
CITY COUNCIL MINUTES

July 15, 2024

Regular Meeting - 7:00 PM

1) **CALL TO ORDER**

IN A REGULAR SESSION held on Monday, July 15, 2024 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 Pro Tem Traver.

2) **ROLL CALL**

Roll was called:

Present: Mayor Pro Tem Ryan Traver, Joe Caron, Theresa Chaney-Huggett, Jacob Gates, Ryan Underhill, Scott Wolfersberger

Also Present: Manager Perry and Clerk Eubank

Absent: Mayor Schwartz

Moved by Joe Caron, supported by Scott Wolfersberger to excuse Mayor Schwartz. On a voice vote: **Motion carried.**

3) **INVOCATION**

4) **PLEDGE OF ALLEGIANCE**

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

Moved by Joe Caron, supported by Ryan Underhill 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.

Rebekah Sebring of Fredonia Township and Barry Wayne Adams of 622 W Green St gave public comment.

7) **CONSENT AGENDA**

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

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

Nays: None

Abstain: None

Motion carried.

A. **City Council Minutes**
Regular Session - July 1, 2024

B. City Bills

Purchases 6/28/2024	\$431,872.78
Purchases 7/3/2024	\$123,577.55
Purchases 7/16/2024	\$96,444.06
TOTAL	\$651,894.39

C. GRANT SUBMITTAL REQUESTS - RECREATION DEPARTMENT

8) PRESENTATIONS AND RECOGNITIONS

9) INFORMATIONAL ITEMS

A. 2024 ACTION PLAN - 2nd QUARTER UPDATE

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. SECTION 3.1.10 B-4 REGIONAL COMMERCIAL DISTRICT & SECTION 3.1.11 FREEWAY SERVICES DISTRICT ZONING ORDINANCE AMENDMENTS - ORDINANCE 2024-08

Mayor Pro Tem Traver opened the public hearing on Ordinance #2024-08, An Ordinance to Amend City of Marshall Zoning Code, Chapter 3.0 Zoning Districts, Section 3.1.10, B-4 Regional Commercial District and Section 3.1.11, Freeway Services District.

Barry Wayne Adams of 622 W Green St spoke during the public hearing.

Mayor Pro Tem Traver closed the public hearing on Ordinance #2024-08, An Ordinance to Amend City of Marshall Zoning Code, Chapter 3.0 Zoning Districts, Section 3.1.10, B-4 Regional Commercial District and Section 3.1.11, Freeway Services District.

Moved by Jacob Gates, supported by Scott Wolfersberger to Enact Ordinance #2024-08, An Ordinance to Amend City of Marshall Zoning Code, Chapter 3.0 Zoning Districts, Section 3.1.10, B-4 Regional Commercial District and Section 3.1.11, Freeway Services District, to Repeal any Ordinances in conflict thereof, and to Provide an effective date hereof, and publish the ordinance in full in the local newspaper. On a roll call vote:

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

Nays: None

Abstain: None

Motion carried.

**CITY OF MARSHALL
ORDINANCE #2024-08**

AN ORDINANCE TO AMEND CITY OF MARSHALL ZONING CODE, CHAPTER 3.0 ZONING DISTRICTS, SECTION 3.1.10, B-4 REGIONAL COMMERCIAL DISTRICT AND SECTION 3.1.11, FREEWAY SERVICES DISTRICT, TO REPEAL ANY ORDINANCES IN CONFLICT THEREOF, AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

THE CITY OF MARSHALL, MICHIGAN ORDAINS:

Section 1. Title and Purpose. This Ordinance shall be titled as the "Zoning Ordinance Amendments, Chapter 3.0, B-4 Regional Commercial District and FS Freeway Service District."

The purpose of this ordinance is to amend the City of Marshall Zoning Ordinance, Chapter 3.0, Section 3.1.10, to add to Special Land Uses Banks to allow for financial institutions with accessory drive-through facilities and to amend subsection D Development Standards - Building Height 35 ft. or 60 ft. if greater than 500 ft from R-1, R-2, or R-3 Zoned parcels; and further to amend Section 3.1.11 "FS Freeway Service District", subsection D Development Standards - Building Height Building Height 35 ft. or 60 ft. if greater than 500 ft from R-1, R-2, or R-3 Zoned parcels.

