

Council Chambers, City Hall
401 South Alamo
Marshall, TX 75670
903-935-4421



Members
Amy Ware, District 4 - Mayor
Marvin Bonner, District 1
Leo Morris, District 2
Jennifer Truelove, District 3
Reba Godfrey, District 5
Amanda Abraham, District 6
Micah Fenton, District 7

PLEASE SILENCE ALL DEVICES
SPECIAL-CALLED CITY COUNCIL MEETING
February 8, 2024
4:00 PM

1. Call to Order and Roll Call

2. Invocation and Pledges

3. Presentations & Proclamations

A. Presentation of the Employee of the Month - January (Human Resources)

4. Executive Session

A. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel Matters: Interview of Municipal Court Judge candidate(s).

5. Action Item Following Executive Session

A. Consider the appointment of a Municipal Court Judge.

6. Citizen Comments

Texas Government Code, Sec. 551.007 requires that a governmental body must allow each member of the public who desires to address the body regarding an item on the agenda the opportunity to do so before or during the body's consideration of the item. The "Citizens Comments" portion of the meeting meets the requirements of this law and is the public's opportunity to speak on any item on the agenda. Those who wish to speak are requested to fill out a public comment form and will have three (3) minutes to speak unless additional time has been requested.

7. Items to be Withdrawn From Consent Agenda

8. Consent Agenda

The items on the Consent Agenda require little or no deliberation by the Council. Approval of the Consent Agenda authorizes the City Manager or his designee to proceed with conclusion of each in accordance with staff recommendations, a copy of which is filed with the minutes of the meeting. A Councilmember may remove items from the Consent Agenda by making such request prior to a motion and vote on the Consent Agenda.

A. Consider approval of the minutes from the January 25, 2024 Regular Council meeting. (City Secretary)

B. Approve resolution authorizing the Police Department to accept \$55,000 in grant funding under the 2023 Justice Assistance Grant program. (Police)

9. Consideration of Items Withdrawn From the Consent Agenda

10. Public Hearing & Ordinance

- A. Conduct a public hearing and consider an ordinance amending the text specifically related to Chapter 32 Section 19 entitled “Definitions” and Section 21 entitled “Permitted Uses” and an amendment to the official zoning map creating a Manufactured Home Overlay (MHO). (Public Works)
- B. Conduct a public hearing and consider an ordinance of the City of Marshall, Texas, amending Chapter 32 of the Code of Ordinances by adding to Section 21, Permitted Uses, Item 21.02, Short Term Rentals; providing for regulations for the registration and use of short term rentals; providing for registration, providing for definitions; providing for inspections; providing for restrictions; providing for brochure and safety requirements; providing for neighborhood notification; providing for violations and penalties; providing fees; providing a repealing clause; providing a severability clause; providing a savings clause; providing a repealing clause; and providing for an effective date. (Public Works)
- C. Conduct a public hearing and consider an ordinance amending the official zoning map from I-2 (Heavy Industry) to R-6 (Duplex Triplex Quadraplex), location 201 North Allen Blvd. (Public Works)
- D. Conduct a public hearing and consider an ordinance amending the official zoning map from R-2 (Single Family Detached) to C-2 (Retail Business), location 4300 Victory Drive. (Public Works)

11. City Manager Reports and Requests for City Council Consideration

- A. Pavement Management Plan. (Public Works)

12. Adjournment

Posted: February 5, 2024

3:00 PM

N. Smith

This meeting will be conducted in accordance with the Americans with Disabilities Act. Requests for sign interpretive services will be available with at least 72-hour notice prior to the meeting. To make arrangements for these services, please call the City Secretary's Office at 903-935-4446.



TO: City Council
DATE: February 8, 2024
ITEM #: 3.A
SUBJECT: Presentation of the Employee of the Month -
January (Human Resources)

Recommendation for Action:

Executive Summary:

Budget Cost:

Staff Contact:

Attachments: None



TO: City Council
DATE: February 8, 2024
ITEM #: 4.A
SUBJECT: An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074
Personnel Matters: Interview of Municipal Court Judge candidate(s).

Recommendation for Action: Convene in Executive Session to conduct interviews for Municipal Court Judge.

Executive Summary: Interviews for Municipal Court Judge will be held.

Budget Cost: N/A

Staff Contact: Terrell Smith, City Manager

Attachments: None



TO: City Council
DATE: February 8, 2024
ITEM #: 5.A
SUBJECT: Consider the appointment of a Municipal Court Judge.

Recommendation for Action: Appoint a Municipal Court Judge following the executive session.

Executive Summary: An appointment of a Municipal Court Judge can be made following the executive session.

Budget Cost: n/a

Staff Contact: Terrell Smith, City Manager

Attachments: None



TO: City Council
DATE: February 8, 2024
ITEM #: 8.A
SUBJECT: Consider approval of the minutes from the January 25, 2024 Regular Council meeting. (City Secretary)

Recommendation for Action: Consider approval of the minutes from the January 25, 2024 Regular Council meeting.

Executive Summary: Minutes from the Regular meeting held on January 25, 2024.

Budget Cost: N/A

Staff Contact: Nikki Smith, City Secretary

Attachments: 1. 1-25-24 minutes

Council Chambers, City Hall
401 South Alamo
Marshall, TX 75670
903-935-4421



Members
Amy Ware, District 4 - Mayor
Marvin Bonner, District 1
Leo Morris, District 2
Jennifer Truelove, District 3
Reba Godfrey, District 5
Amanda Abraham, District 6
Micah Fenton, District 7

MINUTES
PLEASE SILENCE ALL DEVICES
REGULAR CITY COUNCIL MEETING
January 25, 2024
6:00 PM

1. Call to Order and Roll Call

Mayor Amy Ware called the Regular meeting to order in the Council Chambers, City Hall at 06:00 PM.

PRESENT:

Mayor and Council Members:

Mayor Amy Ware
Councilmember Marvin Bonner
Councilmember Leo Morris
Councilmember Micah Fenton
Councilmember Reba Godfrey

ABSENT: Councilmember Jennifer Truelove
Councilmember Amanda Abraham

ADMINISTRATIVE STAFF PRESENT:

Terrell Smith, City Manager	Reggie Cooper, Fire Chief
Cliff Carruth, Police Chief	Dawn Jones, Finance Director
Eric Powell, Public Works Director	Scott Rectenwald, City Attorney
Christol Hall, HR/Civil Service Director	
Anna Lane, Community Services Director	
Randy Pritchard, Support Services Director	
Alex Agnor, Economic Development & Strategic Initiatives Director	

2. Invocation and Pledges

Mayor Ware

3. Citizen Comments

Texas Government Code, Sec. 551.007 requires that a governmental body must allow each member of the public who desires to address the body regarding an item on the agenda the opportunity to do so before or during the body's consideration of the item. The "Citizens Comments" portion of the meeting meets the requirements of this law and is the public's opportunity to speak on any item on the agenda. Those who wish to speak are requested to fill out a public comment form and will have three (3) minutes to speak unless additional time has been requested.

There were no citizen comments.

4. Items to be Withdrawn From Consent Agenda

Item D was withdrawn from the Consent Agenda.

5. Consent Agenda

The items on the Consent Agenda require little or no deliberation by the Council. Approval of the Consent Agenda authorizes the City Manager or his designee to proceed with conclusion of each in accordance with staff recommendations, a copy of which is filed with the minutes of the meeting. A Councilmember may remove items from the Consent Agenda by making such request prior to a motion and vote on the Consent Agenda.

Councilmember Bonner made a motion to approve the Consent Agenda.

Councilmember Fenton seconded the motion, which passed by a vote of 5:0.

- A. Consider approval of the minutes from the January 11, 2024 Regular Council meeting. (City Secretary)
- B. Consider approval of a contract with the Harrison County Elections Administrator for the May 4, 2024 Elections. (City Secretary)
- C. Acceptance of Project\Retainage Release - East End Lift Station Project. (Public Works)

6. Consideration of Items Withdrawn From the Consent Agenda

- D. Consider approval of a resolution designating an official newspaper for the City of Marshall for fiscal year 2024. (City Secretary)
Councilmember Godfrey explained her reason for pulling the item.

Councilmembers asked questions and discussed.

Councilmember Fenton made a motion to approve a resolution designating an official newspaper for the City of Marshall for fiscal year 2024. Councilmember Morris seconded the motion, which passed by a vote of 5:0.

7. Ordinance

- A. Consider approval of an Ordinance calling for a special election for the reauthorization of the local sales and use tax in the City of Marshall at the rate of one-eighth (1/8th) of one percent to continue providing revenue for maintenance and repair of municipal streets. The tax expires on the fourth anniversary of the date of this election unless the imposition of the tax is reauthorized. (City Secretary)
Scott Rectenwald, City Attorney, stated this tax has expired, and the Tax Code requires us to call an election by ordinance to discern from the voters if they wish to continue to use the tax monies for maintenance and repair of municipal streets.

