

April 24, 2023

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 5:30 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

Mayor Absher led the Pledge of Allegiance.

NEW BUSINESS

Mayor Absher made a motion to approve Ordinance 3876 certifying the election results from the April 4, 2023 Consolidated Election for the City of Marion. Commissioner Barwick seconded the motion.

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

City Clerk Beasley administered the Oath of Office to Re-Elected Mayor Michael W. Absher.

City Clerk Beasley administered the Oaths of Office to Re-Elected Commissioners John Stoecklin, James J. Webb, Doug Patton, and John Monroe Barwick, Jr.

Mayor Absher made a motion to approve Ordinance 3877 assigning supervision and authority to the Mayor and the Commissioners over the City Departments. Commissioner Patton seconded the motion.

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

Mayor Absher announced the only change to Commissioners' duties is that Commissioner Stoecklin asked to also have the Civic Center and Pavilion as his departments.

Mayor Absher made a motion to approve Ordinance 3878 defining Mayor and Commissioners' duties and responsibilities with their respective departments. Commissioner Stoecklin seconded the motion.

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

Mayor Absher made a motion to approve Ordinance 3879 approving 2023-2024 department appointments. Commissioner Patton seconded the motion.

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

PUBLIC COMMENTS

There were no public comments this evening. All member of the public present were here to comment on the Animal Control agenda item.

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CONSENT AGENDA

Commissioner Webb made a motion to approve the consent agenda as presented. Commissioner Barwick seconded the motion.

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

NEW BUSINESS CONTINUED

BUILDING & CODE SERVICES

Mayor Absher asked Austin Mallow to the podium. Mayor Absher explained Mr. Mallow's sign permit was denied due to it being for off-premises advertising. Mr. Mallow told the Council the lot where he wants to place his sign is in a high traffic area on Halfway Road. He said the sign would not interfere with any retail businesses. He said he does not think there will be any development on the lot anytime soon. He told the Council each sign would be eight feet by sixteen feet and there would be five panels. The Commissioners asked Mr. Mallow questions regarding the number of signs, type of images on the signs, and whether the signs would be changeable. Commissioner Patton had concerns with the sign placement and how visibility would be affected. He stated he does not think the city should grant an exception for the sign.

Commissioner Patton made a motion to deny an appeal for an Off-Premises Sign Permit. 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 told the Council the petition of annexation from Steve and Moya Cook is to bring parcels into the city limits zoned as R-1. These are parcels that were not annexed in when theex Cooks' residence was annexed in several years ago.

Mayor Absher made a motion to approve Ordinance 3881 approving a petition of annexation from Steven W. and Moya R. Cook for parcel numbers 07-09-400-060 and 07-09-400-063. Commissioner Stoecklin seconded the motion.

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

Mayor Absher explained the city has allocated funds from Residential TIF I to provide grants to property owners wanting to make improvements to the exterior of their homes. Mayor's Chief of Staff Cody Moake has taken several calls since post cards explaining the program were mailed out to residents. Cody said the city has received six applications so far. Five of the applications qualify for grants and one does not. The one application is for interior repairs instead of exterior repairs. Mayor Absher said these grants are first come first serve. Cody told the Council he is asking for approval of the five applications tonight. This will be a pre-approval as he is tracking applications. Contractors will be doing the work in the future and residents will be turning in receipts and proof of the work performed to receive reimbursement.

Mayor Absher made a motion to approve Residential TIF I grant applications as presented. Commissioner Webb seconded the motion.

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

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ANIMAL CONTROL

Mayor Absher said the city has had two or three chicken related exemption requests. He explained the previous administration passed an ordinance in March 2019 prohibiting chickens.

Ward Elston addressed the Council. He said Animal Control has told him he has to get rid of his chickens. He explained he had spoken with a previous administration several years ago regarding chickens and was told he could have them as long as they were properly housed and humanely kept. He was also told he could not have roosters and he could not butcher them on site. He said he currently has one dozen hens, and they produce approximately two hundred eggs per year. He said he does not sell the eggs but gives them away. He says he had the chickens prior to the ordinance rewrite in 2019 and his neighbors do not complain about them.

Mayor Absher said Animal Control only has two full-time employees and 85 percent of their calls are for dogs and cats. He said the city is not staffed to look for chickens. They just happened to find Mr. Elston's.

Charlene addressed the Council. She received a citation from Animal Control for having fourteen chickens. She explained she is severely anemic, and her doctor has told her the iron levels in farm raised eggs are significantly higher. She told the Council her chickens are kept in coups in her yard which is enclosed with a six-foot privacy fence. She has not had any objections from her neighbors, and she provides them with eggs.

Thomas Brooks told the Council he does not have chickens but would like to have some. He owns two acres at 1600 North Bentley Street by the cemeteries.

Rick Wade lives at 1200 Evergreen Place and owns exotic peacocks and pheasants. He showed the council letters of support from his neighbors. He said a neighbor across Boyton Street left him a note to tell him she called Animal Control about one of his birds that got away from his yard. He said Animal Control impounded the bird, but they have known about his birds for some time and have never said anything to him before now. He said the public cannot see his birds because he has his yard fenced. He told the Council his birds are very well kept, and he provided pictures of his backyard. He owns eight peacocks and twenty pheasants. He asked the Council for an exemption. He said he has lived there twenty years and has had the birds as pets off and on over the years.