Section 2. Amendment to Chapter 3.0 Zoning Districts. That **Chapter 3.0, Zoning Districts** of the Marshall City Zoning Code, Section 3.1.10 "B-4 Regional Commercial District", is hereby amended to add the following to subsection "C Special Land Uses":

x. Banks and financial institutions with accessory drive-through facilities

Section 3. Amendment to Chapter 3.0 Zoning Districts. That **Chapter 3.0, Zoning Districts** of the Marshall City Zoning Code, Section 3.1.10 "B-4 Regional Commercial District", subsection "D Development Standards" - Building Height is hereby amended as follows:

Building Height: 35 ft. or 60 ft if greater than 500 ft from R-1, R-2, or R-3 Zoned parcels

Section 4. Amendment to Chapter 3.0 Zoning Districts. That **Chapter 3.0, Zoning Districts** of the Marshall City Zoning Code, Section 3.1.11 "FS Freeway Service District", subsection "D Development Standards" - Building Height is hereby amended as follows:

Building Height: 35 ft. or 60 ft if greater than 500 ft from R-1, R-2, or R-3 Zoned parcels

Section 5. Severability. It is the legislative intent of the City adopting this Ordinance that all provisions hereof shall be liberally construed to protect the public health, safety, and general welfare of the inhabitants of the City and all other persons affected by this Ordinance. Consequently, should any provision of this Ordinance be held to be unconstitutional, invalid or of no effect, such holding shall not be construed as affecting the validity of any of the remaining provisions of this Ordinance or Zoning Code, it being the intent of the City Council

that this Ordinance shall stand and remain in effect, notwithstanding the invalidity of any provision hereof.

Section 6. Savings Clause. Except as specifically amended herein, all other provisions of the Marshall Zoning Ordinance shall remain in full force and effect.

Section 7. Conflicting Ordinance and Code Provisions Repealed. Any Marshall Ordinance, parts of Ordinances, or any Marshall Code provision in conflict or inconsistent with any of the provisions of this Ordinance shall be and is hereby repealed.

Section 8. Publication. This Ordinance shall be published in a newspaper of general circulation in the City of Marshall qualified under state law to publish legal notices. This Ordinance shall be recorded in the Ordinance Book and such recording shall be authenticated by the signatures of the Mayor and the City Clerk.

Section 9. Effective. This Ordinance is declared to be effective seven (7) days after publication or as provided by law.

Section 10. Code Edits. The editors of the Marshall Code are hereby authorized, subject to approval of the City Manager authorized designee, to update and revise Code section numbers to effectuate the provisions of this Ordinance.

Adopted and signed this 15th day of July, 2024.

James Schwartz, MAYOR

Michelle Eubank, CITY CLERK

B. CONDITIONAL REZONING REQUEST - RZ #24.01- 16500 DIVISION DRIVE

Mayor Pro Tem Traver opened the public hearing on Ordinance #2024-10, An Ordinance to Amend the Zoning Map of the City of Marshall so as to Conditionally Change the Zoning of the Parcel #53-003-025-00 (16500 Division Drive) from Research and Technology District (I-1) to Multiple Family Residential District (MFRD).

Barry Wayne Adams of 622 W Green St spoke during the public hearing.

Mayor Pro Tem Traver closed the public hearing on Ordinance #2024-10, An Ordinance to Amend the Zoning Map of the City of Marshall so as to Conditionally Change the Zoning of the Parcel #53-003-025-00 (16500 Division Drive) from Research and Technology District (I-1) to Multiple Family Residential District (MFRD).

Moved by Theresa Chaney-Huggett, supported by Ryan Underhill to Enact Ordinance 2024-10, An Ordinance to Amend the Zoning Map of the City of Marshall so as to Conditionally Change the Zoning of the Parcel #53-003-025-00 (16500 Division Drive) from Research and Technology District (I-1) to Multiple Family Residential District (MFRD) and publish the ordinance in full in the local newspaper. On a roll call vote:

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

Nays: None

Abstain: None

Motion carried.

**CITY OF MARSHALL
ORDINANCE #2024-10**

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CONDITIONALLY CHANGE THE ZONING OF THE PARCEL #53-003-025-00 (16500 DIVISION DRIVE) FROM RESEARCH AND TECHNOLOGY DISTRICT (I-1) to Multiple 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 conditionally change the zoning district for the property described below from Research and Technology (I-1) to Multiple Family Residential District (MFRD).



