported by Chaney-Huggett to recuse Council member Gates from voting on consent agenda On a roll call vote:

Ayes: Mayor Schwartz, Chaney-Huggett, Traver, Underhill, Wolfersberger

Nays: None

Abstain: Gates

Motion Carried

A. City Council Minutes
Regular Session - 11/20/2023

B. <u>City Bills</u>	
Purchases 11/17/2023	\$274,642.17
Purchases 11/22/2023	\$156,187.41
Purchases 12/05/2023	\$221,310.77
TOTAL	\$652,140.35

C. 2024 CITY COUNCIL MEETING DATES

D. 2024 BOARD AND COMMISSION VACANCIES

E. SPECIAL EVENT APPLICATION - ICE, WINE, BEER AND BLUES

8) PRESENTATIONS AND RECOGNITIONS

Willaim Dopp introduced Aaron Stevens who presented his highlights and key thoughts on the audit.

A. 2023 ANNUAL FINANCIAL AUDIT

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. SPECIAL LAND USE (SLU) APPLICATION #23.03- TRACTOR SUPPLY
15861 WEST MICHIGAN AVENUE**

Mayor Schwartz opened the public hearing on Special Land Use (SLU) Application #23.03- Tractor Supply

Presented by staff member Eric Zuzga.

Richard Lindsey represents owner, Great Northern Mall. Stated client is excited to move forward and fill the remaining Tennant spaces. Hoping for full spaces by end of 2024.

Barry Wayne Adams of 622 W Green Street stated the terms and conditions of the waiver are still in effect. Spoke on his belief of counter productivity to bring in a TSC while destroying farmland at the Ford development site. Stated the the business may be ambitious in the beginning but will whither out in time. Spoke on the the unconstitutional

practices of rezoning land and that the practice is half-baked maneuvers by the City to circumvent the law.

Lee Rockwell of Ceresco spoke in favor of using the existing empty building for new development. Showed surprise that the council is taking the recommendation made by JPC after disregarding their recommendation opposing the rezoning the the BOBPM

Mayor Schwartz closed the public hearing on SLU #23.03- Tractor Supply

Woltersberger spoke on the community's excitement for the new development and its positive addition to the area.

Gates spoke on the map for outdoor use and how it makes sense for the space they are utilizing to have the outdoor display where it is proposed on the plan.

Moved: by Scott Woltersberger, supported by Ryan Underhill to Approve the Special Land Use (SLU#23.03) for Tractor Supply to allow outdoor displays of trailers, propane, plants, and other related items at 15861 West Michigan. On a voice vote: **Motion Carried**
Moved

B. CREATION OF AN OPRA DISTRICT - 135 WEST MANSION STREET

Mayor Schwartz opened the public hearing on Creation of an OPRA District- 135 W Mansion Street at 7:44pm

Barry Wayne Adams of 622 W Green Street spoke on corporate facism and the use of corporate forums to control the community. Mr. Adams spoke in opposition of the OPRA, citing that public and private issues should be kept separate. Further, Mr. Adams spoke on the military authority displayed by council by the display of the flags. Mr. Adams cited his decades of research for his opinions on authoritative government and his opposition to government practices such as zoning. Concluded that Marshall is turning into an EV vehicle bleeding farm.

Amy Frentz of Battle Creek, owner of 135 W Mansion thanked the council for their consideration for OPRA. Looking forward to the opportunity to restore and continue business in the Marshall area.

Mayor Schwartz closed the public hearing at 7:48pm

Moved by Traver, supported by Underhill to Approve Resolution 2023-34, A Resolution to Establish an Obsolete Property Rehabilitation District for 135 West Mansion Street.

On a roll call vote:

Ayes: Mayor Schwartz, Chaney-Huggett, Gates, Traver, Underhill, Woltersberger

Nays: None

Abstain: None

Motion Carried

11) OLD BUSINESS

12) REPORTS AND RECOMMENDATIONS

A. PARKING ORDINANCE UPDATE

Mayor Schwartz inquired how we know how many parking is needed.

Chief Lankerd spoke on reporting showing a the needed for 50 average and that there are 84 plus handicapped spaces allotted.

Mayor Schwartz asked about designated spaces for snow removal and how to control vehicles who are parking outside of designated spots.

Chief Lankerd spoke on the process to cite vehicles outside of designated overnight spaces and the designated snow spaces for snow removal

Mayor Schwartz inquired on the process of the bars issuing intoxicated drivers a pass to keep from being ticketed

Chief Lankerd spoke on the bars lack of utilizing the process and the possibility of moving vehicles to designated spaces with sober drivers then transporting the inebriated drivers home.

Wolfersberger voiced concern on loss of data by nt monitoring who is using the overnight parking and possible trends/busy times.

