

1. 9-8-2022 Agenda (PDF)

Documents:

[9-8-22 AGENDA.PDF](#)

2. 9-8-2022 Agenda Packet (PDF)

Documents:

[9-8-22 AGENDA PACKET.PDF](#)



**CITY OF MARSHALL, TEXAS
REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS, CITY HALL, 401 SOUTH ALAMO
SEPTEMBER 8, 2022, 6:00 P.M.**

This meeting will be conducted utilizing a video and audio conferencing tool, as well as, a standard conference call. Instructions and direct links to view the meeting or speak during Citizen Comment can be found at www.marshalltexas.net.

**AGENDA INFORMATION PACKET IS AVAILABLE FOR THE
PUBLIC TO REVIEW ON THE CITY'S WEB SITE AFTER 8:00 A.M.
ON WEDNESDAY BEFORE THE MEETING AT**

www.marshalltexas.net

1. **CALL TO ORDER AND ROLL CALL**
2. **INVOCATION AND PLEDGES**
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 an 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, or not on, the agenda. Those who wish to speak will have three minutes to do so unless additional time has been requested.

4. **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA**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.

- A. Consider approval of the minutes from the August 25, 2022 Regular meeting.
- B. Consider approval of an ordinance repealing in its entirety Chapter 2 Article II "Records Management" Sections 2-21 through 2-34 of the City of Marshall, Texas Code of Ordinances

and replacing it with Chapter 2 Article II “Records Management” Sections 2-21 through 2-25 and establishing an effective date. (City Secretary)

- C. Consider approval of a proposed amendment allowing consumption of alcoholic beverages within 100 N. Washington Ave. Telegraph Park. (Community Development Director)

6. **PUBLIC HEARING**

- A. Conduct a public hearing on the proposed budget for the 2023 fiscal year and action to adopt the budget or continue consideration of the budget to a future meeting. (City Manager)
- B. Conduct a public hearing on the proposed tax rate of \$0.565201 per \$100 valuation in support of the 2023 Annual Budget of the City of Marshall. (City Manager)

7. **PROCLAMATION**

- A. Proclamation remembering and honoring the fallen heroes from 9/11. (Mayor)

8. **ORDINANCE**

- A. Consider approval of an ordinance to adopt the annual budget of the City of Marshall, Texas for the 2023 fiscal year. (City Manager)
- B. Consider approval of an ordinance affixing and levying 2022 ad valorem taxes for the use and support of the municipal government of the City of Marshall for the 2023 fiscal year at a rate of \$0.565201 per \$100 of property value, *which is effectively a 10.71 percent increase in the tax rate. The tax rate of \$0.565201 will raise more taxes for maintenance and operations than last year’s tax rate.* (City Manager)
- C. Consider approval of an ordinance regarding a proposed amendment allowing Mobile Food Vendors in Downtown Marshall Area. (Community Development Director)

9. **RESOLUTION**

- A. Consider approval of a resolution regarding a proposed amendment updating pricing on permits. (Community Development Director)

10. **CITY MANAGER REPORTS AND REQUESTS FOR CITY COUNCIL CONSIDERATION**

- A. Report regarding needed appointments to the various City boards, commissions and committees. (City Secretary)

11. **CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA**

12. **EXECUTIVE SESSION**

- A. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.072 Deliberation regarding real property: Consider, discuss, and deliberate sale of property.

13. **ACTION ITEMS FOLLOWING EXECUTIVE SESSION, IF NECESSARY**

A. Consider direction to City Staff regarding property discussed in Executive Session.

14. **ADJOURNMENT**

Posted: September 2, 2022
5:00 p.m.
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.



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ITEM 1

CALL TO ORDER AND ROLL CALL

ITEM 2

INVOCATION AND PLEDGES

ITEM 3

CITIZEN COMMENTS

ITEM 4

ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA

ITEM 5A

CONSENT AGENDA

**CONSIDER APPROVAL OF THE
MINUTES FROM THE AUGUST 25, 2022
REGULAR MEETING**

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF MARSHALL
AUGUST 25, 2022
6:00 PM

Mayor Amy Ware called the Regular meeting to order in the Council Chambers, City Hall at 6:00 p.m.

PRESENT:

MAYOR: Amy Ware, District 4

COUNCIL MEMBERS:

Marvin Bonner, District 1	Leo Morris, District 2
Jennifer Truelove, District 3	Reba Godfrey, District 5
Amanda Abraham, District 6	Micah Fenton, District 7

ADMINISTRATIVE STAFF PRESENT:

Terrell Smith, City Manager	Christol Hall, HR Manager
Reggie Cooper, Fire Chief	Cliff Carruth, Police Chief
Dawn Jones, Finance Director	Kim Smith, Senior Accountant
Eric Powell, Public Works Director	
Scott Rectenwald, Acting City Attorney	
Randy Pritchard, Support Services Director	
Daniel Duke, Tourism & Cultural Arts Director	
Garnett Johnson, Community Development Director	

INVOCATION & PLEDGE: Mayor Ware

Councilmember Truelove arrived after the invocation.

188. **CITIZEN COMMENTS**

Donna Adamo, 2570 Garden Oaks, asked the Council to consider repurposing two basketball courts at City Park for pickleball use.

Lori Aksamit Stickley, 1529 Liberty Church Rd., spoke in support of the budget for the Police Department and the Animal Control Officers.

189. **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA**

Item B was removed from the Consent Agenda.

190. **CONSENT AGENDA**

Councilmember Abraham made a motion to approve the Consent Agenda. Councilmember Godfrey seconded the motion, which passed with a vote of 7:0.

A. Consider approval of the minutes from the August 11, 2022 Regular meeting.

PUBLIC HEARING

191. **PUBLIC HEARING ON PROPOSED BUDGET FOR THE 2023 FISCAL YEAR AND ACTION TO ADOPT THE BUDGET OR CONTINUE CONSIDERATION OF THE BUDGET TO A FUTURE MEETING.**

Mayor Ware opened the public hearing.

Donna Adamo, 2570 Garden Oaks Dr., asked the Council to consider an amendment to the budget to include two pickleball courts.

Mayor Ware closed the public hearing.

Dawn Jones, Finance Director, provided information regarding various funds for Fiscal Year 2022.

Councilmembers asked questions and discussed.

Dawn Jones provided information regarding the estimated revenues and expenses for Fiscal Year 2023 budget.

192. PUBLIC HEARING ON THE PROPOSED TAX RATE OF \$0.565201 PER \$100 VALUATION IN SUPPORT OF THE 2023 ANNUAL BUDGET OF THE CITY OF MARSHALL.

Mayor Ware opened the public hearing.

No one came forward to speak.

Mayor Ware closed the public hearing.

CITY MANAGER REPORTS AND REQUESTS FOR CITY COUNCIL CONSIDERATION

193. PRESENTATION OF MARSHALL PET ADOPTION CENTER ANNUAL REPORT.

Cliff Carruth, Police Chief, presented the Marshall Pet Adoption Center Annual Report. Cliff Carruth highlighted information such as the increase in the number of animals adopted or placed with rescue groups, the number of animal transports to other areas in need of pets, events designed to assist local animals.

Cliff Carruth recognized and thanked volunteers and staff for their hard work with the adoption center.

Councilmembers asked questions and discussed.

194. CONSIDER AN EXPENDITURE OF A HIGH DEMAND JOB TRAINING GRANT BY MARSHALL EDC FOR UP TO \$150,000.

Rush Harris, Executive Director MEDCO, provided an update on the previous application for a high demand job training grant, stating it was approved.

Rush Harris asked for approval of an expenditure of a high demand job training grant by Marshall EDC for up to \$150,000 to match a Texas Workforce Commission educational grant to benefit East Texas Baptist University, local Marshall students, and project management professionals working across industry sectors, which has been approved by the Texas Workforce Commission.

