

Meeting Notice & Agenda

MARION CITY COUNCIL

Monday, August 15, 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 July 18, 2022 Council Meeting and August 2, 2022 Special Council Meetings
2. Update on Lake George and Water Supply
3. Lucile Mine Update
4. Introduction and First Reading of Ordinance #22-14 entitled, "An Ordinance Relating to the Tax Levy for the Year of 2022, City of Marion, Kentucky"
5. Adjourn

Minutes of Marion Council
July 18, 2022-5:00 p.m.

The Marion City Council met in Regular Session on July 18, 2022, at 5:00 p.m. with Mayor Jared Byford Presiding. Council members present were as follows: Darrin Tabor, Phyllis Sykes, Donnie Arflack, Dwight Sherer, D'Anna Browning, and Mike Byford. City Employees were as follows: Layten Croft, Pam Enoch, Barbara Browning, Jeff Black, Fire Chief Howton, Chief Ray O'Neal, Sergeant Heath Martin, Police Officers Eric Grey, James Duncan, and the City Attorney Bart Frazer. A public sign-in sheet is attached and made part of these minutes.

PUBLIC CONCERNS

Paul Beard was present at the council meeting wanting to know what the fluoride level was in the Lucile Mine. He also advised the council about the beavers causing a blockage at the lake and causing water to not reach the lake.

GENERAL GOVERNMENT

Motion by Dwight Sherer, seconded by Phyllis Sykes to approve the minutes of the June 20, 2022, Council Meeting, and June 30th, and July 14th Special Called Council Meetings. All voted yes.

The City Attorney gave the first reading of Ordinance #22-12 entitled, "An Ordinance of the City of Marion, Kentucky Amending Chapter 50 to include Cross Connection". Motion by Mike Byford to declare this ordinance an emergency. No other action was taken.

Council member Donnie Arflack introduced #22-13, "An Ordinance of the City of Marion, Kentucky amending Ordinance 19-08 'Alcoholic Beverage Control Ordinance'". Sergeant Heath Martin updated the council on changes of selling alcoholic beverages. He advised the state law now allows individuals 18 years of age or older may be employed to sell or serve alcohol by a person holding a license provided the individual was supervised by an individual 20 years of age or older.

Mayor Byford updated the council and public on Lake George and the water supply as follows: (1) 1.5 inches of rain over the weekend (2) The state is still working toward Sturgis connections (3) Kentucky Rural Water has located and repaired 7 leaks (4) Crittenden/Livingston back up giving 130,000 gallon a day (5) National Guards hauled 200,000 gallons on Saturday (6) Caldwell County project is still under design. Council member Byford stated that P & H had hauled 199 truckloads of water, which is about one million gallons.

Council member Darrin Tabor asked what the plans were for Lucile Mine. The Division of Water scientists thinks the chemical balance of the water makes it difficult to treat. They stated the fluoride levels that exist in the mine's water are potentially harmful. Council member Tabor stated this testing had been pushed back as far as 2009 and 2012 when drought conditions had threatened the town's other raw water sources. Council member Donnie Arflack made a motion to move forward with having the Lucile Mine tested, seconded by Darrin Tabor with the vote being as follows: Darrin Tabor yes, Phyllis Sykes no, Donnie Arflack yes, Dwight Sherer yes, Dwight Sherer yes, and Mike Byford yes. Motion carried. The cost to pump water from the mine, let it recharge then have the new water tested would be around \$5,000 dollars.

Mayor Byford recognized Sergeant Heath Martin, Gary Cruce, and Evan Cruce each with a plaque for saving a woman's life from a residential fire at 3201 Mott City Road. Mayor Byford recognized them as true heroes.

OTHER BUSINESS

Council member Phyllis Sykes advised the public that was present at the meeting, everyone was trying their best to fix the water issue.

Council member Donnie Arflack advised the traffic light on Main Street and Bellville Street was taking too long to change.

Council member Dwight Sherer wanted to thank everyone and the businesses for their hard effort during the water crisis.

Mayor Byford advised anyone that could volunteer at the armory to distribute water would be greatly appreciated.

ADJOURNMENT

There being no more business to come before the council; meeting was adjourned at 5:26 p.m.

JARED BYFORD, MAYOR

ATTEST:

PAM ENOCH, CITY CLERK

**Minutes of the Special Called Meeting
Tuesday, August 2, 2022- 5 p.m.**

The Marion City Council met in special session August 2, 2022, at 5:00 p.m. with Mayor Jared Byford presiding. Council members present were Darrin Tabor, 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, Jeff Black, Greg Tabor, Fire Chief Howton, Police Chief Ray O'Neal, Sergeant Heath Martin, Patrolman James Duncan, and the City Attorney Bart Frazer. A public sign-in sheet is attached and made part of these minutes.

GENERAL GOVERNMENT

Mayor Byford was heartbroken over the passing of council member Phyllis Sykes and wanted to take a moment of silence.