Councilmember Bonner made a motion to approve an Ordinance calling for a

special election for the reauthorization of the local sales and use tax in the City of Marshall at the rate of one-eighth (1/8th) of one percent to continue providing revenue for maintenance and repair of municipal streets. The tax expires on the fourth anniversary of the date of this election unless the imposition of the tax is reauthorized. Councilmember Fenton seconded the motion, which passed by a vote of 5:0.

8. Resolution

- A. Consider approval of a resolution ordering a General Election for City Councilmember Districts 1, 2, 3, and 4. (City Secretary)

Scott Rectenwald stated approval of this resolution will order the General Election for Districts 1, 2, 3, and 4 to be held on May 4, 2024.

Councilmember Godfrey made a motion to approve a resolution ordering a General Election for City Councilmember Districts 1, 2, 3, and 4. Councilmember Bonner seconded the motion, which passed by a vote of 5:0.

- B. Consider approval of a resolution calling for a Joint Election Agreement with the Marshall Independent School District for the May 4, 2024 General Election. (City Secretary)

Scott Rectenwald stated approval of this resolution will allow the Marshall Independent School District to hold their election with the City's General Election on May 4, 2024.

Councilmember Godfrey made a motion to approve a resolution calling for a Joint Election Agreement with the Marshall Independent School District for the May 4, 2024 General Election. Councilmember Bonner seconded the motion, which passed by a vote of 5:0.

- C. Discuss and consider adoption of a resolution authorizing an application for financial assistance from the Texas Water Development Board for sewer system improvements. (Public Works)

Eric Powell, Public Works Director, asked for approval of a resolution with the intent of applying for funding from the Texas Water Development Board for sewer system improvements stating this is a 70/30 match, meaning the City will pay for 30% of the financing if accepted. Eric Powell provided the ten year CIP list stating these items would be the majority of items used in the request. The process will be finalized, and we anticipate finding out what the set aside amount is and what closing documents would be needed in October 2024 with funding in early 2025.

Councilmembers asked questions and discussed.

Councilmember Morris made a motion to approve a resolution authorizing an application for financial assistance from the Texas Water Development Board for sewer system improvements. Councilmember Fenton seconded the motion, which passed by a vote of 5:0.

9. City Manager Reports and Requests for City Council Consideration

- A. Consider approval of Hotel Occupancy Tax Grants for 2024. (Tourism & Economic Development)
- LeAnne White, Tourism & Economic Development Administrator, provided information on the Hotel Occupancy Tax Grant process for 2024. LeAnne White asked for approval of the following grants:

- Caddo Kennel Club - use of the City Arena
- East Texas Association of Square Dancers - use of Caddo Hall
- East Texas Baptist University - \$8,000
- Gobble Up the Cash - \$5,000
- Josey Ranch - \$15,000
- Michelson Museum - \$4,500
- Marshall Regional Arts Council - \$4,500
- Wiley University - \$8,000

Councilmembers asked questions and discussed.

Councilmember Godfrey made a motion to approve the Hotel Occupancy Tax Grants for 2024 as recommended. Councilmember Fenton seconded the motion, which passed by a vote of 5:0.

10. Adjournment

Councilmember Godfrey made a motion for adjournment. Councilmember Fenton seconded the motion, which passed by a vote of 5:0.

APPROVED:

Mayor of the City Council
of the City of Marshall, Texas

ATTEST:

City Secretary



TO: City Council
DATE: February 8, 2024
ITEM #: 8.B
SUBJECT: Approve resolution authorizing the Police Department to accept \$55,000 in grant funding under the 2023 Justice Assistance Grant program. (Police)

Recommendation for Action: Approve Resolution

Executive Summary: The Marshall Police Department has been awarded \$55,000 under the 2023 Justice Assistance Grant program. The department was awarded under this program in November 2023. A resolution is required for the Department to expend funds under this program.

Budget Cost: N/A

Staff Contact: William Huffman - Police Department

Attachments: 1. Resolution (unsigned)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
MARSHALL, TEXAS AUTHORIZING THE SUBMISSION OF A GRANT
APPLICATION IN THE AMOUNT OF \$55,000 FOR THE EDWARD BYRNE
MEMORIAL JUSTICE ASSISTANCE GRANT FOR THE 2023 BUDGET**

WHEREAS, The City Council of the City of Marshall finds it in the best interest of the citizens of City of Marshall, that the 2023 Community Policing Program be operated for the 2023-2024 grant ; and

WHEREAS, The City of Marshall agrees that in the event of loss or misuse of the Office of the Governor funds, the City of Marshall assures that the funds will be returned to the Office of the Governor in full.

WHEREAS, City of Marshall designates the City Manager as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE
CITY OF MARSHALL THAT:**

1.

The Commission of the City of Marshall hereby authorizes the submission of a grant application in the amount of \$55,000 for the Edward Byrne Memorial Justice Assistance Grant Program for the 2023 grant year.

2.

The Commission of the City of Marshall confirms that the Marshall Police Department intends to use the grant for the purchase of equipment in compliance with the terms and conditions of the grant to assist the Marshall Police Department in providing its officers with up to date equipment that is in keeping with modern and current law enforcement standards and practices.

3.

The findings set forth in the preamble to this resolution are hereby in all things approved.

4.

The meeting at which this resolution was passed was conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

5.

All other prior resolutions or portions of resolutions of the City of Marshall in conflict with the terms and provisions of this resolution are hereby repealed to the extent of such conflict only.

6.

This resolution shall be effective on and after its passage.

PASSED, APPROVED, AND ADOPTED THIS THE _____ DAY OF _____, 2024.

Amy Ware, Chairman

ATTEST:

Nikki Smith, City Secretary

Grant Number: 4829501

Commented [am1]: The Grant Number (ex: 1650304) can be found in eGrants after you create a new or continuation funding solicitation.



TO: City Council
DATE: February 8, 2024
ITEM #: 10.A
SUBJECT: Conduct a public hearing and consider an ordinance amending the text specifically related to Chapter 32 Section 19 entitled "Definitions" and Section 21 entitled "Permitted Uses" and an amendment to the official zoning map creating a Manufactured Home Overlay (MHO). (Public Works)

Recommendation for Action:

Executive Summary:

Budget Cost:

Staff Contact:

- Attachments:**
1. Agenda item 10A-A-23-01 Agenda Sheet-Section 19 & 21
 2. Agenda Item 10A-A-23-01_Ord - Norwood, Olive, Lop 390 avenue
d



Agenda Information Sheet

December 11, 2023

Agenda Item

A. **A-23-01**-Conduct a public hearing and consider making a recommendation to the City Council regarding a zoning ordinance text amendment specifically related to Section 19 entitled "Definitions" and Section 21 entitled "Permitted Uses".

Background & Summary

The City of Marshall enacted zoning on December 13, 1951 and amended said ordinance on July 7, 1963, and on March 26, 1987 repealed and replaced all ordinance with Ordinance No. 0-87-13 amending the Code of Ordinances of the City of Marshall to add Chapter 32 regarding Zoning. The City of Marshall's Planning and Zoning Department has received numerous inquiries concerning manufacture homes in the area as shown on the attached map, in the R-3(Single Family Detached) and A&E (Agriculture and Estate) zoning designations. Section 21 of the Zoning Ordinance establishes the Permitted Uses Chart which has a designation for manufactured homes to be permitted only in MH (mobile home) zoning district. In addition, Section 19 of the Zoning Ordinance that establishes use definitions for the zoning ordinance includes a definition for manufactured homes as follows: Mobile home, **manufactured home**. HUD code home: A structure transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or 40 feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

Staff is proposing the following definition be added to Section 19 of the Zoning Ordinance and that Section 21 of the Zoning Ordinance be amended to allow:

Permitted uses: To allow manufactured homes in R-3 (Single Family Detached) and A&E (Agriculture and Estate) and create a manufactured Home Overlay (MHO) in the area bounded on the west by Norwood Street, Avenue D, Olive Street and West Loop 390 North. Being all of Blocks 9-22, 29-35 and part of blocks 24 and 28 of the George Gregg Addition.

Definitions:

Manufactured Home. HUD code home: A structure transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or 40 feet or more in length, or when erected on site, is 1000 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when

connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. Home must be underpinned to restrict visibility to underneath. Manufactured home cannot be more than 7(seven) years of age. Site plan, photographs, specifications and floor plan of the home must be submitted at time of building permit application. Home must be anchored in compliance with current adopted building codes.

