

December 3, 2020

City of Marion – Special Meeting

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Minutes of a Special Meeting of the City Council of the City of Marion held in the Council Chambers at 8:30 A.M. The City Clerk was instructed to call the roll and the response was as follows:

PHYSICALLY PRESENT: COMMISSIONERS PATTON, BARWICK, WEBB AND STOECKLIN AND MAYOR ABSHER.

The Pledge of Allegiance was led by Bradley Thornton.

NEW BUSINESS

POLICE DEPARTMENT

Commissioner Barwick stated the Police Department is requesting to hire Bradley Thornton to the position of Patrol Officer because there is an officer retiring at the end of the month. He explained when the Police Department waits till someone retires to hire a replacement, the person replacing them has several weeks of training and this leaves the Department short a person. The department is currently short several people due to injuries, so they would like to go ahead and replace the retiring officer if Council is willing to do that.

Police Chief David Fitts added that Sergeant Bart Baldwin is retiring January 2, 2021. He has submitted his paperwork to retire. The Department is currently down ten officers due to COVID-19 and injuries. They are currently struggling a bit. Hiring Mr. Thornton would help. He was previously a Williamson County Deputy, so he is familiar with Marion. This will make for a quicker transition.

Commissioner Barwick made a motion to approve the Merit Board's recommendation to hire Bradley Thornton to the position of Patrol Officer at \$25.46 per hour plus benefits per the contract. Commissioner Webb seconded the motion.

ON ROLL CALL VOTE COMMISSIONERS PATTON, BARWICK, WEBB AND STOECKLIN AND MAYOR ABSHER ALL VOTED YEA.

Chief Fitts introduced Bradley Thornton to the Council. Chief Fitts explained he started his law enforcement career at the Williamson County Sheriff's Department. He currently works for the Fairview Heights Police Department. He will start December 15, 2020.

ECONOMIC DEVELOPMENT

Mayor Absher made a motion to approve Ordinance 3686 accepting a petition for annexation for PIN #'s 06-10-100-021; 06-10-100-023; 06-10-200-016; and 06-10-200-011. Commissioner Webb seconded the motion.

ON ROLL CALL VOTE COMMISSIONERS PATTON, BARWICK, WEBB AND STOECKLIN AND MAYOR ABSHER ALL VOTED YEA.

OLD BUSINESS

ECONOMIC DEVELOPMENT

Mayor Absher made a motion to adopt Resolution 2020-57 re-appointing a master developer. Commissioner Barwick seconded the motion.

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ON ROLL CALL VOTE COMMISSIONERS PATTON, BARWICK, WEBB AND STOECKLIN AND MAYOR ABSHER ALL VOTED YEA.

Mayor Absher made a motion to adopt Resolution 2020-58 a resolution considering the Third Amendment to Marion Star Bond District and setting a date for public hearing. Commissioner Patton seconded the motion.

ON ROLL CALL VOTE COMMISSIONERS PATTON, BARWICK, WEBB AND STOECKLIN AND MAYOR ABSHER ALL VOTED YEA.

Mayor Absher stated the item to approve a bid for surplus property at 103 4th Street was tabled at the last Council Meeting. This is the Motel Marion property which the City previously acquired. The City had advertised for bids to demolish the property and provide a plan for reinvestment and redevelopment of the property. Whoever buys the property must tear down the buildings and anything else involved with tearing them down. Mayor Absher stated the City thought it would be cheaper to do that.

The bid received includes a plan to use the south half of the property for an 18,000 square foot strip shopping center to be used for retail and office space. The plan for the back half of the property is to build four very nice residential quad plexes.

Commissioner Barwick asked if the City received a commitment stating the work must start right away. Mayor Absher stated the City has that commitment and the right to purchase the property at the current selling price if that does not happen.

Mayor's Chief of Staff Cody Moake stated the development must start within 12 months of the completed demolition.

Mayor Absher made a motion to approve the bid for surplus property located at 103 4th Street contingent upon the purchase and sale agreement including a provision stating once the current structure is torn down, the new development must start within 12 months or the City has the right to buy back the property at the purchase price being approved on this bid. If the buyer decides not to complete the development and sell the property, he must offer it back to the City first at the price he paid for it. Commissioner Webb seconded the motion.

ON ROLL CALL VOTE COMMISSIONERS PATTON, BARWICK, WEBB AND STOECKLIN AND MAYOR ABSHER ALL VOTED YEA.

MISCELLANEOUS

Mayor Absher announced he would like to revisit the discussion on the Vacation Rental issue. He has been researching this issue and it runs the gambit between states banning it out right to no regulation whatsoever and everything in between. In some cases, municipalities regulate it.

