



**CITY COUNCIL  
WORK SESSION AGENDA  
Monday, March 4, 2013  
6:00 PM – 6:45 PM  
City Hall**

**A. Police, Fire, and City Hall Building Renovations Discussion**

**B. Other Items**

**C. Future Work Sessions**

None scheduled

**D. Future topics**

323 W. Michigan Ave.

Marshall, MI 49068

**p** 269.781.5183

**f** 269.781.3835

**cityofmarshall.com**



# MARSHALL CITY COUNCIL AGENDA

MONDAY – 7:00 P.M.

March 4, 2013

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) INVOCATION – Barry Chaffin, Church of Christ
- 4) PLEDGE OF ALLEGIANCE
- 5) APPROVAL OF AGENDA – Items can be added or deleted from the Agenda by Council action.
- 6) PUBLIC COMMENT ON AGENDA ITEMS – Persons addressing 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 on any agenda item.

7) CONSENT AGENDA

A. Title VI Non-Discrimination Plan

City Council will consider the recommendation to appoint Tracy Hall as the Title VI Coordinator and approve the Title VI Non-Discrimination Plan.

B. Building Permit Fees

City Council will consider the recommendation to adopt the resolution to change the Building Permit Fees.

C. Dial-A-Ride Transit Application for State Financial Assistance

City Council will consider the recommendation to adopt the Resolution of Intent to authorize the City of Marshall to seek financial assistance from the State of Michigan for DART.

D. Transportation Funding Resolution

City Council will consider the recommendation to adopt the resolution to support improvements in State Transportation funding to the City.

E. City Council Minutes

Regular Session..... Tuesday, February 19, 2013

F. City Bills

Regular Purchases .....	\$ 446,258.32
Weekly Purchases –2/15/13.....	\$144,291.89
Weekly Purchases –2/22/13.....	\$1,268,932.88
<b>Total.....</b>	<b>\$ 1,859,483.09</b>

8) PRESENTATIONS AND RECOGNITIONS

9) INFORMATIONAL ITEMS

10) PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION

A. Public Hearing for Hospital Campus Overlay District Ordinance

City Council will hear public comment on the proposed Hospital Campus Overlay District Ordinance (HCOD) and consider staff's recommendation to approve the HCOD ordinance as well as the HCOD map amendment.

Mayor:

James Dyer

Council Members:

Ward 1 - VACANT

Ward 2 - Nick Metzger

Ward 3 - Brent Williams

Ward 4 - Jack Reed

Ward 5 - Jody Mankerian

At-Large - Kathy Miller



**11) OLD BUSINESS**

**12) REPORTS AND RECOMMENDATIONS**

**13) APPOINTMENTS / ELECTIONS**

**A. City Council Vacancy – Ward 1**

City Council will interview the candidates for the Ward 1 City Council vacancy and select a candidate to fill the remainder of the unexpired term.

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

Persons addressing 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 on any item not on the agenda.

**15) COUNCIL AND MANAGER COMMUNICATIONS**

**16) CLOSED SESSION**

City Council will be requested to convene into Closed Session to discuss Attorney Client privilege information from the City Attorney.

**17) ADJOURNMENT**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tom Tarkiewicz", written over a horizontal line.

Tom Tarkiewicz  
City Manager



**ADMINISTRATIVE REPORT**  
**March 4, 2013 - CITY COUNCIL MEETING**

**REPORT TO:** Honorable Mayor and City Council

**FROM:** Tracy Hall, HR Coordinator  
Tom Tarkiewicz, City Manager

**SUBJECT:** Title VI Non-Discrimination Plan

**BACKGROUND:** Title VI of the Civil Rights Act of 1964, and related statutes state that, "No person in the United States shall on the grounds of race, color, or national origin, sex, age, disability, or socio-economic status, be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination in any program or activity receiving Federal financial assistance". The Civil Rights Restoration Act of 1987 restored the full intent of Title VI to require compliance by all federal-aid recipients and sub-recipients whether their programs or activities are federally funded or not.

The City of Marshall received notice from the State of Michigan Department of Transportation stating "A Title VI Plan is required *prior to the receipt* of federal financial assistance. *If you have ever entered into a contract with MDOT for federal highway funds or have received assistance from the Federal Highway Administration (FHWA) in relationship to an MDOT project, you must have a Title VI Plan.*

**RECOMMENDATION:** It is recommended that the City Council appoint Tracy Hall as the Title VI Coordinator and approve the attached Title VI Non-Discrimination Plan as attached.

**FISCAL EFFECTS:** Failure to comply with this requirement may place the City in deficiency status and MDOT may not authorize any future funding if an approved policy is not on file with their agency.

**ALTERNATIVES:** As suggested by the Council.

Respectfully submitted,

A handwritten signature in blue ink that reads "Tracy L. Hall".

Tracy L. Hall  
HR Coordinator

A handwritten signature in blue ink that reads "Tom Tarkiewicz".

Tom Tarkiewicz  
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

**CITY OF MARSHALL**

**TITLE VI**

**NON-DISCRIMINATION PLAN**

**323 West Michigan Avenue  
Marshall, MI 49068  
Phone: 269-781-5183  
Fax: 269-781-3835  
Website: [www.cityofmarshall.com](http://www.cityofmarshall.com)**

**Title VI Coordinator:  
Tracy Hall, Human Resources Coordinator  
Phone: 269-781-5183  
Fax: 269-781-3835  
E-mail: [thall@cityofmarshall.com](mailto:thall@cityofmarshall.com)**

# TABLE OF CONTENTS

<b>Organization Chart.....</b>	<b>3</b>
<b>Introduction.....</b>	<b>4</b>
<b>Policy Statement.....</b>	<b>7</b>
<b>Standard Title VI Assurance.....</b>	<b>9</b>
<b>Authorities.....</b>	<b>11</b>
<b>Definitions.....</b>	<b>12</b>
<b>Administration.....</b>	<b>13</b>
<b>Limited English Proficiency.....</b>	<b>15</b>
<b>Environmental Justice.....</b>	<b>22</b>
<b>Filing a Complaint.....</b>	<b>23</b>
<b>Investigation.....</b>	<b>24</b>
<b>Appendix A – Required Contract Language.....</b>	<b>26</b>
<b>Appendix B – Transfer of Property.....</b>	<b>27</b>
<b>Appendix C – Permits, Leases, and Licenses.....</b>	<b>28</b>
<b>Appendix D – Title VI Complaint Form.....</b>	<b>29</b>
<b>Appendix E – Determine/Distinguish Significant/Non-Significant Effects.....</b>	<b>31</b>
<b>Appendix F – Program Compliance/Program review Goals for Current Plan Year.....</b>	<b>32</b>



## INTRODUCTION

The City of Marshall serves all people of the state of Michigan, including minority populations, low-income populations, the elderly, persons with disabilities, and those who traverse the state of Michigan. The City of Marshall recognizes its responsibility to provide fairness and equity in all of its programs, services, and activities, and that it must abide by and enforce federal and state civil rights legislation.

Title VI of the Civil Rights Act of 1964, is the overarching civil rights law that prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that, "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance." Title VI has been broadened by related statutes, regulations and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," signed in February of 1994, requires federal agencies to achieve Environmental Justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental Justice Initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. Also, Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)," provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance.

As a recipient of federal financial assistance, the City must provide access to individuals with limited ability to speak, write, or understand the English language. The city will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color or national origin. Therefore, the primary goals and objectives of the City's Title VI Program are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;

2. To ensure that people affected by the city's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability;
3. To prevent discrimination in the city programs and activities, whether those programs and activities are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create illegal adverse discrimination on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, and all interested persons and affected Title VI populations;
5. To establish procedures to annually review Title VI compliance within specific program areas within the City;
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in the City services, programs or activities.

As the sub-recipient of federal transportation funds, the City must comply with federal and state laws, and related statutes, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs, without regard to race, color, religion, national origin, sex, socio-economic status, or geographical location. Every effort will be made to prevent discrimination in any program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

The City shall also ensure that their sub-recipients adhere to state and federal law and include in all written agreements or contracts, assurances that the sub-recipient must comply with Title VI and other related statutes. The City, as a sub-recipient who distributes federal transportation funds, shall monitor their sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, the City will make a good faith effort to ensure that the sub-recipient corrects any deficiencies arising out of complaints related to Title VI; and that sub-recipients will proactively gauge the impacts of any program or activity on minority populations and low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations.

### **Discrimination under Title VI**

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination which may or may not be intentional is "disparate treatment." Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, disability, or age.

The second type of illegal discrimination is "disparate impact." Disparate impact discrimination occurs when a "neutral procedure or practice" results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

The City's efforts to prevent such discrimination must address, but not be limited to, a program's impacts, access, benefits, participation, treatment, services, contracting opportunities, training, investigation of complaints, allocation of funds, prioritization of projects, and the overarching

functions of planning, project development and delivery, right-of-way, construction, and research.

The city has developed this Title VI Plan to assure that services, programs, and activities of the City are offered, conducted, and administered fairly, without regard to race, color, national origin, sex, age, or disability of the participants or beneficiaries of federally funded programs, services, or activities (see Title VI Assurances).

## **CITY OF MARSHALL POLICY STATEMENT**

The City of Marshall reaffirms its policy to allow all individuals the opportunity to participate in federal financially assisted services and adopts the following provision:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” In applying this policy, the City of Marshall and its sub-recipients of federal funds shall not:

1. Deny any individual with any services, opportunity, or other benefit for which such individual is otherwise qualified;
2. Provide any individual with any service, or other benefit, which is inferior (in quantity or quality) to, or which is provided in a different manner from that which is provided to others;
3. Subject any individual to segregated or disparate treatment in any manner related to such individual's receipt of services or benefits;
4. Restrict an individual in any way from the enjoyment of services, facilities or any other advantage, privilege or other benefit provided to others;
5. Adopt or use methods of administration, which would limit participation by any group of recipients or subject any individual to discrimination;
6. Address any individual in a manner that denotes inferiority because of race, color, or national origin;
7. Permit discriminatory activity in a facility built in whole or in part with federal funds;
8. Deny any segment of the population the opportunity to participate in the operations of a planning or advisory body that is an integral part of a federally funded program;
9. Fail to provide information in a language other than English to potential or actual beneficiaries who are of limited English speaking ability, when requested and as appropriate;
10. Subject an individual to discriminatory employment practices under any federally funded program whose objective is to provide employment;
11. Locate a facility in any way, which would limit or impede access to a federally-funded service or benefit.

The City will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance. If irregularities occur in the administration of the program's operation, procedures will be promptly implemented to resolve Title VI issues all within a period not to exceed 90 days.

The City designates Tracy Hall, Human Resources (HR) Coordinator as the Title VI Coordinator. The Title VI Coordinator will be responsible for initiating and monitoring Title VI activities and other required matters, ensuring that the City of Marshall complies with the Title VI regulations and pursues prevention of Title VI deficiencies or violations. Inquiries concerning the City of Marshall and Title VI may be directed to City of Marshall, Human Resources Department, 323 West Michigan Avenue, Marshall, MI 49068, 269-781-5183, or [thall@cityofmarshall.com](mailto:thall@cityofmarshall.com).

---

James Dyer, Mayor

---

Trisha Nelson, Clerk

---

Tracy Hall, HR Coordinator/Title VI Coordinator

## **CITY OF MARSHALL TITLE VI ASSURANCE**

The City of Marshall (hereinafter referred to as the "Recipient") hereby agrees that as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs for the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of gender, race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient received Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and hereby gives assurances that it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7 (a) (1) and (b) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurance with respect to the Federal Aid Highway Program:

1. That the Recipient agrees that each "program" and each "facility as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

"The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contact entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, 'as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

CITY OF MARSHALL

\_\_\_\_\_  
James Dyer, Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Trisha Nelson, Clerk

\_\_\_\_\_  
Date

## AUTHORITIES

**Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h);**

Title VI of the Civil Rights Act of the 1964 provides that no person in the United States shall, on the grounds of race, color, national origin (including Limited English Proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, sex, low income, and disability.

The Civil Rights Restoration Act of 1987 also broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

**Federal Aid Highway Act of 1973, 23 USC 324:** No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.

**Age Discrimination Act of 1975, 42 USC 6101:** No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance.

**Americans With Disabilities Act of 1990 PL 101-336:** No qualified individual with a disability shall, by reason of his/her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination by a department, agency, special purpose district or other instrumentality of a state or local government.

