

CALL TO ORDER

IN REGULAR SESSION Monday, April 1, 2013 at 7:00 P.M. in the Council Chambers of Town Hall, 323 West Michigan Avenue, Marshall, MI, the Marshall City Council was called to order by Mayor Dyer.

ROLL CALL

Roll was called:

Present: Council Members: Mayor Dyer, Mankerian, Metzger, Miller, Reed, and Williams.

Also Present: City Manager Tarkiewicz.

Absent: Council Member Revore.

Moved Miller, supported Mankerian, to excuse the absence of Council Member Revore. On a voice vote – **MOTION CARRIED.**

INVOCATION/PLEDGE OF ALLEGIANCE

David Good of First Baptist Church gave the invocation and Mayor Dyer led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Moved Metzger, supported Mankerian, to approve the agenda with the addition of item 8A – Brotherhood of Locomotive Engineers Proclamation. On a voice vote – **MOTION CARRIED.**

PUBLIC COMMENT ON AGENDA ITEMS

None.

CONSENT AGENDA

Moved Williams, supported Mankerian, to approve the Consent Agenda:

- A. Approve a resolution allowing the Marshall United Way to be recognized as a nonprofit organization for the purpose of obtaining a charitable gaming license;
- B. Approve minutes of the City Council Regular Session held on Monday, March 18, 2013;
- C. Approve city bills in the amount of \$ 471,333.01.

On a roll call vote – ayes: Mankerian, Metzger, Miller, Reed, Williams, and Mayor Dyer; nays: none. **MOTION CARRIED.**

PRESENTATIONS AND RECOGNITIONS

Moved Miller, supported Reed, to support the Proclamation for the Brotherhood of Locomotive Engineers. On a voice vote – **MOTION CARRIED.**

BROTHERHOOD OF LOCOMOTIVE ENGINEERS PROCLAMATION

WHEREAS, The Brotherhood of Locomotive Engineers and Trainmen was founded in Marshall Michigan by a farsighted group of practical Locomotive Engineers who were among America's labor union pioneers.

WHEREAS, The Brotherhood of Locomotive Engineers and Trainmen will celebrate the 150th anniversary of the first convention on May 8, 2013 in Detroit, Michigan.

WHEREAS, The Brotherhood of Locomotive Engineers and Trainmen is the oldest railway labor organization in the western hemisphere.

WHEREAS, The Brotherhood of Locomotive Engineers and Trainmen is an extraordinary labor organization whose leadership still works hard every day, just as it did in 1863.

WHEREAS, The Locomotive Engineers and Trainmen have maintained a distinguished record of service for over 150 years.

WHEREAS, The Locomotive Engineers and Trainmen's 55,000 active and retired members throughout the United States and Canada have devoted their lives to a great public service industry and are good citizens in their respective countries.

NOW, THEREFORE, be it resolved that I, James Dyer, Mayor of Marshall, proclaim May 5, 2013 to May 11, 2013 as Locomotive Engineer and Trainmen week in Marshall, Michigan.

James L. Dyer, Mayor

INFORMATIONAL ITEMS

An event report was provided for the Hospitality Classic.

PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Hospital Campus Overlay District Ordinance:

Council Member Williams was recused from voting on all Hospital Campus Overlay

Marshall City Council, Regular Session
Monday, April 1, 2013

District issues on June 18, 2012.

Mayor Dyer opened the public hearing to hear public comment on the proposed Hospital Campus Overlay District Ordinance (HCOD).

Mark Stuart feels the ordinance is not about healthcare and urged Council to reject the ordinance.

Brian Munger feels the hospital should not extend to the neighborhoods and the downtown district.

Glenda Jackson feels sad for the City and the people who have moved here.

Ginger Williams, President/CEO of Oaklawn Hospital, recommended the Council adopt the proposed Hospital Campus Overlay District Ordinance with three recommended amendments.

Jennifer Rupp feels the ordinance is not a fix but a band-aid.

Jim and Deb Codde spoke regarding traffic and parking concerns on High Street.

Doug Earl spoke in favor of the hospital and the importance to the community.

Mayor Dyer shared a letter submitted by Carol MacKenzie. (**ATTACHMENT A**)

Hearing no further comment the hearing was closed.

Moved Miller, supported Mankerian, to approve the Hospital Campus Overlay District Ordinance and the HCOD map amendment.