PARCEL #53-001-059-05 (123 EXCHANGE STREET) LEGAL DESCRIPTION

MARSHALL CITY, SECTION 2, T3S-R6W, PART OF N 1/2 OF NE FRL 1/4.BEG N 1/4 POST; S 88 DEG 48' 31" E 119.22 FT TO POB;S 61 DEG 23' 29" E 692.27 FT; S 63 DEG 59' 44" E 769.60 FT;TH 288.37 FT ALG CURVE TO LEFT ALG W LINE BROOKS DR WHOSE RAD IS 460 FT AND WHOSE CHORD BEARS N 18 DEG 14' 02" E 283.67

FT;N 00 DEG 16' 29" W 205.57 FT; N 88 DEG 48' 31" W 99 FT; N 00 DEG 16' 29" E 165 FT; N 88 DEG 48' 31" W 1291.28 FT TO BEG.EXC N 33 FT FOR DIVISION DR ROW.

Section 2. 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 15th day of July, 2024.

James Schwartz, Mayor

Michelle Eubank, City Clerk

C. CONDITIONAL REZONING REQUEST - RZ #24.02- 123 EXCHANGE

Moved by Joe Caron, supported by Jacob Gates to recuse member Traver from Item 10C and have member Wolfersberger as the acting chair. On a roll call vote:

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

Nays: None

Abstain: None

Motion carried.

Scott Wolfersberger opened the public hearing on Ordinance #2024-11, An Ordinance to Amend the Zoning Map of the City of Marshall so as to Conditionally Change the Zoning of the Parcel #53-001-059-05 (123 Exchange St.) Neighborhood Commercial District (B-3) to Multiple Family Residential District (MFRD).

Barry Wayne Adams spoke during the public hearing.

Scott Wolfersberger closed the public hearing on Ordinance #2024-11, An Ordinance to Amend the Zoning Map of the City of Marshall so as to Conditionally Change the Zoning of the Parcel #53-001-059-05 (123 Exchange St.) Neighborhood Commercial District (B-3) to Multiple Family Residential District (MFRD).

Moved by Joe Caron, supported by Jacob Gates to Enact Ordinance #2024-11, An Ordinance to Amend the Zoning Map of the City of Marshall so as to Conditionally Change the Zoning of the Parcel #53-001-059-05 (123 Exchange St.) Neighborhood Commercial District (B-3) to Multiple Family Residential District (MFRD) and publish the ordinance in full in the local newspaper. On a roll call vote:

Ayes: Jacob Gates, Ryan Underhill, Scott Wolfersberger, Joe Caron

Nays: Theresa Chaney-Huggett

Abstain: Ryan Traver
Motion carried.

**CITY OF MARSHALL
ORDINANCE #2024-11**

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF MARSHALL SO AS TO CONDITIONALLY CHANGE THE ZONING OF THE PARCEL #53-001-059-05 (123 EXCHANGE STREET) NEIGHBORHOOD COMMERCIAL DISTRICT (B-3) to Multiple 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 conditionally change the zoning district for the property described below from Neighborhood Commercial (B-3) to Multiple Family Residential District (MFRD).





PARCEL #53-001-059-05 (123 EXCHANGE STREET) LEGAL DESCRIPTION
MARSHALL CITY, UPPER VILLAGE PART OF LOT 59 COM AT NE COR GREEN
& EXCHANGE, E 35 FT N 90 FT, E 30 1/2 FT, N 42 FT, W TO E LINE EXCHANGE,
SLY ON E LINE EXCH TO BEG. EXC S 60 FT.

Section 2. 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 15th day of July, 2024.

James Schwartz, Mayor

Michelle Eubank, City Clerk

D. OPRA EXEMPTION REQUEST - 117 EAST MICHIGAN AVENUE

Mayor Pro Tem Traver opened the public hearing on Resolution 2024-19, A Resolution to Approve an Obsolete Property Rehabilitation Exemption Certificate Application for 117 East Michigan Avenue.

Barry Wayne Adams spoke during the public hearing.

Mayor Pro Tem Traver closed the public hearing on Resolution 2024-19, A Resolution to Approve an Obsolete Property Rehabilitation Exemption Certificate Application for 117 East Michigan Avenue.