**Section 504 of the Rehabilitation Act of 1973:** No qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.

**USDOT Order 1050.2:** Standard Title VI Assurances.

**EO12250:** Department of Justice Leadership and coordination of Non-discrimination Laws.

**EO12898:** Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

**28 CFR 50.3:** Guidelines for the enforcement of Title VI of the Civil Rights Act of 1964.

**EO13166:** Improving Access to Services for Persons with Limited English Proficiency.

## DEFINITIONS

Adverse Effects – The totality of significant individual or cumulative human health or environmental effects including interrelated social and economic effects, which may include, but are not limited to: (See Appendix E for additional discussion of “significant”)

- Bodily impairment, infirmity, illness or death
- Air, noise and water pollution and soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion or community’s economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Adverse employment effects
- Displacement of person’s businesses, farms or non-profit organizations
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community
- Denial of, reduction in, or significant delay in the receipt of benefits of the city programs, policies and activities

Federal Assistance – Includes grants and loans of federal funds; the grant or donation of federal property and interests in property; the detail of federal personnel, federal property or any interest in such property without consideration or at a nominal consideration or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and any federal agreement, arrangement or other contract which has, as one of its purposes, the provision of assistance.

Limited English Proficiency - Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the city.

Low-Income – A person whose median household income is at or below the Department of Health and Human Service Poverty guidelines. (<http://aspe.hhs.gov/poverty/>)

Low-Income Population – Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed city program, policy or activity.

Minority – A person who is:

- a. Black – A person having origins in any of the black racial groups of Africa;
- b. Hispanic – A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- c. Asian American – A person having origins in any of the original people of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands; or
- d. American Indian and Alaskan Native – A person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

Minority Population – Any readily identifiable groups of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed city program, policy or activity.

Non-Compliance – A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the requirements of Title VI and related statutes.

Persons – Where designation of persons by race, color or national origin is required, the following designation ordinarily may be used; “White not of Hispanic origin”, “Black not of Hispanic origin”, “Hispanic”, “Asian or Pacific Islander”, “American Indian or Alaskan Native”. Additional sub-categories based on national origin of primary language spoken may be used, where appropriate, on either a national or a regional basis.

Program – Includes any road or park project including planning or any activity for the provision of services financial aid or other benefits to individuals. This includes education or training, work opportunities, health welfare, rehabilitation, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

Recipient - Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof, but does not include any ultimate beneficiary under any such program.

Significant Adverse effects on Minority and Low-Income Populations – An adverse effect that:

- a. is predominantly borne by a minority population and/or a low-income population, or
- b. will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

Sub-Recipient – Any agency such as a council of governments, regional planning agency, or educational institution, for example, that received Federal Highway Administration (FHWA) funds through the State DOT and not directly from the FHWA. Other agencies, local governments, contractors, consultants that receive these funds are all considered sub-recipients.

## **ADMINISTRATION – GENERAL**

The City of Marshall designates Tracy Hall, HR Coordinator as the Title VI Coordinator (hereinafter referred to the “Title VI Coordinator”). Ms. Hall shall have lead responsibility for coordinating the administration of the Title VI and related statutes program, plan and assurances.

Complaints: If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age or

disability, he/she may exercise his/her right to file a complaint with the city. Complaints may be filed with the Title VI Coordinator. Every effort will be made to resolve complaints informally at the lowest level.

Data Collection: Statistical data on race, color, national origin, English language ability and sex of participants in and beneficiaries of the City of Marshall programs; e.g., impacted citizens and affected communities will be gathered and maintained by the City of Marshall. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

Program Reviews: Special emphasis program reviews will be conducted based on the annual summary of Title VI activities accomplishments and problems. The reviews will be conducted by the Title VI Coordinator to assure effectiveness in their compliance of Title VI provisions. The Title VI Coordinator will coordinate efforts to ensure the equal participation in all their programs and activities at all levels. The city does not have any special emphasis programs at this time.

Title VI Reviews on Sub-Recipients: Title VI compliance reviews will be conducted annually by the Title VI Coordinator. Priority for conducting reviews will be given to those recipients of federal (U.S. Department of Transportation) funds with the greatest potential of impact to those groups covered by the act. The reviews will entail examination of the recipients' adherence to all Title VI requirements. The status of each review will be reported in the annual update and reported to relevant U.S. Department of Transportation (USDOT) modes upon request.

Annual Reporting Form: The Title VI Coordinator will be responsible for coordination, compilation, and submission of annual reporting form data to the Michigan Department of Transportation (MDOT), Civil Rights Program Unit via the Sub-Recipient Annual Certification Form (MDOT form #0179) by October 5<sup>th</sup>.

Title VI Plan Updates: If updated, a copy of Title VI Plan will be submitted to the MDOT, Civil Rights Program Unit, as soon as the update has been completed, or as soon as practicable, and no later than 30 days if significant changes are made.

Public Dissemination: The City will disseminate Title VI Program information to the city employees and to the general public. Title VI Program information will be submitted to sub-recipients, contractors and beneficiaries. Public dissemination will include inclusions of Title VI language in contracts and publishing the Title VI Plan on the city internet website, at [www.cityofmarshall.com](http://www.cityofmarshall.com).

Remedial Action: The City, through the Title VI Coordinator, will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The period to determine corrective action(s) and put it/them in writing to effect compliance may not exceed 90 days from the date the deficiencies are found.

## LIMITED ENGLISH PROFICIENCY

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency<sup>1</sup>, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

This executive order stated that individuals who do not speak English well and who have a limited ability to read, write and speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter<sup>2</sup>. These individuals are referred to as being limited in their ability to speak, read, write, or understand English, hence the designation, “LEP,” or Limited English Proficient. The Executive Order states that:

“Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency’s programs and activities.”

Not only do all federal agencies have to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well.

Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and organizations. Title VI covers a recipient’s entire program or activity. This means all parts of a recipient’s operations are covered, even if only one part of a recipient’s organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.

The City of Marshall receives funds from the US Department of Transportation via the Federal Highway Administration.

The US Department of Transportation published *Policy Guidance Concerning Recipients’ responsibilities to Limited English Proficient Person* in the December 14<sup>th</sup>, 2005 Federal Register.<sup>3</sup>

The Guidance implies that the City of Marshall is an organization that must follow this guidance:

This guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local transit operators, among many others. Coverage

---

<sup>1</sup> The executive order verbatim can be found online at <http://www.usdoj.gov/crt/cor/Pubs/eolep.htm>.

<sup>2</sup> Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons. Federal Register: December 14, 2005 (Volume 70, Number 239)

<sup>3</sup> The DOT has also posted an abbreviated version of this guidance on their website at <http://www.dotcr.ost.dot.gov/asp/lep.asp>.

extends to a recipient's entire program or activity, i.e., to all parts of a recipient's operations. This is true even if only one part of the recipient receives the Federal assistance. For example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department of transportation—not just the particular highway program or project—are covered by the DOT guidance.

### **Elements of an Effective LEP Policy**

The US Department of Justice, Civil Rights Division has developed a set of elements that may be helpful in designing and LEP policy or plan. These elements include:

1. Identifying LEP persons who need language assistance
2. Identifying ways in which language assistance will be provided
3. Training Staff
4. Providing notice to LEP persons
5. The recommended method of evaluating accessibility to available transportation services is the Four-Factor Analysis identified by the USDOT.

These recommended plan elements have been incorporated into this plan.

### **Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Policy**

The DOT guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to the LEP Community.
4. The resources available to the City of Marshall and overall cost.

The greater the number or proportion of eligible LEP persons; the greater the frequency with which they have contact with a program, activity, or service and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of DOT's guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

The DOT guidance is modeled after the Department of Justice's guidance and requires recipients and sub-recipients to take steps to ensure meaningful access to their programs and

activities to LEP persons. More information for recipients and sub-recipients can be found at <http://www.lep.gov>.

### The Four-Factor Analysis

This plan uses the recommended four-factor analysis of an individualized assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to City of Marshall services and activities that may affect their quality of life. Recommendations are then based on the results of the analysis.

#### Factor 1: The Proportion, Numbers and Distribution of LEP Persons

The Census Bureau has a range for four classifications of how well people speak English. The classifications are: 'very well,' 'well,' 'not well,' and 'not at all.' For our planning purposes, we are considering people that speak English less than 'very well' as Limited English Proficient persons.

As seen in Table #1, the Census 2011 Data for City of Marshall shows a small amount of the population that would speak English less than 'very well'.

**TABLE #1**

LANGUAGE SPOKEN AT HOME	# of Individuals	Percent
Population 5 years and over	6,822	6,822
English only	6,600	96.7%
Language other than English	222	3.3%
Speak English less than "very well"	26	0.4%
Spanish	80	1.2%
Speak English less than "very well"	0	0.0%
Other Indo-European languages	136	2.0%
Speak English less than "very well"	26	0.4%
Asian and Pacific Islander languages	6	0.1%
Speak English less than "very well"	0	0.0%
Other languages	0	0.0%
Speak English less than "very well"	0	0.0%

#### Factor 2: Frequency of Contact with LEP Individuals

The city has conducted an informal survey of our employees with regard to whether they have had encounters with LEP individuals in the performance of their job functions and found that they have not had any encounters with LEP individuals. We have offices accessible to the public

and therefore accessible to LEP individuals and we have staff that work in the field that could encounter LEP individuals. Additionally, City Council meetings are held twice a month which would potentially bring LEP individuals to these meetings. Given the small number of LEP individuals as displayed in Table #1 (above) the probability of our employees to encounter and LEP individual is low.

### **Factor 3: The Nature and Importance of the Program, Activity, or Service to LEP**

The City of Marshall serves individuals throughout the City in a variety of ways including managing roads, water, sewer, police, fire, elections, and other services to citizens of the City and individuals from outside of the city, such as visitors and those traversing the state. The nature of the services that the City provides is very important to an individual's day-to-day life. Therefore the denial of services to an LEP individual could have a significant detrimental effect. Although the LEP population in the city is small, we will ensure accessibility to all of our programs, services, and activities.

### **Factor 4: The Resources Available to the City of Marshall and Overall Cost**

US Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the Federal Register: December 14, 2005 (Volume 70, Number 239) states:

*"Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan."*

The City of Marshall does serve very few LEP persons and has very limited resources; therefore it has decided to include a LEP section in its Title VI Plan in order to comply with the Executive Order.

### **Safe Harbor Stipulation**

Federal law provides a "Safe Harbor" situation so that recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English. A "Safe Harbor" means that if a recipient provides written translation in certain circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four factor analysis. For example, even if a Safe Harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient's written translation obligations under "Safe Harbor" includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally.

This "Safe Harbor" provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Given the small number of LEP language group members, the City of Marshall budget and number of staff, it is deemed that written translations of vital documents would be so burdensome as to defeat the legitimate objectives of our programs. It is more appropriate for City of Marshall to proceed with oral interpretation options for compliance with LEP regulations.

### **Providing Notice to LEP Persons**

USDOT LEP guidance says: *Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand.*

The guidance provides several examples of notification including:

1. Signage in languages that an LEP individual would understand when free language assistance is available with advance notice.
2. Stating in outreach documents that free language services are available from the agency.
3. Working with community-based organizations and other stakeholders to inform LEP individuals of the recipient's services, including the availability of language assistance services.

Statements in languages that an LEP individual would understand will be placed in public information and public notices informing LEP individuals that persons requiring language assistance and/or special accommodations will be provided the requested service free of charge, with reasonable advance notice to the City of Marshall.

### **Options and Proposed Actions**

#### **Options:**

Federal fund recipients have two (2) main ways to provide language services: oral interpretation either in person or via telephone interpretation service and written translation.

The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.<sup>4</sup>

The City of Marshall is defining an interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language and a translator as a person who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.<sup>5</sup>

Considering the relatively small size of the City of Marshall, the small number of LEP individuals in the service area, and limited financial resources, it is necessary to limit language aid to the most basic and cost-effective services.