Moved Metzger, supported Mankerian, to add the word "retail" in front of the word "pharmacies" in Section 2 (G) 1. On a voice vote – **MOTION CARRIED.**

Moved Miller, supported Mankerian, to strike the words "structures and" in item 2 (E). On a voice vote – **MOTION CARRIED.**

Moved Reed, supported Mankerian, to add the parcels (002-388-00, 002-318-00, 002-342-00, 002-341-00, 002-340-00, 002-379-00, 001-018-00, 002-376-00) back into the HCOD. On a voice vote – **MOTION CARRIED.**

Moved Miller, supported Reed, to remove Section 2 (C) and renumber. On a voice vote – **MOTION CARRIED.**

Moved Reed, supported Mankerian, to remove Section 2 (F) and renumber. On a voice vote – **MOTION CARRIED.**

Moved Miller, supported Reed, to remove the following wording from Section 2 (A) – “and to adopt procedures by which properties identified by the Marshall City Council as appropriate for future Hospital growth may be utilized in a manner consistent with this ordinance.” On a voice vote – **MOTION CARRIED.**

Moved Miller, supported Mankerian, to approve the Hospital Campus Overlay District Ordinance and the HCOD map amendment. On a roll call vote – ayes: Metzger, Miller, Reed, Mayor Dyer, and Mankerian; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL
CALHOUN COUNTY, MICHIGAN

An Ordinance to Amend the City of Marshall Zoning Ordinance

Ordinance No. 2013-02

An ordinance to amend the City of Marshall Zoning Ordinance to add definitions and establish a new Hospital Campus Overlay District.

THE CITY OF MARSHALL, CALHOUN COUNTY, MICHIGAN, ORDAINS:

Section 1.

Amend Section 156.003 Definitions to add the following:

OVERLAY DISTRICT. An overlay zoning district applies to a specific geographic area of the City, as designated on the City’s Zoning Map. The requirements of an Overlay District, as set forth by the Zoning Ordinance, apply as additional standards for those parcels within an overlay district’s boundaries. Where there is a conflict between the standards in the Overlay District and the underlying Zoning District, the standards in the Overlay District shall be applied. The intent is to address particular issues that span a large geographical area and includes more than one underlying zoning district.

Section 2.

Add a HOSPITAL CAMPUS OVERLAY DISTRICT as follows:

Section 156.184 HCO HOSPITAL CAMPUS OVERLAY DISTRICT

(A) PURPOSE

The Hospital Campus Overlay (HCO) District is designed to establish and define an overlay district. The HCO District is established for the purpose of accommodating a concentration of health care uses, retail uses associated with principal Hospital uses, and residential dwellings within a campus-like setting.

The goal is that expansion of health care services and related structures will take place within the boundary of the HCO District which the Marshall City Council has determined to be appropriate for Hospital expansion. The Marshall City Council desires to, by adoption of this ordinance, encourage growth and viability of the hospital, which is expected to provide related employment, growth and expansion of the tax base, and provision of high quality health care for the residents of the City of Marshall and surrounding areas.

The HCO District is intended to provide a harmonious relationship between residential, health care, cultural and commercial uses. This mixed-use district will complement Downtown Marshall. It is designed to accommodate a lively social, residential and commercial campus-like environment and promote easily accessible health care services in a pedestrian-friendly setting, with convenient parking for those who drive to the District.

Expansion of health care and supporting uses within the HCO District is anticipated as health care services and related uses continue to expand. Street closures may also be a component of the District, subject to City Council approval. The HCO provides the regulatory framework to permit expansion of health care and supporting uses.

(B) HCO District Definitions

NON-RESIDENTIALLY USED LOT. A lot with a land use other than residential.

RESIDENTIALLY USED LOT. A lot with a land use where one or more persons resides in a building containing one room or a combination of rooms that are used for living, cooking, and sleeping purposes. If a building is vacant, but the residential use has not been abandoned, the lot shall continue to be classified as a Residentially Used Lot.

(C) PRINCIPAL PERMITTED USES IN THE HCO DISTRICT

No building or land shall be used and no buildings shall be erected except for one or more of the principal permitted uses, principal uses subject to special conditions, principal uses subject to special approval, or accessory structures and uses permitted in the underlying zoning district, in accordance with the height, area, and bulk regulations provided therein, except as otherwise provided in this Section; provided, however, that the following uses shall be permitted within the HCO District, in addition to the uses permitted in the underlying district:

1. Medical and health care uses including hospitals, outpatient clinics, continuing/long term care services, hospice services, laboratories, medical research facilities, urgent or emergency medical services, offices of doctors, physical therapists, dentists, home health services, therapy, diagnostic or

treatment centers, hospital related services and other health care providers.

