

MEETING NOTICE & AGENDA

MARION CITY COUNCIL

Monday, August 19, 2019 – 5:00 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 July 15, 2019 Council Meeting and July 29, August 1 Special Council Meetings
2. Introduction and 1st Reading of Ordinance #19-09, entitled, "An Ordinance Relating to the Tax Levy for the Year of 2019, City of Marion, Kentucky"
3. Mayor/Council/Staff Comments & Questions
4. Adjourn

ORDINANCE NO. 19-09

AN ORDINANCE RELATING TO THE TAX LEVY FOR THE YEAR OF 2017
CITY OF MARION, KENTUCKY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION, KENTUCKY AS FOLLOWS:

SECTION 1: That an ad valorem tax of \$.230 be and is hereby levied on each One Hundred Dollar (\$100.00) of fair cash value of all real property in the City of Marion, Kentucky.

SECTION 2: That an ad valorem tax of \$.3105 be and is hereby levied on each One Hundred Dollar (\$100.00) of fair cash value of all personal property in the City of Marion, Kentucky.

SECTION 3: That an ad valorem tax of \$.230 be and is hereby levied on each One Hundred Dollars (\$100.00) of fair cash value of all Public Utilities.

SECTION 4: That in accordance with KRS 132.487 (2) and ad valorem tax of \$.229 be and is hereby levied on each One Hundred Dollar (\$100.00) of fair cash value of all motor vehicles in the City of Marion, Kentucky; and this accordance with KRS 132.488, and as valorem tax of \$.229 be and is hereby levied on each One Hundred Dollar (\$100.00) of fair cash value of all motorboats in the City of Marion, Kentucky.

SECTION 5: That the tax under Sections 1,2,3, and 4 shall be levied for the purpose of providing public services such as fire protection, police protection, maintenance, repair and improvement of street and parks and for taking care of the general miscellaneous expenses of the City of Marion, Kentucky. All taxes listed, supra, shall be paid into the General Fund of the City.

SECTION 6: That this tax levy ordinance DOES NOT pertain or relate to the franchise tax on all deposits, as defined in KRS Chapter 136, maintained by such financial institutions in the City of Marion, Kentucky in that the Bank Franchise and Local Deposits Tax was set by Ordinance Number 96-13 passed on August 19, 1996 and published in the Crittenden Press on August 22, 1996.

SECTION 7: That all taxes levied hereby shall become due and payable on the first day of July, 2017. The City of Marion, Kentucky shall have a lien for taxes upon any and all property subject to taxation, which lien shall be superior to all encumbrances prior or subsequent; and all taxes which are not paid on or before the first day of November, 2019 shall be deemed delinquent and shall be subjected to a penalty of twenty-five per cent (25%) and shall bear interest at the rate of ten per cent (10%) per annum. Furthermore any individual, firm or corporation failing to pay such taxes herein levied by this ordinance on or before the first day of November, 2019 shall pay said twenty-five (25%) penalty and interest at the rate of ten per cent (10%) per annum in addition to the amount of such tax then due and unpaid.

SECTION 8: All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of the conflict.

COUNCIL MEMBERS	YES	NO
Donald Arflack	_____	_____
D'Anna Browning	_____	_____
Darrin Tabor	_____	_____
Dwight Sherer	_____	_____
Michael Byford	_____	_____
Phyllis Sykes	_____	_____

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

INTRODUCED AND GIVEN 1ST READING : August 19, 2019

GIVEN 2ND READING AND PASSED:

PUBLISHED IN THE CRITTENDEN PRESS:

ATTEST:

JARED BYFORD, MAYOR

PAM ENOCH, CITY CLERK

Marion of the Marion City Council
July 15, 2019-5:00 p.m.

The Marion City Council met in regular session July 15, 2019 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, Terri Hart, Ray O'Neal, Ronald Howton, and the city attorney. A public sign-in sheet is attached and made part of these minutes.

GENEREAL GOVERNMENT

Terri Hart, Code Enforcement Officer, asked for any updates on Greg West property regarding the high grass.