Councilmembers asked questions and discussed.

Councilmember Truelove made a motion to approve an expenditure of a high demand job training grant by Marshall EDC for up to \$150,000 to match a Texas Workforce Commission educational grant. Councilmember Godfrey seconded the motion, which passed with a vote of 7:0.

195. **CONSIDERATION OF ITEMS WITHDRAWN FROM THE
CONSENT AGENDA**

This item was removed from the Consent Agenda.

B. Consider approval of transfer of Madi Art by Michelson to East Texas Baptist University.

196. **ADJOURNMENT**

Councilmember Abraham made a motion for adjournment. Councilmember Godfrey seconded the motion, which passed with a vote of 7:0.

APPROVED:

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

ATTEST:

City Secretary

ITEM 5B

CONSENT AGENDA

**CONSIDER APPROVAL OF AN
ORDINANCE REPEALING IN ITS
ENTIRETY CHAPTER 2 ARTICLE II
“RECORDS MANAGEMENT” SECTIONS
2-21 THROUGH 2-34 AND REPLACING IT
WITH CHAPTER 2 ARTICLE II
“RECORDS MANAGEMENT” SECTIONS
2-21 THROUGH 2-25**

MEMORANDUM

To: Terrell Smith, City Manager

From: Nikki Smith, City Secretary

Date: September 2, 2022

Subject: Approval of an ordinance to repeal in its entirety Chapter 2 Article II "Records Management" Sections 2-21 through 2-34 of the City of Marshall, Texas Code of Ordinances and replacing it with Chapter 2 Article II "Records Management" Sections 2-21 through 2-25 and establishing an effective date.

After reaching out to Texas State Library and Archives Commission (TSLAC), we found the Records Management Policy and Officer information needed to be brought up to date. This ordinance ensures compliance with requirements of TSLAC (form SLR508), adopts the records control schedules provided by TSLAC and updates the Records Management Officer (form SLR504).

Ordinance _____

AN ORDINANCE REPEALING IN ITS ENTIRETY CHAPTER 2 ARTICLE II “RECORDS MANAGEMENT” SECTIONS 2-21 THROUGH 2-34 OF THE CITY OF MARSHALL, TEXAS CODE OF ORDINANCES AND REPLACING IT WITH CHAPTER 2 ARTICLE II “RECORDS MANAGEMENT” SECTIONS 2-21 THROUGH 2-25 AND ESTABLISHING AN EFFECTIVE DATE FOR SUCH ORDINANCE.

WHEREAS, the Texas Local Government Records Act (Title 6, Subtitle C, Local Government Code), provides that each local government must establish an active and continuing records management program; and the City of Marshall desires to adopt a plan to prescribe policies and procedures consistent with the Local Government Records Act and in the interests of cost-effective and efficient recordkeeping; and

WHEREAS, the City Council of Marshall wishes to repeal Chapter 2 Article II Sections 2-21 through 2-34 of the Code of Ordinances entitled “Records Management” and replace it with Chapter 2 Article II Sections 2-21 through 2-25 entitled “Records Management”.

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

Section 1. That the findings set out in the preamble of this ordinance are hereby in all things approved.

Section 2. The City Council for the City of Marshall, Texas hereby repeals Chapter 2 Article II Section 2-21 through 2-34 of the Code of Ordinances.

Section 3. The City Council for the City of Marshall hereby adopts the following provisions of Chapter 2 Article II, Sections 2-21 through 2-25 :

“Sec. 2-21. DEFINITION OF RECORDS OF THE CITY OF MARSHALL. All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information-recording media, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by the **City of Marshall** or any of its officers or employees pursuant to law or in the transaction of public business, are declared to be the records of the **City of Marshall** and shall be created, maintained, and disposed of in accordance with the provisions of this ordinance or procedures authorized by it and in no other manner.

Sec. 2-22. RECORDS DECLARED PUBLIC PROPERTY. All records as defined in Sec. 1 of this plan are declared to be the property of the **City of Marshall**. No official or employee of the **City of Marshall** has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.

Sec. 2-23. POLICY. It is declared to be the policy of the **City of Marshall** to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all records of this office through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition, consistent with the requirements of the Local Government Records Act and accepted records management practice. This policy shall apply to all employees, agents, independent contractors, and volunteers of the City of Marshall.

Sec. 2-24. RECORDS MANAGEMENT OFFICER. The City Secretary will serve as Records Management Officer for the **City of Marshall** as provided by law and will develop policies and procedures to ensure that the maintenance, preservation, security, destruction, electronic storage, and other disposition of the records of this office are carried out in accordance with the requirements of the Local Government Records Act.

Sec. 2-25. RECORDS CONTROL SCHEDULES. Appropriate records control schedules issued by the Texas State Library and Archives Commission shall be adopted by the Records Management Officer for use in **City of Marshall**, as provided by law. The Records Management Officer shall prepare amendments to the schedules as needed to reflect new records created or received by this office, or revisions to retention periods established in a records retention schedule issued by the Commission. Any destruction of records of the **City of Marshall** will be in accordance with these schedules and the Local Government Records Act.”

Section 4. That the meeting at which this ordinance was passed was conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

Section 5. That all other prior ordinances or portions of ordinances of the City of Marshall in conflict with the terms and provisions of this ordinance are hereby repealed to the extent of such conflict only.

Section 6. That if any section, paragraph, subdivision, clause, phrase, or provision of this ordinance is hereafter determined to be invalid or in violation of the laws of the State of Texas or the Constitution of the United States by of court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Council of the City of Marshall that all other terms and provisions of this ordinance not affected shall remain in full force and effect.

Section 7. That this ordinance shall be effective from and after its passage.

PASSED, APPROVED AND ADOPTED ON THIS _____ DAY OF _____, 2022.

AYES: _____

NAYES: _____

ABSTAINED: _____

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

ATTEST:

Nikki Smith, City Secretary

ITEM 5C

CONSENT AGENDA

**CONSIDER APPROVAL OF A PROPOSED
AMENDMENT ALLOWING
CONSUMPTION OF ALCOHOLIC
BEVERAGES WITHIN 100 N.
WASHINGTON AVE. TELEGRAPH PARK**

Ordinance _____

AN ORDINANCE OF THE CITY OF MARSHALL AMENDING PROVISIONS OF THE CODE OF ORDINANCES RELATING TO PROHIBITION OF ALCOHOL IN CITY PARKS; PROVIDING FOR PENALTIES; PROVIDING FOR PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE FOR SUCH ORDINANCE.

WHEREAS, the City Council of Marshall desires to grow and promote the businesses in its downtown areas, specifically the restaurants and bars in that area; and

WHEREAS, the City Council has determined that in order to promote the economic growth of its Downtown area, a need exists to revise its ordinance concerning alcohol in its public parks; and

WHEREAS, the City Council of Marshall wishes to amend Chapter 21A of the Code of Ordinances entitled “Parks and Recreation” and specifically Sec. 21A-3 entitled “Alcohol prohibited in city parks”

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

Section 1. That the findings set out in the preamble of this ordinance are hereby in all things approved.

Section 2. That Chapter 21A of the Code of Ordinances entitled “Parks and Recreation” and specifically Sec. 21A-3 entitled “Alcohol prohibited in city parks” shall be amended to read as follows:

“ Sec. 21A-3. - Alcohol prohibited in city parks. Exceptions.

(a) It shall be unlawful for any person to contain or consume alcoholic beverages within any city park or park facility, including parking lots or public right-of-ways adjacent to city parks, save and except as set forth in paragraph (b) .

(b) The prohibition contained in section (a) of this ordinance shall not apply to the following parks:

Telegraph Park, located at the intersection of the North Washington Street and the Harrison County Square.

(c) Any person found violating this section shall be guilty of an infraction, punishable by a fine not to exceed five hundred dollar (\$500.00).”