ORDINANCE NO. _____

AN ORDINANCE CREATING A MANUFACTURED HOME OVERLAY AND AMENDING THE TEXT SPECIFICALLY RELATED TO SECTION 19 ENTITLED “DEFINITIONS” AND SECTION 21 ENTITLED “PERMITTED USES”. SECTION 19 OF THE ZONING ORDINANCE THAT ESTABLISHES USE DEFINITIONS FOR THE ZONING ORDINANCE INCLUDES A DEFINITION FOR MANUFACTURED HOMES AS FOLLOWS: **MANUFACTURED HOME:** A STRUCTURE TRANSPORTABLE IN ONE OR MORE SECTIONS, WHICH, IN THE TRAVELING MODE, IS EIGHT FEET OR MORE IN WIDTH OR 40 FEET OR MORE IN LENGTH, OR WHEN ERECTED ON SITE, IS 1000 OR MORE SQUARE FEET, AND WHICH IS BUILT ON A PERMANENT CHASSIS AND DESIGNED TO BE USED AS A DWELLING WITH OR WITHOUT A PERMANENT FOUNDATION WHEN CONNECTED TO THE REQUIRED UTILITIES, AND INCLUDES THE PLUMBING, HEATING, AIR-CONDITIONING, AND ELECTRICAL SYSTEMS.

Definitions:

Manufactured Home. HUD code home: A structure transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or 40 feet or more in length, or when erected on site, is 1000 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. Home must be underpinned to restrict visibility to underneath. Manufactured home cannot be more than 7(seven) years of age. Site plan, photographs, specifications and floor plan of the home must be submitted at time of building permit application. Home must be anchored in compliance with current adopted building codes.

Permitted uses:

To allow manufactured homes in R-3 (Single Family Detached) and A&E (Agriculture and Estate) and create a manufactured Home Overlay (MHO) in the area bounded on the west by Norwood Street, Avenue D, Olive Street and West Loop 390 North. Being all of Blocks 9-22, 29-35 and part of blocks 24 and 28 of the George Gregg Addition.

WHEREAS, the City of Marshall enacted zoning on December 13, 1951 and amended said ordinance on July 7, 1963 and on March 26, 1987 repealed and replaced all ordinance with Ordinance No. 0-87-13.

WHEREAS, a Zoning District Map was adopted as a part of Ordinance No. 0-87-13; and

WHEREAS, Chapter 32, Section 14 of the Code of Ordinances established a procedure for a property owner, his agent, or the City to request zoning district changes and amendments; and

WHEREAS, the Planning & Zoning Commission, after due and proper notice in the manner and for the length of time required by law, held a public hearing for the purpose of considering proposed changes to the Zoning District; and

WHEREAS, after the close of said public hearing and pursuant thereto, the Planning & Zoning Commission filed a written report with the City Council, recommending changes in the Zoning District; and

WHEREAS, pursuant to said report and after notice in the manner and for the length of time required by law, the City Council held a public hearing in Marshall, Texas at City Hall on the 8th day of February, 2024, at 6:00 p.m. for the purpose of considering the requested Zoning Amendment change, and at which hearing all property owners, interested parties, and interested citizens had an opportunity to be heard; and

WHEREAS, the City Council, after considering the proposed changes and after hearing all parties and citizens desiring to be heard, deems that the following changes are necessary and for the best interest of the general welfare of the citizens of the City of Marshall, Texas.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF MARSHALL, TEXAS THAT:

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

Section 2. CREATE A MANUFACTURED HOME OVERLAY (MHO) AND AMENDING THE TEXT SPECIFICALLY RELATED TO SECTION 19 ENTITLED “DEFINITIONS” AND SECTION 21 ENTITLED “PERMITTED USES”. SECTION 19 OF THE ZONING ORDINANCE THAT ESTABLISHES USE DEFINITIONS FOR THE ZONING ORDINANCE INCLUDES A DEFINITION FOR MANUFACTURED HOMES AS FOLLOWS: **MANUFACTURED HOME:** A STRUCTURE TRANSPORTABLE IN ONE OR MORE SECTIONS, WHICH, IN THE TRAVELING MODE, IS EIGHT FEET OR MORE IN WIDTH OR 40 FEET OR MORE IN LENGTH, OR WHEN ERECTED ON SITE, IS 320 OR MORE SQUARE FEET, AND WHICH IS BUILT ON A PERMANENT CHASSIS AND DESIGNED TO BE USED AS A DWELLING

WITH OR WITHOUT A PERMANENT FOUNDATION WHEN CONNECTED TO THE REQUIRED UTILITIES, AND INCLUDES THE PLUMBING, HEATING, AIR-CONDITIONING, AND ELECTRICAL SYSTEMS.

Section 3. All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

PASSED on the 8th day of February, 2024.

AYES: __

NOES: __

ABSTAINED: __

MAYOR OF THE CITY COUNCIL
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

CITY SECRETARY

TO: City Council
DATE: February 8, 2024
ITEM #: 10.B
SUBJECT: Conduct a public hearing and consider an ordinance of the City of Marshall, Texas, amending Chapter 32 of the Code of Ordinances by adding to Section 21, Permitted Uses, Item 21.02, Short Term Rentals; providing for regulations for the registration and use of short term rentals; providing for registration, providing for definitions; providing for inspections; providing for restrictions; providing for brochure and safety requirements; providing for neighborhood notification; providing for violations and penalties; providing fees; providing a repealing clause; providing a severability clause; providing a savings clause; providing a repealing clause; and providing for an effective date. (Public Works)



Recommendation for Action:

Executive Summary:

Budget Cost:

Staff Contact:

- Attachments:**
1. Agenda Item 10B
 2. Agenda Item 10B-ORD



Agenda Information Sheet

January 8, 2024

Agenda Item

A-23-02- Conduct a public hearing and make a recommendation to the City Council regarding an ordinance of the City of Marshall, Texas, amending chapter 32 of the code of ordinances by adding to section 21, permitted uses, item 21.02, short term rentals; providing for regulations for the registration and use of short term rentals; providing for registration, providing for definitions; providing for inspections; providing for restrictions; providing for brochure and safety requirements; providing for neighborhood notification; providing for violations and penalties; providing fees; providing a repealing clause; providing a severability clause; providing a savings clause; providing a repealing clause; and providing for an effective date.

Background & Summary

Staff is proposing the following attached ordinance:

Attachments:

1. Short term rental ordinance

AN ORDINANCE OF THE CITY OF MARSHALL, TEXAS

ORDINANCE

AN ORDINANCE OF THE CITY OF MARSHALL, TEXAS, AMENDING CHAPTER 32 OF THE CODE OF ORDINANCES BY ADDING TO SECTION 21, PERMITTED USES, ITEM 21.02, SHORT TERM RENTALS; PROVIDING FOR REGULATIONS FOR THE REGISTRATION AND USE OF SHORT TERM RENTALS; PROVIDING FOR REGISTRATION, PROVIDING FOR DEFINITIONS; PROVIDING FOR INSPECTIONS; PROVIDING FOR RESTRICTIONS; PROVIDING FOR BROCHURE AND SAFETY REQUIREMENTS; PROVIDING FOR NEIGHBORHOOD NOTIFICATION; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING FEES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that regulations are needed to be updated to address regulations for Short Term Rentals, and

WHEREAS, permanent residents desire the option to occasionally utilize their properties for home share rentals (STR); and

WHEREAS, the operation of Short Term Rentals should not negatively affect property values, and

WHEREAS, the Short Term Rentals should be required to pay Hotel Occupancy Taxes, and

WHEREAS, the City Council has determined that regulations needed are intended to protect the public health, safety, morals and general welfare.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF MARSHALL, TEXAS, THAT:

SECTION 1. That Chapter 32, Zoning Ordinance, of the Code of Ordinances is hereby amended by adding a new Article 21.02, Short Term Rentals, which shall read as follows:

“CHAPTER 32, ZONING ORDINANCE

.....

ARTICLE 21.02 SHORT TERM RENTAL

21.02. - Purpose and applicability.

The purpose of this division is to establish regulations for the registration and use of Short Term Rentals for single family living units. The requirements of this division apply only to the regulation of Short Term Rentals, as defined herein, in accordance with the city's Zoning Ordinance, Chapter 32 of Code of Ordinances. Nothing in this division, however, shall be construed to be a waiver of the requirement to assess and collect hotel occupancy taxes for any residential rental for less than 30 consecutive days, or any other applicable provision of the Marshall Code of Ordinances.

21.03. -Definitions

Advertise means the written, audio, oral or other methods of drawing the public's attention whether by brochure, written literature or on-line posting to a Short Term Rental in order to promote the availability of the short term rental.

Dwelling means a building that contains one or two *dwelling units* used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

Dwelling Unit means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Guest means a person who pays or gives a benefit or thing of value to another in exchange for the use of dwelling, premises or a portion thereof regulated under this Article for use of a residential dwelling, premises or portion thereof for the privilege to use a Short-Term Rental and/or person's invitees for use of such dwelling, premises or portion.

Guest Room. A room or part thereof used or intended to be used by one or more guests for living or overnight sleeping purposes

Host means the person, firm, corporation, partnership or association, assigned the duty and responsibility by the owner to manage or rent a residence for a short term rental.