Moved by Joe Caron, supported by Jacob Gates to Approve Resolution 2024-19, A Resolution to Approve an Obsolete Property Rehabilitation Exemption Certificate Application for 117 East Michigan Avenue. On a roll call vote:

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

Nays: None

Abstain: None

Motion carried.

**CITY OF MARSHALL, MICHIGAN
RESOLUTION NO. 2024-19**

**A RESOLUTION TO APPROVE AN OBSOLETE PROPERTY REHABILITATION
EXEMPTION CERTIFICATE APPLICATION
(PA 146 OF 2000 AS AMENDED) FOR 117 EAST MICHIGAN AVE.**

Minutes of a regular meeting of the Council of the City of Marshall, held on July 15, 2024, at 7:00 PM.

PRESENT:

ABSENT:

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

WHEREAS, pursuant to PA 146 of 2000, as amended, the City of Marshall is a Qualified Local Governmental Unit eligible to establish one or more Obsolete Property Rehabilitation Districts (OPRA); and

WHEREAS, the City of Marshall legally established the Obsolete Property Rehabilitation District 117 East Michigan Avenue Obsolete Property Rehabilitation District No. 1 on June 17, 2024, after a public hearing held on June 17, 2024; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 (IFT's) does not exceed 5% of the total taxable value of the City of Marshall; and

WHEREAS, the application was approved at a public hearing as provided by section 4(2) of Public Act 146 of 2000, as amended, on July 15, 2024; and

WHEREAS, the owner is not delinquent in any taxes related to the facility; and

WHEREAS, the application is for obsolete property as defined in section 2(h) of Public Act 146 of 2000, as amended; and

WHEREAS, the applicant has provided answers to all required questions under the application instructions to the City of Marshall; and

WHEREAS, the City of Marshall requires that rehabilitation of the facility shall be completed by December 31, 2025; and

WHEREAS, the commencement of the rehabilitation of the facility did not occur before the establishment of the Obsolete Property Rehabilitation District; and

WHEREAS, the application relates to a rehabilitation program that when completed constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000, as amended, and that is situated within an Obsolete Property Rehabilitation District established in the City of Marshall eligible under Public Act 146 of 2000, as amended, to establish such a district; and

WHEREAS, completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to create employment, revitalize urban areas, and increase the number of residents in the community in which the facility is situated; and

WHEREAS, the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of Public Act 146 of 2000.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL hereby is granted an Obsolete Property Rehabilitation Exemption for the real property of 117 East Michigan Avenue, excluding land, located in 117 East Michigan Avenue Obsolete Property Rehabilitation District No. 1 at 117 East Michigan Avenue for a period of 8 years, beginning December 31, 2025, and ending December 31, 2033, pursuant to the provisions of PA 146 of 2000, as amended.

Resolution declared adopted this 15th day of July 2024.

Michelle Eubank, City Clerk

11) OLD BUSINESS

12) REPORTS AND RECOMMENDATIONS

A. SET CONSTRUCTION BOARD OF APPEALS MEETING - 107 N. FOUNTAIN STREET DANGEROUS BUILDING

Moved by Joe Caron, supported by Scott Wolfersberger to Receive the Hearing Officer's Decision, Findings and Order and set a Construction Board of Appeals meeting for Thursday, August 8, 2024 at 5 PM. On a voice vote: **Motion carried.**

B. FOIA FEE APPEAL REQUEST - MR. GLEN KOWALSKE - FOIA #2024-114

Moved by Jacob Gates, supported by Scott Wolfersberger to uphold the fee on FOIA #2024-114. On a voice vote: **Motion carried.**

C. FOIA FEE APPEAL REQUEST - MR. GLENN KOWALSKE - FOIA #2024-115

Moved by Scott Wolfersberger, supported by Ryan Underhill to uphold the fee on FOIA #2024-115. 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.

Rick Nukem of Battle Creek, Regis Klingler of 348 Butler Ct, Rebekah Sebring of Fredonia Twp, and Barry Wayne Adams of 622 W Green St gave public comment.

15) COUNCIL AND MANAGER COMMUNICATIONS

16) ADJOURNMENT

The meeting was adjourned at 8:21 pm.

Respectfully submitted by,

Michelle Eubank
City Clerk