

Marshall City Council, Regular Session  
Monday, June 18, 2012

**CALL TO ORDER**

IN REGULAR SESSION Monday, June 18, 2012 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: Booton, Mayor Dyer, Mankerian, Metzger, Miller, and Williams.

Also Present: Chief Schwartz.

Absent: Council Member Reed.

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

**INVOCATION/PLEDGE OF ALLEGIANCE**

Richard Gerten of Family Bible Church gave the invocation and Mayor Dyer led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA**

**Moved** Metzger, supported Williams, to approve the agenda with the addition of the Michigan South Central Power Agency invoice in the amount of \$733,705.13. On a voice vote: **MOTION CARRIED.**

**PUBLIC COMMENT ON AGENDA ITEMS**

Casey Nager of 126 W. Prospect Street read a prepared statement from Dave Deppe. (**Attachment A**)

James Hackworth of 306 High Street stated he loves the hospital and the neighborhood but a balance needs to be found between progress and expansion.

Brian Munger read a prepared statement from Deborah Stuart. (**Attachment B**)

Robert Beals of 541 N. Marshall commented regarding the loss of property tax revenue caused by the hospital.

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James Merucci read a prepared statement on behalf of Charles O. Dobbins of Marshall commenting on the Hospital and Neighborhood Committee.

Deb Codde of 224 High Street expressed concern with the closing of Madison/Prospect Street.

Brian Munger spoke in opposition of the hospital.

Holly Harnden read a prepared statement on behalf Terry MacNevin commenting on the HCOD.

Bob Posler of 427 High Street commented on the number of vacant houses and if there is a plan for the vacant houses. There needs to be compromises.

Tim McKaleb of 410 E. Prospect read a statement from a gentlemen from Grand Rapids who commented on Marshall's Historic charm.

Ginger Williams commented on the offensiveness of some of the comparison used against the hospital.

### **CONSENT AGENDA**

**Moved** Miller, supported Williams, to approve the consent agenda:

- A. Approve minutes of the City Council Regular Session held on Monday, June 4, 2012;
- B. Approve city bills in the amount of \$1,028,532.46.

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

Mayor Dyer advised to indicate for the record that the Power Point presentations of Oaklawn Hospital, the Planning Commission, and the Downtown Development Authority be placed on the City's website under the Hospital and Neighborhood Committee section for the public's view.

### **PRESENTATIONS AND RECOGNITIONS**

Chief Schwartz presented A.A.A. Recognition certificates to the crossing guards.

### **INFORMATIONAL ITEMS**

None.

**PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**

**A. Wood Burning Ordinance:**

Mayor Dyer opened the public hearing to hear public comment on the proposed addition of Free Standing Solid Fuel Burning Appliance.

Natalie Huestis, Director of Community Services, provided some background on the ordinance.

Hearing no comment, the hearing was closed.

**Moved** Metzger, supported Mankerian, to approve the addition of Free Standing Solid Fuel Burning Appliance, amendment to Chapter 92: Health and Sanitation: Nuisances of the Marshall City Code. On a roll call vote - ayes: Mankerian, Metzger, Miller, Williams, Booton, and Mayor Dyer; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL  
ORDINANCE #2012-03**

AN ORDINANCE TO AMEND CITY OF MARSHALL CODE, CHAPTER 92: HEALTH AND SANITATION: NUISANCES.

THE CITY OF MARSHALL ORDAINS:

**Section 1.** That section **§92.01 Definitions** of the Marshall City Code, is hereby amended to include the following:

***FREE STANDING SOLID FUEL BURNING APPLIANCE:*** Any device which operates by the burning of wood or other solid fuel and is designed, intended, or used to provide heat and/or hot water to a structure in which the device is not located.

(A) Prohibition. It shall be unlawful to install or operate a free-standing solid fuel-burning appliance, and to cause or permit the installation or operation of a free-standing solid fuel-burning appliance, within the City, except within I-1 (Research & Technical and I-2 (Heavy Industrial) zoning districts.