Section 3. That the meeting at which this ordinance was passed was conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

Section 4. That all other prior ordinances or portions of ordinances of the City of Marshall in conflict with the terms and provisions of this ordinance are hereby repealed to the extent of such conflict only.

Section 5. That the repeal of any ordinance or portion of any ordinance by this ordinance shall not affect the validity of any pending enforcement action or fines outstanding and due and payable on or before the effective date of this ordinance.

Section 6. That if any section, paragraph, subdivision, clause, phrase, or provision of this ordinance is hereafter determined to be invalid or in violation of the laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Council of the City of Marshall that all other terms and provisions of this ordinance not affected shall remain in full force and effect.

Section 7. That this ordinance shall be effective from and after its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED ON THIS _____ DAY OF _____,
2022.

AYES: _____

NOES: _____

ABSTAINED: _____

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

ATTEST:

Nikki Smith, City Secretary

ITEM 6A

PUBLIC HEARING

**CONDUCT A PUBLIC HEARING ON THE
PROPOSED BUDGET FOR THE 2023
FISCAL YEAR AND ACTION TO ADOPT
THE BUDGET OR CONTINUE
CONSIDERATION OF THE BUDGET TO A
FUTURE MEETING**

MEMORANDUM

To: Members of the City Council

From: Terrell Smith, City Manager

Date: September 2, 2022

Subject: Public Hearing on proposed budget for 2023 fiscal year and action to adopt the budget or continue consideration of budget to a future meeting

Both the City Charter and the Local Government Code of the State of Texas require that a public hearing be held on the proposed budget for the upcoming fiscal year. This hearing has been placed on the agenda to comply with the requirements.

ITEM 6B

PUBLIC HEARING

**CONDUCT A PUBLIC HEARING ON THE
PROPOSED TAX RATE OF \$0.565201 PER
\$100 VALUATION IN SUPPORT OF THE
2023 ANNUAL BUDGET OF THE CITY OF
MARSHALL**

MEMORANDUM

To: Members of the City Council

From: Terrell Smith, City Manager

Date: September 2, 2022

Subject: Public Hearing on the Proposed Tax Rate of \$0.565201 per \$100 Valuation in Support of the 2023 Annual Budget of the City of Marshall

A tax rate of \$0.565201 per \$100 valuation has been proposed for adoption by the governing body of City of Marshall. This rate exceeds the lower of the no-new-revenue or voter-approval tax rate, and state law requires that a public hearing be held by the governing body before adopting the proposed tax rate.

PROPOSED TAX RATE	\$0.565201 per \$100
PRECEDING YEAR'S TAX RATE	\$0.567160 per \$100
NO-NEW-REVENUE TAX RATE	\$0.509537 per \$100
VOTER-APPROVAL TAX RATE	\$0.604229 per \$100

The no-new-revenue tax rate is the tax rate for the 2022 tax year that will raise the same amount of property tax revenue for City of Marshall from the same properties in both the 2021 tax year and the 2022 tax year.

The voter-approval tax rate is the highest tax rate that City of Marshall may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the voter-approval rate.

The public is urged to attend and express views on the proposed tax rate.

ITEM 7A

PROCLAMATION

PROCLAMATION REMEMBERING AND HONORING THE FALLEN HEROES FROM 9/11

PROCLAMATION



WHEREAS, The Harrison County ESD 3 Fire Rescue has invited the community to attend the annual 9/11 Memorial Stair Climb; and

WHEREAS, The climb will be hosted by ETBU at their Marshall Grand Nursing School downtown on the square the morning of Saturday, September 10; and

WHEREAS, The event will start promptly at 9:03 AM (the time Flight 175 struck the World Trade Center Tower 2); and

WHEREAS, Climbers will make multiple trips and ascend ETBUS's Marshall Grand external fire escape equivalent to 78 floors, the highest anyone got on 9/11/01.

NOW THEREFORE, I, Mayor Amy Ware, along with our entire community, would like to honor and remember our fallen heroes from 9/11.

WE CLIMB BECAUSE THEY CLIMBED!

Amy Ware, Mayor
City of Marshall, Texas

ITEM 8A

ORDINANCE

**CONSIDER APPROVAL OF AN
ORDINANCE TO ADOPT THE ANNUAL
BUDGET OF THE CITY OF MARSHALL,
TEXAS FOR THE 2023 FISCAL YEAR**

M E M O R A N D U M

To: Terrell Smith, City Manager

From: Dawn Jones, Finance Director

Date: August 29, 2022

Subject: Approval of an ordinance to adopt the Annual Budget for the City of Marshall,
Texas for the 2023 fiscal year

The ordinance appropriates funds for the support of the City of Marshall for the fiscal year beginning January 1, 2023 and ending December 31, 2023. It also provides for the adoption of the 2023 Annual Budget.

The ordinance also appropriates money to a sinking fund to pay interest and principal due on the City's bond issues.

ORDINANCE NO. _____

AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF MARSHALL, TEXAS, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023 AND ENDING DECEMBER 31, 2023; APPROPRIATING MONEY TO A SINKING FUND TO PAY INTEREST AND PRINCIPAL DUE ON THE CITY’S INDEBTEDNESS; AND ADOPTING THE ANNUAL BUDGET OF THE CITY OF MARSHALL, TEXAS, FOR THE 2023 FISCAL YEAR.

WHEREAS, the budget, as presented in Section 1 below, for the fiscal year beginning January 1, 2023 and ending December 31, 2023 was duly presented to the City Council by the Finance Director and a public hearing was ordered by the City Council and said notice was published in the Marshall News Messenger and said public hearing was held according to said notice; now, therefore,

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

SECTION 1

THAT the appropriations for the fiscal year beginning January 1, 2023 and ending December 31, 2023 for the support of the City of Marshall, Texas, be fixed and determined for said term in accordance with the expenditures shown in the City’s fiscal year 2023 budget, as detailed below:

<u>FUND</u>	<u>TOTAL BUDGETED EXPENDITURES</u>
General Fund	\$ 25,250,425
Water & Sewer Enterprise Fund	<u>\$ 9,383,693</u>
Sub-Total -- Operating Budget	\$ 34,634,118
Structural Modification Fund	\$ 166,000
Debt Service Funds	\$ 1,093,185
Hotel/Motel Occupancy Tax Fund	\$ 1,001,366
Municipal Court Tech Fund	\$ 8,200
Litter Control Fund	\$ 12,400
Reserve Fund – Water & Sewer Fund	\$ 400,000
Wonderland of Lights Fund	\$ 223,300
Fleet Management Fund – General Fund	\$ 541,019
Adoption Center	\$ 2,875
Street Improvement Fund	\$ 1,368,000
Emergency Medical Services – ESD	\$ 300,000
Municipal Drainage Utility Fund	\$ 381,411
Library Consolidated	\$ 22,500
CDBG Grant	\$ 350,154
Coronavirus Fiscal Recovery Grant	\$ 4,735,000
Total Budget	<u>\$ 45,239,528</u>

SECTION 2

THAT the budget, as shown in words and figures in Section 1, is hereby approved in all respects and adopted as the City’s budget for fiscal year beginning January 1, 2023 and ending December 31, 2023.

PASSED, APPROVED, AND ADOPTED this, the 8th day of September, 2022.