Hotel Occupancy Tax means the hotel occupancy tax as defined in the Marshall Code of Ordinances and Chapter 3 of the Texas Tax Code.

Local Emergency Contact means an individual other than the applicant, who resides within 70 miles of the subject property, and who is designated by the owner/applicant to act as the owner's authorized agent if the owner has traveled outside of the immediate area or is otherwise unavailable. The local emergency contact should be reachable on a 24-hour basis, have access to the Short Term Rental Property, and be authorized by the owner to act in the owners absence to address any complaints, disturbances, emergencies and property conditions.

Owner means the person who, in accordance with the most recently recorded deed, deed of trust, security instrument, trust instrument, affidavit of heirship, muniment of title or other similar conveyance or transfer document indicating title to real property recorded in the Official Public Records of Harrison County, Texas, is vested in, the ownership, dominion or title of real property, including, but not limited to:

- (1) The owner of a fee simple title;
- (2) The owner of a life estate;
- (3) The purchaser named in an executory contract for conveyance entered in compliance with title 2, chapter 5, subchapter D of the Texas Property Code, as amended, and recorded in the Official Public Records of Harrison County, Texas if required by Texas Property Code, § 5.076, as amended; or
- (4) A mortgagee, receiver, executor or trustee in control of real property.

Permit holder means person who receives a permit to operate a STR under this Article.

Person means an individual, corporation, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or community entity.

Premises means a lot, plot or parcel of land, easement or public way, including any structures thereon.

Primary Residence means the usual dwelling place of the applicant's residential dwelling and is documented as such by at least two of the following: motor vehicle

registration, driver's license, Texas State Identification card, voter registration, property tax documents, or utility bill. For purpose of this chapter, a person may have only one primary residence.

Residential districts: Includes the following districts: A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, or any Planned Development District, which allow residential occupancy defined in Chapter 20.16 of the Code of Ordinances.

Short Term Rental (STR) is defined as “the rental of any residence or residential structure, or a portion of a residence or residential structure for a period of less than 30 days”. The term does not include;

1. a unit that is used for a nonresidential purpose, including an educational, retail, restaurant, banquet space, or event center purpose or other commercial purposes another similar use;
2. a bed and breakfast; or
3. a hotel/residence hotel.
4. Boarding homes (hostel)
5. A place for residence or use as a licensed health care or assisted living facility.
6. Parsonage on the premise of a church, mosque or synagogue

Short-Term Rental Listing Service — means an individual from corporation, association, business or other legal entity that participates in the Short-Term Rental business by facilitating booking or proceeding management services through which an owner may offer Short-Term Rentals to potential guests¹.

Short-Term Rental Permit— A permit issued by the City that allows a person, firm, corporation and those acting in concert with such lawfully rent or offer to rent to a guest.

Single-family residence means as defined in the Code of Ordinances and in this article which includes the following:

¹ Short-Term Rental Listing Services usually, though not necessarily, provide booking services through an online platform that allows an owner to advertise the premises through a website provided by the Short-Term Rental Listing Service and the Short-Term Rental Listing Service conducts a transaction by which potential guests arrange their use and their payment, whether the potential guest pays rent directly to the owner or to the Short-Term Rental Listing Service.

(1) One-family dwelling (detached): A dwelling designed and constructed for occupancy by one family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract; and is located in a single family zoning district identified in Chapter 32 of the Code of Ordinances or planned development district.

(2) One-family dwelling (attached): A dwelling which is joined to another dwelling at one or more sides by a party wall or abutting separate wall and which is designed for occupancy by one family and is located on a platted separate lot, delineated by front, side and rear lot lines located in the R-5, R-6, MF or PD district for each use.

(3) Two-family dwelling: A single structure designed and constructed with two dwelling units under a single roof for occupancy by two families, one in each unit; and

(4) Condominium: The separate ownership of single dwelling units in multiple unit structures with common elements and;

(5) Multi-family dwelling or apartment: Any building or portion of a building, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or place of residence by three or more families living in independent dwelling units.

Sleeping Unit. A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

Transient, Occupancy, of a dwelling unit or sleeping unit for fewer than 30 consecutive days.

21.04. - Short Term rental registration requirements.

A. No person shall advertise, offer rent, lease, sublease, license or sublicense or offer the same, a residential property within the City as a Short Term Rental unless registered in accordance with this Article.

B. Registration shall be made upon forms furnished by the city for such purpose and shall specifically require the following minimum information:

1. Name, address, phone number and e-mail address of the property owner (s) of the Short-Term Rental property.
2. Verification of property ownership.
3. The name, address, e-mail address and 24-hour telephone number of a contact person who is local emergency contact, the owner, operator or designated agent and who shall-be responsible and authorized to respond to complaints concerning-the Short-Term Rental within one hour or less;
4. An acknowledgement that any permit granted under this Article does not supersede any property-specific restrictions against Short-Term Rentals that may exist under law, agreement, lease, private covenantor deed restriction, homeowner association rules or regulation.;
5. A depiction of the floor plan that identifies sleeping areas, proposed maximum number of guests, evacuation routes and location of all fire extinguishers and smoke detectors;
- 6 Site Plan/Survey of the property indicating maximum number of vehicles that can be legally parked on the property, without encroaching onto sidewalks or alleys, other public rights-of-way or public property.
- 7 Zoning classification(s).
- 8 A sworn statement that the owner has met and will continue to comply with all requirements of this Article including, but not limited to, obtaining annual independent inspections of required fire extinguishers in compliance with the current Marshall Fire Code, as amended; and

- 9 Acknowledgement of receipt of a copy of this Article and agreement to comply with all provisions of this article as a condition to receiving and consent to inspection during 8:00am to 5:00pm maintaining a short-term rental permit.

C. Applications shall be considered complete when all documentation required under this Article has been submitted and all permit fees have been paid. Incomplete applications will not be accepted.

D. A permit to operate or maintain a Short-Term Rental is not transferable to another owner, operator, or location.

21.05. - Inspection Required

A. To ensure compliance with the requirements of this Article, a Short-Term Rental may be inspected in the following methods:

1. ***Initial inspection.*** As part of the issuance of a new Short-Term Rental Permit and any **reapplication** thereof, the City may conduct an inspection to verify compliance with this Article.
2. ***Fire extinguishers / Suppression System.*** The owner is responsible for obtaining annual independent inspections of the fire extinguishers or fire suppression system in compliance with the Marshall Fire Code.
3. ***Inspections upon report or suspicion of a violation.*** The City may perform inspections when a violation of this Article or other law is reported or suspected.

B. If only a portion of the premises is offered for rent, then that portion plus shared amenities and points of access shall be inspected.

C. If, upon completion of the inspection, the premises are found to be in violation of one or more provisions of applicable City codes and ordinances, the City shall provide written notice of such violation and shall set a re-inspection date for violation to be corrected prior to its occupancy.

21.06. - Restrictions on Short Term Rental Operation.

A. ***External Signage.*** External on-site or off-site advertising signs or displays indicating the property is s Short Term Rental are forbidden, except for a one (1) square foot façade or window sign that must include the owners name and phone number.

B. ***Limit on occupants allowed.*** No more than two occupants per bedroom, plus no more than two occupants shall be allowed when renting a property as a home share rental, except that:

1. There shall be a maximum occupancy of ten (10) occupants.
2. Bedrooms under 120 square feet shall be limited to only one adult occupant.

C. ***Limits on number of vehicles.*** There shall be a maximum of one car per bedroom, or maximum number of cars that can be accommodated within the garage and driveway, without extending over the public rights of way (alleys and sidewalks) whichever is less.

D. ***Advertisement and contracts.*** Any advertisement of the property as a short term rental and all rental contracts must contain language in bold and different font that specifies the maximum number of occupants and maximum number of vehicles as set forth in this Section.

E. ***Other restrictions.*** It is unlawful for any person to:

1. Operate or allow to be knowingly operated a Short-Term Rental without first registering the property in which the rental is to occur with the City in accordance with this Article;
2. Advertise or offer to rent a Short-Term Rental without having obtained a permit issued for such premises in accordance with this article. Any documented advertisement or offer, shall be considered prima facie evidence of a violation under this article;
3. A licensee or operator may not advertise, promote or allow another to advertise or promote a short-term rental without including:

- (1) the permit number assigned by the City to the short-term rental;
and
 - (2) the applicable occupancy limit for the short-term rental
4. Operate a Short-Term Rental that does not comply with all applicable city and state laws and codes;
5. Operate a Short-Term rental without paying the required hotel occupancy taxes;
6. Offer or allow the use of a Short-Term Rental for the sole or primary purpose of having a party venue;
7. Fail to include a written prohibition against the use of a Short-Term Rental for having a party in every advertisement, listing, or other publication offering the premises for rent.
8. Allow, permit or suffer the use of the Short-Term Rental for the purpose of housing sex offenders; operating a structured sober, recovery or other purpose living home or similar enterprise; selling illegal drugs; selling alcohol or another activity that requires a permit under the Alcoholic Beverage Code; or operating as a sexually oriented business.
9. Rent to a guest who is under the age of twenty-one (21).