(B) Permit; Inspection. No Free Standing Solid Fuel Burning Appliance erected in compliance with this ordinance shall be allowed unless a valid permit is issued through the City of Marshall. Any permitted Free Standing Solid Fuel Burning Appliance shall be subject to safety inspection by the City of Marshall Fire Department.

(C) Conflicts. This section shall not be construed as an exemption or exception to any other provision of these Codified Ordinances or any other code adopted by reference as an ordinance for which the City is an enforcing agency. In the event of a conflict between the provisions of this section and any other ordinance or other provision of law, the more restrictive provision shall apply.

(D) Existing Uses. This section shall not apply to any free-standing solid fuel-burning appliance that was installed, connected, and operating as of the effective date of this ordinance. However, this section shall not be deemed as an authorization for the use of any preexisting free-standing solid fuel-burning appliance and shall not be deemed to bar, limit, or otherwise affect the rights of any person to take private legal action regarding damage or nuisance caused by the use of a free-standing solid fuel-burning appliance.

(E) Violations; Declaration of Nuisance. Any free-standing solid fuel-burning appliance installed or operated in violation of this section is declared to be nuisance per se.

**Section 2.** This Ordinance [or a summary thereof as permitted by MCL 125.3401] 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. 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 18<sup>th</sup> day of June, 2012.

\_\_\_\_\_  
James L. Dyer, MAYOR

\_\_\_\_\_  
Sandra Bird, CLERK-TREASURER

I, Sandra Bird, being duly sworn as the Clerk-Treasurer 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 June 18, 2012, 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.

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Sandra Bird, CLERK-TREASURER

**B. Fireworks Ordinance:**

Mayor Dyer opened the public hearing to hear public comment on the proposed addition of §134.30 Fireworks Ordinance.

Chief Schwartz provided some background on the ordinance.

Brian Munger asked if there were any changes in the licensing for the sale of fireworks.

Being no further comment, the hearing was closed.

**Moved** Metzger, supported Mankerian, to approve the revisions to §134.30 Fireworks Ordinance of the Marshall City Code. On a roll call vote - ayes: Metzger, Miller, Williams, Booton, Mayor Dyer, and Mankerian; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL, MICHIGAN  
ORDINANCE #2012-04**

AN ORDINANCE TO AMEND CITY OF MARSHALL CODE, CHAPTER 134: OFFENSES AGAINST PUBLIC PEACE AND SAFETY.

THE CITY OF MARSHALL ORDAINS:

**Section 1:**

1. In accordance with the terms of the new state statute, MCL 28.451 et seq., the following is proposed language to amend §134.30:

(A) Definitions:

- (1) "Agricultural and wildlife fireworks" means fireworks devices distributed to farmer, ranchers, and growers through a wildlife management program administered by the United States Department of the Interior or the Department of Natural Resources of this state.

- (2) "Articles pyrotechnic" means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.
- (3) "Consumer fireworks" means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks does not include low-impact fireworks.
- (4) "Department" means the department of licensing and regulatory affairs.
- (5) "Display fireworks" means large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.
- (6) "Firework" or "fireworks" means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks and special effects.
- (7) "Special effects" means a combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical or opera production or live entertainment.

(8) "National holiday" shall mean:

- New Year's Day, January 1
- Martin Luther King, Jr. Day, the third Monday in January
- Washington's Birthday (President's Day), the third Monday in February
- Memorial Day, the last Monday in May
- Independence Day, July 4
- Labor Day, the first Monday in September
- Columbus Day, the second Monday in October
- Veterans Day, November 11
- Thanksgiving Day, the fourth Thursday in November
- Christmas Day, December 25

(B) No person shall ignite, discharge or use consumer fireworks within the limits of the City of Marshall except on a national holiday, as defined in this ordinance, or on the day preceding or the day after a national holiday.

(C) (1) Any person, firm or corporation may apply to the City Council in writing on forms provided by the department for a permit for the use of agricultural or wildlife fireworks, articles pyrotechnic, display fireworks or special effects manufactured for outdoor pest control or agricultural purposes, or for public or private display within the City, by fair associations, amusement parks or other organizations or individuals approved by the City, if the applicable provisions of this ordinance and MCL 28.451 et seq. are complied with. After a permit has been granted, sales, possession or transportation of fireworks for the purposes described in the permit only may be made. A permit granted under this

subsection is not transferable and shall not be issued to a minor.