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

Total Ayes: _____
Total Nays: _____
Total Abstain: _____
Total Absent: _____

APPROVED:

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

ATTEST:

NIKKI SMITH
CITY SECRETARY

ITEM 8B

ORDINANCE

**CONSIDER APPROVAL OF AN
ORDINANCE AFFIXING AND LEVYING
2022 AD VALOREM TAXES FOR THE USE
& SUPPORT OF THE MUNICIPAL
GOVERNMENT OF THE CITY OF
MARSHALL FOR THE 2023 FISCAL YEAR
AT A RATE OF \$0.565201 PER \$100 OF
PROPERTY VALUE**

MEMORANDUM

To: Terrell Smith, City Manager

From: Dawn Jones, Finance Director

Date: August 29, 2022

Subject: Approval of an Ordinance Affixing and Levying Ad Valorem Taxes for 2022 for Use and Support of the Municipal Government of the City of Marshall for the 2023 Fiscal Year

This ordinance provides for levying ad valorem taxes for 2022 for the use and support of the municipal government for the 2023 fiscal year at a rate of \$0.565201 per \$100 of property value, *which is effectively a 10.71 percent increase in the tax rate.* **The tax rate of \$0.565201 will raise more taxes for maintenance and operations than last year's tax rate. The tax rate will effectively be raised by 10.71 percent and will raise taxes for maintenance and operations on a \$100,000 home by approximately \$2.32.**

It also provides for apportioning each levy for operations and bond indebtedness.

Note:

Should the Council choose to approve this ordinance, the motion to adopt the Ordinance must be made in the following form:

"I move that the property tax rate be increased by the adoption of a tax rate of \$.0.565201, which is effectively a 10.92 percent increase in the tax rate."

ORDINANCE NO. _____

AN ORDINANCE LEVYING AD VALOREM TAXES FOR 2022 AT A RATE OF \$0.565201 PER \$100 OF ASSESSED VALUATION ON ALL TAXABLE PROPERTY FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF MARSHALL, TEXAS, FOR THE 2023 FISCAL YEAR; AND PROVIDING FOR APPORTIONING EACH LEVY FOR SPECIFIC PURPOSES.

WHEREAS, the City of Marshall is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Marshall, Texas (hereinafter referred to as the “City”) hereby finds that the tax for the fiscal year beginning January 1, 2023 and ending December 31, 2023, hereinafter levied for maintenance and support of the general government and for the interest and sinking fund must provide for the requirements of the budget for this fiscal year; and

WHEREAS, the City Council has approved the budget for the fiscal year beginning January 1, 2023, and ending December 31, 2023; and

WHEREAS, notice of the no-new-revenue tax rate calculations for the tax year 2022 for the City of Marshall, Texas was heretofore published in accordance with law; and

WHEREAS, this year’s levy to fund maintenance and operations expenditures does exceed last year’s maintenance and operations tax levy; and,

WHEREAS, this tax rate will raise more taxes for maintenance and operations than last year’s tax rate. The tax rate will effectively be raised by 10.71 percent and will raise taxes for maintenance and operation on a \$100,000 home by approximately \$2.32.

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

Section 1.

All of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

Section 2.

The real and personal property tax appraisal rolls as certified by the Chief Appraiser of the Harrison Central Appraisal District to the City Council for the 2022 property tax year, be and are hereby accepted.

Section 3.

That there is hereby levied and there shall be collected for the use and support of the municipal government of the City of Marshall, Texas, and to provide an Interest and Sinking Fund for the 2022 tax year, upon all property, real, personal, and mixed, within the corporate limits of said City subject to taxation, a tax of \$0.565201 on each \$100 valuation of property, said tax being so levied and apportioned to the specific purposes here set forth;

- 1. For the maintenance and support of the general government, \$0.476412 on each \$100 valuation of property; and
- 2. For the interest and sinking fund, \$0.088789 on each \$100 valuation of property as follows:

<u>BOND ISSUE</u>	<u>TAX RATE PER \$100 VALUATION</u>
GENERAL OBLIGATION REFUNDING, SERIES 2016	\$0.036715
GENERAL OBLIGATION REFUNDING, SERIES 2019	\$0.009941
COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2017	\$0.009078
COMBINATION TAX AND LIMITED SURPLUS REVENUE TAX NOTES, SERIES 2019	\$0.011045
COMBINATION TAX AND LIMITED SURPLUS REVENUE TAX NOTES, SERIES 2020	<u>\$0.022010</u>
TOTAL	<u>\$0.088789</u>

Section 4.

That the taxes levied under this ordinance shall be for the use and support of the municipal government of the City of Marshall, Texas, for the fiscal year January 1, 2023 through December 31, 2023.

Section 5.

That taxes levied under this Ordinance are due January 31, 2023, and if not paid on or before February 1, 2023, shall immediately become delinquent.

Section 6.

That the following exemptions from taxation by the City of Marshall shall apply:

- a) 20% homestead exemption
- b) 65 year old exemption in an amount of \$12,500
- c) Disabled Veteran exemption
- d) Disabled person homestead exemption in an amount of \$12,500
- e) Exempt properties

Section 7.

That all taxes shall become a lien upon the property against which assessed, and the assessor and collector for the City of Marshall, Texas, is hereby authorized and empowered to enforce the collection of such taxes according to the Constitution and laws of the State of Texas and ordinances of the City of Marshall, Texas. All delinquent taxes shall bear interest and penalty from date of delinquency at the rate as prescribed by state law.

Section 8.

That this Ordinance shall take effect and be in force from and after its passage and publication as required by law.

PASSED, APPROVED, AND ADOPTED this, the 8th day of September, 2022.

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

APPROVED:

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

ATTEST:

NIKKI SMITH
CITY SECRETARY

ITEM 8C

ORDINANCE

**CONSIDER APPROVAL OF AN
ORDINANCE REGARDING A PROPOSED
AMENDMENT ALLOWING MOBILE
FOOD VENDORS IN DOWNTOWN
MARSHALL AREA**

Ordinance _____

**AN ORDINANCE OF THE CITY OF MARSHALL AMENDING PROVISIONS OF THE
CODE OF ORDINANCES RELATING TO FOOD AND FOOD ESTABLISHMENTS;
PROVIDING FOR PENALTIES; PROVIDING FOR PUBLICATION AND
ESTABLISHING AN EFFECTIVE DATE FOR SUCH ORDINANCE.**

WHEREAS, the City Commission of Marshall wishes to amend in its entirety Chapter 13A of the Code of Ordinances entitled “Food and Food Establishments”.

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

Section 1. That the findings set out in the preamble of this ordinance are hereby in all things approved.

Section 2. Amendment to Chapter 13A of the Code of Ordinances:

“Chapter 13A FOOD AND FOOD ESTABLISHMENTS

ARTICLE I. IN GENERAL

Sec. 13A-1 Adoption of Texas Food Establishment Rules.

Texas Food Establishment Rules adopted. The city adopts by reference the provisions of the **most** current rules or rules as amended by Texas Department of State Health Services (TX DSHS, Division found in 25 Texas Administrative Code, Chapter 228, regarding the regulation of food establishments in this jurisdiction.

Sec. 13A-2. Permits, inspections, fees and exemptions.

- (a) *Permit required.* A person may not operate a food establishment without a permit issued by the regulatory authority. Permits are not transferable from one (1) person to another or from one (1) location to another location. A valid permit must be posted in or on every food establishment regulated by this section.
- (b) *Application process.* Any person desiring to operate a food establishment must make a written application for a permit on forms provided by the Authority Having Jurisdiction (AHJ). The application must contain the name and address of each applicant, the location and type of the proposed food establishment and the applicable fee. An incomplete application will not be accepted. Failure to provide all required information, or falsifying information required may result in denial or revocation of the permit. Renewals are required on an annual basis and the same information is required for a renewal permit as for an initial permit.
- (c) *Inspection required.* Prior to the approval of an initial permit or the renewal of an existing permit, the Authority Having Jurisdiction (AHJ) shall inspect the proposed food establishment to determine compliance with state regulations and this section. A food establishment that does not comply with state regulations or this section will be denied a permit or renewal of a permit. Denial of access to the regulatory authority shall be cause for suspension or revocation of the food establishment permit.
- (d) *Proof of pest control.* Each food establishment must have regular pest control inspections completed by a licensed pest control company at a minimum of every six (6) months. At the time of all renewal permit inspections, a copy of the most recent pest control report must be provided to the AHJ. Failure to do so will result in denial of a renewal permit.

