

Meeting Notice & Agenda

# MARION CITY COUNCIL

Monday, March 16, 2020 – 5 p.m.

Marion City Hall, 217 South Main Street, Marion, KY

## Regular Meeting

Call to Order

Public Comments

## Business Agenda

1. Approval of the Minutes of February 10, 2020 Council Meeting and February 20, 2020 Special Council Meeting
2. Consideration of Confirming Mayoral Appointment to the Marion Code Enforcement Board
3. Mayor/Council/Staff Comments & Questions
4. Adjourn

**Meeting of the Marion City Council  
Monday, February 10, 2020-5 p.m.**

The Marion City Council met in Regular Session February 10, 2020 at 5:00 p.m. with Mayor Jared Byford presiding. Council members present were; Darrin Tabor, Phyllis Sykes, Donnie Arflack, Dwight Sherer, D'Anna Browning, and Mike Byford. City employees in attendance were as follows: Adam Ledford, Layten Croft, Pam Enoch, Chief Ray O'Neal, and the city attorney Bart Frazer. A public sign-in sheet is attached and made part of these minutes.

**PUBLIC CONCERNS**

Jat Tabor, manager of Mulligans Pizzeria and Pub at the Heritage Country Club, asked the council for clarification of the Marion Tourism ordinance concerning the administration of taxes on bottles or cans of beer served at taverns. City Attorney Bart Frazer referenced the City of Marion's alcohol ordinance and tourism and recreation tax ordinance, both of which must be applied to a bottle/can of beer served at a business with a restaurant alcohol sales permit. Mr. Tabor advised the council in the last quarter of 2019, Mulligans did not charge its customers the tax, he refigured the amount of tax owed and paid it. After a brief discussion, City Administrator Ledford advised the council he would check with other cities and see what procedures are taken in such circumstances.

**GENERAL GOVERNMENT**

Motion was made by Mike Byford, seconded by Phyllis Sykes to approve the January 13, 2020 minutes same as submitted to the council. All voted yes.

City Administrator Ledford explained the Code Enforcement and Planning Coordinator Position to the council. Ledford explained that this would incorporate the functions into a 6<sup>th</sup> police officer position focused on administrative activities. The new 6<sup>th</sup> position would provide ABC, Code/Planning, and Policing functions. Since the position would be responsible for ABC duties it would incorporate 50% of its expenses from the ABC fees. Council member Arflack suggested getting another officer and not combining the responsibility of the Code Enforcement Officer position.

Council member Phyllis Sykes introduced ordinance #20-01 entitled, "An Ordinance amending the Pay Plan for Classified City Employees and Non-Elected Officials". The city attorney gave the first reading of said ordinance.

Motion by Dwight Sherer, seconded by D'Anna Browning to re-appoint Jerry Collins to the Marion Revolving Loan Fund Board. All voted yes.

Motion by Phyllis Sykes, seconded by Donnie Arflack to re-appoint Tanner Tabor, Corey Wheeler, and Cody McDonald to the Marion Recreation, Tourist and Convention Commission. All voted yes.

Council member Dwight Sherer introduced ordinance #20-02 entitled, "An Ordinance of the City of Marion, Kentucky, authorizing an interlocal reciprocity agreement for effective collection of Occupational License Fees and Taxes". The city attorney gave the first reading of said ordinance.

Council member D'Anna Browning introduced ordinance #20-03 entitled, "An Ordinance of the City of Marion, Kentucky providing for the creation and sale of a Franchise for the privilege of constructing,

transporting, operating, maintaining and distributing Telecommunications service along and under public right of way within the City of Marion, Kentucky, for a term (10) years in consideration for which, the successful Franchisee shall pay to the City and annual sum; and further establishing a Bid Procedure for the award of said Franchise to the successful bidder". The city attorney gave the first reading of said ordinance.

Council member Mike Byford introduced ordinance #20-04 entitled, "An Ordinance of the City of Marion, Kentucky, providing for the Creation and sale of a Franchise for the privilege of constructing, transporting, operating, maintaining and distributing Natural Gas along and under public right of way within the City of Marion, Kentucky, for a term of ten (10) years in consideration for which, the successful Franchisee shall pay to the City an annual sum equal to one percent (1%) of its franchise to the successful bidder". The city attorney gave the first reading of said ordinance.

Eclipse Engineering reviewed the drainage issues occurring on Leland Ave. and provided recommendations in the council's packets. Paul Beard still had concerns with the recommendations that Eclipse Engineer had provided. Council member D'Anna Browning suggested in the event of a steady rain that Mr. Beard take a video of this issue and have the City Administrator forward it to Alan Robinson.

Motion by Donnie Arflack, second by Darrin Tabor to identify list of items as surplus and offer said items publicly. All voted yes. A list of items as surplus is attached and made part of these minutes.

#### **OTHER BUSINESS**

Council member Tabor suggested increasing the cable and gas Franchise tax.

Council member Sykes suggested the park board having to report back to the city.

Council member Arflack inquired about KU switching all of the city lights to LED.