### **What the City of Marshall will do. What actions will the City of Marshall take?**

- With advance notice of seven calendar days, the City will provide interpreter services at public meetings, including language translation and signage for the hearing impaired.
- The City will utilize the *Translators Resource List* as provided by MDOT for translation services and verbal interpretation.
- Ensure placement of statements in notices and publications in languages other than English that interpreter services are available for public meetings.
- The Census Bureau “I-speak” Language Identification Card will be distributed to all employees that may potentially encounter LEP individuals.
- Once the LEP individual’s language has been identified, an agency from the *Translators Resource List* will be contacted to provide interpretation services.
- Publications of the city’s complaint form will be made available at public meetings.
- In the event that a City employee encounters a LEP individual, they will follow the procedure listed below:

#### **OFFICE ENCOUNTER**

1. Provide an I-speak language identification card to determine the language spoken of the LEP individual.
2. Once the foreign language is determined, provide information to Title VI coordinator who will contact an interpreter from MDOT’s *Translators Resource List*.

---

<sup>4</sup> <http://www.dotcr.ost.dot.gov/asp/lep/asp>

<sup>5</sup> Department of Justice Final LEP Guidelines, Federal Register June 18, 2002-Vol. 67-Number 117.

3. If the need is for a document to be translated, the Title VI coordinator will have the document translated and provided to the requestor as soon as possible.

#### ROAD ENCOUNTER

1. Road crew employee will immediately contact the Title VI coordinator for assistance, and provide an I-speak language identification card to the LEP individual to determine the language spoken of the individual.
2. Once the foreign language is determined, provide information to Title VI coordinator who will contact an interpreter from MDOT's *Translators Resource List* to provide telephonic interpretation.
3. If the need is for a document to be translated, the Title VI coordinator will have the document translated and provided to the requestor as soon as possible.

#### IN WRITING

1. Once a letter has been received it will be immediately forwarded to the Title VI Coordinator.
2. The Title VI Coordinator will contact an translator from the MDOT's *Translators Resource List* to determine the specifics of the letter request information.
3. The Title VI Coordinator will work with the selected agency to provide the requested service to the individual in a timely manner.

#### OVER THE PHONE

1. If someone calls into our office speaking another language every attempt will be made to keep that individual on the line until an interpreter can be conferenced into the line and if possible determine the language spoken of the caller.
2. Once the language has need determined we will proceed providing the requested assistance to the LEP individual.

#### **City of Marshall Staff Training**

The City of Marshall staff will be provided training on the requirements for providing meaningful access to services for LEP persons.

#### **LEP Plan Access**

A copy of the LEP plan document can be requested at Marshall Town Hall during normal business hours and the City of Marshall will make the plan available on the website at [www.cityofmarshall.com](http://www.cityofmarshall.com). Any person or agency may also request a copy by contacting:

Tracy Hall, Human Resources Coordinator, 323 West Michigan Avenue, Marshall, MI 49068, [thall@cityofmarshall.com](mailto:thall@cityofmarshall.com), phone – 269-781-5183, or fax – 269-781-3835.

## ENVIRONMENTAL JUSTICE

Compliance with Title VI includes ensuring that no minority or low income population suffers “disproportionately high and adverse human health or environmental effect” due to any “programs, policies and activities” undertaken by any agency receiving federal funds. This obligation will be met by the city in the following ways:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.
- If a disproportionate effect is anticipated, following mitigation procedures.
- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.

Disproportionate effects are those effects which are appreciably more severe for one group or predominantly borne by a single group. The city will use U.S. Census data to identify low income and minority populations.

Where a project impacts a small number or area of low income or minority populations, the city will document that:

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment, etc.
- The project’s impact is unavoidable,
- The benefits of the project far out-weigh the overall impacts and
- Mitigation measures are being taken to reduce the harm to low income or minority populations.

If it is concluded that no minority and/or low income population groups are present in the project area, the city will document how the conclusion was reached. If it is determined that one or more of these population groups are present in the area, the city will administer potential disproportionate effects test.

The following steps will be taken to assess the impact of project on minority and/or low income population groups:

**STEP ONE:** Determine if a minority or low income population is present within the project area. If the conclusion is that no minority and/or low income population is present within the project area, document how the conclusion was reached. If the conclusion is that there are minority population and/or low income population groups present, proceed to Step Two.

**STEP TWO:** Determine whether project impacts associated with the identified low income and minority populations are disproportionately high and adverse. In doing so, refer to the list of potential impacts and questions contained in Appendix E. If it is determined that there are

disproportionately high and adverse impacts to minority and low income populations, proceed to Step Three.

**STEP THREE:** Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project.

**STEP FOUR:** If after mitigation, enhancements and off setting benefits to the affected populations, there remains a high and disproportionate adverse impact to minority or low income populations, then the following questions must be considered:

Question 1: Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low income population?

Question 2: Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?

Question 3: Considering the overall public interest, is there a substantial need for the project?

Question 4: Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social economic or environmental impacts that are more severe than those of the proposed action (b) have increased costs of extraordinary magnitude?

**STEP FIVE:** Include all findings, determinations or demonstrations in the environmental document prepared for the project.

## **FILING A TITLE VI COMPLAINT**

### **I. Introduction**

The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the city programs, activities and services as required by statute.

### **II. Purpose**

The purpose of the discrimination complaint procedures is to describe the process used by the city for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

### **III. Roles and Responsibilities**

The Title VI Coordinator has overall responsibility for the discrimination complaint process and procedures. The Title VI Coordinator may, at his/her discretion assign a capable person to investigate the complaint.

The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon information obtained from the investigation.

#### **IV. Filing a Complaint**

The complainant shall make him/herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

Applicability: The complaint procedures apply to the beneficiaries of the city programs, activities and services, including but not limited to: the public, contractors, sub-contractors, consultants, and other sub-recipients of federal and state funds.

Eligibility: Any person who believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by the city or its sub-recipients, consultants and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age or disability may bring forth a complaint of discrimination under Title VI.

Time Limitation on Filing Complaints: Title VI complaints may be filed with the Title VI Coordinator's office. In all situations, the employees of the city must contact the Title VI Coordinator immediately upon receipt of Title VI related statutes complaints.

Complaints must be filed within 180 days of the alleged discrimination. If the complainant could not reasonably be expected to know that the act was discriminatory within the 180 day period, he/she will have 60 additional days after becoming aware of the illegal discrimination to file the complaint.

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

Items that should not be considered a formal complaint: (unless the items contain a signed cover letter specifically alleging a violation of Title VI) include but are not limited to:

1. An anonymous complaint that is too vague to obtain required information
2. Inquiries seeking advice or information
3. Courtesy copies of court pleadings
4. Newspaper articles
5. Courtesy copies of internal grievances

#### **V. Investigation**

Investigation Plan: The investigator shall prepare a written plan, which includes, but is not limited to the following:

- Names of the complainant(s) and respondent(s)
- Basis for complaint
- Issues, events or circumstances that caused the person to believe that he/she has been discriminated against
- Information needed to address the issue
- Criteria, sources necessary to obtain the information
- Identification of key people
- Estimated investigation time line

- Remedy sought by the complainant(s)

#### Conducting the Investigation:

- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained as much as possible.
- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case.
- A chronological contact sheet is maintained in the case file throughout the investigation.
- If a Title VI complaint is received on a MDOT related contract against the City of Marshall, MDOT will be responsible for conducting the investigation of the complaint. Upon receipt of a Title VI complaint filed against the City of Marshall, the complaint and any pertinent information should immediately be forwarded to the MDOT, Civil Rights Program Unit.

#### Investigation Reporting Process:

- Complaints made against the city's sub-recipient should be investigated by the city following the internal complaint process.
- Within 40 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the office of the Title VI Coordinator for review.
- The City Manager reviews the file and investigative report. Subsequent to the review, the City Manager makes a determination of "probable cause" or "no probable cause" and prepares the decision letter.

#### Retaliation:

The laws enforced by this city prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint please contact:

City of Marshall  
Tracy Hall, Title VI Coordinator  
323 West Michigan Avenue  
Marshall, MI 49068  
Phone: 269-781-5183  
Fax: 269-781-3835  
E-mail: [thall@cityofmarshall.com](mailto:thall@cityofmarshall.com)

#### **Reporting Requirements to an External Agency**

A copy of the complaint, together with a copy of the investigation report and final decision letter will be forwarded to the MDOT, Civil Rights Program Unit within 60 days of the date the complaint was received.

#### **Records**

All records and investigative working files are maintained in a confidential area. Records are kept for three years.

## APPENDIX A [TO BE INSERTED IN ALL FEDERAL-AID CONTRACTS]

During the performance of this contract, the contractor, for itself, its assignees and successors, in interest (hereinafter referred to as the "contractor") agrees, as follows:

1. **Compliance with Regulations:** The contractor shall comply with Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials in the discrimination prohibited by Section 21.5 of the Regulation, including employment practices when the contractor covers a program set for in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issues pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department of the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State Highway Department or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event the contractor's noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - a. Withholding payments to the contractor under the contract until the contractor complies and/or
  - b. Cancellation, termination or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include provisions of paragraphs (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State Highway Department to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## **APPENDIX B TRANSFER OF PROPERTY**

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

### **(GRANTING CLAUSE)**

NOW THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the State of Michigan, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4) does hereby remise, release, quitclaim and convey unto the State of Michigan all the right, title and interest of the Department of Transportation in and to said lands described Exhibit "A" attached hereto and made a part hereof.

### **(HABENDUM CLAUSE)\***

TO HAVE AND TO HOLD said lands and interests therein unto the State of Michigan, and its successors forever, subject, however, the covenant, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the State of Michigan, its successors and assigns.

The State of Michigan, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part, on, over, or under such lands hereby conveyed (,) (and)\*(2) that the State of Michigan shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this deed.

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

## **APPENDIX C PERMITS, LEASES AND LICENSES**

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Michigan Department of Transportation, pursuant to the provisions of Assurance 7(a).

The grantee, licensee, lessee, permittee, etc., (as appropriate) for himself, his heirs, personal representative, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases, add, “as a covenant running with the land”) that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall remain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)\*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to terminate the license, lease, permit, etc., and to re-enter and repossess said land and the facilities thereon, and hold the same as if said license, lease, permit, etc., had never been made or issued.

(Include in deeds)\*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to re-enter lands and facilities hereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Michigan Department of Transportation and its assigns.

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of the Title VI of the Civil Rights Act of 1964 and the Civil Rights Act of 1987.

**APPENDIX D TITLE VI COMPLAINT FORM**

**CITY OF MARSHALL  
TITLE VI COMPLAINT FORM**

Title VI of the Civil Rights Act of 1964 states that “No person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination in any program, service, or activity receiving federal assistance.”

This form may be used to file a complaint with the City of Marshall based on violations of Title VI of the Civil Rights Act of 1964. You are not required to use this form; a letter that provides the same information may be submitted to file your complaint. **Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within 180 day period, you have 60 days after you became aware to file your complaint.**

*If you need assistance completing this form due to a physical impairment, please contact Tracy Hall, Title VI Coordinator by phone at 269-781-5183 or by e-mail at [thall@cityofmarshall.com](mailto:thall@cityofmarshall.com).*

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_(home) \_\_\_\_\_(work)

Individual(s) discriminated against, if different than above (use additional pages, if needed).

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_(home) \_\_\_\_\_(work)

Please explain your relationship with the individual(s) indicated above: \_\_\_\_\_

**Name of agency and department or program that discriminated:**

Agency or department name: \_\_\_\_\_

Name of individual (if known): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Date(s) of alleged discrimination:**



## APPENDIX E DETERMINE/DISTINGUISH SIGNIFICANT/NON-SIGNIFICANT EFFECTS

“Significant” requires considerations of both context and intensity:

- (a) *Context.* This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, nation), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the local area rather than in the world as a whole. Both short-and long-term effects are relevant.
- (b) *Intensity.* This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:
  - (1) Impacts that may be both beneficial and adverse. A significant effect may exist even if, on balance, the effect would be beneficial.

“Non-significant effect” means no substantial change to an environmental component and this no material bearing on the decision-making process.

Scientific, technical, institutional, the public’s value, and the local economic conditions influence the meaning of significant effect.

If an alternative would provide a beneficial effect, then the alternative would cause no significant adverse effect. If an alternative would provide an adverse effect, the effect might be significant or the effect might be non-significant.

Determinations of “significant” and “non-significant” effects will be made by the City Manager.