- (e) *Inspection scoring.* All food establishments shall be inspected and scored uniformly using an official inspection form, as provided by the Texas Department of State Health Services. The score of each food establishment shall be determined by the regulatory authority using the scoring method provided on the inspection form. Establishments scoring below seventy (70) percent will be closed until such time that a re-inspection is made and all corrective action on all identified critical violations is complete. Corrective action on all other violations must be initiated within forty-eight (48) hours. The establishment shall remain closed until reopened by the health authority.
- (f) *Posting of inspection score cards.* The AHJ will provide the food establishment with a score card at the completion of each inspection. The score card shall be posted in a conspicuous place, so as to be clearly visible to the general public and to patrons entering the establishment. "Clearly visible to the general public and patrons" shall mean:
 - (1) Posted in the front window of the establishment within five (5) feet of every public entrance;
 - (2) Posted in a location as directed and determined at the discretion of the AHJ to ensure proper notice to the general public and to patrons; and/or
 - (3) In the event that a food establishment is operated in the same building or space as a separately licensed or permitted business, or in the event that a food establishment shares a common patron entrance with such a separately licensed or permitted business, or in the event of both, the AHJ shall post the score card in the initial patron contact area, or in a location as determined in the discretion of the AHJ.
- (g) *Fees.* All fees associated with this section shall be approved by the city commission on the city's master fee schedule kept on file in the AHJ office.

Sec. 13A-3. Review of plans.

Review required. Whenever a food establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a food establishment, properly prepared plans and specifications for such construction, remodeling or conversion shall be submitted to the regulatory authority for review prior to work starting. Extensive remodeling means that twenty (20) percent or greater of the area of the food establishment is to be remodeled. The plans and specifications shall indicate the proposed layout, equipment arrangement, mechanical plans and construction of materials of work areas, and the type and model of proposed fixed equipment/facilities. The plans and specifications will be approved by the regulatory authority if they meet the requirements of the rules adopted by this chapter. The approved plans and specifications must be followed in construction, remodeling or conversion. Failure to follow the approved plans and specifications will result in a permit denial, suspension, or revocation.

Sec. 13A-4. Food manager qualification.

Every food establishment shall have on duty at all times when open at least one (1) manager or person left in charge who holds a food protection manager certificate by an accredited agency which is recognized by the conference for food protection standards.

Sec. 13A-4. Temporary food establishments.

- (a) *Generally.* A temporary food establishment shall comply with all provisions of this chapter which are applicable to its operation; provided, that the health authority may augment such requirements when needed to assure the service of safe food, may prohibit the sale of certain potentially hazardous food, and may modify specific requirements for physical facilities when in his opinion no imminent health hazard will result.

- (b) *Permits.* Application for permits must follow the applicable requirements laid out in this section in addition, all temporary food establishment permits shall be submitted two (2) weeks prior to the event needing the permit.

Sec. 13A-5. Mobile food vendors.

- (a) *Mobile food vendor defined.* A mobile food vendor shall mean any business which sells edible goods from a non-permanent (i.e. mobile) location. The term shall include, but not limited to:
 - (1) *Mobile food trucks:* A self-contained motorized unit selling items defined as edible goods.
 - (2) *Mobile food carts:* Mobile vending units that must be moved by non-motorized means.
 - (3) *Mobile Food trailers:* A vending unit which is pulled by a motorized unit and has no power to move on its own.
 - (4) Mobile food trucks, carts or trailers that are utilized for private catering events are exempt from the rules provided in this section.
- (b) *Rules compliance.* All mobile food vendors shall comply with the most recent version of Texas Administrative Code, Title 25, Chapter 228 - Texas Food Establishments Rules (TFER), the International Fire Codes, the standards promulgated by the National Fire Protection Association, and the rules and regulations promulgated by the Texas Commission on Environmental Quality, and Texas Water Code.
- (c) *Permit.* All mobile food vendors must receive a permit and be inspected as described in section 13A-2 of this chapter.
- (d) *Location.* All mobile food vendor units shall be parked on a commercially zoned lot and not located on a residentially zoned property. A mobile food vendor shall be located on private property with the property owner's written permission. No mobile food vendor may be located within twenty-four (24) feet of the property line of fixed-location food service establishment during the fixed location's regular business hours. This buffer may be reduced upon receiving written permission from said establishment. All Mobile food vendor units shall be self-sustainable. Shared resources may only be used when approved by AHJ
- (e) *Stationary restrictions.* "Stationary Location "is defined as the location of the mobile food unit when not in motion and when set up and arranged for the purpose of making sales to the public. A mobile food vendor shall not be at a stationary location for a period exceeding ten (10) hours per location per day, in congested areas where the operation of the mobile food unit impedes vehicular or pedestrian traffic, where it impedes access to the entrance of any adjacent building or driveway, or In public parking spaces, except downtown between the operating hours of 5:30 p.m. to 11:00 p.m. Monday through Friday, 8:00 a.m. to 11:00p.m on Saturday and 10:00 a.m. to 8:00 p.m. on Sunday in areas that are designated and approved by the City of Marshall's Authority Having Jurisdiction.

The boundaries of downtown are defined for this section as:

- a. North of Travis Street.
 - b. South of Grand Avenue (US Hwy 80).
 - c. East of Grove Street.
 - d. West of Alamo Boulevard.
- (6) Exemptions for stationary location:
- a. Mobile food units may remain at stationary location only if the point of sale is located at the mobile unit's permitted commissary kitchen.

b. Mobile food units may remain at a stationary location if the mobile unit is permitted and has been approved under a special event permit by the City of Marshall's AHJ.

- (f) *Waste.* Each unit shall be equipped with a trash receptacle with lid to prevent windblown litter and shall be disposed of in accordance with the city's solid waste ordinance. If liquid waste results from food processing of a mobile food vendor, the waste shall be contained in a permanently installed tank located on the vending unit. Liquid waste, solid waste, and recyclables shall be removed from a mobile vendor unit at a disposal site approved by the city or by a city permitted waste transporter. Removal of waste shall be in a manner that a public health hazard or nuisance is not created.
- (g) *Life & Fire safety.* The Fire Marshal's Office is authorized to conduct all inspections necessary to determine the extent of compliance with the provisions of this ordinance at any time. The city adopts by reference the following excerpts of the **most** current International Code Council and National Fire Protection Association Resources as noted: IFC, IBC, NFPA 1, NFPA 58, NFPA 70, and NFPA 96 regarding the regulation of Mobile Food Units in this jurisdiction.

(1) Requirements for Mobile Food Units using Liquid Petroleum Gas (LPG):

- (a) A mobile food unit shall keep and make available for inspection a valid invoice from a Licensed Plumber indicating an annual pressure/ gas test has been successfully completed. This will be required for initial permitting in addition to ongoing permit renewal.
- (b) LPG piping shall be of an approved, labeled and listed type for use with the cooking appliances. Rubber type hoses shall not be allowed. All piping shall be in accordance with the most recently published NFPA 58 and shall be protected against physical damage.
- (c) Mobile food units using LPG shall have a LPG tank having a maximum capacity of 200 gallons ~~LPG~~ located in an ASME motor fuel cylinder within a vented compartment and located in front of the rear bumper and behind the front axle.
- (d) Food trailer- Maximum of 200 gallons LPG located outside, but mounted upon the trailer in a protected location, must be mounted in front of the rear bumper in an open or vented compartment.
- (e) LPG cylinders shall not exceed 100 pounds.
- (f) LPG cylinders shall have an approved label and listed shut-off valve.
- (g) All LPG cylinders shall be protected from damage and secured with a solid bracket.
- (h) The storage of LPG cylinders inside trucks and/ or trailers during hours of operation is prohibited.
- (i) All valves must be turned off when appliances/ cylinders are not in use and during transport.
- (j) "No Smoking" signs shall be posted. Additionally, the signage should be visible near any propane containers.

