

Meeting Notice & Agenda

# MARION CITY COUNCIL

Monday, June 20, 2022 – 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 the May 16, 2022 Council Meeting and June 15 and June 16 Special Council Meetings AND THE SPECIAL CALLED MEETING MINUTES OF MAY 24TH
2. Update on Lake George and Water Supply
3. Second Reading of Ordinance #22-11, entitled, "AN ORDINANCE OF THE CITY OF MARION, KENTUCKY, AMENDING ORDINANCE NO. 01-23 TO REZONE PROPERTY AT 200 WATSON STREET FROM C-3 MIXED COMMERCIAL DISTRICT TO R-3 MULTI-FAMILY RESIDENTIAL DISTRICT"
4. Mayor/Council/Staff Comments & Question
5. Adjourn

**Minutes of the Marion City Council**  
**May 16, 2022-5:00 p.m.**

The Marion City Council met in Regular Session on May 16, 2022, at 5:00 p.m. with Mayor Jared Byford Presiding. Council members present: Phyllis Sykes, Donnie Arflack, Dwight Sherer, D'Anna Browning, and Mike Byford. City Employees were as follows: Adam Ledford, Pam Enoch, Layten Croft, Danielle Duncan, Chief Ray O'Neal, Fire Chief Howton, and Jonathan James filling in for the City Attorney. A public sign-in sheet is attached and made part of these minutes.

Administrator Ledford updated the council and public on Lake George and Water Supply. Ledford went over the different options for supplying water. He stated this would not be an easy fix and most solutions taking 2 to 4 years to resolve. Ledford answered any questions and concern that anyone had.

**PUBLIC CONCERNS**

Doug Brown, a private property owner out by Lake George, was present at the council meeting with concerns that he had read in the paper, stating that it was going to cost around ten million dollars to fix Lake George. Administrator Ledford advised that Division of Water gave that figure out. Ledford advised Mr. Brown there were State and Federal Funds available, but it could assume to 6 months to receive any money.

Britt Wright was present at the council meeting, along with her family, asking what the plan was for the Wildlife at Lake George. Administrator Ledford advised that the Fish and Wildlife Department has already been involved. Britt also had concerns about the smell and mosquitos since the lake was getting low.

**GENERAL GOVERNMENT**

Motion by Donnie Arflack, seconded by Mike Byford to approve April 18, 2022, minutes, and to make one correction to the May 9, 2022, minutes, changing side-by-side to golf cart. All voted yes.

Jonathan James read a Proclamation Recognizing Memorial Week.

Administrator Ledford gave the second reading of Ordinance #22-05, entitled, "An Ordinance Amending Ordinance #21-07-The City of Marion, Kentucky, Annual Budget for Fiscal Year 07/01/2021 Through 06/30/2022. Motion by Dwight Sherer, seconded by Mike Byford to adopt said ordinance with the voted being as follows: Phyllis Sykes yes, Donnie Arflack yes, Dwight Sherer yes, D'Anna Browning yes, and Mike Byford yes. Motion carried.

Councilmember Donnie Arflack introduced 1<sup>st</sup> Reading of Ordinance #22-08, entitled, "An Ordinance Adopting the City Marion, Kentucky, Annual Budget for Fiscal Year 07/01/2022 Through 06/30/2023 by Estimating Revenue and Resources and Appropriating Funds for the Operations of City Government". Administrator Ledford gave the first reading of said ordinance.

Councilmember Mike Byford introduced 1<sup>st</sup> Reading of Ordinance #22-06, entitled, "An Ordinance Amending the Pay Plan for Classified City Employees and Non-Elected Officials". Administrator Ledford gave the first reading of said ordinance.

Councilmember Phyllis Sykes introduced 1<sup>st</sup> Reading of Ordinance 22-07, entitled, “An Ordinance Establishing the regulatory License Fee for the sale of Alcoholic Beverages in the City of Marion for Fiscal Year 2022-2023”. The City Administrator gave the first reading of said ordinance.

Councilmember D’Anna Browning introduced 1<sup>st</sup> Reading of Ordinance #22-09, entitled, “An Ordinance of the City of Marion, Kentucky, Amending Chapter 50, Water and Sewer System, Section 50.02, Rates and Charges”. Administrator Ledford advised the city received good news from KIA, the sewer plant project is within 9 months of being complete, so KIA is holding off on raising Environment Fees until the project is complete. Motion by Donnie Arflack, seconded by Mike Byford to strike this ordinance. All voted yes.

**OTHER BUSINESS**

Councilmember Donnie Arflack had concerns about the city purchasing water from Crittenden/Livingston Water District and customers still filling up their pools, how that would level out.

Councilmember D’Anna Browning advised with the water issues going on Siemens had turned off their ice machines.

Councilmember Mike Byford advised house on corner of Walker Street has tall grass.