- (2) Before a permit for articles pyrotechnic or a display fireworks ignition is issued, the person, firm or corporation applying for the permit shall furnish proof of financial responsibility by a bond or insurance in an amount, character and form deemed necessary by the City to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person, firm or corporation or an agent or employee of the person, firm or corporation, and to protect the public. Payment of a permit fee as set by the City shall also be required, which shall be retained by the City.
- (3) A permit shall not be issued under this ordinance to a nonresident person, firm or corporation for ignition of articles pyrotechnic or display fireworks in this state until the person, firm or corporation has appointed in writing a resident member of the bar of this state or a resident agent to be the legal representative upon whom all process in an action or proceeding against the person, firm or corporation may be served.
- (4) The City shall rule on the competency and qualifications of articles pyrotechnic and display fireworks operators as required under NFPA 1123, as the operator has furnished in his or her application form, and on the time, place and safety aspects of the display of articles pyrotechnic or display fireworks before granting permits.

**Section 2.** This Ordinance or a summary thereof as permitted by MCL 125.3401 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. 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 18<sup>th</sup> day of June, 2012.

James L. Dyer, MAYOR

Sandra Bird, CLERK-TREASURER

I, Sandra Bird, being duly sworn as the Clerk-Treasurer 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 June 18, 2012, 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.

### **OLD BUSINESS**

None.

### **REPORTS AND RECOMMENDATIONS**

#### **A. Fire Station Architect Selection:**

**Moved** Miller, supported Mankerian, to approve the selection of C2AE of Grand Rapids to be retained to provide Fire Station preliminary architectural services and approve the resolution to provide for statement of intent to reimburse expenditures from bond proceeds required by Internal Revenue code for tax-exempt debt. On a roll call vote – ayes: Miller, Williams, Mayor Dyer; Mankerian, and Metzger; nays: Booton. **MOTION CARRIED.**

#### **B. Proposal to Update the Joint Police Facility Study:**

**Moved** Williams, supported Metzger, to approve the retainage of Redstone Architects to update the Joint Police Facility Study. On a roll call vote – ayes: Williams, Booton, Mayor Dyer, Mankerian, Metzger and Miller; nays: none. **MOTION CARRIED.**

#### **C. FY 2012 Year-End Budget Amendments:**

**Moved** Mankerian, supported Metzger, to adopt the resolution to amend the FY 2012 Adopted Budget. On a roll call vote – ayes: Booton, Mayor Dyer, Mankerian, Metzger, Miller, and Williams; nays: none. **MOTION CARRIED.**

CITY OF MARSHALL, MICHIGAN  
RESOLUTION #2012-19

**THE CITY OF MARSHALL**  
**AMENDED GENERAL APPROPRIATION ACT RESOLUTION**  
**July 1, 2011 – June 30, 2012**

THE CITY OF MARSHALL RESOLVES that the revenues and expenditures for the fiscal year, commencing July 1, 2011, and ending June 30, 2012, are hereby amended on a departmental and fund total basis as follows:

<b><u>General Fund Revenues</u></b>	<b><u>Adopted</u></b>	<b><u>Amended Mid-Year</u></b>	<b><u>Amended June, 2011</u></b>	<b><u>Change</u></b>
Taxes	3,294,470	3,294,470	3,223,759	-70,711
Licenses and Permits	35,850	35,850	35,850	
Intergovernmental Revenues	683,228	821,977	839,077	17,100
Charges for Services	59,150	59,150	59,150	
Fines and Forfeits	69,840	69,840	99,140	29,300
Interest	9,000	9,000	17,500	8,500
Miscellaneous	323,960	323,960	323,960	
Other Financing Sources	990,744	990,744	1,018,300	27,556
Total Revenues	5,466,242	5,604,991	5,616,736	11,745
<b><u>General Fund Expenditures</u></b>				
City Council	3,778	3,778	3,778	
City Manager	115,410	115,410	116,919	1,509
Assessor	107,007	107,007	73,581	-33,426
Attorney	65,000	65,000	65,000	
Human Resources	58,501	58,501	61,283	2,782
Clerk-Treasurer	269,538	269,538	275,006	5,468
City Hall	106,629	94,357	94,357	
Chapel	2,850	2,850	2,850	
Other City Property	37,318	37,318	44,525	7,207
Cemetery	179,808	179,729	179,729	
Non-Departmental	784,171	784,171	853,346	69,175
Police	1,315,505	1,393,789	1,389,300	-4,489
Crossing Guards	27,785	27,785	22,909	-4,876

