

Meeting Notice & Agenda

MARION CITY COUNCIL

Monday, October 18, 2021 – 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 September 20, 2021, Council Meeting and October 5, 2021, Special Council Meeting
2. Discussion on Food Truck Vendors
3. Introduction and 1st Reading of Ordinance #21-20 entitled, "AN ORDINANCE OF THE CITY OF MARION, KENTUCKY, AMENDING ORDINANCE NO. 01-23 TO REZONE PROPERTY AT 111 ROCHESTER AVENUE FROM R- SINGLE FAMILY RESIDENTIAL TO R-3 MOBILE HOME OVERLAY"
4. Update on Projects
 - a. Sewer Plant
 - b. Technology Updates
 - c. Recent Staff Openings
 - d. Leaf Collection
5. Mayor/Council/Staff Comments & Questions
6. Adjourn

**Meeting of the Marion City Council
September 20, 2021 5:00 p.m.**

The Marion City Council met in Regular Session September 20, 2021 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, Danielle Duncan, Chief Ray O'Neal, and the City Attorney Bart Frazer. A public sign-in sheet is attached and made part of these minutes.

GENERAL GOVERNMENT

Motion made by Phyllis Sykes, seconded by D'Anna Browning to approve the minutes of August 16, 2021 council meeting, and special called meeting held on August 25, 2021 as submitted to the council. All voted yes.

Council member Phyllis Sykes introduced 1st reading of Ordinance #21-19, 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.

The Council was presented with an ordinance governing the operation of mobile food unit vendors in the City. The council discussed some potential changes or additions to this ordinance.

Administrator Ledford updated the council on various projects and staffing matters. Council member Darrin Tabor had concerns with only two water plant operators having to run the plant 20 hours a day. Council member Tabor suggested looking into the second tank on Wilson Hill and seeing about getting it repaired. Administrator Ledford advised he would look into the cost and see what money could be pulled out of investments.

OTHER BUSINESS

Council member Darrin Tabor asked about the city employees work schedule due to Covid.

Council member Phyllis Sykes had concerns with a house located at the corner of East Bellville and Walker Street. Her concerns were children getting hurt due to the house only being half torn down.

Mayor Byford asked for any updates on the property across from Hometown Foods.

Council member Donnie Arflack inquired about the water leak study. Administrator Ledford advised that Garry Gerard was working with them on this issue.

Council member Donnie Arflack advised of a hole on Chipps Drive caused by the new sewer lines being put in has never been fixed. Advised this is James C. Johnson's property.

Council member Dwight Sherer asked for an update on the stop light on Main and Gum Street.

Council member D'Anna Browning had a question regarding the Revolving Loan Fund.

Council member Mike Byford asked if the RLF money could be used anywhere else.

Council member Mike Byford advised high grass on Bellville Street across from the Feed Mill.

Council member Mike Byford stated weeds across from Siemens needed attention.

Administrator Ledford announced there will be a dedication for the Airport a week from Saturday from 9:00 to 2:00 p.m.

Administrator Ledford advised the council that a special council meeting would be held to discuss the leaf collection pickup.

ADJOURNMENT

There being no further business to come before the council; meeting was adjourned at 6:05 p.m.

JARED BYFORD, MAYOR

ATTEST:

PAM ENOCH, CITY CLERK

**Special Called Meeting
Tuesday, October 5, 2021-5:00 p.m.**

The Marion City Council met in special session October 5, 2021 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, and Danielle Duncan. A public sign-in sheet is attached and made part of these minutes.

GENERAL GOVERNMENT

City Administrator gave the second reading of ordinance #21-19 entitled, "An Ordinance amending the Pay Plan for Classified City Employees and Non-Elected Officials". Motion by Phyllis Sykes, second 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, and Mike Byford yes. Motion carried.

Motion by Dwight Sherer, second by Donnie Arflack to re-appoint Barbara Browning to the Marion Code Board. All voted yes.

Motion by D'Anna Browning, second by Donnie Arflack to appoint Paul Belt and Ray Agent to the Marion Planning Board. All voted yes.

ADJOURNMENT

There being no more items on the special agenda; meeting was adjourned at 5:02 p.m.

