

February 14, 2022

City of Marion – Regular Meeting

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Minutes of a Regular Meeting of the City Council of the City of Marion held in the Council Chambers at 6:15 P.M., late start due to public hearings held immediately preceding the meeting starting at 5:00 P.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 Mayor Absher.

PUBLIC COMMENTS

Detective Sergeant T J Warren addressed the Council requesting a donation for the Polar Plunge for Special Olympics. T J gave each of the Council members information packets for team participation for the Plunge. He told them the Copsicles team includes Marion Police Officers and members of the Williamson County FOP. He said this is the 17th year for the team to participate in this event. They have won the traveling trophy for the past 15 years. He said this year's Plunge will be March 5th at Rend Lake.

Anthony and Padra Franks addressed the Council with a development proposal for property they own on Boyton Street. The property is an empty lot next to Electrical Specialists. They would like to use shipping containers as small business incubators on this property. This idea is like a development along Chicago's River Front and developments in other cities. Mayor Absher told them currently the City does not allow shipping containers to be used in this manner. To develop the property per their proposal, the City would have to change an ordinance. Padra Franks told the Council the 2021 International Building Code specifically states how shipping containers must be converted to be used in this manner. Anthony Franks told the Council he planned to build a barber shop first and that would take two containers. He told them he is passionate about the neighborhood and this project. He assured them he would be selective about the types of businesses that can locate there. Other businesses would include an ice cream shop and burger shack. Mayor's Chief of Staff Cody Moake told the Council the Franks' property would need to be rezoned for retail use. He thinks zoning the property C-2 would be appropriate. The Council had several questions for Mr. and Mrs. Franks. Mayor Absher said he thinks these types of developments should only be allowed in commercially zoned areas. He said that he would work with Chief of Staff Cody Moake, City Attorney Wendy Cunningham and Building and Code Services Director Tim Stotlar to work on revising the ordinance prohibiting the use of shipping containers for this type of development.

CONSENT AGENDA

Commissioner Stoecklin made a motion to approve the consent agenda as presented.

Commissioner Webb seconded the motion.

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

NEW BUSINESS

PUBLIC WORKS DEPARTMENT

Mayor Absher told the Council the engineering agreements with Clarida & Ziegler Engineering Company for the Refuge Project are for upgrades to the Water and Sewer system there. Public

February 14, 2022

Works Superintendent Brent Cain told the Council there is a meeting scheduled tomorrow with Refuge personnel to discuss the project. City Engineer Brian Ziegler told the Council this will be a three-year project.

Commissioner Stoecklin made a motion to approve the agreements for Engineering Services with Clarida & Ziegler Engineering Company for the Refuge Water Improvements and the Refuge Sewer Improvements. Commissioner Webb seconded the motion.

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

BUILDING & CODE SERVICES

Mayor Absher explained the City is updating from the 2009 International Building Code to the 2018 International Building Code. Mayor's Chief of Staff Cody Moake told the Council the International Building Code is updated every three years and he thinks the City should update on this schedule.

Commissioner Patton made a motion to approve Ordinance 3772 repealing the 2009 International Building Code and adopting the 2018 International Building Code. Commissioner Barwick seconded the motion.

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

Mayor's Chief of Staff Cody Moake told the Council Chico Castellano has applied to have a parcel of property in Lake Park Estates rezoned from R-A Rural Agriculture to R-1 Single Family Residential. He plans on developing a subdivision and building five houses on the property.

Commissioner Stoecklin made a motion to affirm the Zoning Board's recommendation to approve a zoning change to PIN # 06-25-100-019 from R-A Rural Agriculture to R-1 Single Family Residential. Commissioner Barwick seconded the motion.