## APPENDIX F PROGRAM COMPLIANCE/PROGRAM REVIEW GOALS FOR CURRENT PLAN YEAR

1. The City of Marshall Title VI Plan will be communicated to each City Department Head who will review the plan with departmental employees.
2. The City of Marshall Title VI Plan will be published on the City's website.
3. Appendix A will be included in all city contracts as outlined in the Title VI Plan.
4. The language in Number 2 of the City's Title VI Assurance will be included in all solicitations for bids for work or material subject to the Regulations and in all proposals for negotiated agreements.
5. A procedure for responding to individuals with Limited English Proficiency will be implemented.
6. All City of Marshall employees will be trained or made aware of the LEP procedure and the Title VI complaint procedure.
7. A review of city facilities will be conducted in reference to compliance with the American Disabilities Act.
8. The following data will be collected and reviewed by the Title VI Coordinator and included, where appropriate, in the annual report submitted to MDOT.
  - a. **Boards and Commissions:** The number of vacancies; how vacancies are advertised and filled; the number of applicants; the representation of minorities will be evaluated.
  - b. **Public Meetings:** The number of open meetings. How meeting dates and times communicated to the general public and to individuals directly affected by the meeting.
  - c. **Construction Projects:** The number of construction projects, number of minority contractors bidding and the number selected; Verification that Title VI language was included in bids and contracts for each project.
  - d. **LEP Needs:** How many requests for language assistance were requested or required and the outcome of these requests.
  - e. **Complaints:** The number of Title VI complaints received; nature of the complaints; resolution of the complaints.
  - f. **Timeliness of Services:** Number of requests for services; Amount of time from request to when service was delivered; Number of requests denied.
  - g. **Right of Way/Imminent Domain:** Numbers of such actions and diversity of individual affected.
  - h. **Program Participants:** Racial Data of program participants where possible.



**ADMINISTRATIVE REPORT**  
**March 4, 2013 - CITY COUNCIL MEETING**

**REPORT TO:** Honorable Mayor and City Council Members

**FROM:** Natalie Huestis, Director of Community Services  
Tom Tarkiewicz, City Manager

**SUBJECT:** Request to Change Building Permit Fees

**BACKGROUND:** Since terminating the contract with Cornerstone, the City will once again be using our own Building Permit and fee schedule. It is imperative to remember the last time the City used its own permit, we also employed an in-house Building Official and Inspector. The fees needed to be adjusted to cover a contracted Building Inspector vs. an in-house Building Inspector.

P.A. 230 authorizes the Council to establish reasonable fees for the Building Department as long as those fees are not excessive and are only used to cover costs and overhead. Staff has worked diligently with the Building Inspector on a fee schedule that is both fair to the customer and covers the costs of inspection and administration. On average, the customer should notice a savings on permit costs.

The flat fees are based on the number of inspections involved per project, while plan review and other building fees follow the approved AMSA schedule and building area square footages. You may notice that commercial and industrial are now based on "use groups" established by the International Building Code (IBC). The cost schedule associated with the use groups also follows an AMSA approved schedule.

**RECOMMENDATION:** Staff recommends that City Council adopt the resolution to change the Building Permit Fees.

**FISCAL EFFECTS:** None at this time. Any adjustments to the current budget will be handled during the year-end budget amendment process. It is anticipated that there will be a favorable budget impact as a result of this change

**ALTERNATIVES:** As suggested by Council

Respectfully submitted,

A handwritten signature in blue ink that reads "Tom Tarkiewicz".

Tom Tarkiewicz  
City Manager

A handwritten signature in black ink that reads "Natalie Huestis".

Natalie Huestis  
Director of Community Services

323 W. Michigan Ave.

Marshall, MI 49068

P: 269.781.5183

cityofmarshall.com

**CITY OF MARSHALL  
RESOLUTION #2013-**

RESOLUTION ESTABLISHING REASONABLE PERMIT FEES UNDER TITLE XV LAND USAGE OF CHAPTER 150, SECTION 150.004 OF THE MARSHALL CITY CODE.

WHEREAS, the State Construction Code Act known as Public Act 230 of 1972 as amended, Section 125.1522 states a Governmental Unit may charge reasonable fees to cover the costs of enforcing this Act; and

WHEREAS, the City of Marshall now wishes to establish reasonable fees in accordance with PA 230 and Title XV, Chapter 150, Section 150.004 of the City of Marshall Codified Ordinance;

NOW THEREFORE, BE IT RESOLVED, that the following building permit fees shall be established:

<b>FLAT FEES</b>	
1. Roofing (shingle only)	\$70.00
2. Roofing (new board & shingle)	\$110.00
3. Deck under 600 square feet	\$110.00
4. Large Deck	\$110 + add \$15 per 100 square feet
5. Fences	\$30.00
6. Pools (above ground)	\$70.00
7. Pools (in-ground)	\$110.00
8. Chimney/Masonry	\$70.00
9. Additional safety inspection or re-inspection	\$40.00
10. Certificate of Occupancy	\$30.00
11. Certificate of Occupancy (copy)	\$25.00
12. Special Inspection	\$50.00
13. Starting work without a permit	\$75.00
<b>DEMOLITION</b>	
14. Residential	\$110.00
15. Commercial/Industrial (Minimum \$110)	.01 per square foot
<b>RESIDENTIAL REMODELING</b>	
16. Residential Remodel (Minimum \$70)	\$20.00 + \$15 per 100 square feet
<b>RESIDENTIAL NEW OR ADDITION</b>	
17. Residential New Build or Addition (Minimum \$150)	\$15.00 per 100 square feet

<b>RESIDENTIAL ACCESSORY STRUCTURE</b>	
18. Accessory structure between 201-600 square feet	\$110.00
19. Accessory structure over 601 square feet	\$110.00 + \$15 per 100 square feet
<b>PLAN REVIEW</b>	
<b>RESIDENTIAL</b>	
20. First 1,000 square feet	\$25.00
21. Each additional 500 square feet	\$15.00
<b>COMMERCIAL/INDUSTRIAL</b>	
22. First 500 square feet	\$100.00
23. Each additional 500 square feet	\$10.00
<b>INDUSTRIAL &amp; COMMERCIAL</b>	
Fee is charged per square foot according to use group:	\$275.00
24. A-1 (small assembly, indoor seating)	.62
25. A-2, A-3, & A-4 (larger assembly with food/recreation)	.44
26. A-5 (Large assemblies with participation)	.39
27. B (Business less than 50 people)	.40
28. E (Educational)	.43
29. F-1, F-2, & H (Factory and High Hazard)	.23
30. I-1 (Institutional – physically capable)	.39
31. I-2 & I-4 (Medical Institutional-physically incapable)	.61
32. I-3 (Institutional under security)	.55
33. M (Mercantile)	.33
34. R-1 (Sleeping quarters-transient in nature)	.41
35. R-2 (more than 2 dwelling units permanent in nature)	.35
36. S-1, S-2 & U (Storage and utility)	.21
37. Unfinished Basement	.08
<b>SIGN</b>	
38. Ground Sign	\$70.00
<b>MINIMUM FEES</b>	
1 Inspection	\$70.00
2 Inspections	\$110.00
3 Inspections	\$150.00

This Resolution is declared to be effective immediately upon publication.

Adopted and signed this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
James L Dyer, Mayor

\_\_\_\_\_  
Trisha Nelson, City 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 March 4, 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, City Clerk



**ADMINISTRATIVE REPORT**  
**March 4, 2013 - CITY COUNCIL MEETING**

**TO:** Honorable Mayor Dyer and City Council

**FROM:** Jerry Hutchison, DART Manager  
Natalie Huestis, Director of Community Services  
Tom Tarkiewicz, City Manager

**SUBJECT:** Dial-A-Ride Transit Application for State Financial Assistance for 2013-2014 Fiscal Year

**BACKGROUND:** As required by Michigan Public Act 51, Marshall Dial-A-Ride Transit must submit an annual application to the State of Michigan for financial assistance for transit operations and adopt a Resolution of Intent signifying the City of Marshall's desire to participate in the Comprehensive Transportation Fund (CTF).

The application submitted to the State of Michigan includes the following information:

- Proposed revenues and expenditures for fiscal year 2013-2014, covering the period of October 1, 2013 – September 30, 2014.
- Coordination Plan. This report lists other transit providers in the area and describes the efforts for coordinating transit services.
- Federal & State Certifications. Various certifications required as a condition of receiving Federal and State funding.
- Local Bus Capital Assistance. Includes an inventory of DART's current fleet, and documentation of ADA accessibility. Marshall DART is not requesting capital assistance funds in the attached 2014 application.
- Operational Data. This refers to projected ridership figures, as well as vehicle miles and hours of service.

For the 2014 State of Michigan fiscal year, Marshall Dial-A-Ride Transit has proposed a preliminary budget with funding sources of \$59,645 (16%) estimated Federal Section 5311 grant funds, \$143,447 (38.48%) estimated State funds, \$95,645 estimated local funds (millage), \$56,000 estimated fare revenues, and \$18,048 estimated other funds (*Delinquent Property Tax \$100, Tax Penalties and Interest \$350, Interest Income \$1,000, RTAP educational funding \$3,000, Advertising \$4,000, and \$9,598 from fund balance to cover short fall,*) with total estimated eligible

323 W. Michigan Ave.

Marshall, MI 49068

p 269.781.5183

f 269.781.3835

cityofmarshall.com

expenses of \$372,785 and estimated ineligible expenses of \$45,742 (\$42,742 for depreciation, and \$3,000 for RTAP funds) for 2014.

**RECOMMENDATION:** Adopt the attached Resolution of Intent to authorize the City of Marshall to seek financial assistance from the State of Michigan for its public transportation service, DART.

**FISCAL EFFECTS:** None at this time. This action pertains to just the submittal phase of the application process for Federal and State operating assistance in the amount of \$203,092, but it is not the final contract for these funds.

**ALTERNATIVES:** As suggested by Council.

Respectfully Submitted,

Handwritten signatures of Tom Tarkiewicz and Natalie Huestis in blue ink.

Tom Tarkiewicz  
City Manager

Natalie Huestis  
Director Community Services

Handwritten signature of Jerry Hutchison in blue ink.

Jerry Hutchison  
DART Manager

**City of Marshall, Michigan  
Resolution #2013-**

Michigan Department  
of Transportation  
3078 (10/2010)

**RESOLUTION OF INTENT**

*The approved Resolution of Intent to apply for financial assistance for  
Fiscal Year 2014 under act 51 of the Public Acts of 1951, as amended*

**WHEREAS**, pursuant to Act No. 51 of the public Acts of 1951, as amended (Act 51), it is necessary for the City of Marshall, (hereby known as THE APPLICANT) established under Act 51 to provide a local transportation program for the state fiscal year of 2014 and, therefore, apply for state financial assistance under provisions of Act 51; and

**WHEREAS**, it is necessary for THE APPLICANT, to name an official representative for all public transportation matters, who is authorized to provide such information as deemed necessary by the State Transportation Commission or department for its administration of Act 51; and

**WHEREAS**, it is necessary to certify that no changes in eligibility documentation have occurred during the past state fiscal year; and

**WHEREAS**, the operational data for this agency have been reviewed and approved by THE APPLICANT; and

**WHEREAS**, THE APPLICANT has reviewed the proposed balanced (surplus) budget and funding sources of estimated federal funds \$59,645, estimated state funds \$143,447, estimated local funds \$95,645, estimated fare box revenues \$56,000, and estimated other funds \$18,048, with total estimated eligible expenses of \$372,785.

**NOW THEREFORE**, be it resolved that THE APPLICANT hereby makes its intentions known to provide public transportation services and to apply for state financial assistance with this annual plan, in accordance with Act 51; and

**HEREBY**, appoints the DART Manager as the Transportation Coordinator for all public transportation matters, who is authorized to provide such information as deemed necessary by the State Transportation Commission or department for its administration of Act 51 for 2014.

I, Trisha Nelson, Clerk of **THE APPLICANT**, does hereby certify that I have compared this Resolution adopted by the APPLICANT, at the meeting of March 4, 2013, with the original minutes now on file and of record in the office and that this Resolution is true and correct.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed seal of said City, this 4th day of March A.D 2013.