JARED BYFORD, MAYOR

ATTEST:

PAM ENOCH, CITY CLERK

CITY OF MARION, KENTUCKY
ORDINANCE NO. 21-_____

**AN ORDINANCE GOVERNING THE OPERATION OF MOBILE FOOD UNIT
VENDORS IN THE CITY OF MARION, KENTUCKY**

WHEREAS, the existing city ordinances do not provide any regulations governing the operation of mobile food unit vendors; and

WHEREAS, the City Council desires to supplement the Marion Code of Ordinances by establishing regulations for those vendors while also providing for the public safety, health, and welfare.

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

SECTION 1 - DEFINITION AND APPLICABLE LAWS AND REGULATIONS

- (A) The term "mobile food unit vendor" (hereinafter, "Vendor") as used in this ordinance shall be defined to mean a merchant who conducts business from an establishment which is on wheels or is otherwise mobile but not including, however, vendors such as ice cream trucks who are primarily mobile and who only stop at undetermined locations and for very brief periods of time to service customers. A "Vendor" operating in the City shall be subject to the provisions of this ordinance as well as to all applicable ordinances and regulations currently in effect or enacted or adopted in the future unless otherwise expressly provided herein. These include, but are not necessarily limited to zoning, public safety, pedestrian and state traffic laws, restricted sales or vending areas, parking, and licensing.
- (B) "Owner"- The holder of the title in fee simple and any person, group of persons, company, association, or corporation in whose name tax bills on the property are submitted. OWNER also means a person, association, corporation, partnership, or other legal entity having legal or equitable title in real property. It shall also mean any person who, alone or jointly or severally with others: 1) shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or 2) shall have charge, care, or control of any dwelling unit, as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possession, assignee of rents, lessee, or other person, firm, or corporation in control of a building, or their duly authorized agents. Any such person representing the actual owner shall be bound to comply shall be bound to comply with the provisions of this ordinance, and the rules and regulations adopted.

- (C) "Premises" - A lot, plot, or parcel of land including the buildings, dwellings, or structures thereon.

SECTION 2- GENERAL INFORMATION

- (A) The City of Marion seeks to provide VENDORS guidance and instruction for obtaining a Business License to operate within the city limits. The VENDOR must submit the following information to the City Clerk to obtain a Business License:
 - a. Authorization and consent for a VENDOR to operate on private property must be obtained in writing from the OWNER or authorized agent.
 - b. Authorization and/or permit issued by the Crittenden County Health Department.
 - c. Authorization and/or permit issued by a state or local fire marshal.
 - d. Proof of general liability insurance.
- (B) The City Clerk will maintain applications for the license at City Hall and on the city website. A Business License will be issued to a VENDOR at a cost of \$100 per calendar year. The Business License must be displayed by the VENDOR in a location which is easily viewed by the public.
- (C) VENDORS are required to collect a "Restaurant Tax". The City Clerk will provide VENDORS all necessary forms for reporting and submission of the tax when the Business License is issued.
- (D) The following information is provided to VENDORS for consideration when setting up business operations:
 - a. VENDORS may not operate within 150 feet of the primacy entrance of any business establishment entrance which submits a "Restaurant Tax" to the City.
 - b. The location of the VENDOR must allow for proper vehicular and pedestrian access and circulation on the property.
 - c. VENDORS may not set up or operate for more than seven (7) days consecutively at any location.
 - d. An authorized receptacle must be provided for patrons to dispose of trash or garbage. The receptacle must be emptied daily.
 - e. Vendor must operate in portions of City that are otherwise zoned commercial or industrial.
 - f. Water, waste, or refuse may not be dumped down storm drains.
- (E) This ordinance does not apply to VENDORS who only wish to operate during city festivals or other short term community events in which another permit is issued.

SECTION 3 - VIOLATIONS -PENALTIES FOR VIOLATION

(A) It is unlawful for a VENDOR to operate without a Business License. Failure to obtain a Business License will result in the closure of the VENDOR by an authorized City agent.

(B) Penalties/fines for violations of this ordinance are as follows:

- I) 1st offense within I-year period - Notice of violation and request to correct violation.
- 2) 2nd offense within I-year period * \$250 .00

SECTION 4- SEVERABILITY

Each word, phrase, sentence, section, and provision (each "portion") of this Ordinance is hereby declared to be independent and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any portion of said Ordinance, the adoption thereof, or the application thereof to any person or circumstance is held to be invalid, the remaining portions and the application of such portions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is declared that such portions would have been passed independently of such portion or portions so held to be invalid.

