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## CITY COUNCIL MINUTES

April 3, 2023

Regular Meeting - 7:00 PM

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### 1) CALL TO ORDER

IN A REGULAR SESSIONS held on Monday, April 3, 2023 at 7:00 PM in the Board of Commission Chambers of the Marshall County Building, 315 W Green St, Marshall, MI 49068, the Marshall City Council was called to order by Mayor James Schwartz.

### 2) ROLL CALL

Roll was called:

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

Also Present: Manager Perry and Clerk Eubank

Absent: Theresa Chaney-Huggett and Ryan Traver

### 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** Joe Caron, supported Jacob Gates to approve the agenda striking Item 12C-AMP Smart thermostat program. 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 five (5) minutes. Comments should address AGENDA ITEM topics. Public Hearing items should be addressed during the PUBLIC HEARING portion (Item 10) of the meeting agenda. Non-Agenda items should 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 to Ordinance 2023-07 and the land transfers.

Debra Monyer stated that Jason Blanchard did not speak in opposition to the megasite at the previous meeting, he was presenting information.

Maggie Emerson-Rich of 616 Union St questioned the OPRA agreement for 125-127 W Michigan Ave.

Mark Robinson of 1114 Fennimore stated that he would like the public hearing for the land transfers to be at a different time than the township meeting.

### 7) CONSENT AGENDA

**Moved** Scott Wolfersberger, supported Joe Caron to approve the consent agenda as presented. On a roll call vote:

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

Nays: None

Abstain: None  
**Motion carried.**

**A. City Council Minutes**

Work Session- March 20, 2023  
Regular Session - March 20, 2023

**B. City Bills**

|                    |              |
|--------------------|--------------|
| Purchases- 3/17/23 | \$74,348.16  |
| Purchases- 3/21/23 | \$187,349.83 |
| Purchases- 3/24/23 | \$132,034.27 |
| <b>TOTAL</b>       |              |

**8) PRESENTATIONS AND RECOGNITIONS**

**A. DEPUTY CLERK INTRODUCTION AND OATH OF OFFICE**

Clerk Eubank introduced Deputy Clerk Jennifer Pickford and administered the oath of office.

**B. COUNTY SENIOR SERVICES MILLAGE ANNUAL REPORT**

Helen Guzzo gave an update on services that were provided to Marshall residents from the Calhoun County Senior Millage.

**C. CCCDA RECOGNITION PROCLAMATION**

Mayor Schwartz issued a proclamation declaring April 9-15, 2023 National Public Safety Telecommunicators week in Marshall.

**9) INFORMATIONAL ITEMS**

**A. DISTRIBUTION OF FY 2024 PROPOSED BUDGET TO COUNCIL - SCHEDULE COUNCIL WORK SESSION**

**Moved** Joe Caron, supported Scott Wolfersberger to receive the FY 2024 Proposed Budget and schedule a work session for Monday, May 1, 2023, at 6 PM to review and discuss. On a voice vote: **Motion carried.**

**10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**

**A. SCHULER'S RENTAL REHABILITATION GRANT CLOSEOUT**

Mayor Schwartz opened the public hearing on the close out of the Schuler's rental rehabilitation grant.

Hearing no comment, Mayor Schwartz closed the public hearing on the close out of the Schuler's rental rehabilitation grant.

**Moved** Scott Wolfersberger, supported Jacob Gates to approve the report closing out the Schuler's Rental Rehabilitation CDBG project. On a voice vote: **Motion carried.**

**B. 125-127 WEST MICHIGAN AVENUE OPRA**

Mayor Schwartz opened the public hearing on the 125-127 W Michigan OPRA.

Emily Emerson Rich of 616 Union St spoke in opposition to the OPRA questioning how the lost tax revenue would be replaced and stated that she would like to see a shorter time period for the tax exemption.

Maggie Emerson Rich of 616 Union St spoke in opposition to the OPRA stating that not only businesses need tax breaks and that everyone in town could use a break.

Mayor Schwartz closed the public hearing on the 125-127 W Michigan OPRA.

**Moved** Joe Caron, supported Ryan Underhill to approve Resolution 2023-11 authorizing the OPRA exemption request for the second floor of 125-127 West Michigan Avenue for a period of 12 years. On a voice vote: **Motion carried.**

### **C. MARIHUANA ODOR ORDINANCE UPDATE**

Mayor Schwartz opened the public hearing on Ordinance 2023-07.

Barry Wayne Adams of 622 W Green St spoke in opposition of the proposed ordinance, stating that it was an over reach of police power and that it was unconstitutional.

Emily Emerson Rich of 616 Union St questioned if it would apply to all marihuana facilities in the city.

Mike McCarthy of 338 N Eagle spoke in favor of the proposed ordinance stating that the odor permeates his home and no smell of this type is ok.

Maggie Emerson Rich of 616 Union St spoke in favor of the proposed ordinance.

Justin Kazmar of 14200 18 1/2 Mile Rd stated that the fines were too small and recommended they be increased and that there is very little benefit from these facilities to the community.

Mike Beck of Common Citizen, 11300 17 Mile Rd spoke in favor of the ordinance, stating that their facility works hard to minimize odor and they take complaints seriously. He believes that the use of the nasal ranger will be helpful as it is a tool commonly used by other municipalities and it eliminates subjectivity.