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

ECONOMIC DEVELOPMENT AND MUNICIPAL PLANNING

Mayor Absher explained residents on North Market Street are asking for a stop sign at the intersection of North Market and Stockton Streets. Mayor's Chief of Staff Cody Moake told the Council the residents want traffic slowed between Boulevard and DeYoung Streets. Cody talked with Street Department Superintendent Doug Phillips about the problem. Doug will install a stop sign with red flashing lights at the intersection for the north and south bound traffic. Cody said the ultimate goal is to slow traffic. He told the Council he sent letters to residents in that area. He received four responses, three were in favor of installing a stop sign and one was opposed. The resident opposing the stop sign did not think it would slow down traffic. Commissioner Webb said typically stop signs are only installed at intersections if there is equal

February 14, 2022

traffic flow in all four directions. He said with predominate flow in one direction, it doesn't usually warrant installing a stop sign. He thinks in this situation with the City being home rule, it will be okay to install one at this location. Cody said residents with children are worried about the traffic speed.

Commissioner Barwick made a motion to approve Ordinance 3774 authorizing installation of a 4-way stop at the intersection of North Market and Stockton at the request of nearby residents. Commissioner Patton seconded the motion.

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

Mayor Absher told the Council Ordinance 3779 is a petition to vacate a lot owned by Chico Castellano in the South Lake Development.

Mayor Absher made a motion to approve Ordinance 3779, a petition to vacate Lot 1 Lake Park Estates Revised Subdivision. Commissioner Stoecklin seconded the motion.

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

Mayor Absher told the Council the project at 5th Street and Main Street has been a year and a half in the works. He said this intersection has been a target for improvement for a long time. He said it was supposed to be budgeted for in the current year but that did not happen because of time constraints. Unfortunately, now, costs have increased. This project will be budgeted for in the next budget year. City Engineer Brian Ziegler told the Council he talked with the bus garage, and they were on board with shutting the intersection down June 1st. The project will be completed during the summer when there is less bus traffic. Brian told the Council the costs of any components of the project that must be manufactured and delivered have increased. Brian said costs of traditional project components such as rock and concrete are local materials and have not increased.

Mayor Absher made a motion to approve the contract award to E T Simonds for \$455,333.13 for signalizing the 5th Street/Main Street Intersection. Commissioner Webb seconded the motion.

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

Mayor's Chief of Staff Cody Moake told the Council the TIF Redevelopment Agreements with Brynnlayne Properties are for new home construction. He told them this is the same developer who purchased the Warder Street property.

Commissioner Stoecklin made a motion to approve Ordinance 3775 authorizing a Residential TIF I Redevelopment Agreement with Brynnlayne Properties for 1006 South Mechanic Street; Ordinance 3776 authorizing a Hub TIF Redevelopment Agreement with Brynnlayne Properties for 407 East Jackson Street; and Ordinance 3777 authorizing a Hub TIF Redevelopment

February 14, 2022

Agreement with Brynnlayne Properties for 412 East Jefferson Street. Commissioner Barwick seconded the motion.

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

PUBLIC AFFAIRS

Mayor Absher gave kudos to Business Development Director Jennifer Olson for creating the Mow to Own Program. She worked with Mayor's Chief of Staff Cody Moake and City Attorney Wendy Cunningham to fine tune the program. Mayor Absher told the Council the City is putting together a list of qualifying properties. He doesn't think there will be many. Mayor Absher explained it is a simple idea. If the City owns a piece of property and an adjacent property owner is willing to take over mowing and maintaining the property, paying the taxes, and maintaining it to City standards, they can pay a fee of \$100, and after a certain period of performance of the maintenance, they will own the property.

Mayor Absher made a motion to approve Ordinance 3771 Mow to Own Ordinance. Commissioner Stoecklin seconded the motion.

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

Mayor's Chief of Staff Cody Moake told the Council the contractors hit a snag on the modular elevator system that was part of the original design and bid for the City Hall Project. He explained Amendment 1 to the design agreement with White & Borgognoni Architects is for the re-design of the elevator to a non-modular, more traditional system. The change order for construction of the elevator will come later. He told the Council there were union issues with the construction of the modular elevator and it did not meet the standards of the PLA. He said it was to be built off site in Mt. Vernon, delivered to the building and dropped in with a very large crane. The cost of this was to be \$183,000. Any contracts over \$150,000 are subject to the PLA. He said this was oversight by the City.