Mayor Absher suggested the Council table approving or denying the exemptions until further research can be completed by the City Attorney and Council. He indicated the current Animal Control ordinance does not give the mayor any authority to grant or deny exemptions. Commissioners Stoecklin and Barwick are going to form a sub-committee to further study this issue.

TREASURER'S OFFICE

Treasurer Steve Hale explained Resolution 2023-10 is the revision of the current budget. He said the budget is adjusted to reflect income more accurately and to reflect new sources of income. Revisions to expenditures are made to more accurately match with revenues. He explained each Commissioner can make budget adjustments within each department. This is to match revenues with expenditures in each fund. He said many of the large expenditures were already approved by council as part of projects.

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Commissioner Patton made a motion to adopt Resolution 2023-10 authorizing revision of the FY23 annual budget. Commissioner Stoecklin seconded the motion.

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

The budget hearing was held at 5:00 PM this evening in the Council Chambers in City Hall. Mayor Absher told the audience tonight's public hearing was advertised the first week in April in a local newspaper. Treasurer Hale gave a quick rundown of the budgeted expenditures and predicted surplus in the general fund. He said the City is in good financial condition. He explained the first fifteen pages of the budget ordinance are the fund balance summary. He explained the city has always used hotel tax to help fund the Pavilion and this amount has been reduced since the debt has been reduced. Some of the hotel tax is now going to the Civic Center. Treasurer Hale explained this has reduced the amount being transferred from the general fund. Mayor Absher closed the budget hearing at 5:05 PM as there was no further discussion or questions.

Treasurer Hale said his budget transmittal letter reports the general fund projected surplus of \$247,820. He said it is a big joint effort to put the budget together with many involved in the process.

Commissioner Patton made a motion to approve Ordinance 3880 adopting the FY24 budget. Commissioner Barwick seconded the motion.

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

Commissioner Patton made a motion to approve salary adjustments for the FY24 budget year as presented in the budget. Commissioner Webb seconded the motion.

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

STREET DEPARTMENT

Commissioner Webb explained Resolution 2023-09 pledging MFT funds for the asphalt overlay is something that is adopted each year for the paving program. He said this year's MFT allocation is \$675,000. Street Department Superintendent Doug Phillips told the Council the bid opening for the asphalt overlay is tomorrow morning at 10:00 AM and he will have a better idea of the total project cost after that.

Commissioner Webb made a motion to adopt Resolution 2023-09 pledging MFT funds for annual street overlay program. Commissioner Stoecklin seconded the motion.

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

Commissioner Webb explained the Street Department would like to purchase a 2024 Freightliner truck with a dump bed and snowplow. He said they were looking at an International truck through the state bid but it could not be delivered for eighteen months. Street Department Superintendent Doug Phillips told the Council the Freightliner has a guaranteed delivery date of November and the warranty work will be done in Mt. Vernon. The International would have to be serviced in Effingham. Commissioner Webb said the Freightliner will cost \$1,600 more than

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the International. The Freightliner Truck cost is \$92,799 and the snowplow and bed from Woody's costs \$66,735 for a total cost \$159,534.

Commissioner Webb made a motion to approve the purchase of a Freightliner truck with a dump bed and snowplow, a budgeted item. Commissioner Patton seconded the motion.

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

PUBLIC AFFAIRS

Mayor Absher explained the change order for the City Hall Project is due to asbestos that was found in the bank's portion (drive thru) of the building. The amount of the change order is \$26,837.85.

Mayor Absher made a motion to approve Change Order 030 to the Marion City Hall Project. Commissioner Webb 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 Spring Clean Up is still going on and the Street Department is working both the east and west sides of town. He said there was a record amount of stuff put out to be hauled away. He reported there were one hundred one loads hauled the first day of the cleanup. He reported the Street Department has also started mowing and the Cemetery Department continues mowing.

Commissioner Stoecklin read the Water Department report since last meeting. He said the Water Department continues to work on yard and road repairs from work that has been done. He reported the fountains on the Square are up and running. He had two trivia questions this evening. The first question asked where the first hospital in Marion was located. The first hospital was located on Thorn Street. The second trivia question asked how many towns in the United States are named Marion. Thirty-six towns in the United States are named Marion. All are named after General Francis Marion.

Commissioner Barwick reported Peyton Barnett, Grady Powell and Dakota Upchurch graduated from the Fire Academy on April 23rd.

Commissioner Patton thanked the Treasurer's Office for their due diligence in the budget preparation this year. He also thanked the department heads for their work getting all the information put together.

MISCELLANEOUS

There were no miscellaneous items to come before Council this evening.

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CLOSED/EXECUTIVE SESSION

7:05 PM

Mayor Absher made a motion to go into executive session to discuss a personnel matter (5ILCS 120/2(c)(1)). Commissioner Stoecklin seconded the motion.

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

7:25 P.M.

Commissioner Webb made a motion to adjourn the Executive Session and resume the Regular Meeting. Commissioner Stoecklin seconded the motion.

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

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

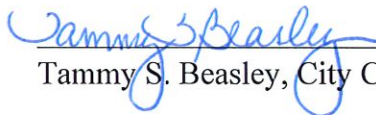
ON ROLL CALL VOTE COMMISSIONERS PATTON, BARWICK, WEBB AND STOECKLIN AN MAYOR ABSHER ALL VOTED YEA.

Meeting Adjourned at 7:26 P.M.



Michael W. Absher, Mayor

ATTEST:



Tammy S. Beasley, City Clerk