(2) Electrical requirements for Mobile Food Units:

- (a) Extension cords shall not be utilized, nor are they a substitute for permanent wiring.
- (b) An appropriate sized power supply cord with corresponding connections will be allowed. The cord will be sized according to the vehicle's electrical demands.
- (c) Appliances shall be plugged directly into electrical outlets.
- (d) All electrical outlets within six feet of a wet location shall be ground fault circuit interrupter (GFCI)

protected. All exterior outlets shall be GFCI protected.

- (e) Generators shall be mounted on or placed in approved locations on the mobile unit. Generators are not to be placed on the ground without prior authorization from AHJ.

(3) Mobile Food Unit Fire Extinguishers and Suppression System Requirements:

- (a) Food Units which perform cooking operations that produce grease laden vapors shall be provided with a Type I hood with ventilation.
- (b) Type I hoods shall be protected by a UL 3200 or UL 300A fixed fire extinguishing system.
- (c) A Biannual system inspection is required for all fire suppression systems by a Texas licensed fire suppression company.
- (d) All cooking surfaces and hoods are to be kept clean to prevent grease build-up.
- (e) All fire extinguishers require an annual inspection by a Texas licensed fire extinguisher company. Required extinguishers must be properly mounted and readily accessible.
- (f) At least one portable extinguisher of the 2A10BC rating shall be accessible to the interior of the food truck/trailer.
- (g) Units utilizing oil/grease fryers are required to have a Class K fire extinguisher on the unit.

(4) Mobile Food Unit Requirements for Cooking Equipment and Appliances:

- (a) All cooking appliances shall be of an approved type. Listed and labeled for the intended use. Propane appliances must be approved by one or more the following testing labs: UL, CSA, CGA, AGA and/ or ETL.
- (b) Cooking appliances shall have an approved, labeled and listed on-off valve.
- (c) All appliances shall be installed according to the manufacturer's instruction.
- (d) Water heaters or hot water tanks shall be installed in accordance with the International Plumbing Code and manufacturer's installation instructions, and shall include venting of the tank.

(5) Fire Lanes/ Fire Access and Drive Ways:

- (a) Mobile food units shall not park in marked fire lanes and shall not block fire department access or drive ways that serve as access.

(6) Prohibited Cooking:

- (a) Solid fuel cooking is prohibited with the exception cooking done using a cooking device listed and approved by the AHJ for mobile food cooking applications.
- (b) Coleman style stoves, hot plates or equivalents are prohibited.
- (h) *Signage.* Signage shall comply with all applicable sign code regulations. Any signage for the mobile food unit must be mobile in design and be removed from the site. Signage shall not interfere with vehicular or pedestrian traffic.
- (i) *Noise.* No noise which is loud or noxious shall project from the mobile unit

Sec. 13A-6. Suspension of permit.

- (a) The AHJ may, without warning, notice, or hearing suspend any permit to operate a food establishment if the operation of the food establishment constitutes an imminent hazard to public health. Suspension is effective upon service of the notice required by this section. When a permit is suspended, food operations shall immediately cease. Whenever a permit is suspended, the holder of the permit shall be afforded an opportunity for a hearing within twenty (20) days of a request for a hearing.
- (b) Whenever a permit is suspended, the holder of the permit or representative shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the AHJ by the holder of the permit within ten (10) days. If no written request for a hearing is filled within ten (10) days, the suspension is sustained. The AHJ may end the suspension at any time if reasons for the suspension no longer exist.

Sec. 13A-7. Revocation of permit.

- (a) The AHJ may, after providing opportunity for a hearing, revoke a permit for serious or repeated violations of any of the requirements of these rules or for interference with the AHJ in performance of its duties. Prior to revocation, the AHJ shall notify the holder of the permit or representative, in writing, of the reason for which the permit is subject to revocation and that the permit shall be revoked at the end of the ten (10) days following service of such notice unless a written request for a hearing is filed with the regulatory authority by the holder of the permit within such ten-day period.
- (b) If no request for a hearing is filed within the ten-day period, the revocation of the permit becomes final.

Sec. 13A-8. Administrative process.

- (a) A notice as required in the rules is properly served when it is delivered to the holder of the permit or representative, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the regulatory authority.
- (b) The hearings provided for these rules shall be conducted by the AHJ at the time and place designated by it. Based upon the recorded evidence of such hearing, the AHJ shall make the final findings, and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the regulatory authority.

Sec. 13A-9. Penalties.

Any person who shall violate any provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than two thousand dollars (\$2,000.00). In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such violation occurs shall constitute a separate violation.

Sec. 13A-10. Definitions.

Authority Having Jurisdiction (AHJ) – The Authority Having Jurisdiction (AHJ) includes but is not limited to the designees of the City of Marshall Consumer Health Department, City of Marshall Community Development Department, and the City of Marshall Fire Marshal's Office

Section 13A-10 – 13A-87. Reserved”

Section 3. That the meeting at which this ordinance was passed was conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

Section 4. That all other prior ordinances or portions of ordinances or portions of ordinances of the City of Marshall in conflict with the terms and provisions of this ordinance are hereby repealed to the extent of such conflict only.

Section 5. That the repeal of any ordinance or portion of any ordinance by this ordinance shall not affect the validity of any pending enforcement action or fines outstanding and due and payable on or before the effective date of this ordinance.

Section 6. That if any section, paragraph, subdivision, clause, phrase, or provision of this ordinance is hereafter determined to be invalid or in violation of the laws of the State of Texas or the Constitution of the United States by of court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Commission of the City of Marshall that all other terms and provisions of this ordinance not affected shall remain in full force and effect.

Section 7. That this ordinance shall be effective from and after its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED ON THIS _____ DAY OF _____, 2022.

AYES: _____

NOES: _____

ABSTAINED: _____

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

ATTEST:

Nikki Smith, City Secretary

ITEM 9A

RESOLUTION

**CONSIDER APPROVAL OF A
RESOLUTION REGARDING A
PROPOSED AMENDMENT UPDATING
PRICING ON PERMITS**

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARSHALL, TEXAS,
SETTING THE SERVICE FEES FOR CERTAIN SERVICES PROVIDED BY THE
CITY COMMUNITY & DEVELOPMENT DEPARTMENT; FINDING THAT THE
MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS CONDUCTED IN
STRICT COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; REPEALING
ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN
EFFECTIVE DATE.**

WHEREAS, the City Council has determined that setting fees and charges for services provided by City personnel to citizens by resolution will save money and staff time by eliminating the need for continual updates to the Code of Ordinances to reflect changes in such fees and charges; and

WHEREAS, the City Council desires to adopt fees and charges that accurately compensate the City for its costs in providing the facilities, services, and materials;

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

SECTION 1. That the findings set out in the preamble to this resolution are hereby in all things approved.

SECTION 2. That all fees charged by the Community & Development Department shall follow the fee schedule attached to this resolution (Attachment A).

SECTION 3. That the meeting at which this resolution was passed was conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

SECTION 4. That 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.

SECTION 5. That the repeal of any resolution or portion of a resolution by this resolution shall not affect the validity of any pending enforcement action or fees outstanding and due and payable for services rendered on or before the effective date of this resolution.

SECTION 6. That this resolution shall be effective on the 8th day of September, 2022.

Passed and approved this 8th day of September, 2022.