2. Nursing homes, retirement homes and other residential uses dependent upon or directly related to medical care such as convalescent care, skilled nursing, group homes for the disabled and overnight accommodations, and licensed daycare facilities.
3. Off-street parking.
4. Accessory structures and uses that are customarily incidental to any principal use permitted by this section.

(D) PERMITTED ACCESSORY USES

Accessory uses that are customarily incidental to any principal use permitted by this section shall be permitted. Accessory uses specifically include restaurants and food service within health care buildings and retail trade, including gift stores, florists, and other retail ancillary to and located within a hospital campus.

(E) LAND USES SUBJECT TO SPECIAL CONDITIONS IN THE HCO DISTRICT

In the HCO District, the following uses shall be considered conditional and shall require special land use approval and shall comply with any applicable special land use permit requirements of §§ 156.340 et seq.

1. Retail Pharmacies
2. Home health services,
3. Home medical equipment facilities

(F) DIMENSIONAL REQUIREMENTS_

Dimensional requirement shall be regulated by the underlying district as specified in Sections 156.180 through 156.182; provided, however, that the following requirements shall apply to development within the HCO District:

1. Surface Parking Setbacks

Lots abutting residentially used property:
Minimum yard setbacks

Front: Ten (10) feet
Side: Ten (10) feet
Rear: Ten (10) feet

Lots abutting non-residentially used property:
Minimum yard setbacks

Front: 0 feet
Side: 0 feet
Rear: 0 feet

See Section 156.184(H) DESIGN REGULATIONS FOR HOSPITAL CAMPUS OVERLAY for parking lot screening requirements.

2. Minimum Yard Setbacks (for buildings and structures)

(a) For a non-residentially used lot abutting a residential district, the following minimum setbacks shall apply to all non-residential uses:

Front: 20 feet
Side: 20 feet
Rear: 20 feet

If a zoning lot is separated from a residential district by a street, there shall be a ten (10)-foot minimum setback on the side of the zoning lot facing the residential district.

(b) For a non-residentially used lot abutting or located within an HCHSD (Health Care and Human Service District), POSD (Professional Office Service), B-2 (Local Business) or B-3 (Neighborhood Commercial), the following setbacks shall apply:

Front 0 feet
Side 0 feet
Rear 0 feet

3. Building Height

Building Height and Grade are defined by §156.003.

Maximum building height for any building constructed within that area of the Hospital Campus Overlay District north of the location of Prospect Street upon the adoption of this section shall be 35 feet.

Maximum building height for any building constructed within that area of the Hospital Campus Overlay District south of Prospect Street shall be sixty-five (65) feet and shall not exceed 5 stories.

At any location within the Hospital Campus Overlay District, an additional building height of no more than fifteen (15) feet may be permitted for mechanical equipment and roof appurtenances. All rooftop mechanical equipment shall be screened from view by a parapet wall or other decorative screening method based on the goal of completely obscuring the view of the rooftop equipment by a 5'10" tall person standing at grade level within 100' of the building.

4. Maximum Lot Coverage

Maximum lot coverage shall be regulated by application of required minimum setbacks, not by a specified percentage.

(G) APPLICATION OF REGULATIONS

Land that is located within the HCO District, as reflected on the Zoning Map, is subject to the regulations of the underlying zones unless specifically modified by the provisions of this chapter. In the event of a conflict between the provisions of this chapter, an underlying zone, and any other provisions of the zoning ordinance, the provisions of this chapter apply.

(H) DESIGN REGULATIONS FOR HOSPITAL CAMPUS OVERLAY

1. DEFINITION NOTE: For the purpose of this subsection 156.184 only, the term "abutting" does not apply to property that is across a street, alley or road easement from the subject property, except as otherwise noted below.

2. LANDSCAPING AND BUFFER TREATMENT

The following provides a description and related standards for various landscape and buffer treatment types in the HCO District. Also refer to the HCO District Edge Zones graphic.

(a) Garden edge/buffer: a garden edge/buffer area shall be provided when a non-residential use abuts a residentially used lot that is not in the HCO District.

- (1) The objective of the garden edge/buffer is to screen hospital structures, noise, and light that emanates from vehicles, buildings and site lighting fixtures, while providing an aesthetically pleasing, diversely vegetated viewscape and safe walking environment for pedestrians.
- (2) Site amenities and landscape features shall be designed to be compatible with abutting neighborhood character.