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Dispatch	230,369	230,369	211,920	-18,449
Fire	800,667	800,667	809,327	8,660
Inspection	113,354	78,022	85,187	7,165
Planning/Zoning	82,509	113,458	89,069	-24,389
Streets	742,219	763,271	834,294	71,023
Engineering	22,646	22,646	25,843	3,197
Public Svcs. Build Operations	94,831	106,740	99,606	-7,134
Community Development	40,441	40,441	40,441	
	<b><u>Adopted</u></b>	<b><u>Amended Mid-Year</u></b>	<b><u>Amended June, 2011</u></b>	<b><u>Change</u></b>
Parks	81,352	85,316	87,887	2,571
Capital Improvements	184,300	184,300	149,495	-34,805
Total Expenditures	5,465,988	5,564,463	5,615,652	51,189
GF Net Surplus/(Deficit)	254	40,528	1,084	-39,444

<b><u>GF - Recreation</u></b>				
Revenues	403,161	403,161	406,677	3,516
Expenditures	392,841	392,841	391,046	-1,795
Net Surplus/(Deficit)	10,320	10,320	15,631	5,311

<b><u>GF - Composting</u></b>				
Revenues	27,290	27,290	27,290	
Expenditures	55,766	55,766	55,766	
Net Surplus/(Deficit)	-28,476	-28,476	-28,476	

<b><u>GF - Airport</u></b>				
Revenues	137,388	137,388	162,501	25,113
Expenditures	137,387	137,387	162,500	25,113
Net Surplus/(Deficit)	1	1	1	0

<b><u>MVH-Major &amp; Trunkline</u></b>				
Revenues	382,078	382,078	355,078	-27,000
Expenditures	379,423	339,423	317,808	-21,615
Net Surplus/(Deficit)	2,655	42,655	37,270	-5,385

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<b><u>MVH-Local</u></b>				
Revenues	255,350	255,350	315,350	60,000
Expenditures	285,437	235,437	334,846	99,409
Net Surplus/(Deficit)	-30,087	19,913	-19,496	-39,409

<b><u>Drug Law Enforcement</u></b>				
Revenues				
Expenditures			50	50
Net Surplus/(Deficit)	0	0	-50	-50

<b><u>Local Develop. Finance Auth.</u></b>				
Revenues	506,035	506,035	977,431	471,396
Expenditures	907,761	907,761	935,291	27,530
Net Surplus/(Deficit)	-401,726	-401,726	42,140	443,866

	<u>Adopted</u>	<u>Amended Mid-Year</u>	<u>Amended June, 2011</u>	<u>Change</u>
<b><u>Downtown Develop. Auth.</u></b>				
Revenues	295,706	295,706	303,691	7,985
Expenditures	321,062	321,062	298,498	-22,564
Net Surplus/(Deficit)	-25,356	-25,356	5,193	30,549

<b><u>Special Projects</u></b>				
Revenues	5,400	5,400	149,091	143,691
Expenditures	40,206	40,206	275,955	235,749
Net Surplus/(Deficit)	-34,806	-34,806	-126,864	-92,058

<b><u>Marshall House</u></b>				
Revenues	614,500	614,500	595,500	-19,000
Expenditures	653,638	653,638	642,469	-11,169
Net Surplus/(Deficit)	-39,138	-39,138	-46,969	-7,831

<b><u>Electric</u></b>				
Revenues	12,478,174	12,478,174	12,287,445	-190,729
Expenditures	12,590,393	12,959,245	13,226,538	267,293