21.07. - Brochure and safety features.

A. Informational brochure. Each registrant operating a Short-Term Rental shall file with City and provide to guests a brochure that includes:

1. The registrant's twenty-four (24) hour contact information;
2. The host's twenty-four (24) hour contact information if the property owner is not within the city limits when guests are renting the premises;
3. Pertinent neighborhood information including, but not limited to, parking guidelines restrictions on noise and amplified sound, and trash collection schedules;

4. Information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire and emergency medical services providers and instructions for obtaining severe weather, natural or manmade disaster alerts and updates.

B. ***Safety features.*** Each Short-Term Rental registrant shall provide in the premises working smoke detectors in accordance with adopted codes and at least one working carbon monoxide detector and alarm, and one working fire extinguisher or fire suspension system. The premises shall, otherwise comply with applicable Codes of Ordinance including but not limited to Building Maintenance and Fire Codes.

21.08. - Registration term, fees, and renewal.

A. All registrations approved under this Chapter shall be valid for a period of one year from the date of its issuance.

1. The fees for registration of a Short-Term Rentals shall be included in the City's annually adopted fee schedule:
 - a. The initial registration fee,
 - b. a late fee of twice the established the fee, and
 - c. renewal fee.

B. Upon receipt of an application for re-application of the registration, the director or their designee may deny the registration if there is reasonable cause to believe that:

- 1 The registrant has violated any ordinance of the city, or any state, or federal law on the premises or has permitted such a violation on the premises by any other person; or
2. There are grounds for suspension, revocation, or other registration sanction as provided in this article.

21.09. - Inspections; re-inspections; suspension and revocation of permit.

A. ***Inspections; access.*** The resident owner, nonresident owner, resident manager and property manager, as a condition to the issuance of a short-term rental permit required by this article, shall consent and agree to permit and allow the city's building official or their designee to make the following inspections of the short-term rental when and as needed to ensure compliance with this article:

(1) Right and access to inspect all portions of the premises and structures located on the premises that are not dwelling units, including, but not limited to, all storage areas, detached garages, and swimming pools, upon reasonable advance notice being given to the resident owner, nonresident owner, property manager or resident manager;

(2) Right and access to inspect all unoccupied dwelling units upon giving reasonable notice to resident owner, nonresident owner, resident manager or property manager;

(3) Right and access to inspect all occupied dwelling units when, upon receipt of reliable information, the building official or their designee has reason to believe that violations of the ordinances of the city or state law exist that involve serious threats to life, safety, health and property; and

(4) Before the short-term rental permit and any renewal of the short-term rental permit is approved, and before the rental of any single-family residence as a short-term rental under this article, the resident owner, nonresident owner, resident manager or property manager shall request an inspection and make the single-family residence available for inspection by the building official or their designee. The building official or their designee and the resident owner, nonresident owner, resident manager and property manager shall agree on a reasonable date and time for the requested inspection.

B. ***Admission to premises.*** The building official or their designee may enforce the provisions of this article upon presentation of proper identification to the occupant in charge of the short-term rental and may enter, with the occupant's permission, any short-term rental between the hours of 8:00 a.m. and 5:00 p.m.; provided, however,

that in cases of emergency where extreme hazards are known to exist which may involve imminent injury to persons, loss of life, or severe property damage, the building official or their designee may enter the short-term rental referenced in subsection (a) of this section at any time and upon presentation of identification and the occupant's permission shall not apply. Whenever the building official is denied admission to inspect any short-term rental under this provision, inspection shall be made only under authority of a warrant issued by a magistrate authorizing the inspection.

C. ***Reinspection.*** If any of the inspections authorized by this article require a second reinspection due to noted violations, additional inspection fees shall be assessed and paid prior to the second reinspection.

D. ***Suspension or revocation of permit.*** Failure of an owner to comply with the provisions of this article after receipt of written notice of the violation from the building official or their designee setting out the violations and the time allowed to rectify the violations, the short-term rental permit authorized by this article issued to the owner may be suspended or revoked by the community development department.

E. ***Reinstatement.*** Any person requesting a reinstatement or reissuance of a short-term rental permit that has been suspended or revoked shall be required to apply for and receive a new short-term rental permit issued under this article as a condition precedent to the reissuance or reinstatement of the certificate of occupancy.

21.10.- Revocation/Appeal

A. Permit maybe denied and/or revoked by the City Manager or designee upon a finding by the noncompliance with any provisions of this article or violations of the Chapter 32, Zoning Ordinance, or other applicable city codes.

B. A permit may be suspended for up to 150 days for the following reasons:

1. If found guilty in Municipal Court of two or more violations of The City of Marshall Code ordinances or misdemeanor state penal laws within a twelve month period.

- a. Operating in violation of building, fire, health, or safety codes – based on official investigation and determination – 10-day correction period allowed.
- b. Failure to file or pay applicable sales and lodging taxes.
- c. Failure to pay an annual permit application fee
- d. Failure to apply for an STR permit

C. A permit may be revoked or reapplication denied for up to 1 full year for the following reasons:

1. More than one permit suspension within the past year
2. False or misleading application materials
3. Operation of STR during a suspension
4. Any conditions that would have warranted a denial of permit at the time of application

D. A permit holder may be subject to permanent revocation if there are four violations of this article or other City's safety, health, and welfare ordinances.

1. Operating in violation of building, fire, health, or safety codes – based on official investigation and determination – 10-day correction period allowed.
2. Failure to file or pay applicable sales and lodging taxes.
3. Failure to pay an annual permit application fee
4. Failure to apply for an STR permit
5. False or misleading information contained in the application for permit
6. Operation of STR during a permit suspension

E. The City shall issue a notice of violation of any provision of this article or violations as provided herein. Such notice shall include the date, time and synopsis of the facts surrounding such violation.

F. An applicant or permit holder who wishes to appeal the denial or revocation of a permit under this article, shall file an appeal with the Board of Adjustment within 10 days of notice for reinstatement of a denied or revoked permit.

G. The Board of Adjustment shall conduct an evidentiary hearing, take testimony and receive any documented evidence to determine whether the decision of City Manager or designee should be upheld or overturned.

H. At the hearing, the Board of Adjustment shall receive a testimony and evidence to contest the decision to deny or revoke a permit.

I. The Board of Adjustment upon completion of a hearing, shall grant or deny the appeal.

J. All decision of the Board of Adjustment under this article shall be deemed final.

21.11. – Fees

All fees for registration, inspection or renewal, including any late fees or exemptions, as provided in this article, shall be included in the Fee Schedule adopted by the City Council.

21.12. - Presumption; presentation of documents or affidavit.

A. *Presumption.* It shall be a rebuttable presumption that a single-family residence that is occupied by one or more person(s) who are not the owner is being occupied pursuant to an agreement between the owner and the occupant(s) of the single-family residence wherein the occupant(s) have agreed to lease said residence from the owner.

B. *Presentation of documents or affidavits.* Any resident owner or nonresident owner claiming that the owner is not required to obtain a short-term rental permit pursuant to this article shall, not later than five business days following receipt of a written request of the building official or their designee or, in the case of an appeal filed pursuant to Section 21.11 of this article deliver to the community development department a true and correct copy of any agreements, documents of title, letters of administration, letters testamentary, executory contracts for conveyance (also known as "contracts for deed"), affidavits, or other documents

that establish to the satisfaction of the community development department that a landlord/tenant relationship does not exist between the owner and the occupant(s) of the single-family residence. Unless an extension of the time for delivery of such documents or affidavits is granted by the building official or their designee or city manager, as the case may be, the failure of the owner to present the requested documents within the time provided by this subsection (b) shall result in the presumption described in subsection (a) above, becoming irrefutable.

21.13. – Violations and Penalties

Violation of this ordinance upon conviction shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 3. That all provisions of the Ordinances of the City of Marshall, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 5. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 6. That this ordinance shall take effect on and after publication of its caption, as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Marshall, Texas, this the _____ day of _____, 2024.

APPROVED:

_____, MAYOR ATTEST:

_____, CITY SECRETARY

APPROVED AS TO FORM:

_____, CITY ATTORNEY

AN ORDINANCE OF THE CITY OF MARSHALL, TEXAS

AN ORDINANCE OF THE CITY OF MARSHALL, TEXAS, AMENDING CHAPTER 32 OF THE CODE OF ORDINANCES BY ADDING A NEW ARTICLE 21.02, SHORT TERM RENTALS; PROVIDING FOR REGULATIONS FOR THE REGISTRATION AND USE OF SHORT TERM RENTALS; PROVIDING FOR REGISTRATION, PROVIDING FOR DEFINITIONS; PROVIDING FOR INSPECTIONS; PROVIDING FOR RESTRICTIONS; PROVIDING FOR BROCHURE AND SAFETY REQUIREMENTS; PROVIDING FOR NEIGHBORHOOD NOTIFICATION; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING FEES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

DULY PASSED by the City Council of the City of Marshall, Texas, this the _____ day of _____, 2024.