- (3) Landscaping shall provide tree canopy shading of paved surfaces in accordance with subsection 156.307, supplemented with additional plantings along internal walkways, and landscaping or walls or fence to screen views of driving and parking surfaces in accordance with subsection 156.305.
- (4) A tiered height screening approach shall be provided on the side of a lot within the HCO District facing residential property located outside of the HCO District. A minimum of 1) an evergreen buffer of closely spaced trees, 2) a decorative six-foot (6') high fence or 3) a six-foot (6') high decorative screen wall is required in the HCO District when abutting residentially zoned property. Large canopy deciduous trees spaced a minimum of forty lineal feet, on average, and sized at three-inch caliper or greater shall supplement evergreen and/or wall/fence requirements to provide screening at varying heights. When abutting a street, the street frontage edge requirements in subsection 156.184,(H)2.(b) shall be met.
- (5) For locations where noise buffering is determined by the Planning Commission to be necessary, the use of a six-foot (6') high decorative screen wall instead of other screening options noted in (4) above shall be provided. The wall shall be supplemented with large canopy deciduous trees (three-inch minimum caliper) planted every forty (40) lineal feet, on average, along the perimeter where the wall is placed to improve the overall appearance and visual height of the screening. The Planning (1) Commission may approve a six-foot (6') high landscaped berm in lieu of a decorative wall when it determines that it would be a more appropriate screening technique directly adjacent to residentially-zoned property. The berm shall also include other plantings to provide an effective visual screen at varying heights.
- (6) Vehicle and pedestrian wayfinding shall be provided at appropriate locations through signage and other visual cues to facilitate orderly movement to, in, and from the HCO District.
- (7) Full cut-off lighting at no more than a maximum height of 25 feet shall be used throughout the development site, and house-side shields shall be used to prevent light spillover onto residentially-zoned properties.

- (8) If used, retaining walls should be designed to reduce their visual impact while maximizing safety elements. Masonry, concrete or other textured material with terracing and landscaping shall be used to reduce the visual impact of retaining walls.
- (b) Street frontage edge. A street frontage edge shall be provided when a non-residential use is located across the street from a residentially used lot that is not in the HCO District. See Section 156.304 Method of Screening for minimum city street right-of-way screening requirements.
- (1) The objective of the street frontage edge is to minimize the visual impact of structures and parking in the HCO District from residential areas located across a street.
 - (2) Site amenities and landscape features shall be designed to be compatible with adjacent neighborhood character.
 - (3) Vehicle and pedestrian wayfinding shall be provided at appropriate locations through signage and other visual cues to facilitate orderly movement to, in, and from the HCO District.
 - (4) Exterior lighting, with a maximum height of 25 feet, shall be designed for safety and uniform light distribution, including the use of full cut-off fixtures in all pole and building-mounted lighting.
 - (5) Landscaping and signage are encouraged at HCO District entrances to provide visual emphasis and ease of identification for both drivers and pedestrians.
 - (6) Parking lots and vehicular circulation areas shall be screened by a hedgerow, decorative fence or decorative wall per Section 156.304. The area from the ground to a minimum height of three feet shall be totally obscured from the public street. If a wall or fence is provided, the setback area shall contain a planting strip abutting the wall or decorative fence. Small shrubs, ornamental grasses, and small, flowering plants are appropriate in these locations. Parking spaces directly abutting the perimeter of a street frontage edge shall have landscape islands planted with large (three-inch caliper minimum) deciduous trees. These islands, required by subsection 156.307 (B) (1), should be strategically placed within the parking lot to provide a dual

benefit of shading parking spaces and enhancing the perimeter buffer of the HCO District.

- (c) Transition edge. A transition edge shall be provided when a non-residential use is located adjacent to or across the street from a non-residentially used lot.
- (1) The objective of the transitional edge is to allow for minimally screened HCO District structures and parking.
 - (2) Vehicle and pedestrian wayfinding shall be provided at appropriate locations through signage and other visual cues to facilitate orderly movement to, in, and from the HCO District.
 - (3) Exterior lighting, with a maximum height of 25 feet, shall be designed for safety and uniform light distribution, including the use of full cut-off fixtures in all pole and building-mounted lighting.
 - (4) Parking lots and vehicular drives shall be screened from streets in accordance with the hedgerow or decorative wall provisions in subsection 156.304. Alleys are exempt from screening.
- (d) Interior edges. An interior edge shall be provided for all non-residentially used lots on both sides of Madison Street, Prospect Street, Mansion Street, and High Street, south of Mansion, unless such street is closed or vacated. See Section 156.306 for minimum interior landscaping requirements and Section 156.307 for minimum parking lot landscaping requirements.
- (1) The objective of the interior edge is to provide clear sight lines to publicly accessible spaces in a safe environment.
 - (2) Low shrubs and pruned trees shall be utilized to provide high visibility and accessibility near sidewalks, public entrances into buildings and parking areas.
 - (3) Parking lots and vehicular drives shall be screened from streets in accordance with the hedgerow or decorative wall provisions in subsection 156.304.
 - (4) Vehicle and pedestrian wayfinding shall be provided at appropriate locations through signage and other visual cues