Council member Sherer asked Ledford to explain the zoning permit refund of \$2100.00 to the State for local permitting fee.

Council member D'Anna inquired when next planning and zoning meeting was. Mr. Ledford advised it would be February 24<sup>th</sup> for 6-8 p.m. and open to the public.

Council member Browning inquired about some of the ABC fee being contributed to Crittenden County Drug Coalition.

Council member Browning had concerns with semi's usage of jake-brakes on Main Street. Requesting someone to look into possibly putting restrictions on this.

#### **ADOURNMENT**

There being no further business to come before the council, meeting was adjourned at 6:19 p.m.

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JARED BYFORD, MAYOR

ATTEST:

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PAM ENOCH, CITY CLERK

**Meeting of the Marion City Council  
Special Called Meeting  
Thursday, February 20, 2020- 5:15 p.m.**

The Marion City Council met in Special Session February 20, 2020 at 5:15 p.m. with Mayor Jared Byford presiding. Council members present were; Darrin Tabor, Phyllis Sykes, Donnie Arflack, Dwight Sherer, D'Anna Browning, and Mike Byford. City employees in attendance, were as follows: Adam Ledford, Layten Croft, Pam Enoch, Chief Ray O'Neal, and the City Attorney Bart Frazer. A public sign-in sheet is attached and made part of these minutes.

City Administrator Ledford explained the Code Enforcement and Planning Coordinator Position of duties going from full-time to a part time position. Ledford explained this would incorporate the functions into a 6<sup>th</sup> police position focused on administrative activities. Ledford answered questions and concerns that the council had.

The City Attorney gave the second reading of ordinance #20-01 entitled, "An Ordinance amending the Pay Plan for Classified City Employees and Non-Elected Officials". Motion by Darrin Tabor, second by Phyllis Sykes to adopt said ordinance with the vote being as follows: Darrin Tabor yes, Phyllis Sykes yes, Donnie Arflack yes, Dwight Sherer yes, D'Anna Browning yes, and Mike Byford yes. Motion carried.

Motion by Dwight Sherer, seconded by D'Anna Browning to appoint Matt Jent to the Marion City/County Park Board. All voted yes.

The City Attorney gave the second reading of ordinance #20-02 entitled, "An Ordinance of the City of Marion, Kentucky, authorizing an interlocal reciprocity agreement for effective collection of Occupational License Fees and Taxes". Motion by Phyllis Sykes, seconded by D'Anna Browning to adopt said ordinance with the vote being as follows: Darrin Tabor yes, Phyllis Sykes yes, Donnie Arflack yes, Dwight Sherer yes, D'Anna Browning yes, and Mike Byford yes. Motion carried.

The City Attorney gave the second reading of ordinance #20-03 entitled, "An Ordinance of the City Marion, Kentucky providing for the creation and sale of a Franchise for the privilege of constructing, transporting, operating, maintaining and distributing Telecommunications service along and under public right of way within the City of Marion, Kentucky, for a term (10) years in consideration for which, the successful Franchisee shall pay to the City and annual sum; and further establishing a Bid Procedure for the award of said Franchise to the successful bidder". Motion by Dwight Sherer, seconded by Mike Byford to adopt said ordinance with vote being as follows: Darrin Tabor yes, Phyllis Sykes yes, Donnie Arflack yes, Dwight Sherer yes, D'Anna Browning yes, and Mike Byford yes. Motion carried.

The City Attorney gave the second reading of ordinance #20-04 entitled, "An Ordinance of the City of Marion, Kentucky, providing for the Creation and sale of a Franchise for the privilege of constructing, transporting, operating, maintaining and distributing Natural Gas along and under public right of way with the City of Marion, Kentucky, for a term of ten (10) years in consideration for which, the successful Franchisee shall pay to the City an annual sum equal to one percent (1%) of its franchise to the successful bidder". Motion by Mike Byford, seconded by D'Anna to adopt said ordinance. Council member Tabor made a motion to raise the franchise fee from one percent (1%) to two percent (2%) council member Sherer seconded it with vote being as follows: Darrin Tabor yes, Phyllis Sykes yes, Donnie Arflack yes, Dwight Sherer yes, D'Anna Browning no, and Mike Byford yes. A vote was then taken

on the original motion, as amended, being as follows: Darrin Tabor yes, Phyllis Sykes yes, Donnie Arflack yes, Dwight Sherer yes, D'Anna Browning yes, and Mike Byford yes. Motion carried.

Mayor Byford explained he had gone with Paul Beard, over on Leland Avenue regarding the drainage issue. Mayor Byford suggested to finish what the City had started to do, which was to mill all the street out. Council member Tabor requested putting riprap behind Mrs. Rozwalka's building. Administrator Ledford said he would call and talk to City Engineer, Alan Robinson.

**ADJOURNMENT**

There being no more items on the special agenda; meeting was adjourned at 5:44 p.m.

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JARED BYFORD, MAYOR

ATTEST:

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PAM ENOCH, CITY CLERK