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Net Surplus/(Deficit)	112,219	-481,071	-939,093	-458,022
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<b><u>Dial-A-Ride</u></b>				
Revenues	486,806	486,806	406,670	-80,136
Expenditures	531,718	524,522	467,102	-57,420
Net Surplus/(Deficit)	-44,912	-37,716	-60,432	-22,716

<b><u>Wastewater</u></b>				
Revenues	2,189,250	2,189,250	1,558,548	-630,702
Expenditures	2,778,974	2,778,974	2,075,729	-703,245
Net Surplus/(Deficit)	-589,724	-589,724	-517,181	72,543

<b><u>Water</u></b>				
Revenues	2,688,702	2,688,702	1,242,313	-1,446,389
Expenditures	3,052,002	3,052,002	1,998,812	-1,053,190
Net Surplus/(Deficit)	-363,300	-363,300	-756,499	-393,199

<b><u>Data Processing</u></b>				
Revenues	126,136	126,136	126,386	250
Expenditures	184,385	184,385	184,635	250
Net Surplus/(Deficit)	-58,249	-58,249	-58,249	0

	<b><u>Adopted</u></b>	<b><u>Amended Mid-Year</u></b>	<b><u>Amended June, 2011</u></b>	<b><u>Change</u></b>
<b><u>Motorpool</u></b>				
Revenues	933,729	1,372,376	1,345,633	-26,743
Expenditures	1,209,992	1,648,481	1,665,123	16,642
Net Surplus/(Deficit)	-276,263	-276,105	-319,490	-43,385

<b><u>Safety</u></b>				
Revenues	338	338	395	57
Expenditures	7,105	7,105	6,776	-329
Net Surplus/(Deficit)	-6,767	-6,767	-6,381	386

RESOLVED, the use of prior year's fund balance reserves is not reflected in a

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Fund's revenue figure above, and that the source of funding for a Fund's Net Loss/(Deficit) shall be the use of prior year's fund balance reserves;

RESOVLED, approximately \$25,000 of the Electric Fund-Maintenance Meters funding will not be expended by the end of FY 2012, and that the budget be appropriated and may be carried forward to FY 2013;

RESOVLED, approximately \$25,000 of the Electric Fund-Contracted Services for tree trimming funding will not be expended by the end of FY 2012, and that the budget be appropriated and may be carried forward to FY 2013;

RESOLVED, approximately \$1,509,100 of the Electric Fund-Capital Outlay projects will not be expended by the end of FY 2012, and that the budget be appropriated and may be carried forward to FY 2013;

RESOLVED, approximately \$700,000 of the Wastewater Fund-Capital Outlay projects will not be expended by the end of FY 2012, and that the budget be appropriated and may be carried forward to FY 2013;

RESOLVED, approximately \$1,000,000 of the Water Fund-Capital Outlay projects will not be expended by the end of FY 2012, and that the budget be appropriated and may be carried forward to FY 2013;

This Resolution shall take effect upon adoption.

Dated June 18, 2012

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Sandra Bird, Clerk-Treasurer

I, Sandra Bird, being duly sworn as the Clerk-Treasurer for the City of Marshall, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council, City of Marshall, County of Calhoun, State of Michigan, at a regular meeting held on June 18, 2012 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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Sandra Bird, Clerk-Treasurer

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**D. Department of Public Services Contract – Teamsters Local 214:**

**Moved** Miller, supported Booton, to approve the Teamsters Local 214 Contract as presented. On a roll call vote – ayes: Mayor Dyer, Mankerian, Metzger, Miller, Williams, and Booton; nays: none. **MOTION CARRIED.**

**APPOINTMENTS / ELECTIONS**

None

**HOSPITAL NEIGHBORHOOD COMMITTEE AND HOSPITAL CAMPUS OVERLAY DISTRICT DISCUSSION**

Council Member Williams read a prepared statement into the record:

June 18, 2012

Mayor James Dyer  
Marshall City Council  
City Hall  
Marshall, MI 49068

Mayor Dyer and Fellow Council members,

My wife Ginger was recently named as the successor to Oaklawn Hospital President and CEO Rob Covert. She will assume the duties of hospital President on July 2, and will add the duties of the CEO upon Mr. Covert's retirement in January. As CEO, she will become a corporate officer of the hospital. That designation, under our conflict of interest policy, requires that I discuss with you my recusal from voting on issues that relate to the hospital.