to facilitate orderly movement to, in, and from the HCO District.

- (5) Overhead walkways over streets may be permitted to interconnect buildings and parking structures and to enhance pedestrian safety, providing they are a minimum height of 15' clear from the road surface.
- (6) Exterior lighting, with a maximum height of 25 feet, shall be designed for safety and uniform light distribution, including the use of full cut-off fixtures in all pole and building-mounted lighting.

Section 3.
REPEALER

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect, and the City Of Marshall City Code shall remain in full force and effect, amended only as specified above.

Section 4.
SEVERABILITY

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 5.
SAVINGS

All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 6.
EFFECTIVE DATE

The provisions of this Ordinance are hereby ordered to take effect on the date provided by applicable law following publication.

Section 7.
ENACTMENT

This ordinance is declared to have been enacted by the City Council of the City of Marshall at a meeting called and held on the 1st day of April, 2013, and ordered to be given publication in the manner prescribed by law.

AYES: Metzger, Miller, Reed, Mayor Dyer, and Mankerian.

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NAYES: None.

ABSTENTIONS: None.

STATE OF MICHIGAN
COUNTY OF CALHOUN

I, the undersigned, the qualified and acting City Clerk of the City of Marshall, Calhoun County, Michigan, do certify that the foregoing is a true and complete copy of the ordinance adopted by the City Council of the City of Marshall at a meeting called and held on the 1st day of April, 2013, the original of which is on file in my office.