Motion by Phyllis Sykes, second by D'Anna Browning to approve the minutes of June 17, 2019 council meeting as submitted to the council. All voted yes.

The city administrator, Adam Ledford, reviewed and discussed the draft City of Marion alcohol ordinance with the council. He stated the 60-day requirement would be on July 24th. He stated there would most likely have a special council meeting on the 24th when the 60 days are up. Council member D'Anna Browning suggested study other cities ordinances.

The council was given a list of streets that were identified as most in need of resurfacing. The city administrator asked the council if the list needed to be modify before going out for bids. The council discussed the list and decided on the top (5) streets that needed the most attention: (1) Oak Hill Drive (2) Watson Street (3) South Weldon Street (4) Blackburn Street (5) Industrial Drive. Council member Darrin Tabor thought Industrial Drive needed the most attention due to volume of traffic and condition of the road surface. Motion by Donnie Arflack, second by D'anna Browning to approve the list of streets. Five council members voting yes, with Darrin Tabor voting no. Motion carried.

Motion by Darrin Tabor, second by Phyllis Sykes to appoint Cody McDonald to the Marion Recreation, Tourist and Convention Commission. All voted yes.

Council member Dwight Sherer introduced ordinance #19-07, entitled, "An Ordinance to amend Code Enforcement Board Membership". The city attorney gave the first reading of said ordinance.

The council reviewed and discussed the bids received on the surplus vehicles. Motion by Darrin Tabor, second by Dwight Sherer to award high bidder to Todd Riley on the 1986 Humvee, in the amount of \$9,985.00 and 2009 Chevy Silverado, in the amount of \$11,393.00. All voted yes. A copy of said bids is attached and made part of these minutes.

OTHERE BUSINESS

Council member Phyllis Sykes stated a local business man, Chris Wynn, had offered to donate money to fix the fire hydrants.

Council member Phyllis Sykes inquired about putting city code violations on the resident's property tax.

Council member D'Anna Browning asked about the procedure of getting South Main Street speed limit lowered to 35 mph.

Council member Mike Byford asked who would be replacing Linda Schumann's spot on the Revolving Loan Fund.

ADJOURNMENT

There being no further business to come before the council, meeting was adjourned at 6:09 p.m.

JARED BYFORD, MAYOR

ATTEST:

PAM ENOCH, CITY CLERK

**Special Called Meeting of the Marion City Council
July 29th, 2019-5:00 p.m.**

The Marion City Council met in special session July 29th, 2019 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, Terri Hart, Heath Martin, and the city attorney. A public sign-in sheet is attached and made part of these minutes.

GENERAL GOVERNMENT

Mayor, Jared Byford, gave the second reading of Ordinance 19-07 titled "Ordinance to Amend Code Enforcement Board Membership". Councilwoman D'Anna Browning mentioned that said members should also be made to abide by Code Enforcement rules. She then questioned, if said members did not abide by the Code Enforcement regulations themselves if they could be dismissed from the board. Mayor Byford then advised he could dismiss members if that became a problem. Motion by Councilman Michael Byford, second by Councilman Dwight Sherer to adopt said ordinance. With all members of Marion City Council voting yes. Motion carried.

Councilman Darrin Tabor introduced Ordinance 19-08 titled, "Alcohol Beverage Control Ordinance". The City Attorney gave the introduction and passed out a copy of said ordinance to everyone in attendance. Councilman Donald Arflack questioned if the City of Marion could regulate restaurant alcohol sales, and require that their profits are a certain percentage of food sales. Discussion was had by City Administrator, Adam Ledford pertaining to Councilman Arflack's question. Discussion was had by several councilmember's in reference to the type of alcohol beverage licenses. City Attorney, Bart Frazer advised if the council would like to make amendments to the said ordinance they could motion to do so and vote on the amendments during this meeting.

Councilman Dwight Sherer motioned to amend the License Requirement of "Quota Retail Package License" to include that a retail package store shall not be issued if the business is within one-thousand feet of a school or within five-hundred feet of a church. Motion died due to the lack of a second motion.

