

**CALL TO ORDER**

IN REGULAR SESSION, Monday, October 4, 2021 at 7:00 P.M., in the Council Chambers of City Hall, 323 West Michigan Avenue, Marshall, MI 49068. City Council was called to order by Mayor Caron.

**ROLL CALL**

Roll was called:

Present: Council Members: Mayor Caron, Gates, Schwartz, Traver, Underhill, and Wolfersberger.

Also Present: City Manager Tarkiewicz and Deputy Clerk Hall.

Absent: Council Member Rice

**Moved** Schwartz, supported Traver, to excuse the absence of Council Member Rice. On a voice vote – **MOTION CARRIED.**

**INVOCATION/PLEDGE OF ALLEGIANCE**

Bill Cole of Maple Grove Bible Church gave the invocation and Mayor Caron led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA**

**Moved** Wolfersberger, supported Gates, to approve the agenda as presented. On a voice vote – **MOTION CARRIED.**

**PUBLIC COMMENT ON AGENDA ITEMS**

None.

**CONSENT AGENDA**

**Moved** Gates, supported Underhill, to approve the Consent Agenda:

- A. Approve the purchase of one (1) Bobcat Toolcat 5600, including a Bobcat Brushcat rotary cutter for a total of \$63,066.23 from Carleton Equipment of Kalamazoo, MI and one (1) Wacker Neuson Wheeled Articulating Loader WL32, including a bucket and broom for a total of \$67,888.33 from Frederickson Supply;
- B. Approve the purchase of one (1) 2000 KVA pad mount transformer from Sunbelt Solomon, located in Solomon, Kansas in the amount of \$38,660.00;
- C. Authorize the City Clerk to endorse the Termination of Reversion Rights with BorgWarner Thermal Systems of Michigan Inc;
- D. Approve the use of 116 S. Fountain Street by A & A Training and Testing LLC and authorize the City Clerk to sign the agreement;
- E. Minutes of the City Regular Session held on Monday, September 20, 2021 and Special Session held on Tuesday, September 21, 2021;
- F. Approve city bills in the amount of \$1,568,658.58.

On a roll call vote – ayes: Gates, Schwartz, Traver, Underhill, Wolfersberger, and Mayor Caron; nays: none. **MOTION CARRIED.**

### **PRESENTATIONS AND RECOGNITION**

Sean Lefere of Norfolk Homes presented the development plans for the Emerald Hills project.

### **INFORMATIONAL ITEMS**

None.

### **PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**

#### **A. Obsolete Property Rehabilitation (OPRA) District:**

The City has received a request from Mark Walker and Lori Zettell to consider approval of an OPRA to assist in the redevelopment of the second floor of the former Garden Theatre building, located at 105 West Michigan Avenue. The approval of the OPRA would assist in the creation of two (2) apartments.

Mayor Caron opened the public hearing to hear comment of the request for the creation of an OPRA District at 105 West Michigan Avenue.

Hearing no comment, the hearing was closed.

**Moved** Gates, supported Underhill, to approve the request for the creation of an OPRA District at 105 West Michigan Avenue. On a roll call vote – ayes: Schwartz, Traver, Underhill, Wolfersberger, Mayor Caron, and Gates; nays: none. **MOTION CARRIED.**

### **CITY OF MARSHALL, MICHIGAN RESOLUTION 2021-33**

Resolution to create an Obsolete Property Rehabilitation (OPRA) District at 105 West Michigan Avenue

Minutes of a regular meeting of the Council of the City of Marshall, held on October 4, 2021, at Marshall City Hall in Marshall, MI at 7:00 PM.

PRESENT: Mayor Caron, Gates, Schwartz, Traver, Underhill, and Wolfersberger

ABSENT: Rice.

The following preamble and resolution were offered by Council Member Gates, and supported by Council Member Underhill.

WHEREAS, pursuant to PA 146 of 2000, the City of Marshall has the authority to establish "Obsolete Property Rehabilitation Districts" within the City of Marshall; and

WHEREAS, Mark Walker and Lori Zettell have filed a written request with the City of Marshall requesting the establishment of the Obsolete Property Rehabilitation District for a building at 105 West Michigan Avenue located in the City of Marshall hereinafter described; and

WHEREAS, the City Council of the City of Marshall determined that the district meets the requirements set forth in section 3(1) of PA 146 of 2000; and

WHEREAS, written notice has been given by mail to all owners of real property located within the proposed district and to the public by newspaper advertisement in the Marshall Advisor and/or by public posting of the hearing on the establishment of the proposed district; and

WHEREAS, on October 4, 2021 a public hearing was held and all residents and taxpayers of the City of Marshall were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Marshall to establish the Obsolete Property Rehabilitation District as proposed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marshall that the following described parcel of land situated in the City of Marshall, Calhoun, and State of Michigan, to wit:

MARSHALL CITY, UPPER VILLAGE W 52 FT OF LOTS 5 & 6 LYING N OF ALLEY.  
Parcel #53-001-006-00  
Commonly known as 105 West Michigan Avenue

be and here is established as an Obsolete Property Rehabilitation District pursuant to the provisions of PA 146 of 2000 to be known as 105 West Michigan Avenue Obsolete Property Rehabilitation District No. 1.

AYES: Mayor Caron, Gates, Schwartz, Traver, Underhill, and Wolfersberger.

NAYS: None.

RESOLUTION DECLARED ADOPTED.

I, Trisha Nelson, being duly sworn as the City Clerk of the City of Marshall, hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of the City of Marshall, County of Calhoun, State of Michigan at a regular meeting held on October 4, 2021 and that said meeting was conducted and that the minutes of said meeting were kept and will be or have been made available.

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Trisha Nelson  
City Clerk

### **OLD BUSINESS**

None.

### **REPORTS AND RECOMMENDATIONS**

#### **A. Schedule Public Hearing for Obsolete Property Rehabilitation Exemption:**

**Moved** Traver, supported Wolfersberger, to schedule a public hearing for Monday, October 18, 2021 to consider the request for a 12-year OPRA exemption for the rear portion of the second floor of the building located at 105 West Michigan Avenue. On a voice vote – **MOTION CARRIED.**

#### **B. Norfolk Homes v City of Marshall et. al., No 2021-002218-CH:**

**Moved** Gates, supported Underhill, to authorize the City Clerk and City Attorney to endorse the Norfolk Homes v City of Marshall et. al., No. 2021-00218-CH – Consent Judgement in substantial form. On a roll call vote – ayes: Traver, Underhill, Wolfersberger, Mayor Caron, Gates, and Schwartz; nays: none. **MOTION CARRIED.**

#### **C. 316 South Linden Street:**

**Moved** Wolfersberger, supported Traver, to authorize litigation to abate any nuisance and effectuate clean-up of the fire-damaged property a 316 South Linden and take lawful measures to effectuate the same. On a roll call vote – ayes: Underhill, Wolfersberger, Mayor Caron, Gates, Schwartz, and Traver; nays: none. **MOTION CARRIED.**

### **APPOINTMENTS/ELECTIONS**

#### **A. South Neighborhood Improvement Authority Board:**

**Moved** Underhill, supported Schwartz, to approve the reappointment of Matt Davis to the South NIA with a term expiring December 31, 2024. On a voice vote – **MOTION CARRIED.**

**C.**

### **PUBLIC COMMENT ON NON-AGENDA ITEMS**

**ADJOURNMENT**

The meeting was adjourned at 7:51 p.m.

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Joe Caron, Mayor

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Trisha Nelson, City Clerk