Roger Asbridge, resident at 632 E. Carlisle Street, was present at the council meeting to bring attention to the residents living next door to him at 622 E Carlisle. He advised they had tents sit up in the backyard and was living out of them. Mr. Asbridge stated they were burning wood outside to cook with. He stated this was not healthy for him to breath. Mr. Asbridge advised the council he had tried to get something done and had not gotten anywhere. He asked for each council member to drive by this address and look at how they are living. Mayor Byford advised they would check into this matter.

**ADJOURNMENT**

There being no further business to come before the council, meeting was adjourned at 5:47 p.m.

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JARED BYFORD, MAYOR

ATTEST:

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PAM ENOCH, CITY CLERK

**Minutes of the Marion City Council  
Special Called Meeting  
May 24, 2022 – 5:00 p.m.**

The Marion City Council met in Special Session May 24, 2022, at 5:00 p.m. with Mayor Jared Byford presiding. Councilmembers present were 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, Danielle Duncan, Chief Ray O’Neal, Fire Chief Howton, and the City Attorney Bart Frazer. A public sign-in sheet is attached and made part of the minutes.

**GENERAL GOVERNMENT**

The City Attorney gave the second reading of Ordinance #22-08, entitled, “An Ordinance Adopting the City of Marion, Kentucky, Annual Budget for Fiscal Year 07/01/2022 Through 06/30/2023 by Estimating Revenue and Resources and Appropriating Funds for the Operations of City Governments”. Motion by D’Anna Browning, seconded by Phyllis Sykes to adopt said ordinance with the vote being as follows: 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 #22-06, entitled, “An Ordinance Amending the Pay Plan for Classified City Employees and Non-Elected Officials”. Motion by Donnie Arflack, seconded by Dwight Sherer to adopt said ordinance with the vote being as follows: 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 #22-07, entitled, “An Ordinance Establishing the regulatory License Fee for the sale of Alcoholic Beverages in the City of Marion for Fiscal Year 2022-2023”. Motion by Mike Byford, seconded by D’Anna Browning to adopt said with the vote being as follows: 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 #22-09, entitled, “An Ordinance of the City of Marion, Kentucky, Amending Chapter 50, Water and Sewer System, Section 50.02, Rates and Charges”. Motion by D’Anna Browning, seconded by Dwight Sherer to adopt said ordinance with the vote being as follows: Phyllis Sykes yes, Donnie Arflack yes, Dwight Sherer yes, D’Anna Browning yes, and Mike Byford yes. Motion carried.

**ADJOURNMENT**

There being no further business to come before the council, meeting adjourned at 5:04 p.m.

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JARED BYFORD, MAYOR

ATTEST:

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PAM ENOCH, CITY CLERK

**Meeting of the Marion City Council  
Emergency Called Meeting  
Wednesday, June 15, 2022- 12:00 p.m.**

The Marion City Council met in Special Session June 15, 2022, at 12:00 p.m. with Mayor Jared Byford presiding. Council members present were Darrin Tabor, Phyllis Sykes, Donnie Arflack, Dwight Sherer, 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. The public present included: Judge Executive Perry Newcom, Jonathan James, Tucker Frazer, and Chris Evans from the Crittenden Press.

Mayor Byford explained the reason for the emergency called meeting pursuant to statute. Mayor Byford advised once the reimbursement letter to Caldwell County Water District has been signed, the engineers can proceed forward. A copy of signed letter is attached and made part of these minutes.

Motion by Darrin Tabor, seconded by Dwight Sherer to adopt resolution #22-07 authorizing the Mayor to obligate the City of Marion to the Caldwell County Water District for reimbursement of engineering and materials necessary to supply water. All voted yes. A copy of said resolution is attached and made part of these minutes.

**ADJOURNMENT**

There being no more items on the emergency agenda; meeting was adjourned at 12:19 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, June 16, 2022 -5:00 p.m.**

The Marion City Council met in Special Session June 16, 2022, at 5:00 p.m. with Mayor Jared Byford presiding. Council members present were Darrin Tabor, Phyllis Sykes, Donnie Arflack, Dwight Sherer, and Mike Byford. City employees in attendance, were as follows: Adam Ledford, Layten Croft, Pam Enoch, Danielle Duncan, Greg Tabor, Barbara Browning, Chief Ray O'Neal, Police Officers: Heath Martin, Eric Grey, and Bobby West. Tucker Frazer filling in for the City Attorney. A public sign-in sheet is attached and made part of these minutes.

Mayor Byford addressed more than one hundred residents that were present at the special called meeting providing an update on the ongoing water crisis facing the city residents. Mayor Byford advised this would be a civil meeting, that everyone would be in this together. He advised the public, there would be an opportunity to ask questions after the items on the agenda were addressed.