SIGNATURE



**ADMINISTRATIVE REPORT**  
**March 4, 2013 - City Council Meeting**

**REPORT TO:** Honorable Mayor and City Council Members

**FROM:** Tom Tarkiewicz, City Manager

**SUBJECT:** Transportation Funding Resolution

**BACKGROUND:** The State Legislature will be dealing with legislation concerning the funding of transportation needs. The City receives State funds for transit and road purposes. Act 51 funds road maintenance through State gas taxes and license & registration fees. State and Federal construction grants have been received for select projects. The Michigan Municipal League has supplied the attached resolution which requests any legislation increase funding to Cities.

**RECOMMENDATION:** It is recommended that City Council adopt the attached resolution to support improvements in State Transportation funding to the City.

**FISCAL EFFECTS:** None at this time.

**ALTERNATIVES:** As suggested by Council

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Tom Tarkiewicz".

Tom Tarkiewicz  
City Manager

323 W. Michigan Ave.

Marshall, MI 49068

P: 269.781.5183

cityofmarshall.com

CITY OF MARSHALL, MICHIGAN  
RESOLUTION #2013 –

# TRANSPORTATION RESOLUTION

**RESOLUTION EXPRESSING THE IMMEDIATE NEED TO FUND THE REPAIR OF  
MICHIGAN’S ROADS AND TRANSPORTATION SYSTEMS TO HELP MAKE  
MICHIGAN COMMUNITIES VIBRANT IN THE 21<sup>ST</sup> CENTURY**

At a regular meeting of the Marshall City Council held in the City Hall, on the 4th of March, 2013,

PRESENT:

ABSENT:

The following resolution was offered by \_\_\_\_\_ and seconded by \_\_\_\_\_:

**WHEREAS**, let it be known that Michigan is losing \$3 million per day and more than \$1 billion per year due to maintenance costs and increased wear and tear on our roads and bridges; and

**WHEREAS**, Michigan’s roads are consistently ranked among the nation’s worst; and

**WHEREAS**, one-third of all fatal and serious traffic crashes in Michigan can be linked, in part, to poor road conditions; and

**WHEREAS**, developing effective public transit options in Michigan is a necessary tool for attracting and retaining residents, workers, and businesses; and

**WHEREAS**, research shows that people across the nation are choosing communities that offer various modes of transportation, easy access to the places they live, work and play, and allow them to travel without having to rely on a car; and

**WHEREAS**, in particular, systems like streetcars and light rail have been credited with sparking new commercial and residential development; and

**WHEREAS**, Michigan’s gas tax—the user fee that is the primary source of transportation funding—has not increased since 1997. At the same time, the gas tax revenue collected today, adjusted for inflation is equal to that which was collected in 1974; and

**WHEREAS**, we risk a future fiscal crisis if we do not increase our investment in transportation. Currently 32 percent of Michigan’s roads are ranked as being in poor condition. By 2018 this number is expected to jump to more than 65 percent; and

**WHEREAS**, if properly funded the percentage of roadways in poor condition would greatly improve; and

**WHEREAS**, bringing a road from poor to good pavement condition costs six times more than it does to bring a road from fair to good condition; and

**WHEREAS**, investing \$10 billion over the next ten years to fix Michigan's roads and bridges would create 12,000 jobs and prevent 100 crash-related deaths per year.

**NOW, THEREFORE, BE IT RESOLVED**, the City of Marshall hereby urges Gov. Snyder and Michigan legislators to make the necessary investments to Michigan's transportation network to save taxpayer dollars, save lives and improve our economy.

**DATED: March 4, 2013**

---

Trisha Nelson, Clerk

**CALL TO ORDER**

IN REGULAR SESSION Tuesday, February 19, 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: None.

**INVOCATION/PLEDGE OF ALLEGIANCE**

Kris Tarkiewicz of Family Bible Church gave the invocation and Mayor Dyer led the Pledge of Allegiance.

**APPROVAL OF THE AGENDA**

**Moved** Miller, supported Reed, to approve the agenda with the addition of item 13B – Building Official Appointment and add Attorney-Client Privilege information under Closed Session. On a voice vote – **MOTION CARRIED.**

**PUBLIC COMMENT ON AGENDA ITEMS**

None.

**CONSENT AGENDA**

**Moved** Metzger, supported Mankerian, to approve the Consent Agenda:

- A. Approve minutes of the City Council Regular Session held on Monday, February 4, 2013;
- B. Approve city bills in the amount of \$1,474,858.23.

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

**PRESENTATIONS AND RECOGNITIONS**

None.

**INFORMATIONAL ITEMS**

None.

**PUBLIC HEARINGS & SUBSEQUENT COUNCIL ACTION**

None.

**OLD BUSINESS**

None.

**REPORTS AND RECOMMENDATIONS**

None.

**APPOINTMENTS / ELECTIONS**

**A. City Council Vacancy – Ward 1:**

City Council discussed the process for the appointment. City Clerk will notify the applicants and each candidate will be given 5 minutes to speak at the end of the agenda on March 4, 2013.

**B. Building Official Appointment:**

**Moved** Williams, supported Miller to appoint Frank Ballard as the Building Official for the City of Marshall. On a roll call vote – ayes: Metzger, Miller, Reed, Williams, Mayor Dyer, and Mankerian; nays: none. **MOTION CARRIED.**

**CITY OF MARSHALL  
RESOLUTION #2013-08**

**RESOLUTION TO APPOINT FRANK BALLARD AS THE CITY OF  
MARSHALL’S BUILDING OFFICIAL AND INSPECTOR**

THE CITY OF MARSHALL ORDAINS:

**Whereas;** As part of the administration of the State Construction Code and as required under 1986 PA 54, the City of Marshall needs to have an appointed Building Official and Inspector.

**Whereas;** As of February 26, 2013, the City of Marshall has retained the services of Frank Ballard to act as Building Official and Building Inspector and administer and enforce building codes and associated ordinances in the City of Marshall.

**Whereas;**To provide continuity of services it would be beneficial to appoint Frank Ballard as the City of Marshall’s Building Official and Inspector.

**Therefore, it is resolved;** That the City of Marshall appoints Frank Ballard as the City of Marshall’s Building Official and Inspector.

This Resolution is declared to be effective immediately upon publication.

Adopted and signed this 19<sup>th</sup> day of February, 2013.

\_\_\_\_\_  
James L Dyer, Mayor

\_\_\_\_\_  
Trisha Nelson, City 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 February 19, 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, City Clerk

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

None.

**COUNCIL AND MANAGER COMMUNICATIONS**

**CLOSED SESSION**

**Moved** Metzger, supported Williams, to enter into closed session under the Michigan Open Meetings Act section 8(a)(h) to discuss the performance evaluation of the City Manager and to discuss attorney client privileged communication from the City Attorney. On a roll call vote – ayes: Miller, Reed, Williams, Mayor Dyer, Mankerian, and Metzger; nays: none. **MOTION CARRIED**

Moved to closed session at 7:25 p.m.

Returned to open session at 9:10 p.m.

**ADJOURNMENT**

The meeting was adjourned at 9:10 p.m.

\_\_\_\_\_  
James L. Dyer, Mayor

\_\_\_\_\_  
Trisha Nelson, City Clerk

User: ctanner

DB: Marshall

EXP CHECK RUN DATES 03/07/2013 - 03/07/2013

UNJOURNALIZED

OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
19351	A & D LIGHTING SUPPLY	FLAME LAMBS FOR COURT BLDG	61.25
26900	ABLE HEATING & COOLIN	MH APTS	1,529.55
9907227549	AIRGAS USA LLC	CYLINDER RENTAL	91.11
SLS10001317	ALEXANDER CHEMICAL CO	CHLORINE	945.00
SLS10001316	ALEXANDER CHEMICAL CO	CHLORINE & SULFUR DIOXIDE BLANKET PO FO	1,872.00
73702	ALL-TRONICS INC	SERVICE CALL	117.00
X026247	ALL-TRONICS INC	SERVICE CALL AT 614 HOMER	392.00
X026248	ALL-TRONICS INC	SERVICE CALL AT MH	172.00
80304	AMERICAN BUSINESS EQU	LEXMARK SERVICE CALL	118.00
11-864331	ARROW UNIFORM	CUST #010198-02	54.56
11-856707	ARROW UNIFORM	CUST #010198-02	54.56
11-856709	ARROW UNIFORM	CUST #010198-03	135.58
11-864333	ARROW UNIFORM	CUST #010198-03	146.69
11-864332	ARROW UNIFORM	CUST #010198-04	62.30
11-864327	ARROW UNIFORM	CUST #010198-01	26.37
11-864335	ARROW UNIFORM	CUST #010198-05	20.00
11-856708	ARROW UNIFORM	CUST #010198-04	62.30
11-856703	ARROW UNIFORM	CUST #010198-01	26.37
11-856710	ARROW UNIFORM	CUST #010198-05	20.00
I018818	AUTO GLASS SOLUTIONS,	WINDSHIELD, CROWN VIC M3	175.00
225-318599	AUTO VALUE MARSHALL	TRANS FIX, DIESEL 911 32 OZ	20.48
225-318550	AUTO VALUE MARSHALL	12 V BT JUNIOR - RETURNED	33.99
225-317655	AUTO VALUE MARSHALL	WIPERS, OIL FILTER	79.49
225-317306	AUTO VALUE MARSHALL	50 CUTOFF DISPBX	9.42
225-318308	AUTO VALUE MARSHALL	GAS CAP	3.89
225-318070	AUTO VALUE MARSHALL	FILTERS	17.45
225-317183	AUTO VALUE MARSHALL	IMPORT STARTER	(35.00)
225-317856A	AUTO VALUE MARSHALL	QUICK COUPLINGS	212.16
225-318295	AUTO VALUE MARSHALL	WIZARDS WASH, BRUSHES, MARKERS	136.27
225-318642	AUTO VALUE MARSHALL	HD ELBOW, HD BAND CLAMP	122.12
225-318487	AUTO VALUE MARSHALL	MINI LAMPS	8.05
225-317857	AUTO VALUE MARSHALL	QUICK COUPLINGS	212.16
021113	BAKER TOOL RENTAL & S	POLISHER & STRIPPER RENTAL	70.00
021113A	BAKER TOOL RENTAL & S	BLADE	10.64
96484	BUD'S TOWING & AUTOMO	E-350, CALHOUN TECH RESPONSE TEAM	55.00
98561	BUD'S WRECKER SERVICE	2010 FORD CROWN VIC	55.00
98305	BUD'S WRECKER SERVICE	FORD #6	65.00
A-9238	CHEMLINE	BULK LIME SLURRY	2,400.00
STREETS-2013-00000	CITY OF BATTLE CREEK	QTRTRY TRAFFIC SIGNAL	24.89
130103-2	CIVIL ENGINEERS INC	NORTH AND PIERCE REHABILITATION ENGINEER	8,873.75
52777	COGITATE INC	MMS STATE TRUNKLINE SUPPORT	155.00
661684010	CRYSTAL FLASH ENERGY	FUEL DELIVERED TO DPW GARAGE	1,613.34
661684011	CRYSTAL FLASH ENERGY	FUEL	720.70
423668	DARLING ACE HARDWARE	NUT, BOLTS	1.70
423749	DARLING ACE HARDWARE	PAINT SUPPLIES	25.96
423677	DARLING ACE HARDWARE	SPRING SNAP LINK	3.98
423743	DARLING ACE HARDWARE	TERM RNG - #2 ENGINE	11.99
423719	DARLING ACE HARDWARE	NIPPLE GALV	1.29
423529	DARLING ACE HARDWARE	ROD ROUND, FLOAT TOILET PLSTC	11.98
423703	DARLING ACE HARDWARE	KEYS	3.98
423848	DARLING ACE HARDWARE	BLDG RPR SUPPLIES, TOOL SUPPLIES	37.04
423884	DARLING ACE HARDWARE	BULB HALOGEN LIGHTS	21.98
423467	DARLING ACE HARDWARE	CARTRIDGE FILTERS	29.98
423992	DARLING ACE HARDWARE	KEYS	10.95
021313	DAVIS CONSTRUCTION IN	2012 WASTEWATER SYSTEM IMPROVEMENTS	352,117.43
115	DR LAB SERVICES	LAB PREVENTIVE MAINTENANCE	1,196.00
676752	ENVIRONMENTAL RESOURC	PROFICIENCY TESTING	117.47
MIMA144099	FASTENAL COMPANY	LEADS	6.92
MIMA144078	FASTENAL COMPANY	MAINTENANCE SUPPLIES	8.41
120777	GABRIEL, ROEDER, SMIT	ACTUARIAL ATTESTATION FOR MEDICARE D	2,500.00
11-14055	GARAGE DOORS UNLIMITE	DPW NORTH DOOR	147.00
9063020268	GRAINGER	MOP HEADS	34.28
9053529583	GRAINGER	LAB FAUCEETS	959.50
24345/1	HARVESTER FLOWER SHOP	TIM SYKORA	81.00
23931/1	HARVESTER FLOWER SHOP	LEONA MILLER	40.00
65338	HAVILAND PRODUCTS COM	SULFURIC ACID	613.20
65815	HAVILAND PRODUCTS COM	CONTAINER RETURN	(160.00)
65494	HERMANS MARSHALL HARD	ALARMS	189.98
68084	HERMANS MARSHALL HARD	SOCKETS	22.57
68087	HERMANS MARSHALL HARD	MEASURING WHEEL	69.99
68047	HERMANS MARSHALL HARD	PAINT	39.99
68043	HERMANS MARSHALL HARD	PAINT & SUPPLIES	148.67
68046	HERMANS MARSHALL HARD	BATTERY	15.48
65323	HERMANS MARSHALL HARD	BOLTS	2.00
68054	HERMANS MARSHALL HARD	SCREWS	5.29
68086	HERMANS MARSHALL HARD	SUPPLIES	6.49
68095	HERMANS MARSHALL HARD	VELCRO, PAINT	83.97