Mayor Schwartz closed the public hearing on Ordinance 2023-07.

Wolfersberger questioned how it would be determined which facility was the offending facility. Chief Lankerd stated that it would be a complete investigative process taking into account multiple factors.

**Moved** Ryan Underhill, supported Jacob Gates to approve Ordinance 2023-07; An Ordinance To Amend The City Of Marshall Medical Marihuana Facilities Licensing Act (Mmfla), Ordinance No. 2017-06, And Commercial Marihuana (Mrtma) Ordinance No. 2019-06, And City Code Of Ordinances To Establish Parameters For The Prohibition Of Odors Emanating From Properties, To Establish Penalties For Violations Thereof; To Repeal Any Ordinances In Conflict Thereof; And To Provide An Effective Date Hereof. On a roll call vote:

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

## 11) OLD BUSINESS

## 12) REPORTS AND RECOMMENDATIONS

### A. PA 425 CONDITIONAL LAND TRANSFER REQUESTS (MARSHALL TOWNSHIP)- INTRODUCTION AND SET PUBLIC HEARING

**Moved** Jacob Gates, supported Scott Wolfersberger to introduce and set a public hearing for April 17, 2023 at 7 p.m, to be held at the Marshall County Building, to hear comments on a Public Act 425 Conditional Land Transfer for the following parcels: 16-290-021-01, 16-290-021-02, 16-290-021-03, 16-201-018-00, 16-290-012-00, 16-290-015-00, 16-281-015-00, 16-281-015-03, 16-281-015-04, 16-290-021-05, 16-290-021-04, 16-281-015-01, 16-281-015-02, 16-281-015-05, 16-190-006-01, 16-193-003-00, 16-193-006-00, 16-193-009-00, 16-300-006-00, 16-300-018-00, 16-300-021-00. On a voice vote: **Motion carried.**

### B. 421/423 MITCHELL SPECIAL LAND USE- SET PUBLIC HEARING

**Moved** Scott Wolfersberger, supported Joe Caron to set a public hearing for April 17, 2023 at 7:00 PM to consider the approval of a Special Land Use for the addition of a self-storage facility at 421 and 423 Mitchell Street. On a voice vote: **Motion carried.**

### C. ~~AMP SMART THERMOSTAT PROGRAM~~

This item was stricken from the agenda with action taken during item 5-approval of the agenda.

### D. MICHIGAN AMP BOARD OF TRUSTEES ALTERNATE APPOINTMENT

**Moved** Joe Caron, supported Ryan Underhill to approve Resolution 2023-13 to appoint Director of Electric Utilities Kevin Maynard to represent the City of Marshall as the Michigan alternate on the AMP Board of Trustees. On a voice vote: **Motion carried.**

### E. LEAD LINE SERVICE REPLACEMENT AND INVESTIGATION

**Moved** Joe Caron, supported Ryan Underhill to approve the contract with Quality Excavators Inc. of Marshall in the amount of \$103,540 and proceed with the State-mandated lead service replacement and investigation program.. On a roll call vote:

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

### F. FARMERS MARKET GRANT SUBMISSION REQUEST

**Moved** Jacob Gates, supported Joe Caron to approve the mini-grant submission by the Marshall Area Farmers Market to the Calhoun County Senior Millage Committee in the amount of \$5,000. On a voice vote: **Motion carried.**

### G. TITLE VI NON-DISCRIMINATION PLAN UPDATE

**Moved** Scott Wolfersberger, supported Joe Caron to approve the attached revised Title VI Non-Discrimination Plan and direct the City Manager to submit to the State of Michigan Statewide Title VI Coordinator. On a voice vote: **Motion carried.**

### 13) APPOINTMENTS / ELECTIONS

#### A. MARSHALL DISTRICT LIBRARY BOARD REPRESENTATIVE APPOINTMENT

**Moved** Ryan Underhill, supported Joe Caron to re-appoint MJ Harting-Minkwic to the Marshall District Library Board for a three-year term expiring on March 31, 2026. On a voice vote: **Motion carried.**

### 14) PUBLIC COMMENT ON NON-AGENDA ITEMS

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Julie Bryant of 159 Squaw Creek spoke in opposition to Ford.

Barry Wayne Adams of 622 W Green St spoke in opposition to the megasite.

Mike Woods of Marshall Township spoke in opposition to Ford.

Rick Sadler of 159 Squaw Creek

Debra Monyer spoke in opposition to Ford.

Mark Robinson of 1114 Fennimore spoke in opposition to Ford.

Maggie Emerson Rich of 616 Union St spoke in opposition to the megasite and stated that for what residents pay in taxes there should be better services.

Justin Kazmar of 14200 18 1/2 Mile Rd spoke in opposition to the megasite.

Emily Emerson Rich of 616 Union St spoke in opposition to the megasite, NDAs, and the timing of the township and city meetings.

### 15) COUNCIL AND MANAGER COMMUNICATIONS

Wolfersberger stated that he personally had never signed nor been presented with an NDA.

Schwartz stated that the city is preparing for the chance of inclement weather later in the week.

### 16) ADJOURNMENT

The meeting was adjourned at 9:09 p.m.