Trisha Nelson, Clerk

Adopted: April 1, 2013
Published: April 6, 2013

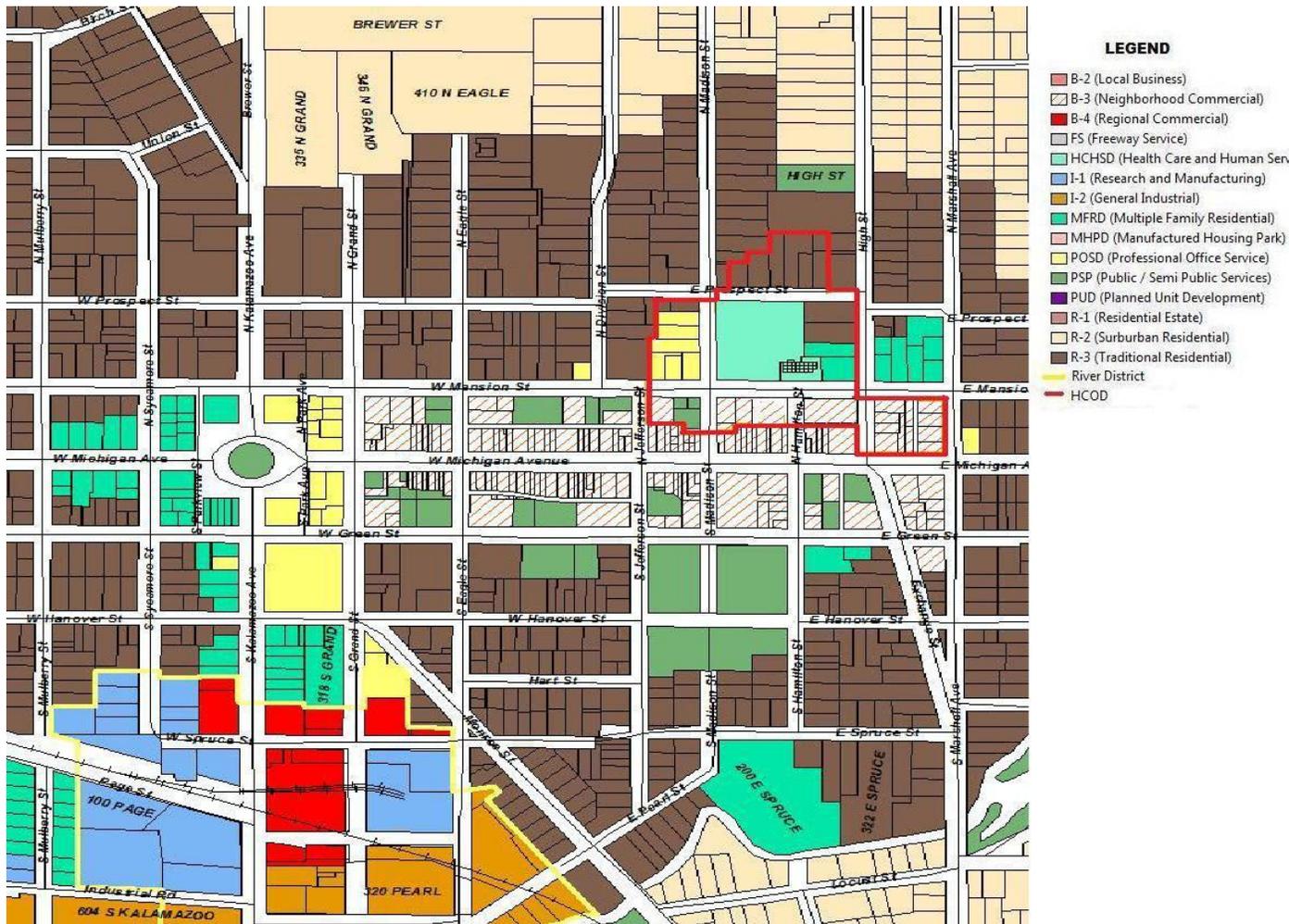
**CITY OF MARSHALL
ORDINANCE #2013-03**

A MAP AMENDMENT TO ACCOMPANY THE HOSPITAL CAMPUS OVERLAY
DISTRICT (HCOD) ORDINANCE

THE CITY OF MARSHALL ORDAINS:

Section 1. The Zoning Map for the City of Marshall is revised to include the Hospital Campus Overlay District (HCOD) identified by the borders as shown:

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Section 2. This Ordinance [or a summary thereof as permitted by MCL 125.3401] shall be published in the *Marshall Advisor Chronicle*, 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 3. This Ordinance is declared to be effective immediately upon publication.

Adopted and signed this 1st day of April, 2013.

James Dyer, MAYOR

Trisha Nelson, CLERK

I, Trisha Nelson, being duly sworn as the Clerk for the City of Marshall, hereby certify that the foregoing is a true and complete copy of an ordinance approved by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting

held on April 1, 2013, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available by said Act.

Trisha Nelson, CLERK

Council Member Williams returned to his seat at 9:30 p.m.

OLD BUSINESS

None.

REPORTS AND RECOMMENDATIONS

A. Leaf Loader Repair:

Moved Williams, supported Reed, to approve the resolution authorizing staff to execute a purchase order with Marshall Welding and Fabricating for \$20,134.27 to refurbish the leaf loader. On a roll call vote – ayes: Miller, Reed, Williams, Mayor Dyer, Mankerian, and Metzger; nays: none. **MOTION CARRIED.**

B. Bid Award – North Drive and Pierce Drive Rehabilitation:

Moved Reed, supported Williams, to accept the low bid from Lakeland Asphalt of Battle Creek, MI for the amount of \$126,334.55 for the North Drive and Pierce Drive Rehabilitation Project. On a roll call vote – ayes: Williams, Mayor Dyer, Mankerian, Metzger, Miller, and Reed; nays: none. **MOTION CARRIED.**

C. Schedule Council Work Session:

Moved Reed, supported Mankerian, to schedule a work session for Saturday, April 13, 2013 at 8:30 a.m. in the Training Room of the Public Services Building, 900 S Marshall Avenue to review and discuss the FY 2014 Proposed Budget. On a voice vote – **MOTION CARRIED.**

D. Marshall Area Farmer's Market:

Moved Miller, supported Reed, to approve the request from Jane Dadow for the use of the Brooks Parking Lot on South Hamilton Street for the Marshall Area Farmer's Market. On a voice vote – **MOTION CARRIED.**

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APPOINTMENTS / ELECTIONS

None.

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

COUNCIL AND MANAGER COMMUNICATIONS

ADJOURNMENT

The meeting was adjourned at 9:52 p.m.

James L. Dyer, Mayor

Trisha Nelson, City Clerk