User: ctanner

DB: Marshall

EXP CHECK RUN DATES 03/07/2013 - 03/07/2013

UNJOURNALIZED

OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
499184	IRVIN'S HARDWARE	CHAIN SAW REPAIR	44.99
81266	J & K PLUMBING SUPPLY	COOLING TOWER TANK	27.57
A62011	JACK DOHENY SUPPLIES	CHAIN SAW	1,279.55
PC01233456:001	JACKSON TRUCK SERVICE	EXHAUST PARTS	387.59
PC01232895:001	JACKSON TRUCK SERVICE	STROBES	222.00
130887	KAR LABORATORIES INC	CYANIDE ANALYSIS	50.00
130888	KAR LABORATORIES INC	CYANIDE ANALYSIS	50.00
130886	KAR LABORATORIES INC	MERCURY ANALYSIS	260.00
25716	LAKELAND ASPHALT CORP	COLD PATCH	182.88
8234	LEWEY'S SHOE REPAIR	MAT FRED'S BOOTS	105.00
7	MAGIC MAIDS	FEBRUARY SERVICES	850.00
63395	MIDWEST TRANSIT EQUIP	SWITCH	45.06
INV64892	MUNICIPAL SUPPLY CO.	8" OS MEGA-LUG	214.86
8126	MWEA	MWEA MEMBERSHIP - M FRED'S	60.00
8113	MWEA	MEMBERSHIP DUES - L COOK	60.00
339527	NAPA OF MARSHALL	BATTERY CHARGER	43.11
13-048	NU-TWIST SCREEN PRINT	T'S	868.70
391651	NYE UNIFORM COMPANY	BOOT EXCHANGE	(40.00)
408929	NYE UNIFORM COMPANY	PANTS	106.89
391678	NYE UNIFORM COMPANY	RAINCOAT	108.84
391684	NYE UNIFORM COMPANY	BODY ARMOR VEST	465.00
51783	O'LEARY WATER CONDITI	JANUARY & FEBRUARY COOLER RENTAL	33.50
2075121202-3	PARRISH EXCAVATING	MANSION STREET WATER MAIN CONSTRUCTION	39,175.20
113100454	PHYSIO CONTROL	ELECTRODE ASSY	59.20
5708675	POWER LINE SUPPLY	MARKING FLAGS	221.24
5709864	POWER LINE SUPPLY	BUCKET HOOKS	23.34
5709777	POWER LINE SUPPLY	E-WIRE RACK	385.80
5709773	POWER LINE SUPPLY	WASHERS	154.00
5711726	POWER LINE SUPPLY	GUY STRAIN	245.40
5711846	POWER LINE SUPPLY	FR SWEATSHIRTS	853.65
5711725	POWER LINE SUPPLY	200A FUSE LINK	199.10
8134	RADIO COMMUNICATIONS	POWER SUPPLY	159.00
18370	RADIO SHACK	1FT CD/PC PTCHCBL	7.99
17443	RS TECHNICAL SERVICE	ANNUAL CHLORINATOR MAINTENANCE	2,365.66
9248-3	SHERWIN-WILLIAMS	PAINT & SUPPLIES	186.69
16818	SPECTRUM ENGINEERING	PO 2013.164 SYSTEM STUDY	10,610.00
25699	STANDARD PRINTING & O	DELIVERY CHARGE	7.00
25674	STANDARD PRINTING & O	DELIVERY CHARGE	7.00
25717	STANDARD PRINTING & O	SIGNATURE STAMP	30.85
7000469535-A	STAPLES CONTRACT & CO	CHAIR MAT	57.99
7000469535	STAPLES CONTRACT & CO	OFFICE SUPPLIES	127.31
551-386896	STATE OF MICHIGAN	ICS 300 INTERMEDIATE--S. MCDONALD	210.00
799343	STATE OF MICHIGAN	INDUSTRIAL SW ANNUAL PERMIT FEE	260.00
WA349914	STATE OF MICHIGAN - M	WEATHER OBSERVATION & DATA SYSTEM	456.69
43364	STATE OF MICHIGAN 38-	CALIBRATION	145.00
20-111437	SYNAGRO CENTRAL, LLC	BIOSOLIDS HAULING BLANKET PO FOR FY2013	3,177.30
17241	TELEDYNE ISCO, INC	SAMPLER REPAIR	598.74
361519	WALTERS-DIMMICK PETRO	ENGINE OIL	1,144.98
022613	WATER ENVIRONMENT FED	MEMBERSHIP - CHERYL VOSBURG	170.00
2536	WIL-MAC SALES AND SER	MH SERVICE CALL	254.24
2591	WIL-MAC SALES AND SER	MH SERVICE CALL APT #226	187.50
			446,258.32

User: ctanner

DB: Marshall

EXP CHECK RUN DATES 02/15/2013 - 02/15/2013

UNJOURNALIZED

OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
269789467102-13	A T & T	269 789-4671 266 9	178.02
269789463002-13	A T & T	269 789-4630 541 5	296.92
269781981502-13	A T & T	269 781-9815 267 0	1,818.45
269781907002-13	A T & T	269 781-9070 573 1	55.96
26978926502-13	A T & T	269 789-2615 963 4	85.78
269789280602-13	A T & T	269 789-2806 635 7	79.21
269781444702-13	A T & T	269 781-4447 749 4	146.41
021113	APWA-SOUTHWEST BRANCH	APWA SW BRANCH DUES	60.00
287238047810X0211-	AT&T MOBILITY	ACCT #287238047810	81.26
238050	ATLAS SALES INC	WINTER BLUES FEST WINE	403.46
7016312/0009-0313	BLUE CROSS BLUE SHIEL	GROUP #007016312/0009	8,477.01
7016312/0007-0313	BLUE CROSS BLUE SHIEL	GROUP #007016312/0007	47,656.26
7016312/0005-0313	BLUE CROSS BLUE SHIEL	GROUP #007016312/0005	1,866.36
7016312/0008-0313	BLUE CROSS BLUE SHIEL	GROUP #007016312/0008	64,580.75
021413	CALHOUN COUNTY SENIOR	SENIOR FAIR--MARSHALL HOUSE	25.00
021413	CITY OF MARSHALL	PETTY CASH REIMBURSEMENT-DRAWER #2	41.99
594567	COMMERCIAL OFFICE PRO	BINDER	31.51
594949	COMMERCIAL OFFICE PRO	STAMP RETURNED	(39.37)
593977	COMMERCIAL OFFICE PRO	STAMP	39.37
594778	COMMERCIAL OFFICE PRO	CLOCK, COAT RACK, STAPLER	220.94
3-018400-32	CORDOVA, JOANN	REFUND UTILITY DEPOSIT	128.84
7018274-0213	EARTHLINK BUSINESS	ACCT #0007018274	2,240.86
020813	EGNATUK, ALEC	EXPENSE REIMBURSEMENT	1,503.19
13-53-002-078-00	ERIC & ALLISON EBNER	REFUND TAX OVERPAYMENT	2.00
020513	ESTATE OF EDWARD SCHW	REFUND - MARSHALL HOUSE	284.00
020513	FISHER, CHARLIE	SCHOOL LUNCH	12.45
021113	FREDS, MATT	LUNCH - MWEA/AWWA JOINT EXPO	17.11
021313	FREY, ROMELLE	GOBLETS - WINTER FEST	528.00
021113	HAZEL, CHAD	MWEA/AWWA EXPO EXPENSES	21.74
021213	HUEPENBECKER, JOHN	PARKING FEE - JOINT EXPO	5.00
021313	HUMPHREY, MARY	GOBLETS FOR WINTER FEST	450.00
82130231059095-021	LOWES BUSINESS ACCOUN	821 3023 105909 5	18.51
6	MAGIC MAIDS	JANUARY SERVICES	850.00
13-53-001-970-00	MARSHALL COMMUNITY CU	REFUND TAX OVERPAYMENT	420.04
3960-0213	MARSHALL COMMUNITY CU	3960 - SCHWARTZ	94.18
4570-0213	MARSHALL COMMUNITY CU	4570 - FEDDERS	70.05
4562-0213	MARSHALL COMMUNITY CU	4562 - HUESTIS	750.00
9421-0213	MARSHALL COMMUNITY CU	9421 - SEARS	1,362.19
M 1-13	MICHIGAN SOUTH CENTRA	JANUARY NATURAL GAS	4,472.36
790004405582930702	NEOFUNDS BY NEOPOST	7900 0440 5582 9307	3,000.00
020913	NOWLIN, JAMES	MEAL	10.00
30-056200-35	RANDALL, MICHAEL	REFUND UTILITY DEPOSIT	69.74
70468437	ROSE PEST SOLUTIONS	PEST CONTROL - MH	55.00
021113	ROSENE, BARBARA	EXPENSE REIMBURSEMENT--WINTER FEST	92.75
386004708	STATE OF MICHIGAN	FIN #38-6004708 SLS TAX RETURN SPEC EVN	97.80
020513	TICE, LUCAS	SCHOOL LUNCH	11.55
2865910275	VERIZON WIRELESS	ACCT #987146080-00001	76.04
10040269-0113	WOW! BUSINESS	ACCT #010040269	170.00
10040764-0213	WOW! BUSINESS	ACCT #010040764	1,354.80
			144,273.49