Councilman Donald Arflack motioned to remove the "Quota Retail Drink License", second by Councilman Michael Byford. Vote as follows:

Darrin Tabor: No	Dwight Sherer: Yes
Phyllis Sykes: No	D'Anna Browning: No
Donald Arflack: Yes	Michael Byford: Yes

Resulting in a tie in which Mayor Jared Byford voted, No. Motion did not carry.

Councilman Mike Byford request to know if the Council would have a say in which establishment received a license. City Administrator advised no, that would be up to the ABC Office at the state level.

Mayor Byford then asked the council to revisit the motion that was made earlier in the meeting by Councilman Dwight Sherer. He advised he believed there was some confusion. Councilman Sherer again made a motion to amend the license requirement to include that a retail package store shall not

be issued if the business is within one-thousand feet of a school or within five-hundred feet of a church.
Motion was seconded by Councilwoman D'Anna Browning. Vote as follows:

Darrin Tabor: No

Dwight Sherer: Yes

Phyllis Sykes: No

D'Anna Browning: Yes

Donnie Arflack: Yes

Michael Byford: Yes

Said motion carried.

ADJOURNMENT

There being no further business to come before the council, meeting was adjourned at 5:37 p.m.

JARED BYFORD, MAYOR

ATTEST:

LAYTEN CROFT, ASST. CITY CLERK

**Special Called Meeting of the Marion City Council
August 1, 2019-5:15 p.m.**

The Marion City Council met in special session August 1, 2019 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, Terri Hart, Heath Martin, and the city attorney. A public sign-in sheet is attached and made part of these minutes.

GENERAL GOVERNMENT

The city attorney gave the second reading of Ordinance #19-08, an ordinance to the City of Marion Kentucky, adopting with amendments found herein, the following set of regulations and requirements for alcohol beverage control, herein after to be known as the City of Marion "ALCOHOLIC BEVERAGE CONTROL ORDINANCE " and further adopting all applicable and required KRS, including but not limited to, KRS Chapters 241 through 244 as recently updated by the general assembly and administrative agencies. Motion by Darrin Tabor, second by Phyllis Sykes, to adopt ordinance #19-08.

After a brief discussion, a motion was made by Phyllis Sykes to amend said ordinance to reduce the setbacks placed on the license requirement of "Quota Retail Package License" voted on during the last meeting to five-hundred feet from schools and a one-hundred feet from churches, Councilman Darrin Tabor second the motion. While the amendment was under discussion, Councilman Tabor made a motion to amend Councilwoman Sykes motion thus changing the language of said ordinance to state these changes would be effective day of publication, with Phyllis Sykes seconding the amendment of her motion. With the vote 5 council members voting yes and council member Dwight Sherer voting no. The council then voted on the original amendment by Councilwoman Sykes, with the vote being as follows: Darrin yes, Phyllis yes, Donnie no, Dwight no, D'Anna yes, and Mike no. Mayor Jared Byford voted yes breaking the tie vote.

Council member Donnie Arflack then made a motion to amend said ordinance to eliminating the "Quota Retail Drink License," this would eliminate opening a tavern or bar, council member Dwight Sherer second the motion. Marion City Administrator, Adam Ledford, explained by amending this section, the amendment would kill any businesses with 50 percent or more profit coming from alcohol sales. A vote was taken as follows: Darrin Tabor no, Phyllis Sykes no, Donnie Arflack yes, Dwight Sherer yes, D'Anna Browning no, and Mike Byford no. Motion died.

After more discussion on this ordinance, motion by Donnie Arflack, second by Dwight Sherer to amend the License Requirement of "Quota Retail Drink License" to include that a license shall not be issued if the business is within one-thousand feet from churches, schools and daycares, with the vote being as follows: Darrin Tabor no, Phyllis Sykes no, Donnie Arflack yes, Dwight Sherer yes, D'Anna Browning no, and Mike Byford no. Motion died.