Chief Lankerd spoke on permit holders wanting/expecting assigned parking due to paying for the permit.

Derek Perry explained that this procedure was vetted by the DDA and that the want for more lax parking by the DDA.

Moved by Underhill, supported by Traver to Approve the Introduction of Ordinance 2023-14, An Ordinance Amending Marshall Code of Ordinances, Section 70.008. Parking Regulations, and set a Public Hearing for January 16, 2024, at 7 PM. On a roll call vote:

Ayes: Mayor Schwartz, Chaney-Huggett, Gates, Traver, Underhill, Wolfersberger

Nays: None

Abstain: None

Motion Carried

B. 135 WEST MANSION STREET OPRA EXEMPTION REQUEST - SET PUBLIC HEARING

Moved by Traver, supported by Gates to Set a public hearing for January 16, 2024 to consider approval of an OPRA exemption for up to 8 years for 135 West Mansion Street. On a voice vote: **Motion Carried**

C. COUNTY HAZARD MITIGATION PLAN ADOPTION

Mayor Schwatz questioned if the ship date was moved up?

Alec Egnatuck confirmed the updated shipping and explained that the local painter located in Michigan would need to receive first then the shipment would come here.

Wolfersberger questioned if there would be an update to efficiency.

Alec answered that yes, there is an update to clarifier efficiency.

Moved by Scott Wolfersberger, supported by Theresa Chaney-Huggett to Approve Resolution 2023-33, A Resolution to Adopt the November 2023 Calhoun County Michigan Multi-Jurisdictional Natural Hazard Mitigation Plan and Authorize the City Manager and City Clerk to sign the necessary documents. On a voice vote: **Motion Carried**

D. WWTP CLARIFIER REHABILITATION

Moved by Theresa Chaney-Huggett, supported by Scott Wolfersberger to Approve the clarifier rehabilitation construction change order with LD Docsa and Associates for the amount of \$357,526 with a contingency of \$44,000 for a total amount of \$401,526 and authorize the City Manager and City Clerk to sign the necessary documents. On a roll call vote:

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

Nays: None

Abstain: None

Motion Carried

E. MDOT CONTRACT- NORTH APRON AND WEST TAXIWAY BROOKS FIELD

Moved by Ryan Traver, supported by Jacob Gates to Approve MDOT contract #2024-0127 as presented, subject to the City Attorney's substantial form concurrence, and authorize the City Manager and City Clerk to sign the contract documents as necessary. On a roll call vote:

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

Nays: None

Abstain: None

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.

Julie Bryant of Squaw Creek cited and read the article from The Center For Economic Accountability which cited the BOBPM as the "Worst Economic Development Deal of the Year." Also spoke on the request for transparency since January.

Rick Sadler of Squaw Creek referenced the same article and how the dark money spent by Gretchen Whitmer's 2022 election campaign to try to silence area residents who were vocal in their disagreement with the development of the Major Campus. Concluding that money is being put into big corruptions with the illusion of "job creation" for the voters.

Lee Rockwell of Ceresco referenced the same previously mentioned article and how it mentions the job pay being below the average national norm. Spoke on recusal of voting on possible conflicts of interest brought forth by board members and questioned why previous recusal on the topic of the major campus was refused. Voiced appreciation for

the new sound system and the ability to hear all the speakers. Concluding that the Agenda did not show item 7F and that it was referenced previously in the meeting.

Barry Wayne Adams of 622 W Green Street spoke on the previously mailed post cards and the threatening red X over his face in a cropped photo. Spoke on the legalistic gas lighting he believes is happening by the board and local government. Mr. Adams voiced his disapproval on the two tv monitors being turned in the council chambers and that they are backwards. Mr. Adams spoke on his objection to the Judge avoiding his duty on the lawsuit. Concluding that there is a selective approach to conflict of interest and encouraged the board to view the Facebook pages and the voices of the people found on the comments.

15) COUNCIL AND MANAGER COMMUNICATIONS

Wolfersberger thanked the staff and EMS first responders for a great Christmas parade and response to the emergency where Fire was able to save the home on Hughes St.

Mayor Schwartz thanked the staff for the great Christmas parade and first responders for response that saved the structure. He addressed that he had not previously heard of the Center of Economic accountability or the article referenced by the public but stated he will look into the statistics referenced there. The BOBPM will be a UAW shop and that reassurance will be had for the workers there. He concluded that he has went on record previously in reference to the creation of the postcard had nothing to do with the council. Mayor Swartz stated that he does to condone the postcard. Further providing that no public funds were used in its creation and that the council does not condone it's creation.

16) ADJOURNMENT

The meeting was adjourned at 8:26pm

Respectfully submitted by,

Jennifer Pickford
Deputy Clerk