APPROVED:

_____, MAYOR

ATTEST:

_____, CITY SECRETARY



TO: City Council
DATE: February 8, 2024
ITEM #: 10.C
SUBJECT: Conduct a public hearing and consider an ordinance amending the official zoning map from I-2 (Heavy Industry) to R-6 (Duplex Triplex Quadraplex), location 201 North Allen Blvd. (Public Works)

Recommendation for Action:

Executive Summary:

Budget Cost:

Staff Contact:

- Attachments:**
1. Agenda Item 10C
 2. Agenda Item 10COrd

ORDINANCE NO. _____

An ordinance amending ordinance no. 0-87-13 to rezone a 3.019 acre tract of land being parcel # R000032668, part of outlot 190B northwest, parcel # 000032667 Part of outlot 189 northwest, part of lots 1-2, lots 3-4 Block 11, lots 1-4, 7-8, part of lots 1,2,5 and 6 Blk:10. Parcel # R-000032669 lot 3-4 Block 10 Allen Heights Addition & the closed portion of Katherine St. And Parcel # 000046490 Lots 1-2 block 2 Turney 2ND Addition from I-2 (Heavy Industry) to R-6 (Duplex Triplex Quadraplex) Location 201 North Allen Blvd.

WHEREAS, the City of Marshall enacted zoning on December 13, 1951 and amended said ordinance on July 7, 1963 and on March 26, 1987 repealed and replaced all ordinance with Ordinance No. 0-87-13 amending the Code of Ordinances of the City of Marshall to add Chapter 32 regarding Zoning; and

WHEREAS, a Zoning District Map was adopted as a part of Ordinance No. 0-87-13; and

WHEREAS, Chapter 32, Section 14 of the Code of Ordinances established a procedure for a property owner, his agent, or the City to request zoning district map amendments; and

WHEREAS, the Planning & Zoning Commission, after due and proper notice in the manner and for the length of time required by law, held a public hearing for the purpose of considering proposed changes to the Zoning District Map; and

WHEREAS, after the close of said public hearing and pursuant thereto, the Planning & Zoning Commission filed a written report with the City Council, recommending changes in the Zoning District Map; and

WHEREAS, pursuant to said report and after notice in the manner and for the length of time required by law, the City Council held a public hearing in Marshall, Texas at City Hall on the 8th day of February, 2024, at 6:00 p.m. for the purpose of considering the requested Zoning Map change, and at which hearing all property owners, interested parties, and interested citizens had an opportunity to be heard; and

WHEREAS, the City Council, after considering the proposed changes and after hearing all parties and citizens desiring to be heard, deems that the following changes are necessary and for the best interest of the general welfare of the citizens of the City of Marshall, Texas.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF MARSHALL, TEXAS THAT:

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

Section 2. Rezone a 3.019 acre tract of land being parcel # R000032668, part of outlot 190B northwest, parcel # 000032667 Part of outlot 189 northwest, part of lots 1-2, lots 3-4 Block 11, lots 1-4, 7-8, part of lots 1,2,5 and 6 Blk:10. Parcel # R-000032669 lot 3-4 Block 10 Allen Heights Addition & the closed portion of Katherine St. And Parcel # 000046490 Lots 1-2 block 2 Turney 2ND Addition from I-2 (Heavy Industry) to R-6 (Duplex Triplex Quadraplex) Location 201 North Allen Blvd.

Section 3. All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

PASSED on the 8th day of February, 2024.

AYES: ____

NOES: ____

ABSTAINED: ____

MAYOR OF THE CITY COUNCIL
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

CITY SECRETARY

ORDINANCE NO. _____

An ordinance amending ordinance no. 0-87-13 to rezone a 3.019 acre tract of land being parcel # R000032668, part of outlot 190B northwest, parcel # 000032667 Part of outlot 189 northwest, part of lots 1-2, lots 3-4 Block 11, lots 1-4, 7-8, part of lots 1,2,5 and 6 Blk:10. Parcel # R-000032669 lot 3-4 Block 10 Allen Heights Addition & the closed portion of Katherine St. And Parcel # 000046490 Lots 1-2 block 2 Turney 2ND Addition from I-2 (Heavy Industry) to R-6 (Duplex Triplex Quadraplex) Location 201 North Allen Blvd.

WHEREAS, the City of Marshall enacted zoning on December 13, 1951 and amended said ordinance on July 7, 1963 and on March 26, 1987 repealed and replaced all ordinance with Ordinance No. 0-87-13 amending the Code of Ordinances of the City of Marshall to add Chapter 32 regarding Zoning; and

WHEREAS, a Zoning District Map was adopted as a part of Ordinance No. 0-87-13; and

WHEREAS, Chapter 32, Section 14 of the Code of Ordinances established a procedure for a property owner, his agent, or the City to request zoning district map amendments; and

WHEREAS, the Planning & Zoning Commission, after due and proper notice in the manner and for the length of time required by law, held a public hearing for the purpose of considering proposed changes to the Zoning District Map; and

WHEREAS, after the close of said public hearing and pursuant thereto, the Planning & Zoning Commission filed a written report with the City Council, recommending changes in the Zoning District Map; and

WHEREAS, pursuant to said report and after notice in the manner and for the length of time required by law, the City Council held a public hearing in Marshall, Texas at City Hall on the 8th day of February, 2024, at 6:00 p.m. for the purpose of considering the requested Zoning Map change, and at which hearing all property owners, interested parties, and interested citizens had an opportunity to be heard; and

WHEREAS, the City Council, after considering the proposed changes and after hearing all parties and citizens desiring to be heard, deems that the following changes are necessary and for the best interest of the general welfare of the citizens of the City of Marshall, Texas.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF MARSHALL, TEXAS THAT:

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

Section 2. Rezone a 3.019 acre tract of land being parcel # R000032668, part of outlot 190B northwest, parcel # 000032667 Part of outlot 189 northwest, part of lots 1-2, lots 3-4 Block 11, lots 1-4, 7-8, part of lots 1,2,5 and 6 Blk:10. Parcel # R-000032669 lot 3-4 Block 10 Allen Heights Addition & the closed portion of Katherine St. And Parcel # 000046490 Lots 1-2 block 2 Turney 2ND Addition from I-2 (Heavy Industry) to R-6 (Duplex Triplex Quadraplex) Location 201 North Allen Blvd.

Section 3. All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

PASSED on the 8th day of February, 2024.

AYES: ____

NOES: ____

ABSTAINED: ____

MAYOR OF THE CITY COUNCIL
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

CITY SECRETARY



TO: City Council
DATE: February 8, 2024
ITEM #: 10.D
SUBJECT: Conduct a public hearing and consider an ordinance amending the official zoning map from R-2 (Single Family Detached) to C-2 (Retail Business), location 4300 Victory Drive. (Public Works)

Recommendation for Action:

Executive Summary:

Budget Cost:

Staff Contact:

- Attachments:**
1. Agenda Item 10D
 2. Agenda Item 10DOrd



Agenda Information Sheet

January 8, 2024

B. Z-24-01: Conduct a public hearing and make a recommendation to the City Council regarding a rezoning request for a 1.102 acre tract of land being lots 1 and 2 Block 1 Pinehurst Addition. From R-2(Single Family Detached) to C-2 (Retail Business). Parcel Number R000024249. Location 4300 Victory Drive.

Applicant	Carla Nolan 4300 Victory Drive Marshall Texas 75602
Property Owner	Carla Nolan 4300 Victory Drive Marshall Texas 75602
Surrounding Property Notices	8 Notices Sent within 200 ft of the Site 1 Responses back
Existing Zoning	R-2(Single Family)
Proposed Zoning	C-2 (Retail Business)

Location Map:

Z-24-01



Background & Summary of Request:

The property is currently vacant. The applicant owns four lots. Two of them are currently zoned C-2 (Retail Business) The Applicant is requesting a zoning change so that all four lots are of same zoning.

Pictures of the Site:**Existing Conditions:**

The subject property currently is vacant.

	Zoning Classification	Land Use
North of the Property	PS (Public Service)	Municipal Golf Course
East of the Property	MF(Multifamily)	Residential Apartments
South of the Property	R-2(Single Family)	Residential
West of the Property	C-2(Retail Business)	Residential

Water and sewer service:

6" sewer main along Warren Drive. 6" water main along Warren Drive and a 16" main along Victory Drive

Comprehensive Plan and Future Land Use Analysis:

ORDINANCE NO. _____

An ordinance amending ordinance no. 0-87-13 to rezone a 1.102 acre tract of land being lots 1 and 2 Block 1 Pinehurst Addition. From R-2(Single Family Detached) to C-2 (Retail Business). Parcel Number R000024249. Location 4300 Victory Drive.