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

Attest:

Nikki Smith, City Secretary

Schedule of Building Permit and Misc. Fees

Residential

Fee Amount

New Construction or Addition	Plan Review- \$100.00/ Permit Fee- \$0.30 / Sq. Ft.
Accessory Structure	Plan Review- \$50.00/ Permit Fee- \$0.15/ Sq. Ft.
Electrical, Plumbing, or Mechanical- New Construction or Addition	10% of the Original Building Permit Fee
Interior/ Exterior Remodel	\$90.00
Window Replacement	\$10.00/ Window with Minimum of \$35.00
Minor Remodeling	\$50.00
Irrigation	\$100.00
Roofing	\$50.00
Certificate of Occupancy	\$25.00
Above Ground Pool	\$100.00
In Ground Pool	\$200.00
Electrical- Panel Replacement/ rewire/ Service- Meter Base Replacement	\$50.00
Electrical- others/ repairs	\$35.00
Plumbing- Slab leaks/ tunneling/ Sewer main replacement	\$50.00
Plumbing- others/ repairs	\$35.00
Mechanical- Replacement/ repairs	\$35.00
Driveway	\$35.00

Commercial

Fee Amount

New Construction/ Addition/ Remodel	Plan Review- 50 % of the Permit Fee/ Permit Fee- \$0.30/ Sq. Ft.
Electrical, Plumbing, or Mechanical- New Construction or Addition	10% of the Original Building Permit Fee
Roofing	\$ 250.00
Electrical- Panel Replacement/ rewire/ Service- Meter Base Replacement	\$50.00
Electrical- others/ repairs	\$35.00
Plumbing- Slab leaks/ tunneling/ Sewer main replacement	\$50.00
Plumbing- others/ repairs	\$35.00
Mechanical- Replacement/ repairs	\$35.00
Certificate of Occupancy	\$50.00
Irrigation	\$125.00
Sign- 50 Sq Ft or Less Single Sided or Reface	\$65.00
Sign- 50 Sq Ft or Less Double Sided	\$80.00
Sign- Greater than 50 Sq Ft Single Sided or Reface	\$125.00
Sign- Greater than 50 Sq Ft Double Sided	\$190.00
Driveway or Parking Lot	\$150.00
Cell Tower Upgrade	\$90.00

Miscellaneous Fees

Fee Amount

Demolition of a Structure	\$75.00
Moving of a Structure	\$125.00
Fence Above 6ft	\$35.00
Solar Panel Installation	\$250.00
Special Event Permit- No vendors except Produce and Food Vendors	\$65.00
Special Event Permit- With Non-Food or Produce Vendors	See Chart Below
1-20 Vendors	\$145.00
21-40 Vendors	\$225.00
41-60 Vendors	\$305.00
61-80 Vendors	\$385.00
81-100 Vendors	\$465.00
	\$80.00 per 20 additional Vendors
Itinerant Vendor Permit	\$30.00 per day

Definition of Vendor- shall mean any person, firm or corporation, whether as owner, agent, consignee, or employee, whether a resident of the city or not, who engages in a business of selling goods, wares, or merchandise of any kind or description, who conducts such a business either in or about a structure that is not permanently affixed to real property, or by traveling from place to place or customer to customer for the purpose of conducting business with customers located within the city.

Schedule of Building Permit and Misc. Fees

Liquor Permit Fees- Maximum Fees and Permits are Set by TABC

Fee Amount

Wine and Malt Beverage Retailer's Off-Premise Permit (BQ)	\$30.00
Malt Beverage Retail Dealer's Off-Premise License (BF)	\$30.00
Package Store Permit (P)	\$250.00
Wine-Only Package Store (Q)	\$37.50
Local Distributor's Permit (LP)	\$50.00

Late fee will be assessed if not renewed by expiration date- Permit is Valid for one fiscal year after the expiration date

Inspection and Work without a Permit Fee

Fee Amount

Re-Inspections	\$50.00
After Hours Inspection	\$50.00 per hour with a 2 hour minimum
<u>Work Without a Permit Fees</u>	
1 st Offense	\$150.00
2 nd Offense	\$300.00
3 rd Offense or More	\$500.00
Continued Contractor Registration with the City of Marshall Will be Determined by the Inspectors	

Health Department Fees

Fee Amount

Annual Food Establishment Permits	1-13 Employees- \$175.00 14 or more Employees- \$250.00
Food Vendor/ Festival Concession Stand	\$25.00 per Vendor
Catering Trucks/ Mobile Units	\$150.00 per Year
Temporary Food Permit	\$75.00 (Good for 14 days)
Replacement Food Purveyors Permit	\$25.00
Day Care W/ Food Establishment	\$175.00
Day Care w/out Food Establishment	\$75.00
Group Day/ Registered Home	\$50.00 per Inspection
Foster Homes	\$25.00 per Inspection
Seasonal Food Permit	\$90.00
Health Re-Inspection	\$50.00

Zoning and Platting Fees

Fee Amount

Site Plan Review (Nonresidential Only)	\$100.00
Annexations	\$400.00
Planned Unit Developments	\$400.00
Specific Use Permit	\$375.00
Right-of-Way Abandonment	\$300.00
Re-Zone/ Variance	\$375.00
Preliminary or Final Plat	\$300.00 plus \$5.00 per lot not including County Recording Fees
Minor Plat (less than 4 lots with no utility extensions)	\$250.00 plus \$5.00 per lot not including County Recording Fees
Zoning Verification Letter	\$50.00
Printing/ Reproduction	\$5.00 per page

Code Compliance Fees-

\$105.00 per hour plus \$90.00 Administrative Fee

ITEM 10A

REPORT REGARDING NEEDED APPOINTMENTS TO THE VARIOUS CITY BOARDS, COMMISSIONS AND COMMITTEES

MEMORANDUM

To: Terrell Smith, City Manager
From: Nikki Smith, City Secretary
Date: September 2, 2022
Subject: Boards, Commissions and Committees

The following Volunteer Boards, Commissions and Committees have members whose terms will be expiring on 12/31/2022. We also have several boards with vacancies that need to be filled. Some members of the boards, committees and commissions are eligible for reappointment for a new term.

Community Development Advisory Committee
Zoning Board of Adjustment
Historic Landmark Preservation Board
Main Street Advisory Board
Visit Marshall Advisory Board
Keep Marshall Beautiful Advisory Board
Marshall Public Library Board of Trustees
Parks Advisory Board

We will begin advertising for the Board openings on September 14, 2022 with Marshall News Messenger, The City of Marshall's Television Channel, Facebook, and the City's Website. Citizens can find the application for the various boards on our City's website or they may contact Nikki Smith by email at smith.nikki@marshalltexas.net, by phone, 903-935-4446 or at City Hall.

We will be accepting applications until 5:00 PM on October 28, 2022.

Please note terms are typically two or three years, service is strictly voluntary and there is no compensation.

CITY BOARDS, COMMISSIONS, & COMMITTEES

COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

The Community Development Advisory Committee assists with establishing long-range goals and objectives for the Community Development Block Grant program and makes recommendations on the annual plan and budget for this annual federal grant. The term of service on this board is three years, beginning on January 1 after the appointment is made. There is no limit to the number of consecutive terms a member can serve. The current members of this committee are Loretta Martin, Deon Behrman, Christy Godwin, Keith Hill, Lee Ferguson and Ernest Spencer. The staff member who works with this committee is Garnett Johnson, Director of Community Development. Questions may be directed to Mrs. Johnson at 903-934-7994 or at Johnson.garnett@marshalltexas.net.

The term of Loretta Martin is expiring. She is eligible for reappointment. There is also one vacancy on this board which needs to be filled.

PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission hears and makes recommendations on requests for zoning changes and special use permits. This commission also reviews and approves subdivision plats in the city limits and within one mile of the city limits. The term of service on this board is three years, beginning on June 1 after the appointment is made. A member can serve a maximum of two consecutive full terms. The current members of this commission are Melisa Lewis, Gale Keys, Kenneth Moon, Jacob Fulbright, Kyle Dansby, Robert Cole, and Matthew Kuhn. The staff member who works with this commission is Garnett Johnson, Director of Community Development. Questions may be directed to Mrs. Johnson at 903-934-7994 or at Johnson.garnett@marshalltexas.net.