Mayor Absher stated this is going on in Marion whether the City is intending to regulate it or not. What has changed is the Code Enforcement Department is now proactively looking for this type of activity. The ordinance passed in 2018 has never been enforced, it is basically to be self-reported and that has not happened, so issues with vacation rentals have never come to light. Mayor Absher stated the City is either going to have to regulate it to the extent the City can enforce it with City resources or not allow it at all. The way the ordinance is currently written, if

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neighbors don't come and complain, then the vacation rental application is approved. Nationally, in the cities and states that heavily regulate the process, the regulations have more to do with the negative effect on rental properties, than on whether the neighbors complain. Other states that do allow it to tend to view it as it is the owners' personal property to do so. If the rentals are inspected and are safe, it is allowed. They are using as a revenue stream with higher application and inspection fees. Mayor Absher is concerned with the effect on hotels. He is in favor of repealing the current Vacation Rental ordinance and crafting a new one. He asked the Commissioners to weigh in on the subject. He thinks our process should be simplified. He thinks if there are valid complaints on a property within a certain time period, the vacation rental permit on that particular property should be revoked. He also thinks this may be a bit of an opportunity to collect bed tax revenue. He thinks if the City is going to allow this, a process needs to be created that Code Enforcement can efficiently process and regulate. Mayor Absher does not want to devote several minutes each Council Meeting to citizens either supporting or complaining about the issue. He thinks the process needs to be run by the numbers.

Commissioner Barwick is not totally opposed to the idea, but believes these citizens are operating commercial businesses in residential areas. If letters are sent to the neighbors and they have no complaints or don't respond, he has no problem approving that. If one or several of the immediate neighbors oppose it because it is a commercial business in a residential area, he would not approve. He believes when these units are rented, people are coming and going, and the neighborhood is not the same neighborhood the residents are used to. He thinks the City needs to regulate to be sure the plumbing, electrical, etc. are up to code. He also wants to be sure bed tax is collected.

Mayor's Chief of Staff Cody Moake said he has researched this in some municipalities in the state. One of the common themes are zoning. Vacation rentals are only allowed in certain zoning districts. By changing zoning in certain areas, this could help control which areas of town this would be allowed. Another common theme is proof of insurance and our ordinance does not currently require this. The third item is proof of cleaning between occupancies.

Mayor Absher doesn't believe the City can efficiently enforce the cleaning issue.

Commissioner Patton agrees with many of the points commissioner Barwick made. He thinks the City needs to eventually address zoning issues. He thinks we must be careful what we require. He also believes the City needs to look at the number times a property is rented. He thinks it should be considered as a rental and inspected like regular rental properties. He thinks the City should listen closely to the opposers and decide on approval at that point. He thinks the City should allow vacation rentals, but if there are any issues with a property that are reported to the Police, the permit should be revoked. He also believes the rules should be applied consistently.

Mayor Absher wants to keep the process simple. He asked the Commissioners what they think about issuing a provisional permit if all rules and regulations are followed. After three months,

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the neighbors would be notified and could object or report any unusual activity at that time. At that time, if the neighbors have bonafide complaints, the City can decide to revoke the provisional permit. Mayor Absher doesn't believe it is fair to cause a property owner to not be able to do something with their property based on an imagined concern. He also doesn't want to create a reason for people to not want to stay in Marion.

Commissioner Stoecklin stated he likes the idea of a provisional permit for 90 days. He explained he knows a resident in the area of the first vacation rental unit the City had to approve. That neighbor received a letter but was unsure what to do with it. He believes a first letter will make the neighbors aware of what is happening, and a second letter will give them an opportunity to voice their concerns. He also thinks a decision needs to be made as to how many neighbors constitutes yay or nay.

Mayor Absher believes only immediate neighbors need to be contacted. He explained the current process requires the applicant to send notification letters to the neighbors and then Code Enforcement follows up with a letter, too. Mayor Absher thinks the initial letter from the City should explain what a neighbors' rights are to complain, if necessary. He is not in favor of complaints being reported anonymously through the City app.

Commissioner Stoecklin asked if there needs to be a chain of command for reporting complaints so they aren't brought to Council Meetings. Mayor Absher thinks there should be if a new ordinance is written. He is trying to keep from these complaints taking up time during Council Meetings.

Commissioner Patton would like to see the ordinance revised and an application packet created. He thinks the City should draft the letter that the applicant needs to send to notify the neighbors.

Mayor Absher and Commissioner Stoecklin believe a letter from the City is more impactful.

Commissioner Stoecklin believes the application fee should be increased.

Mayor Absher said the City is on the cusp of needing an additional Code Enforcement officer already and changing the vacation rental process may increase the need for an additional officer.

Commissioner Barwick agrees the fee should be increased to help offset costs of enforcement.

Commissioner Webb asked about the ranking system on Air B n B.

Mayor Absher asked the Commissioner to send him four or five bullet points of items they think are important for the new vacation rental ordinance and process.

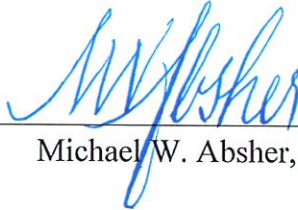
Mayor Absher announced there was no need for an Executive Session this morning.

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Commissioner Webb made a motion to adjourn the meeting. Commissioner Patton seconded the motion.

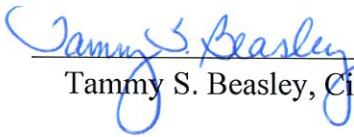
ON ROLL CALL VOTE COMMISSIONERS PATTON, BARWICK, WEBB AND STOECKLIN AND MAYOR ABSHER ALL VOTED YEA.

Meeting Adjourned at 9:20 A.M.



Michael W. Absher, Mayor

ATTEST:



Tammy S. Beasley, City Clerk