Our City Charter requires that Council members cast a vote on every issue brought to us, the only exception being conflict of interest. But what is conflict of interest? Some time ago, the Council wrestled with this issue for several weeks, and despite asking for public input, received almost none. Some would argue that such common actions as holding a predetermined position on an issue, residential proximity to a location at issue, or merely knowing someone involved should disqualify one from voting. But, in a small town like Marshall that definition would prevent most of us from voting on many of the issues we face. I, along with the rest of the Council, rejected that broad definition. Our City Conflict of Interest policy settled upon "financial gain" as the determinate. In this current situation, it is important to note that Ginger's salary, now and in the future, is in no way influenced by any vote I might cast here on the Council. As a non-profit entity, the hospital has no "owner" who would stand to gain a profit based on a Council vote. Thus, even though Ginger will be a corporate officer of the hospital, there is still no personal financial gain to be realized via my votes here on the Council.

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However, in the political world, there are times when the perception of an issue overshadows the reality. Ginger's new leadership role at the hospital could create the impression that my votes would be predetermined. Thus, I am asking you this evening to allow me to not participate in the eventual vote on the Hospital Campus Overlay District. Since some members have asked that I do participate in the Council's debate prior to the vote, I would ask for direction from the Council regarding that participation.

I am confident that the remaining six members of the Council will take seriously your responsibility to look at the facts, the professional advice, and the best interests of the entire community as you decide this issue.

Sincerely,

Brent A. Williams  
Marshall City Council  
Ward 3

**Moved** Metzger, supported Miller, to excuse Council Member Williams from voting on the Hospital Campus Overlay District issue because of Conflict of Interest. On a roll call vote – ayes: Metzger, Miller, Booton, Mayor Dyer, and Mankerian; nays: none. **MOTION CARRIED.**

**Moved** Metzger, supported Mankerian, to allow Council Member Williams to participate in the Hospital Campus Overlay District discussion prior to the vote. On a roll call vote – ayes: Miller, Mayor Dyer, Mankerian, Metzger; nays: Booton. **MOTION CARRIED.**

Mayor Dyer asked Council for their specific questions and concerns with the HCOD that they would like answered.

Council discussed having a work session on Saturday, July 14, 2012 at 9:00 a.m. at the Public Services Building for further HCOD discussion.

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

Matt Saxton announced his candidacy for Calhoun County Sheriff.

James L. Jordan announced his candidacy for Calhoun County Prosecuting Attorney.

David Gilbert announced his candidacy for Calhoun County Prosecuting Attorney.

#### **COUNCIL AND MANAGER COMMUNICATIONS**

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**ADJOURNMENT**

The meeting was adjourned at 10:08 p.m.

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James L. Dyer, Mayor

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Sandra Bird, Clerk-Treasurer

June 17, 2012

TO: Marshall City Council and Mayor Dyer

Dear Council Members,

As a member of the HNC, I would like to express my strong opposition to adoption of the Overlay District proposal. I was one of the two committee members that voted against the proposal, and my opinion has not changed on this issue. With this letter, I would like to express my opinions on some of the issues that are confronting our community.

In the 22 years I have lived in Marshall, the expansion of Oaklawn Hospital at their downtown location has been an ongoing issue. The current proposal is merely another step in a process that has slowly divided our city, caused irreparable harm to the Historic District, negatively affected the peacefulness of the residential area, caused a dramatic increase in vehicle traffic on residential streets, significantly reduced the city's property tax revenue, and introduced significant light and noise pollution into the area. The Overlay District proposal will merely continue this ongoing erosion of Marshall's neighborhoods.