Appointments to the Planning and Zoning Commission are brought before the City Council in May or June. The Planning and Zoning Commission is not part of the annual year-end appointment process. The appointment procedures for the Planning and Zoning Commission are provided for by ordinance in the Zoning Ordinance. It is required by ordinance that the appointments to the Planning and Zoning Commission be made in May or June each year, and that all members must be resident citizens and qualified to be voters in the City of Marshall.

ZONING BOARD OF ADJUSTMENT

The Zoning Board of Adjustment conducts hearings on appeals to enforcement of the city's Zoning Ordinance, decides on exceptions to the Zoning Ordinance, and grants variances to the Zoning Ordinance. The term of service on this board is three years, beginning on January 1 after the appointment is made. There is no limit to the number of consecutive terms a member can serve. The current members of this board are Sam Fogle and Bill Seibert. The staff member who works with this board is Garnett Johnson, Director of Community Development. Questions may be directed to Mrs. Johnson at 903-934-7994 or at Johnson.garnett@marshalltexas.net.

There are five vacancies on this board which need to be filled.

HISTORIC LANDMARK PRESERVATION BOARD

The Historic Landmark Preservation Board is responsible for the historic landmark preservation plan and makes recommendations on establishing historic landmark preservation districts in the city limits. Members of this board must have knowledge and experience in history, art, architecture, or real estate planning and development; and have demonstrated interest, competence, or knowledge in historic preservation. The term of service on this board is two years, beginning on January 1 after the appointment is made. There is no limit to the number of consecutive terms that a member can serve. The current members of his board are Tony Crosby, Faye Whitaker, Sam Moseley, Rita Louise, Jay Carriker, Mary Lynn Vassar and Travis Keeney. The staff member who works with this board is Lacy Burson, Main Street Coordinator. Questions may be directed to Mrs. Burson at 903-934-7902 or at Burson.lacy@marshalltexas.net.

The terms of Sam Moseley, Jay Carriker and Travis Keeney are expiring. All are eligible for reappointment.

MAIN STREET ADVISORY BOARD

The Main Street Advisory Board assists in the economic revitalization and promotion of downtown Marshall. This is a thirteen-member board, representing public and private sector interests. The term of service on this board is three years, beginning on January 1 after the appointment is made. A member can serve a maximum of two consecutive full terms. The current members of this board are Jeanett Krohn, Karen Bickerdike, Deb Parker, Mary O'Neal, Lucy Golladay, Cheryel Carpenter, Zelina Wright, Stephanie Phelps, Scott Carlile, Raven Lenz, Amelia Rabalais and Tracy Jackson. The staff member who works with this board is Mrs. Lacy Burson, Main Street Coordinator. Questions may be directed to Mrs. Burson at 903-934-7902 or at Burson.lacy@marshalltexas.net.

The terms of Karen Bickerdike and Deb Parker are expiring. Karen Bickerdike and Deb Parker are not eligible for reappointment. There will be three openings on this board which need to be filled.

VISIT MARSHALL ADVISORY BOARD

The Visit Marshall Advisory Board is responsible for establishing operating policies for Visit Marshall and for evaluating the progress of Visit Marshall in the attainment of its goals. This board consist of seven tourism related representatives. The term of service on this board is two years, beginning on January 1 after the appointment is made. A member can serve a maximum of three consecutive full terms. The current members are George Carter, Ryan Erwin, Wes Smith, Joseph Filippazo, Gary Arthur, Krysta Coleman and Vivian Lewis. The staff member who works with this board is Mr. Dan Duke, Director of Tourism and Culture Arts. Questions may be directed to Mr. Dan Duke at 903-935-4417 or at duke.daniel@marshalltexas.net.

The terms of George Carter, Ryan Erwin and Wes Smith are expiring. George Carter and Ryan Erwin are eligible for reappointment. Wes Smith is not eligible for reappointment. There will be one opening on this board which needs to be filled.

KEEP MARSHALL BEAUTIFUL BOARD

Keep Marshall Beautiful Board advises the City Council on issues related to littering and property appearance. The term of service on this board is two years, beginning on January 1 after the appointment is made. A member can serve a maximum of two consecutive full terms. The current members of this board are Cheryel Carpenter, Delores Butler, Robert Shaw, Lana Shaw, Susan Marshall and Lillian Banks. The staff member who works with this board is Mr. Dan Duke, Director of Tourism and Cultural Arts. Questions may be directed to Mr. Dan Duke at 903-935-4417 or at duke.daniel@marshalltexas.net.

The terms of Cheryel Carpenter and Lillian Banks are expiring. Cheryel Carpenter and Lillian Banks are eligible for reappointment. There is also one vacancy on this board which needs to be filled.

MARSHALL PUBLIC LIBRARY BOARD OF TRUSTEES

The Marshall Public Library Board of Trustees serves as the advisory board for the Marshall Public Library. Of the seven members on this board, at least five members must be full-time residents of the City of Marshall. The term of service on this board is two years, beginning on January 1 after the appointment is made. A member can serve a maximum of two consecutive full terms. The current members of this board are Jerry Hancock, Lacey Lawson, Christina Deel, Darlene Dotson and Jenny Kerr. The staff member who works with this board is Anna Lane, Library Director. Questions may be directed to Mrs. Lane at 903-935-4465 or at alane@marshallpubliclibrary.org.

The terms of Christina Deel, Darlene Dotson and Jenny Kerr are expiring. Christina Deel is not eligible for reappointment. Darlene Dotson and Jenny Kerr are eligible for reappointment. There are also two vacancies on this board which need to be filled.

MARSHALL DOWNTOWN DEVELOPMENT CORPORATION

The Marshall Downtown Development Corporation promotes and assists in the development, growth, and economic wellbeing of the downtown area of Marshall. The term of service on this board is three years, beginning on January 1 after the appointment is made. A member can serve a maximum of two consecutive full terms. The current members of this board are Jessica Ford, Dr. Blair Blackburn, Kat Evans, Glenn Bickerdike, Stacey Splawn, Jim Davis and Dinaora Harris. The staff member who works with this board is Mrs. Dawn Jones, Finance Director. Questions may be directed to Mrs. Jones at 903-935-4519 or at jones.dawn@marshalltexas.net.

No appointments needed.

PARKS ADVISORY BOARD

The Parks Advisory Board serves as an advisory committee to the City Council and City staff in establishing plans or procedures concerning usage, planning, goals, and objectives of parks and recreation services. The term of service on this board is three years, beginning on January 1 after the appointment is made. There is no limit to the number of consecutive terms a member can serve. The current members of this board are Colin Brady, Jerry Calderon, Melisa Lewis, James Runnels, Mike Haynes, LaDarius Carter and Gloria Moon. The staff member who works with this board is Randy Pritchard, Director of Support Services. Questions may be directed to Mr. Pritchard at 903-934-7921 or at Pritchard.randy@marshalltexas.net.

The terms of James Runnels, Mike Haynes and LaDarius Carter are expiring. All are eligible for reappointment.

ITEM 11

CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

ITEM 12A

EXECUTIVE SESSION

**AN EXECUTIVE SESSION PURSUANT TO
THE OPEN MEETINGS ACT, CHAPTER
551 OF THE TEXAS GOVERNMENT
CODE UNDER SECTION 551.072
DELIBERATION REGARDING REAL
PROPERTY: CONSIDER, DISCUSS, AND
DELIBERATE SALE OF PROPERTY**

ITEM 13A

**ACTION ITEM FOLLOWING EXECUTIVE
SESSION, IF NECESSARY**

**CONSIDER DIRECTION TO CITY STAFF
REGARDING PROPERTY DISCUSSED IN
EXECUTIVE SESSION**

ITEM 14

ADJOURNMENT