Cody Kirby, with Kentucky Rural Water, was present at the meeting to update the council and the public on the leaks they had located and repaired. He advised they had found and repaired twenty water leaks since they had arrived. Mr. Kirby suggested the council consider hiring someone to keep looking and repairing leaks once KRWA were finished here. He stated there was no way to monitor the system at this time, he suggested putting a primary meter in that was approximately \$20,000 to \$30,000 and leak loggers, which Reveal (the company also helping find leaks) uses that would cost \$50,000. He answered questions and concerns from the council and the public.

Danielle Duncan, City Code Enforcement officer, reported to the council and public that since July there had been 47,062 gallons of water distributed to 1,700 families a week from the Armory.

Administrator Ledford gave a brief update on Lake George and the water supply. He stated the water is now spilling over the top at City Lake. He advised the city had not been able to receive any water from Crittenden/Livingston Water District due to a bad leak they had, he advised they are hoping by tomorrow we would start receiving water from them.

Administrator Ledford stated he had provided information from BFW to the council in their packets.

Administrator Ledford advised the city is working toward moving off the boil water advisory. Jackie, with DOW, explains the magnesium and organics are still high, preventing the boil water advisory to go off. Administrator advised the city had started flushing hydrants around town hoping to improve the water quality.

Mayor Byford took a few questions from the public. A.J Valentine and Joe Baker had a few questions and concerns regarding the water crisis. The council answered their questions and concerns.

Administrator Ledford updated the council and the public on the Lucile Mine. Ledford included in the council packets: 2013 water test results, C&C quote for pumping the mine for a week, August permit to pump, Eclipse Engineering's assessment of the 2013 data, and Q & A from DOW. Ledford advised he had received estimates on testing over the 1-year qualification period. It will cost the city \$60,000 dollars to conduct the test necessary to have this permitted as a water source over the 12-month study. Council member Donnie Arflack had questions concerning the first price quote the city was given. Council member Donnie Arflack stated he thought the previous test was taken was behind the old car wash, and

not actually at the Lucille Mine location. Council member Darrin Tabor wanted it on record that 30,000 dollars was not going to change his mind from having Lucile Mine tested. Council member D'Anna Browning suggested going back to McCoy & McCoy (Pace) and see what location was listed for the testing of the mine.

Administrator Ledford advised pursuant to Councilwoman Phyllis Sykes passing on July 27, 2022, the council now has 30 days to fill the open seat. A standing council member must nominate candidates. A copy of KRS 83A.040 was provided in the council's packets. Council member Darrin Tabor stated he had spoke to Randy Dunn and he had agreed to do it. Administrator Ledford stated he had spoken to Troy McHagen and he had agreed to fill the spot. Mayor Byford had spoken to Tracey Cook and Jason Hatfield and they both had agreed to fill the spot. Motion by Donnie Arflack, seconded by Darrin Tabor to appoint Jason Hatfield to serve as council member the rest of the term. All voted yes.

Council member Darrin Tabor nominated Dwight Sherer for appointment of unexpired term for 2022 Mayor Pro-Tem. Motion by Donnie Arflack, seconded by Darrin Tabor to appoint Dwight Sherer for unexpired term for 2022 Mayor Pro-Tem. All voted yes.

The City Attorney gave the 2nd Reading of Ordinance #22-13 entitled, "An Ordinance of the City of Marion, Kentucky amending Ordinance 19-08 "Alcoholic Beverage Control Ordinance". Motion by Donnie Arflack, seconded by Dwight Sherer to adopt said ordinance with the vote being as follows: Darrin Tabor no, Donnie Arflack yes, Dwight Sherer yes, D'Anna Browning yes, and Mike Byford yes. Motion carried.

Motion by Mike Byford, second by D'Anna Browning to appoint Katie Wheeler, replacing Kory Wheeler, to the Marion Recreation, Tourist, and Convention Commission. All voted yes.

Motion by Mike Byford, seconded by Donnie Arflack to identify the 2008 Ford Crown Victoria, police car, as surplus and send it to government bodies of Eastern Kentucky. All voted yes.

ADJOURNMENT

There being no further business to come before the council; meeting was adjourned at 6:37 p.m.

JARED BYFORD, MAYOR

ATTEST:

PAM ENOCH, CITY CLERK

ORDINANCE NO. 22-

AN ORDINANCE RELATING TO THE TAX LEVY FOR THE YEAR OF 2022
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 \$.2210 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 \$.2781 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 \$.2210 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, 2022. 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, 2022 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, 2022 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.

<u>COUNCIL MEMBERS</u>	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 :

GIVEN 2ND READING AND PASSED:

PUBLISHED IN THE CRITTENDEN PRESS:

JARED BYFORD, MAYOR

ATTEST:

PAM ENOCH, CITY CLERK