WHEREAS, the City of Marshall enacted zoning on December 13, 1951 and amended said ordinance on July 7, 1963 and on March 26, 1987 repealed and replaced all ordinance with Ordinance No. 0-87-13 amending the Code of Ordinances of the City of Marshall to add Chapter 32 regarding Zoning; and

WHEREAS, a Zoning District Map was adopted as a part of Ordinance No. 0-87-13; and

WHEREAS, Chapter 32, Section 14 of the Code of Ordinances established a procedure for a property owner, his agent, or the City to request zoning district map amendments; and

WHEREAS, the Planning & Zoning Commission, after due and proper notice in the manner and for the length of time required by law, held a public hearing for the purpose of considering proposed changes to the Zoning District Map; and

WHEREAS, after the close of said public hearing and pursuant thereto, the Planning & Zoning Commission filed a written report with the City Council, recommending changes in the Zoning District Map; and

WHEREAS, pursuant to said report and after notice in the manner and for the length of time required by law, the City Council held a public hearing in Marshall, Texas at City Hall on the 8th day of February, 2024, at 6:00pm for the purpose of considering the requested Zoning Map change, and at which hearing all property owners, interested parties, and interested citizens had an opportunity to be heard; and

WHEREAS, the City Council, after considering the proposed changes and after hearing all parties and citizens desiring to be heard, deems that the following changes are necessary and for the best interest of the general welfare of the citizens of the City of Marshall, Texas.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF MARSHALL, TEXAS THAT:

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

Section 2. Rezone a 1.102 acre tract of land being lots 1 and 2 Block 1 Pinehurst Addition. From R-2(Single Family Detached) to C-2 (Retail Business). Parcel Number R000024249. Location 4300 Victory Drive.

Section 3. All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

PASSED on the 8th day of February, 2024.

AYES: ____

NOES: ____

ABSTAINED: ____

MAYOR OF THE CITY COUNCIL
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

CITY SECRETARY



TO: City Council
DATE: February 8, 2024
ITEM #: 11.A
SUBJECT: Pavement Management Plan. (Public Works)

Recommendation for Action: Review of presented "Pavement Management Plan and Initial 2024 Street Improvement List.

Executive Summary: The City Engineer and Assistant Director of Public Works will present a draft "Pavement Management Plan" to the City Council explaining our methodology, models and general approach to pavement maintenance within the City limits. We will touch on the initial company that was hired in 2020 to conduct the initial analysis as well as the results of that analysis. We will also be touching on the methods of street improvement and how they affect overall pavement rating and condition as well as future modeling with budgetary impacts.

Budget Cost: \$0

Staff Contact: Eric Powell, PE; Chris Miles

Attachments: 1. COM Pavement Management Program-DRAFT

City of Marshall Texas

Pavement Management Program



Prepared By:

Department of Public Works

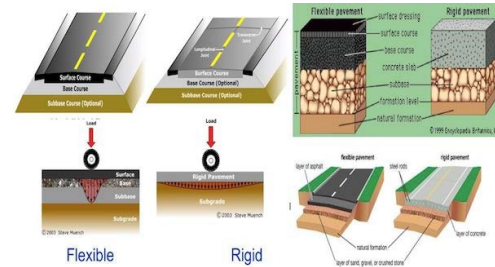
**Eric G. Powell, PE
Director**

February , 2024

1. Introduction

1.1 Pavements – What Are They

- A surface material that transfers load to the underlying soil
- Can be made from gravel, asphalt, concrete, stone, or any other material that will transfer the load.
- Each material has its own engineering properties that require different designs to transfer loads.
- No matter how well the pavement is designed or constructed.....it will fail.
- Pavement distress falls into two main categories:



Weathering Failure



Load Failure

1.2 Pavement Management Program Overview

Pavement management plans are crucial for cities to properly oversee their networks of pavement. These plans help decision makers maximize their limited budgets by implementing the most cost-effective maintenance solutions on every segment of their roads, parking lots, and trails. A good pavement management plan helps decide which roads should receive maintenance, when they should receive it, and what kind of maintenance would be best. Additionally, a pavement management plan must be frequently updated to accurately capture pavement conditions and needs.

It can be complicated deciding how to allocate funds in a network of roads. Fortunately, there are analytical and scientific ways to help cities decide on the best way to use their street maintenance resources. While the process of creating a pavement management plan can seem overwhelming at first, it can be broken down into six steps.

According to the American Public Works Association (APWA):

Pavement management is a systematic method for routinely collecting, storing, and retrieving the kind of decision-making information needed to make maximum use of limited maintenance (and construction) dollars.

Step 1: Assess Inventory

The first step in creating a pavement management plan is to take inventory of all the roads that are to be included in the plan. This usually results in an updated map of all paved streets. Roads can be broken up into numbered segments so each section of pavement can be identified. Taking inventory can also include gathering maintenance records from recent pavement maintenance.

Step 2. Pavement Inspection

Next, gather raw data from the pavement segments in the inventory. To understand the condition of each segment, the present pavement distresses are noted. Walking the streets and visually documenting distresses is one of the most detailed methods of capturing the data. An inspector can provide notes relating to unique distresses, maintenance, and other factors that cannot be captured by simply driving the road.

Step 3. Condition Assessment

Once the raw data is recorded, the condition of a pavement section can be quantified using a single number such as a Pavement Condition Index (PCI) or Overall Condition Index (OCI) value. These numbers are calculated from the amount, type, and severity of the distresses surveyed. Having a segment represented by a single number makes it easier to compare against other segments. An average value condition index of the entire pavement network can be calculated to set budgets and track trends in the city's pavement.

Step 4. Condition Forecasting

Most pavements in a specific area exhibit a common pattern as they age. A standard degradation curve or a custom curve based on historical pavement maintenance tracking can be used to predict the condition of a segment in the future. This is important because pavement degradation is not constant. Knowing when a segment is about to enter a period of steep decline in condition is useful when deciding how to allocate maintenance resources and dollars.

Step 5. Scenario Modeling

Using the current condition information and future condition information, a model can be created to analyze the future of a pavement network. Inputs such as budget, priority segments, preferred maintenance techniques, and construction costs are all variables that can be analyzed as models are created. These factors are dependent on discussions with the city to maximize the pavement conditions and align with a preferred strategy.

Step 6. Capital Improvement Planning

The condition analysis allows cities to create a plan that optimizes pavement condition. Results usually include a list of road maintenance and construction projects that should be completed in each of the upcoming years. Furthermore, letting a computer optimize spending removes the guess work and ensures travelers are getting access to the highest quality roads possible. City

officials can use the work plan to request work from contractors and notify residents of future projects.

While the six fundamental steps of pavement management are outlined above, every city has something that makes them unique.

1.3 *City of Marshall Approach to Create the Plan*

The City of Marshall retained StreetScan in February 2020 to provide Pavement Management Services using Streetlogix's Asset Management Platform. Gathered data was processed and uploaded into their Asset Management platform, Streetlogix, in order to view all assets, perform capital planning and help improve decision-making using advanced algorithms (Steps 1, 2, and 3.)

The initial inventory accounted for approximately **204 paved roadway miles (City ROWs)** and is one component of StreetScan's StreetLogix Platform as displayed on the right. In 2020, StreetScan inherited the City's existing pavement data and worked with the City to update the pavement history and current data for Capital Improvement Planning (CIP) purposes. The original data was updated and configured to match StreetLogix's pavement program standard. StreetScan then conducted its standard pavement management inspections in the Late Winter/Early Spring of 2020 to develop a new baseline for the roadway networks current condition.



StreetScan worked alongside Marshall's Department of Public Works (DPW) to create the City's initial PMP resulting in an average PCI of approximately 55. This is based on the compilation of previous improvements made to the roadway network all the way through the 2019 construction season.

City staff met to identify the goals of the City regarding maintaining roadway network conditions. Based on these discussions, it was clear that the City was committed to improving its roadway network beyond the current PCI average. The goal of the PMP is to serve as the foundation for decision making, by recommending cost effective and timely repair treatments to improve the City's roadway network. It also looks to help the City prioritize those roadways in need of repairs.

1.4 ***Pavement Management Approach***

Pavement Management is the process of managing the life cycle of roadways to maximize the pavement life and to minimize the maintenance costs. This process inventories the streets into maintainable segments followed by a survey to determine the surface condition and rideability. This process helps determine what maintenance practices should be used based on the pavement condition to help maximize the life of the roadway.

As the City of Marshall continues to grow, the number of miles added to the city's roadway system also continues to expand. There was a need to better manage the city's pavement and in 2020 the City of Marshall embarked on improving the pavement management program including updating pavement scores and implementing new software. The City contracted with StreetScan out of Wakefield, Massachusetts to perform an entire scan of all City streets and roadways.