After discussion a vote was taken to adopt the amended ordinance as follows: Darrin Tabor yes, Phyllis Sykes yes, Donnie Arflack no, Dwight Sherer no, D'Anna Browning yes, and Mike Byford yes. Motion carried.

Mayor Jared Byford appointed Heath Martin to be the ABC officer effective with publication of the Alcohol ordinance.

ADJOURNMENT

There being no more items on the special agenda; meeting was adjourned at 5:42 p.m.

JARED BYFORD, MAYOR

ATTEST:

PAM ENOCH, CITY CLERK

CITY OF MARION, KENTUCKY
FINANCIAL STATEMENT
 August 2019

	<u>Balance July 1</u>	<u>Receipts</u>	<u>Expenditures</u>	<u>Balance Aug 1</u>
General Fund	\$ 269,318.88	\$ 52,883.12	\$ 120,720.04	\$ 201,481.96
Municipal Aid Fund	\$ 188,674.71	\$ 9,398.81	\$ -	\$ 198,073.52
LGEAF Mineral Severance	\$ 3,685.44	\$ 0.83	\$ -	\$ 3,686.27
Operation & Maintenance Fund	\$ 28,281.95	\$ 128,076.45	\$ 144,144.58	\$ 12,213.82
Sewer Fund	\$ 13,988.82	\$ 39,678.17	\$ 52,533.84	\$ 1,133.15
*Consumer Deposits	\$ 7,550.43	\$ 450.07	\$ -	\$ 8,000.50
Env. Assess. Building Fund	\$ 378,315.99	\$ 202,492.33	\$ 177,097.33	\$ 403,710.99
*1988 Sinking Fund	\$ 20,358.95	\$ 2,450.38	\$ -	\$ 22,809.33
*1993 Sinking Fund	\$ 42,785.57	\$ 2,920.79	\$ -	\$ 45,706.36
Waterline Sinking Fund	\$ 12,988.57	\$ 5,500.26	\$ -	\$ 18,488.83
*1988/93 Reserve Fund	\$ 6,419.53	\$ 0.06	\$ -	\$ 6,419.59
Sewer Project R & I	\$ 13,757.27	\$ 4,000.00	\$ -	\$ 17,757.27
Police Drug & Alcohol	\$ 950.00	\$ 19,705.24	\$ -	\$ 20,655.24
*Revolving Loan Fund	\$ 302,769.41	\$ 6,867.72	\$ -	\$ 309,637.13
Rest. & Motel Acct.	\$ 7,637.84	\$ 21,658.63	\$ -	\$ 29,296.47
Main Street Acct.	\$ -	\$ -	\$ -	\$ -

INVESTMENTS

General Fund-----	\$ 479,534.82
General Project Account-----	\$ 29,020.52
Insurance Fund-----	\$ 9,595.12
Municipal Aid Fund-----	\$ 8,385.79
*Consumer Deposits-----	\$ 80,104.26
Operation & Maintenance Fund-----	\$ 30,000.00
1969 Replacement & Improvement Fund-----	\$ 170,371.06
1969 Reserve Fund-----	\$ 54,000.00
*1988 Reserve Fund-----	\$ 50,000.00
Police Equipment Fund-----	\$ 58.37

LOANS

1988 Loan-----	\$ 222,000.00
1993 Loan-----	\$ 357,000.00
Sewer Project-----	\$ 308,767.26
City Hall Lease-----	\$ 630,000.00
Land Lease-----	\$ 27,774.12
Main Street Waterline-----	\$ 931,094.41
New Sewer Plant-----	\$293,445.00

*Restricted Funds
 **Semi-restricted Fund

Respectively submitted,

Layten Croft
 Layten Croft, Treasurer

Gas Used

7/31/2019

Adm.	\$0.00
Police	\$504.28
Street	\$0.00
Fire	\$0.00
Water Plant	\$165.94
Water Maint.	\$497.97
Sewer Plant	\$80.66
Sewer Maint.	\$317.08
Utility Dir.	\$0.00
Planning	\$87.76
TOTAL	\$1,653.69

LC