Prescription reimbursement 18.40

Total Cash Disbursements 144,291.89

EXP CHECK RUN DATES 02/22/2013 - 02/22/2013  
 UNJOURNALIZED  
 OPEN

INVOICE NUMBER	VENDOR NAME	DESCRIPTION	AMOUNT
022113	AARON AMBLER	BOOTS	133.00
021913	BOGAR THEATER	WINTER FEST	25.00
27-001800-20	BRADLEY, BRUCE & LIND	REFUND UTILITY OVERPAYMENT	59.82
021413-1	CALHOUN COUNTY TREASU	02/01/13--02/14/13 SUMMER REAL AD VAL	5,665.23
021413-2	CALHOUN COUNTY TREASU	02/01/13--02/14/13 SUMMER PERS AD VAL	440.57
021413-3	CALHOUN COUNTY TREASU	02/01/13--02/14/13 SUMMER REAL AD VAL	6,320.62
021413-4	CALHOUN COUNTY TREASU	02/01/13--02/14/13 SUMMER PERS AD VAL	15.23
021413-5	CALHOUN COUNTY TREASU	02/01/13--02/14/13 WINTER REAL AD VAL	50,631.79
021413-6	CALHOUN COUNTY TREASU	02/01/13--02/14/13 WINTER REAL AD VAL	54.99
021413-7	CALHOUN COUNTY TREASU	02/01/13--02/14/13 WINTER PERS AD VAL	5,196.75
021413-8	CALHOUN COUNTY TREASU	02/01/13--02/14/13 WINTER REAL AD VAL	16,859.88
021413-9	CALHOUN COUNTY TREASU	02/01/13--02/14/13 WINTER REAL AD VAL	18.30
021413-10	CALHOUN COUNTY TREASU	02/01/13--02/14/13 WINTER PERS AD VAL	1,730.29
021413-1	CALHOUN INTERMEDIATE	02/01/13--02/14/13 SUMMER REAL AD VAL	3,297.22
021413-2	CALHOUN INTERMEDIATE	02/01/13--02/14/13 SUMMER PERS AD VAL	256.41
021413-3	CALHOUN INTERMEDIATE	02/01/13--02/14/13 WINTER REAL AD VAL	208,991.56
021413-4	CALHOUN INTERMEDIATE	02/01/13--02/14/13 WINTER REAL AD VAL	227.16
021413-5	CALHOUN INTERMEDIATE	02/01/13--02/14/13 WINTER PERS AD VAL	51,565.37
14-003600-12	CHRISTIAN COMMUNITY C	REFUND UTILITY DEPOSIT	28.16
1103	CORNERSTONE INSPECTIO	INSPECTIONS	80.00
1096	CORNERSTONE INSPECTIO	INSPECTION	67.00
021513	COULTER, JOHN	CUSTOMER EXPENSE REIMBURSEMENT	120.38
021913	COULTER, JOHN	TRAVEL REIMBURSEMENT	853.78
021413-1	KELLOGG COMMUNITY COL	02/01/13--02/14/13 SUMMER REAL AD VAL	1,954.37
021413-2	KELLOGG COMMUNITY COL	02/01/13--02/14/13 SUMMER PERS AD VAL	151.99
021413-3	KELLOGG COMMUNITY COL	02/01/13--02/14/13 WINTER REAL AD VAL	126,064.11
021413-4	KELLOGG COMMUNITY COL	02/01/13--02/14/13 WINTER REAL AD VAL	137.03
021413-5	KELLOGG COMMUNITY COL	02/01/13--02/14/13 WINTER PERS AD VAL	12,939.46
2931	LOUIE'S BAKERY	COOKIES	20.00
7681-0213	MARSHALL COMMUNITY CU	7681 - TARKIEWICZ	100.00
2113-0213	MARSHALL COMMUNITY CU	2113 - TRUDEAU	1,139.24
021413-1	MARSHALL DISTRICT LIB	02/01/13--02/14/13 SUMMER REAL AD VAL	1,760.32
021413-2	MARSHALL DISTRICT LIB	02/01/13--02/14/13 SUMMER PERS AD VAL	136.90
021413-3	MARSHALL DISTRICT LIB	02/01/13--02/14/13 WINTER REAL AD VAL	27,177.91
021413-4	MARSHALL DISTRICT LIB	02/01/13--02/14/13 WINTER REAL AD VAL	29.53
021413-5	MARSHALL DISTRICT LIB	02/01/13--02/14/13 WINTER PERS AD VAL	6,706.29
021413-1	MARSHALL FIREFIGHTER	02/01/13--02/14/13 WINTER REAL AD VAL	32,821.64
021413-2	MARSHALL FIREFIGHTER	02/01/13--02/14/13 WINTER REAL AD VAL	35.65
021413-3	MARSHALL FIREFIGHTER	02/01/13--02/14/13 WINTER PERS AD VAL	3,368.58
021413-1	MARSHALL PUBLIC SCHOO	02/01/13--02/14/13 SUMMER REAL AD VAL	6,028.22
021413-2	MARSHALL PUBLIC SCHOO	02/01/13--02/14/13 SUMMER PERS AD VAL	7.61
021413-3	MARSHALL PUBLIC SCHOO	02/01/13--02/14/13 SUMMER REAL AD VAL	3,623.77
021413-4	MARSHALL PUBLIC SCHOO	02/01/13--02/14/13 SUMMER PERS AD VAL	281.82
021413-5	MARSHALL PUBLIC SCHOO	02/01/13--02/14/13 SUMMER REAL AD VAL	526.69
021413-6	MARSHALL PUBLIC SCHOO	02/01/13--02/14/13 SUMMER PERS AD VAL	40.96
021413-7	MARSHALL PUBLIC SCHOO	02/01/13--02/14/13 WINTER REAL AD VAL	319,506.53
021413-8	MARSHALL PUBLIC SCHOO	02/01/13--02/14/13 WINTER REAL AD VAL	654.91
021413-9	MARSHALL PUBLIC SCHOO	02/01/13--02/14/13 WINTER PERS AD VAL	36,743.57
021413-10	MARSHALL PUBLIC SCHOO	02/01/13--02/14/13 WINTER REAL AD VAL	233,746.40
021413-11	MARSHALL PUBLIC SCHOO	02/01/13--02/14/13 WINTER REAL AD VAL	254.09
021413-12	MARSHALL PUBLIC SCHOO	02/01/13--02/14/13 WINTER PERS AD VAL	57,673.26
021413-13	MARSHALL PUBLIC SCHOO	02/01/13--02/14/13 WINTER REAL AD VAL	33,972.94
021413-14	MARSHALL PUBLIC SCHOO	02/01/13--02/14/13 WINTER REAL AD VAL	36.92
021413-15	MARSHALL PUBLIC SCHOO	02/01/13--02/14/13 WINTER PERS AD VAL	8,382.86
13-53-003-935-00	MYDHILI CHEERALA	REFUND TAX OVERPAYMENT	29.03
021413	PARKS, MATT	SAFETY GLASSES REIMBURSEMENT	40.00
021913	SCHULER'S RESTAURANT	WINTER FEST	25.00
021913	THE FLOWER HAUS	WINTER FEST	25.00
683169426-00001	VERIZON WIRELESS	ACCT #683169426-00001	88.80
10058364-0113	WOW! BUSINESS	ACCT #010058364	32.97
021913	ZARZUELA'S	WINTER FEST	25.00

1,268,927.88

Prescription reimbursement 5.00

Total Cash Disbursements 1,268,932.88



**ADMINISTRATIVE REPORT**  
**March 4, 2013 - CITY COUNCIL MEETING**

**REPORT TO:** Honorable Mayor and City Council Members  
**FROM:** Natalie Huestis, Director of Community Services  
Tom Tarkiewicz, City Manager  
Paul Beardslee, City Attorney  
**SUBJECT:** Public Hearing and Approval of Hospital Campus Overlay District (HCOD) Ordinance with HCOD Map Amendment

**BACKGROUND:** The Hospital Campus Overlay District ordinance (HCOD) has been in continuous creation and drafting form since the Hospital Neighborhood Committee first met on July 13, 2010. City Council received the first version of the HCOD on May 7, 2012 and it has gone through a number of revisions since that point in time. Most recently, Council received Planning Commission's second set of recommendations to the overlay on December 3, 2012. Since then, the HCOD has been undergoing final revision with the City Attorney.

In the newest version of the HCOD, Council will see the following changes:

- A basic renumbering of the ordinance to fall completely under Chapter and Section §156.184 of the Zoning Ordinance.
- §156.184 (A) Purpose statement now includes informative language regarding the legislative action taken by City Council regarding the properties appropriate for hospital expansion.
- §156.184 (C) (1-3) outlines the process/procedure for including these same 8 properties into the overlay.
- §156.184 (F) Uses permitted in designated area (4 parcels on west side of High Street).
- §156.184 (G) Identifies Special Land Uses within the HCOD
- §156.184 (H)(3) Addition of special building height with HCOD area north of Prospect Street.

Included with the ordinance amendment is the accompanying map amendment which declares the HCOD district boundaries. Once approved, the map amendment will become part of the City's official zoning map.

**RECOMMENDATION:** After hearing public comment, staff recommends that City Council approve the proposed Hospital Campus Overlay District (HCOD) ordinance as well as the HCOD map amendment.

**FISCAL EFFECTS:** None at this time.

**ALTERNATIVES:** As suggested by Council.

Respectfully submitted,

Natalie Huestis  
Director of  
Community Services

Tom Tarkiewicz  
City Manager

Paul Beardslee  
City Attorney

323 W. Michigan Ave.  
Marshall, MI 49068  
p 269.781.5183  
f 269.781.3835  
cityofmarshall.com

CITY OF MARSHALL  
CALHOUN COUNTY, MICHIGAN

An Ordinance to Amend the City of Marshall Zoning Ordinance

Ordinance No. \_\_\_\_\_

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; 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. 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) INCLUSION OF ADDITIONAL PROPERTIES TO HCO DISTRICT

(1) The owner of any parcel identified on the City of Marshall's Zoning Map as an "area appropriate for future Hospital growth" may apply to the City Council for one or more of those parcels to obtain the benefits of the uses permitted within the HCO District. Each such application shall include the following information:

(a) A legal description and street address of the subject property, a tax parcel identification number, and a location map identifying the subject property in relation to surrounding properties.

(b) The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property, if not the owner in fee simple title.

(c) A written description of the current use of the subject property and the proposed use of the subject property.

(d) A statement of the square footage of any building currently on the subject property and of any building proposed to be built on the subject property.

(e) A timeline indicating when any physical alterations to the subject property would take place.

(2) City Council consideration and further action. The City Council will act upon the request by granting approval, disapproval, or referral to the Planning Commission for additional study. If City Council approval is granted then the subject property shall be considered to be in the HCO District. The applicant shall, within 28 days of approval by the City Council, apply to the City's Planning Commission for Site Plan Review under §156.380 and following.

(3) The owner of any parcel not identified as an "area appropriate for future Hospital growth" who desires to have such property included within the Hospital Campus Overlay District may apply for an amendment of the City of Marshall's Zoning Map according the provisions of §156.030.

#### (D) 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.

#### (E) PERMITTED ACCESSORY USES

Accessory structures and 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.

(F) USES PERMITTED IN DESIGNATED AREA

Any parcel along High Street between Mansion Street and Prospect Street and identified on the City of Marshall's Zoning Map as an "area appropriate for future hospital growth" may be used for any of the Principal Permitted Uses in the HCO District, or for any Permitted Accessory Uses identified in Paragraphs "D" and "E", above, other than off-street parking. Provided, however, that any use allowed under this paragraph shall be allowed only so long as the exterior of any structure located thereon is maintained by the Hospital consistent with the historical and residential use of such structure, subject to accessibility requirements created by state or federal law.

(G) 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. Pharmacies
2. Home health services,
3. Home medical equipment facilities

(H) 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(J) 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.

#### (I) 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.

#### (J) 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,(J)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 \_\_\_ day of \_\_\_\_\_, 2013, and ordered to be given publication in the manner prescribed by law.

AYES:

NAYES:

ABSTENTIONS:

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 \_\_\_ day of \_\_\_\_\_, 2013, the original of which is on file in my office.

