

MINUTES OF MARION CITY COUNCIL
PUBLIC HEARING & REGULAR MEETING
CITY COUNCIL CHAMBERS
TUESDAY, NOVEMBER 8, 2022
6:15 P.M.

PUBLIC HEARING:

A public hearing was held by Marion City Council on Tuesday, November 8, 2022 at 6:15 p.m. in which Mayor Ashley Brady presided. Council members Ronald Atkinson, Michael Baker, Donny Gerald, Mayor Pro-tem Emerson Hunt, and Tassie Lewis were present. Councilman Joseph Frazier was not in attendance. Staff present were City Administrator Alan Ammons, City Treasurer Patricia Brown, City Clerk Lakesha Shannon, and Police Chief Tony Flowers.

Mayor Brady called the public hearing to order and opened the meeting for public comments related to Ordinance#22-11 **An Ordinance Prohibiting Certain Hours of Operation in Core Commercial Business Zone.**

Ms. Shakera Davis, the owner of Bleu's Sports Bar & Grill, requested to know the definition of the core commercial zoning district. Mayor Brady explained the areas included in this zoning district. Ms. Davis expressed her concerns that the passing of Ordinance 22-11 would only affect her business since she is the only business that stays open past 12:00 am in that area. Mayor Brady stated that the ordinance is being adopted to address concerns, and to protect the interest of the retail and residential tenants in that district. Several other attendees expressed their questions and concerns regarding the ordinance.

Councilman Donny Gerald commented that 12:00 am is fair time for businesses to close in the downtown district to allow residents living in the upstairs apartments quiet time to rest.

Ms. Davis also addressed the issue of noise complaints that are being reported on her business. She stated that no violations are observed when the officers arrive to address the complaints. Police Chief Tony Flowers stated that when an anonymous complaint is called in, the officers have to file a report. He stated that the complaints have not been specifically regarding noise within the restaurant, but rather the noise in the parking lot area. He stated that the crowd is being attracted there due to the restaurant's late hours of operation. He noted that Ms. Davis has addressed all issues that have been brought to her attention regarding her business.

Ms. Davis expressed numerous concerns that her business is being targeted. After a lengthy discussion, the public hearing was concluded.

REGULAR MEETING:

A regular meeting was held by Marion City Council on Tuesday, November 8, 2022 at 6:30 p.m. in which Mayor Ashley Brady presided. Council members Ronald Atkinson, Michael Baker, Donny Gerald, Mayor Pro-tem Emerson Hunt, and Tassie Lewis were present. Councilman Joseph Frazier was not in attendance. Staff present were City Administrator Alan Ammons, City Treasurer Patricia Brown, City Clerk Lakesha Shannon, and Police Chief Tony Flowers.

Mayor Ashley Brady called the meeting to order, gave the opening prayer and led the Pledge of Allegiance. He then welcomed citizens and guests.

APPROVE MINUTES OF REGULAR CITY COUNCIL MEETING OCTOBER 11, 2022 AND SPECIAL MEETING ON OCTOBER 26, 2022:

Mayor Pro Tem Emerson Hunt made a motion to approve the minutes of the regular city council meeting held on October 11, 2022, and the special meeting held on October 26, 2022. The motion was seconded by Councilman Ronald Atkinson, and carried unanimously.

OCTOBER EMPLOYEE OF THE MONTH:

Mayor Ashley Brady named Mr. James Brown the October Employee of the Month. He stated that Mr. Brown works at the city shop, and thanked him for all he does to keep the city's equipment and trucks running.

2nd READING OF ORDINANCE #22-11 AN ORDINANCE PROHIBITING CERTAIN HOURS OF OPERATION IN CORE COMMERCIAL BUSINESS ZONE:

Councilman Ronald Atkinson made a motion to approve 2nd reading of Ordinance 22-11 **An Ordinance Prohibiting Certain Hours of Operation in Core Commercial Business Zone.** The motion was seconded by Councilman Donny Gerald.

Mayor Pro Tem Emerson Hunt commented that he owns a similar type restaurant and has a vested interest; therefore, he recused from voting on the ordinance.

Councilwoman Tassie Lewis stated that she understands what the council needs to do as a governing body; however, she empathized with Ms. Davis regarding the effects the ordinance will have on her business.

Hearing no further discussion, the motion carried with a 4-1 vote. The 2nd reading of Ordinance #22-11 was approved with Mayor Ashley Brady and Councilmen Ronald Atkinson, Michael Baker, and Donny Gerald all voting in favor. Councilwoman Tassie Lewis voted no. Mayor Pro Tem Emerson Hunt recused from voting (*see attached recusal statement*).