Administrator Ledford updated the council and the public that were present at the meeting on Lake George and the water supply. City Administrator, Ledford, updated the public from the beginning of this crisis, when a resident noticed a breakthrough at the levee at Lake George, and with the information he had gotten up until the meeting. A copy concerning short-term and long-term options are attached and made part of these minutes.

Council member Phyllis Sykes introduced 1<sup>st</sup> Reading of Ordinance #22-10, entitled, "An Ordinance of the City of Marion, Kentucky amending chapter 50, water and sewer system, to clarify prohibited uses and establish water conservation requirements". Motion by Donnie Arflack, seconded by Dwight Sherer to declare ordinance #22-10 an emergency ordinance. All voted yes. Tucker Frazer read Ordinance #22-10. Motion made by Councilman Byford, seconded by Councilman Sherer with the vote being as follows: Darrin Tabor no, Phyllis Sykes yes, Donnie Arflack yes, Dwight Sherer yes, and Mike Byford yes. Motion carried.

Council member Dwight Sherer introduced 1<sup>st</sup> Reading of Ordinance #22-11, entitled, "An Ordinance of the City of Marion, Kentucky, amending Ordinance No. 01-23 to rezone property at 200 Watson Street from C-3 mixed Commercial District to R-3 Multi-Family Residential District". Tucker Frazer gave the first reading of said ordinance.

The public was then given the opportunity to speak and ask questions concerning the ongoing water crisis.

Hedi Boyd – manager of Food Giant requested to know if the city would have water next week and what the plan forward would be. Mayor Byford advised we were all unsure and no promises could be state officials told him that no other town in Kentucky has ever had to deal with an issue like Marion is currently facing.

Stephanie Maness- Supervisor at McDonald's advised she would like to have better communication from the city. She advised the McDonald's corporation had several means of getting bottled water stored and this could help be part of the solution if they have better communication.

Mallory Sutton - is a local mail carrier and she had concerns about the elderly not being aware of the ongoing water crisis. She suggested putting information on water bills.

Jennifer Myers - Director of the Nursing Home was concerned about her residents. She advised she had sixty-three residents' lives in her hand. She asked for better communication with the city and to be updated on regular basis.

Sharon McDonald, owner of Cut of Above, requested better updates and communications from the city. She stated everyday or every other day would be good.

Wanda Olson, owner of a beauty shop was concerned about her livelihood. She stated that she needed to have better communication with the city. She was concerned when she was doing a client's hair and could possibly run out of water with no warning.

There were several more residents that spoke with the same concerns and questions.

All the residents in attendance were asked to leave their email address, where each one could be updated when anything new was reported.

The Library and the Extension Office are working to help let update residents with the ongoing water crisis.

#### ADJOURNMENT

There being no more items on the special agenda; meeting was adjourned at 6:51 p.m.

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JARED BYFORD, MAYOR

ATTEST:

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PAM ENOCH, CITY CLERK

**CITY OF MARION, KENTUCKY  
ORDINANCE NO. 22-11**

**AN ORDINANCE OF THE CITY OF MARION, KENTUCKY, AMENDING  
ORDINANCE NO. 01-23 TO REZONE PROPERTY AT 200 WATSON STREET FROM  
C-3 MIXED COMMERCIAL DISTRICT TO R-3 MULTI-FAMILY RESIDENTIAL  
DISTRICT**

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Marion, Kentucky, that an Ordinance is hereby adopted and the City of Marion Code of Ordinances is amended as follows:

**SECTION 1. Amendment**

This ordinance amends Ordinance No. 01-23, such that the property at 200 Watson Street, Marion, Kentucky, be changed from C-3 Mixed Commercial District, to R-3 Multi-Family Residential, pursuant to 151.40-10 of the City of Marion Zoning Regulations.

**SECTION 2. Repealer**

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

**SECTION 3. Severability Clause**

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 4. Effective Date**

This Order shall be in full force and effect upon its adoption and publication.

COUNCIL MEMBERS	YES	NO
Donald Arflack	_____	_____
Phyllis Sykes	_____	_____



Darrin Tabor \_\_\_\_\_

Michael Byford \_\_\_\_\_

Dwight Sherer \_\_\_\_\_

D'Anna Browning \_\_\_\_\_

It appearing that \_\_\_\_\_ Council Members voted for the adoption of this ordinance, and \_\_\_\_\_ voted against, with \_\_\_\_\_ abstaining, the Mayor declared the ordinance adopted.

INTRODUCED AND GIVEN FIRST READING: \_\_\_\_\_

GIVEN SECOND READING AND PASSED: \_\_\_\_\_

PUBLISHED IN THE CRITTENDEN PRESS: \_\_\_\_\_

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JARED BYFORD, MAYOR

ATTEST: \_\_\_\_\_  
PAM ENOCH, CITY CLERK