---

Adopted:

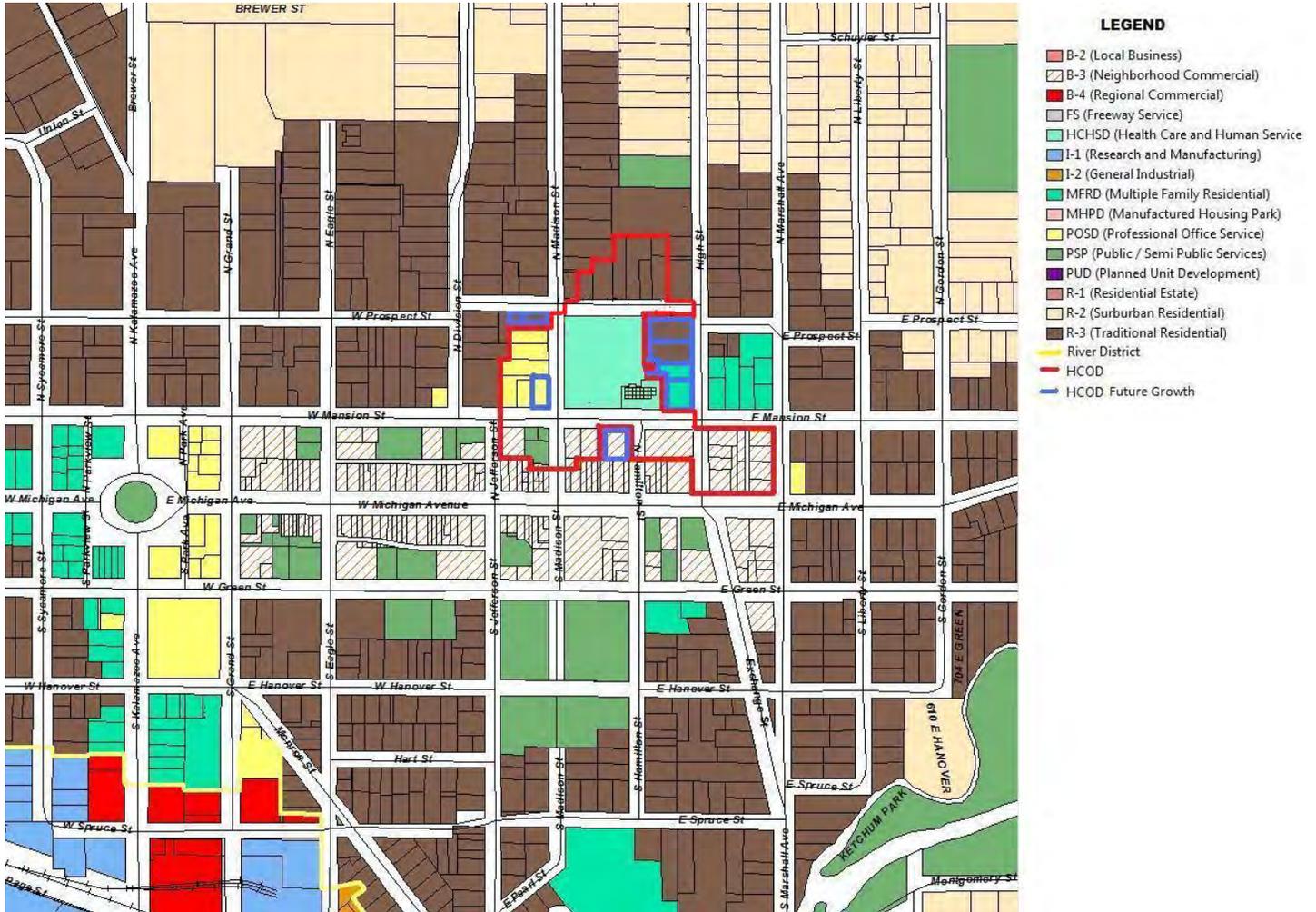
Published:

# CITY OF MARSHALL ORDINANCE #2013-

## 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:



**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 \_\_\_\_\_ day of \_\_\_\_\_, 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 March 4, 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

January 15, 2013

Dear City Council Members:

It has come to my attention that Wayne Booton has resigned his council position, thereby creating a vacancy in Ward 1 subject to appointment by the City Council. Please consider this a letter of interest in being appointed to the open seat.

Most of you are aware of my involvement in the community over the past 30 years, primarily in the position of Supt of the Marshall Public Schools from 1983-2001. While in that role, I also had the opportunity to serve for 18 years on the Community, Rotary & Cronin Foundation Boards as well as various terms on the boards of the United Way, Credit Union, Rotary Club, United Methodist Church, Credit Union and the Brewer Farms Condo Association. My involvement as well as professional responsibilities gave me the opportunity to become familiar with the leadership of our community through various interactions with City, County & State officials as well as civic organizations. Although retired, I have a continuing interest in the welfare of our city and would be pleased to work with you in moving the city in the positive direction I have noted over the past few years.

Having received substantial support (over 800 votes) in my run for Mayor six years ago, I believe I would be an acceptable appointee to the council and would intend to run when the temporary appointment expires. I may be contacted at 269-274-9336.

Your consideration is sincerely appreciated.

Yours truly,

Louis Giannunzio

**Harry J Marshall Ed.D.**  
**832 Forest**  
**Marshall, MI 49068**  
**259 832 3532**  
[harry.j47@hotmail.com](mailto:harry.j47@hotmail.com)

Jan. 15, 2013

My name is Harry J Marshall, and I reside at 832 Forest in Marshall. I am interested in being appointed to the City Commission for the Ward 1 vacancy.

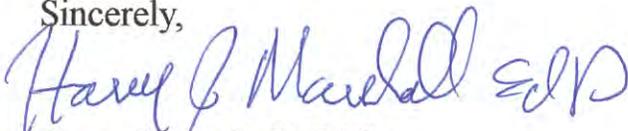
My history includes being orphaned at age 17 and I then enlisted in the US Navy, trained in electronics and served two years in Viet Nam as a Petty Officer. After my enlistment I attended WMU and earned a Bachelors and Masters Degree on the GI Bill. I was a psychologist on the admissions unit at the Coldwater Regional Mental Health Center. I attained a doctorate in Counseling Psychology and had my own business in Paw Paw for 16 years.

I am active in the City of Marshall as a member of the Promotions Committee for the DDA, I have helped set up the Winter Blues Festival for the last two years, procuring ice sculptures and music for the businesses involved. Last fall I ran for the County Commission seat in the 6<sup>th</sup> district, representing Marshall and Tekonsha as well as other townships in that area.

I am currently employed as an adjunct professor at Trine University in Angola, IN.

I believe that as a member of the City Commission I can contribute to the success of Marshall and help us grow as a business community and city for the state to be proud of.

Sincerely,

  
Harry J Marshall, Ed.D.

February 19, 2013

Mayor James L. Dyer &  
City Council  
City of Marshall  
323 W. Michigan Ave.  
Marshall, MI 49068

*Via Email: JDyer@cityofmarshall.com*

***Re: Ward 1 City Council Vacancy***

Dear Mayor Dyer and the Marshall City Council:

I submit this letter of interest and resume for consideration for the City Council Ward 1 vacancy. I am a resident of Ward 1 and I believe that my experience, education and civic interest make me qualified for the position.

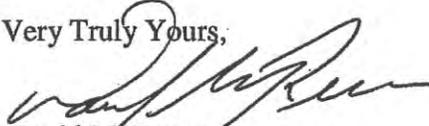
Presently, I am a Municipal Attorney at Thrun Law Firm, P.C. My practice areas include municipal and local government law: ordinance and zoning drafting and enforcement, Michigan Tax Tribunal, traffic code prosecution, civil state and federal court litigation; State Civil Service; labor & employment and human resource law for public and private sector employers, Open Meetings Act, and the Freedom of Information Act.

In addition to my law practice, I serve on Marshall's Planning Commission. Prior to my current position, I served as a MCOLES certified law enforcement officer. During that career I served as a sergeant, patrolman, deputy sheriff, narcotics detective, marine officer and training officer. Additionally, I have held leadership positions as president and vice president of the Fraternal Order of Police Lodge 98, for the Kalamazoo area.

Enclosed, please find my resume listing my education at Michigan State University-College of Law, Western Michigan University, and Kalamazoo Valley Community College. Additionally, I acquired state certified Mediator status by completing the 40 hours of required training.

I believe that my varied experience in law, government and educational background would serve the City well as a City Council member. Your acceptance of my resume and consideration for the position is appreciated. Letters of reference will be forwarded upon request.

Very Truly Yours,



David M. Revore

Cc: City Council via Trisha Nelson, City Clerk

**David Mark Revore, J.D.**  
1220 Colgrove Dr., Marshall, MI 49068  
H-269.781.7332; email: drevore@thrunlaw.com

**Current Position**

2007- Present      **Attorney - Thrun Law Firm P.C.**  
Municipal & Government/Labor & Employment Law, Human Resource  
2900 West Road, Suite 400  
East Lansing, MI 48823-2575  
(517) 374-8816

**Practice Areas:** Municipal & Local Government Law: Zoning, Tax Tribunal, Ordinance and Traffic Enforcement, Civil State and Federal Court litigation; labor arbitration and mediation; State Civil Service; Labor & Employment, and Human Resource law for public and private sector employers. Internal investigations. Certified Mediator.

**Professional Membership:** Michigan State Bar (Membership in Bar sections: Administrative & Regulatory, Alternative Dispute Resolution, Labor & Employment, and Public Corporation), Ingham County Bar, Kalamazoo County Bar, American Bar Association, Federal Bar Association, and Michigan and National Association of School Attorneys. Thrun Law Firm has membership in Michigan Municipal League and Michigan Townships Association.

**Admitted to Practice**

- State Bar of Michigan, P68929
- U.S. District Court, Western District of Michigan
- U.S. District Court, Eastern District of Michigan

**Planning Commission Member:** City of Marshall, Marshall Michigan.

**Education**

Graduation 12/2004	<b>Juris Doctor - Michigan State University - College of Law</b> <ul style="list-style-type: none"><li>• Jurisprudence Achievement Award for Law Practice Management (Upper Level Writing Requirement) – Spring 2004</li><li>• Letter of Commendation from Arbitrator George T. Roumell, Jr. for course work in Labor Arbitration – Spring 2003</li><li>• Dean’s List: Spring 2002, Fall 2003, Spring 2004, and Fall 2004</li><li>• G.P.A. 3.20</li><li>• MSU-College of Law Continuing Legal Education Courses: Advanced Negotiation, Mediation, and Mediator State Certification (as set forth in Court Rules 2.410 and 2.411)</li><li>• Hillman Trial Advocacy Program – Civil Section</li><li>• Completed ICLE Probate &amp; Estate Planning Certificate Program</li></ul>	East Lansing, MI
Summer 2004	<b>Legal Externship - Office of Prosecuting Attorney</b>	Kalamazoo County, MI
Graduation 1992	<b>Bachelor of Arts - Western Michigan University</b> Majors (2): Criminal Justice and Sociology Concentrated Study: Law Enforcement/Police Administration G.P.A. 3.6 major, 3.35 cumulative <b>Internship:</b> Battle Creek Police Department	Kalamazoo, MI  Battle Creek, MI
Graduation 1990	<b>Associate of Applied Sciences - Kalamazoo Valley Community College</b> Concentrated Study: Law Enforcement	Kalamazoo, MI

**Professional Experience**

6/09-Present	Marine Patrol Officer – Van Buren County Sheriff's Office	Paw Paw, MI
4/10-Present	Police Officer/Legal Advisor – Kalamazoo Valley Community College DPS	Kalamazoo, MI
10/00-09/07	Sergeant, Deputy Sheriff - Kalamazoo County Sheriff's Office	Kalamazoo, MI
9/94 - 10/00	Police Officer/Firearms Instructor - Kalamazoo Township Police Dept.	Kalamazoo, MI
1/97- 12/98	Narcotics Detective - Michigan State Police - Southwest Enforcement Team (SWET) (Assigned from Kalamazoo Twp. P.D.)	
3/93 - 9/94	Deputy Sheriff - Road Patrol – Marine - Mecosta County Sheriff's Office	Big Rapids, MI
3/92 - 3/93	Patrolman - Richland Police Department	Richland, MI
6/90 - 3/93	Lead Child Counselor - Lakeside Treatment and Learning Center	Kalamazoo, MI
1/92 - 8/92	Research Assistant - Research and Training Specialists	Kalamazoo, MI

**Volunteer/Extracurricular Activities**

2011-Present	Marshall Planning Commissioner	Marshall, MI
2009-Present	Recipient Rights Review Committee Member – Summit Pointe	Battle Creek, MI
1/01-1/05	President (3 terms), V.P., and Trustee - Fraternal Order of Police Lodge 98	Kalamazoo, MI

**Professional Awards and Honors**

Sept. 2007	<b>Sheriff's Awards for Excellence</b> - Kalamazoo County Sheriff's Office
Sept. 2001	<b>Staff Services Medal</b> - Kalamazoo County Sheriff's Office
2001,02,03,05,07	<b>Physical Fitness Medal</b> - Kalamazoo County Sheriff's Office
February 2001	<b>Commendation</b> - Federal Bureau of Investigation
August 2000	<b>Medal of Bravery</b> - Kalamazoo Township Police Department
August 2000	<b>Special Tribute Certificate</b> – Gov. John Engler/Michigan State Senate – Ninetieth Legislature
August 2000	<b>Honorable Mention/TOP COP AWARDS</b> – National Association of Police Organizations
June 2000	<b>Police Medal of Honor</b> - Michigan Association of Chiefs of Police
June 2000	<b>Peace Officer of the Year</b> - Michigan State Fraternal Order of Police
February 1999	<b>Commendation</b> - Drug Enforcement Administration
April 1992	<b>Membership</b> - International Sociology Honor Society
Dec. 1991	<b>Membership</b> - National Criminal Justice Honor Society