PROFESSIONAL SERVICES FOR TRANSPORTATION COMMITTEE PROJECTS:

Mayor Brady stated that the City will contract with Transportation Committee member Mr. Bobby Page to allow him to handle all construction projects for the City of Marion. This agreement will be of no cost to the City.

Mayor Pro Tem Emerson Hunt made a motion to approve the professional services agreement with Mr. Bobby Page. The motion was seconded by Councilman Ronald Atkinson, and carried unanimously.

REQUEST TO ADDRESS COUNCIL:

Ms. Shakera Davis – Bleu’s Sports Bar & Grill

Ms. Shakera Davis requested to know what illegal act has she done. She stated that she hired an armed security company; however, they quit due to harassment from the city. Councilman Donny Gerald asked for clarification on whether the business is a restaurant or a bar, and commented that he has never seen armed security at a restaurant. Ms. Davis stated that her business is a restaurant and safety is important to her. Ms. Davis questioned all the anonymous calls and complaints of her business being a nuisance. She feels that her business is being targeted when she is only trying to help with business growth in the downtown area.

Councilman Ronald Atkinson requested to know what percentage of the total business revenue is earned after 12:00 am. Ms. Davis responded that a lot of revenue is earned during that time; however, business has declined due to the constant patrolling of the parking lot. She again stated that she has addressed every issue that was brought to her attention regarding her business.

Mayor Pro Tem Emerson Hunt commented that honestly speaking, the core commercial zoning district is going to be protected and that particular business type will always have issues.

ADMINISTRATOR'S REPORT:

Mr. Alan Ammons reported that the decorative light poles are being installed on Main Street. He stated that the regular LED lights have not come in yet; however, they are still on schedule to arrive before the March 2023 deadline. He has recommended that they start the light installation in the high traffic areas of the city. Mr. Ammons stated that he has also been in touch with Greenbulb to replace the lights at the city gym.

CITY ATTORNEY'S LEGAL UPDATE:

City Attorney James Brogdon was not in attendance.

DISTRICTS AND CITY UPDATE FOR COUNCIL AND MAYOR:

Mayor Ashley Brady commented that the Christmas decorations are currently being set up on Main Street, as well as preparations for the upcoming Christmas Tree Lighting on December 4. He noted that LED lights are being installed this year which will help save on the electricity, and provide brighter lighting. Mayor Brady reported that the City has applied for a

grant to clean Catfish Creek from the English Park area down to Highway 576. Mayor Brady also reported that the City has signed a contract to have a crime watch app available for citizens to report crimes unanimously. Chief Tony Flowers noted the various features the app will have to allow communication with law enforcement. These features include reporting road closures, flooding, and the submittal of videos and pictures. Council and city department heads will be able to communicate directly with law enforcement in real time.

Councilman Michael Baker requested that a report of noise complaints be provided to council prior to the next council meeting.

Councilman Ronald Atkinson had no update.

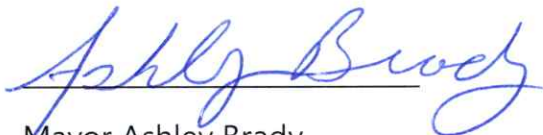
Mayor Pro Tem Emerson Hunt commented that this has been the toughest council meeting for him yet. He stated that it is hard to make decisions that affect individuals and their rights. Everyone wants to do the right thing but, you can't always make everyone happy. He stated that a lot of time and resources have been invested into the downtown area by businesses and citizens to create a cultural city center. In closing, he stated that this should not be looked at as a racial issue. It is necessary for this community to move forward.

Councilwoman Tassie Lewis stated that Veterans Day is coming up and thanked all veterans for their service. She agreed that this has been one of the toughest meetings of council. She stated that she is concerned about the growth of businesses, as well as the safety in the City of Marion. She is willing to help in any capacity to address these tough issues.

Councilman Donny Gerald also agreed that this was a tough meeting; however, he stands behind his belief. He stated that his decision has nothing to do with race, but rather the fact that 12:00 am is a fair time for businesses to close in the core commercial zone district.

ADJOURNMENT:

Hearing no further business, a motion was made to adjourn by Mayor Pro Tem Emerson Hunt and seconded by Councilman Michael Baker. The motion carried unanimously.



Mayor Ashley Brady



City Clerk Lakesha Y. Shannon

RECUSAL STATEMENT

Member Name: Emerson Hunt

Meeting Date: 11/8/2022

Agenda Item: Section 6 Number: 22-11

Topic: An Ordinance to Set Hours of Operation in Core Commercial Zoning District

The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37.) A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.

Justification to Recuse:

Professionally employed by or under contract with principal

Owns or has vested interest in principal or property

Other: Owens the same type business and has vested interest

Date: 11/8/2022 Emu
Member

Approved by Parliamentarian: _____