Allowing further growth of a large industrial facility in the center of a residential area is not a model for smart city planning. I am appalled that our city leadership is even considering adopting the proposed Overlay District. What if the facility was a foundry, an assembly plant, or a forge plant – would we still be enthusiastic about allowing it to grow in a residential neighborhood? What if you had to live across the street from this facility? A facility of this size has no business in the middle of a residential area, let alone one that is a nationally recognized historic treasure.

Financially, this proposal will have a very detrimental effect on the City of Marshall. The Overlay District will allow removal of properties that currently provide over \$130,000 per year in tax revenue. Oaklawn Hospital's medical facilities, in fact, pay only \$24,813 per year in property taxes because of their non-profit status. In comparison, the downtown business district collectively pays over \$500,000 per year. Where is the financial benefit for Marshall if we allow this expansion to occur? There isn't one – further growth of Oaklawn at their present location will cost the city significantly through higher infrastructure costs due to increased use of City facilities. I believe that the growth of Oaklawn over the past decades is at least partially responsible for the financial issues the City has today.

The proposed overlay district is in no way a compromise. This is not a surprise considering the makeup of the committee. Early in the process, two members resigned – Jennifer Rupp, who was the Historical Society representative, and John LaPietra, who was an at-large member representing the neighborhood. Not replacing these committee members biased the process and essentially removed any possible influence that neighborhood representatives may have had. The subcommittee membership was even

more lopsided – three members with direct ties to Oaklawn Hospital, and myself representing the neighborhood.

The proposed “compromise” offers virtually nothing to the neighborhood residents. There is no legal assurance that Oaklawn will not go outside of the proposed boundaries. There is no protection for the remaining historic resources. There is no binding control on how they deal with existing historic resources within the Overlay District. There is nothing to deal with the street access issues of a facility that is projected to double in size over the next 20 years.

I commend the Planning Commission for the improvements they have recommended to the original proposal. Even though I feel it would still be the wrong move for the future of Marshall, I would favor the Planning Commission’s version over what was originally proposed. Their revisions take into account many recommendations that were made by the experts involved that were ignored in the original proposal.

I ask the leaders of the City of Marshall, what are you thinking? The proposed Overlay District is opposed by the DDA, the Marshall Historical Society, the Marshall Neighborhood Association, and the majority of neighbors that will be directly affected. Collectively, these organizations and citizens pay far more property taxes than Oaklawn Hospital, and employ more city residents. We are the ones that have equity in this town!

For over 20 years we have been told by Oaklawn Hospital that they can’t afford to move to another location. During the Committee process, the economic impact analysis concluded that the economic benefit to Marshall would be the same regardless of whether they were located within the city or not. Oaklawn management stated publicly in one of our meetings that they would prefer to be located at the outskirts of town, along one of the interstates, so they could expand easily and would not be land locked. Why don’t we find a way to make this happen instead of decimating more of our historic residential area? Sadly, this option, which I feel would be by far the best of all, was taken off the table early in the process without any analysis or investigation.

Marshall’s leaders need to decide what the future of Marshall will look like. Do we want to become “Oaklawnville”, a one company town tied to a single industry and financial future? Or, will we continue preserving and cultivating our historic resources as past generations have strived to do? Businesses come and go (need I say State Farm and Eaton?) Historic Districts have the potential to last forever if managed properly. Marshall needs to stop further hospital expansion downtown and find a way to cultivate their expansion on a Greenfield site.

Sincerely,

Dave Deppe  
107 Forest St.

There is a very simple word that all the member of the council need to learn when it comes to the hospital - the word is NO!!I don't know why they all have so much trouble with such a simple word. Our town should be kept as it is. The hospital is way bigger then it needs to be. The council must stop bowing to the hospital. Those members on the council with even the slights connection with the hospital should not vote. The destroying of Historic homes and closing streets ruins our beautiful historai town.

Please I beg of you JUST SAY NO!!and keep our historic town just as it is, they have already destroyed way to much. The entire overlay of the hospital is totally wrong and must not be approved.

I hope this letter will be read and taken to heart. The changes not only effect those close to the hospital but the entire town.

Sincerely,  
Deborah Stuart  
513 W. Prospect St.