Mayor Absher made a motion to approve Amendment 1 to the design agreement with White & Borgognoni Architects for elevator redesign for the City Hall Project not to exceed \$28,200. Commissioner Webb seconded the motion.

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

Mayor Absher explained Ordinance 3773 is for the land swap that was part of the public hearing immediately preceding the council meeting. He mentioned that City Attorney Wendy Cunningham had earlier explained the reason for the public hearing and goals to be met by making the property exchange.

Commissioner Patton made a motion to approve Ordinance 3773 authorizing an exchange of real estate subject to review of the legal description. Commissioner Stoecklin seconded the motion.

February 14, 2022

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

Mayor's Chief of Staff Cody Moake told the Council last Fall the City started the process of renewing Cyber Insurance and very quickly found that no cyber insurers would insure the City without having a multifactor authentication policy in place. Cody explained since then, the City has invested in some hardware and training for hot spot areas; areas that might be subject to a network breach. This policy regulates the multifactor system and gets the City into compliance with insurers.

Commissioner Webb made a motion to approve the Multifactor Authentication Policy. Commissioner Stoecklin seconded the motion.

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

Mayor Absher told the Council the Building and Code Services Department has had a flurry of sign permit applications for off premise advertising. He explained the business model is that a person leases a piece of property and places either digital or vinyl signs with interchangeable advertising they rent to other businesses. He said the City needs time to research this further before it is overrun with these types of signs. This Ordinance puts a temporary moratorium on these until the City can gather additional information. Mayor Absher clarified this ordinance has nothing to do with a business owner that wants to erect a sign on property they own advertising their own business.

Mayor Absher made a motion to approve Ordinance 3778 enacting a moratorium on outdoor "off-premises" advertising signs. Commissioner Barwick seconded the motion.

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

COMMISSIONER REPORTS

Commissioner Webb reported the Street Department continues to repair sidewalks. They are currently finishing projects on East Main and Monroe Streets. They are doing general tile and drainage work. They are also helping to demolish houses in the Midway Court area. The Cemetery Department had 13 burials during the month of January.

Commissioner Stoecklin read the Water Department report since the last council meeting. He reported the 12th Annual Afterschool All-Star Chili Supper will be February 26th at the Boyton Street Community Center from 3:00 P.M. to 5:00 P.M. Seven dollars gets a bowl of chili, hot dog, and drink. Dine-in and curb side service are available. He also congratulated the Marion High School Dance Team.

Commissioner Barwick read the Fire Department, Police Department, Detective Unit, and Narcotics Unit reports for January.

February 14, 2022

Commissioner Patton had nothing to report but did ask everyone in City Hall to be patient with the Treasurer's Office since they are a person short.

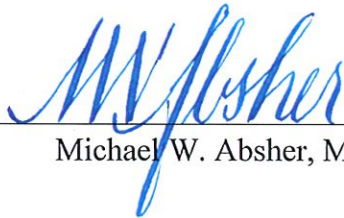
Commissioner Stoecklin reminded everyone Connect 360 has an essay contest for Black History Month.

Mayor Absher stated there was no need for executive session this evening.

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

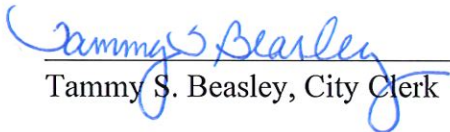
ON ROLL CALL VOTE COMMISSIONERS PATTON, BARWICK, WEBB AND STOECKLIN AND MAYOR ABSHER ALL VOTED YEA.

Meeting Adjourned at 7:26 P.M.



Michael W. Absher, Mayor

ATTEST:


Tammy S. Beasley, City Clerk