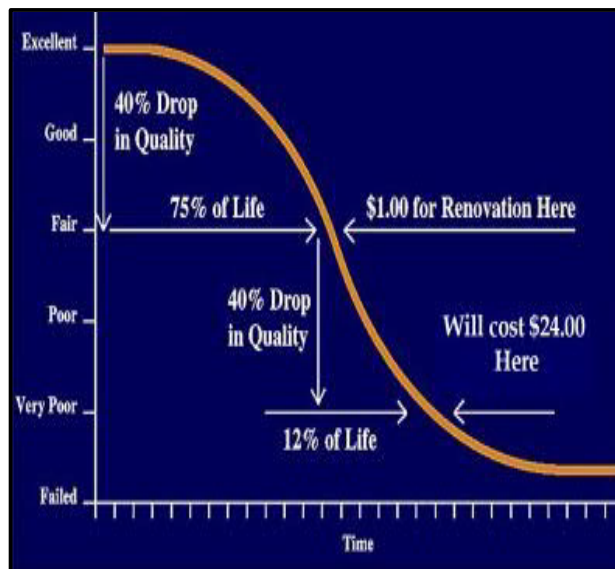
Each city street was evaluated and a Pavement Condition Index (PCI), or Pavement Score, was assigned to each street segment. The PCI considers the smoothness of the roadways and cracks, rutting, utility cuts and potholes in the pavement surface. A street with an PCI of 100 is in excellent condition and needs no repair or treatment. Usually a PCI of 39 or less indicates pavement and road base failure, and a complete reconstruction is required. Estimated PCI scores and ratings are listed in the following table.

ESTIMATED PCI SCORES	RATINGS	LENGTH (MI)
86 – 100	Excellent	24.68
71 - 85	Good	40.72
56 – 70	Fair	40.08
41 – 55	Poor	36.44
26 – 40	Very Poor	57.28
11 – 25	Serious	5.34
0 – 10	Failed	0

The PCI was used as input into the city's pavement management software program and each year this program systematically reduces these scores due to weather, age and traffic, creating the estimated PCI scores. When preventive maintenance is completed on any particular roadway each year, the score on these roadways will be adjusted.

TREATMENT TYPE	THRESHOLD	PCI IMPACT*
Full Depth Reconstruction	0 to 40	100
Major Rehabilitation	41 to 55	85
Minor Rehabilitation	56 to 70	90
Chip Seal	71 to 85	90
Preventative Maintenance	86 to 100	95

* - This represents the new assigned PCI once the treatment type was completed.



Marshall's PMP serves as a data management tool that is utilized to maintain roadway conditions, perform analyses, and suggest appropriate roadway repairs.

The estimated PCI scores will be used to enable the city to prepare a list of roadways for the "preventive maintenance" budget each year. The preventive maintenance budget will consist of work like crack sealing, pothole repairs, base repairs, chip seals, limited overlays, mill and overlays and rehabilitation/reconstruction of roadways.

1.5 *Estimated Overall Condition Index Web Maps*

The web maps listed below show the "Estimated PCI Scores" of each city street and area. Private streets and streets on the TxDOT's system are not given a score.

- [Pavement Scores Map](#)

2. **City Street Improvement and Maintenance Program**

The goal of Marshall's Program is to create an overall plan that will support revitalizing our complete network to achieve and maintain a state of relatively good condition and prevent streets from falling into such a state of disrepair that they must be reconstructed. Preserving a street through a surface seal or similar treatment is four to five times more cost effective than waiting to repair a street until after it requires reconstruction. The following criteria are the basis used by City staff to select streets for preservation or rehabilitation:

1. Engineering-based real time data that identifies the "best value" street needs related to maintenance through various preservation and rehabilitation strategies.
2. Geographic distribution throughout the community that ensures all areas of the City receive benefits from the Program.
3. Existing underground utilities (water/sewer) data will also be used to determine schedule of segment maintenance. For example, we would want to replace any undersized watermains prior to a reconstruction\overlay.
4. Points of Interest\Community Facilities will also be evaluated along a road to determine if the selected segments need to be extended to capture the Community asset such as schools, hospitals or City parks.

"We're no longer guessing—we're making educated real time decisions." – Eric Powell, PE
Public Works Director.

The links below provide additional information on the City's Street Improvement and Maintenance Program. Please note that adjustments to the program may be necessary due to utility coordination and other factors.

- [2023 Street Maintenance Program](#)
- [2023 Street Maintenance Plan Presentation](#)

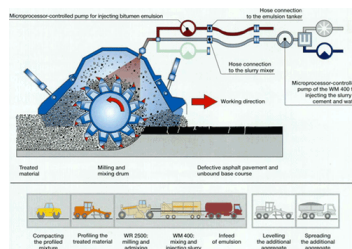
3. Types of Preventative Maintenance Work

- **Crack Sealing:** This work consists of cleaning and sealing the cracks in the pavement with an asphalt sealant to prevent moisture from entering into the flexible base and/or subgrade material. This is the least expensive form of preventive maintenance and typically looks like an "asphalt" spider web placed on the pavement.
- **Pothole Repairs:** This work consists of removing loose material from a small, shallow repair area, applying tack coat to surfaces of these areas, placing the repair material to grade and compacting to conform to the existing roadway surface using mechanical tampers or rollers to achieve full consolidation.
- **Base Repairs:** Since these repairs are much larger and deeper than potholes, this work consists of saw-cutting the repair area and removing the loose, existing asphalt pavement and base material. Once the loose material is cleaned-out, tack coat is applied to surfaces of the repair area and the new material is placed in lifts of no more than 4" deep. The repairs are finished to grade and compacted to conform to the existing roadway surface using rollers. This work is done to repair areas to extend the life of the roadway.
- **Blade Level-up:** This work consists of the placement of a thin layer of asphalt pavement to fill-in areas of the pavement that hold water due to the shifting subgrade. Since standing water can be detrimental to a pavement section over time, it is good to make sure water drains properly.
- **Chip Seals and Limited Overlays:** A chip seal consists of spraying a thin layer of asphalt over the pavement followed by applying a thin layer of small aggregate. Once this is done, a thin hot-mix asphalt pavement overlay (approximately 1" thick) is placed over the chip seal. This is done to waterproof the existing street surface and to increase skid resistance and life of the pavement section.
- **Rehabilitation (Minor\Major):** Pavement rehabilitation is an important part of a pavement management program because it typically creates high public benefit for less cost than completely reconstructing the road. Rehabilitation is about creating a new surface or improving the structural stability of an existing roadway without needing to tear it up completely, typically done 50% to 75% of the way through a road's service life. Pavement rehabilitation may be separated into two main categories: minor rehabilitation and major rehabilitation, sometimes called functional and structural rehabilitation, respectively. Minor rehabilitation activities are typically performed to improve the functional (i.e., smoothness, skid resistance, etc.) condition of a roadway that is otherwise structurally sound. Common minor rehabilitation alternatives for concrete pavements include: diamond grinding and thin overlays. Major rehabilitation typically adds material or replaces existing material to restore the structural capacity of a compromised pavement and can include some minor subbase repairs. For asphalt pavements, a common type of

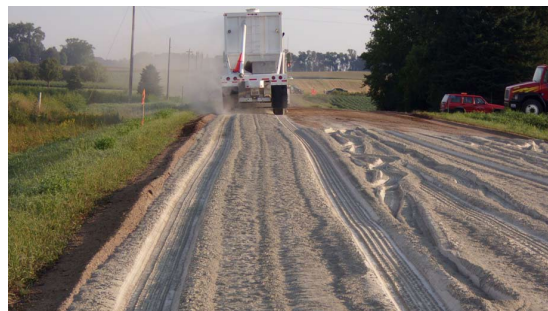
major rehabilitation is a thick asphalt overlay (typically greater than three inches in thickness), which consists of a layer of asphalt being placed on top of an existing pavement. The existing pavement is sometimes patched and milled prior to the application of the overlay to minimize reflection of existing distress through the overlay and to improve bonding between the overlay and the existing pavement.

- **Reconstruction:** When the existing pavement has deteriorated to the point it cannot be repaired or the subgrade has seen a significant failure, we have to reconstruct it. This work consists of reconstructing the entire roadway section, replacing sections of concrete curb if needed and fixing the drainage issues so water drains properly. The process consists of three steps:

1. Step 1 is pulverization where 8" to 10" of roadway and ground and mixed together and then rough graded.



2. Step 2 is the placement of dry Portland Cement which then gets mixed with water and the pulverized material to create the new structural sub-base.



3. The final step is to install a 3" compacted layer of Type D Hot Mix Asphaltic Concrete (HMAC).

APPENDIX A

Summary table of street improvements from 2020 to 2023:

Year	Original Budget	Total Miles Improved	Actual Expended Monies
2020	\$1,500,232	7.15	\$1,562,035
2021	\$1,559,700	7.04	\$1,468,558
2022	\$1,868,000	5.83	\$1,572,547
2023*	\$1,368,000	7.61	\$2,144,517

* - As of the date of this document