SECTION 5-CONFLICTING CODE PROVISIONS REPEALED

Any provision(s) in the City of Marion Code of Ordinances specifically in conflict with any provision in this Ordinance is hereby deemed inoperative and repealed.

SECTION 6-PUBLICATION

This Ordinance shall become effective upon passage and publication. Publication is authorized to be made in summary form as authorized in KRS 83.060 (9).

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: _____

JARED BYFORD, MAYOR

ATTEST: _____
PAM ENOCH, CITY CLERK

**CITY OF MARION, KENTUCKY
ORDINANCE NO. 21-20**

**AN ORDINANCE OF THE CITY OF MARION, KENTUCKY, AMENDING
ORDINANCE NO. 01-23 TO REZONE PROPERTY AT 111 ROCHESTER AVENUE
FROM R- SINGLE FAMILY RESIDENTIAL TO R-3 MOBILE HOME OVERLAY**

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 111 Rochester Avenue, Marion, Kentucky, be changed from R-1 Single Family Residential, to R-3 Mobile Home Overlay, 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: _____

JARED BYFORD, MAYOR

ATTEST: _____
PAM ENOCH, CITY CLERK

**City of Marion KY Tourism Commission
Minutes
September 21, 2021**

Commissioners Present: Tanner Tabor, Shelly Davidson, Jason Hatfield, and Mary Ann Campbell.

Others Present: Chris Evans, Brandie Ledford and Michele Edwards.

Call to Order: Chairman Tanner Tabor called the meeting to order at the Marion Welcome Center.

Approval of Minutes: Shelly Davidson moved to approve the minutes of the August 17, 2021 meeting. Mary Ann Campbell seconded. Motion carried.

Treasurer's Report: Jason Hatfield moved to accept the treasurer's report. Kory Wheeler seconded. Motion carried.

Outlaw Trail Program: Brandie Ledford, Crittenden Co. Library Librarian reported on the upcoming Outlaw Trail activities and promotions. Kory Wheeler moved to donate \$500.00 for maps and promotions. Shelly Davidson seconded. Motion carried.

Marion Fall Corn Maze: Kory Wheeler reported the corn maze would open on Oct. 1 for the entire month. Local organizations have signed up to work each afternoon and all day on Saturdays and Sundays.

Shelly Davidson moved the fee for the maze would be \$3.00 per person, children under five will be free. Jason Hatfield seconded. Motion carried.

All proceeds will go to the group working. Hours are 4:00 to dark Monday- Friday, Saturday 10:00 am to dark and Sunday 2:00 pm until dark.

Playground Equipment for the Park: Kory Wheeler moved Jason Hatfield as Chairman of the playground development committee and he can appoint a committee to serve with him. Shelly Davidson seconded. Motion carried.

Kory Wheeler moved the meeting adjourn. Shelly Davidson seconded. Motion carried.

11:21 AM

10/08/21

City of Marion, KY Tourism Commission
Reconciliation Detail
Farmers Bank Checking Account, Period Ending 09/30/2021

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						74,578.91
Cleared Transactions						
Checks and Payments - 24 items						
Check	09/08/2021	7070	Fohs Hall	X	-5,000.00	-5,000.00
Check	09/08/2021	7080	City of Marion	X	-1,500.00	-6,500.00
Check	09/08/2021	7078	The Crittenden Press	X	-1,452.32	-7,952.32
Check	09/08/2021	7073	Kentucky Monthly	X	-531.25	-8,483.57
Check	09/08/2021	7081	Crittenden Co. Library	X	-500.00	-8,983.57
Check	09/08/2021	7071	Terri Watson	X	-225.00	-9,208.57
Check	09/08/2021	7075	Greg Tabor	X	-200.00	-9,408.57
Check	09/08/2021	7077	Helix Creative	X	-200.00	-9,608.57
Check	09/08/2021	7079	A.T.&T. U-Verse	X	-184.75	-9,793.32
Check	09/08/2021	7072	City of Marion	X	-160.88	-9,954.20
Check	09/08/2021	7082	Aramark	X	-106.00	-10,060.20
Check	09/08/2021	7074	Atmos	X	-59.10	-10,119.30
Check	09/08/2021	7076	H&H Supply	X	-54.23	-10,173.53
Check	09/13/2021	Debit	Kentucky Utilities	X	-381.71	-10,555.24
Check	09/13/2021	Debit	Sign Warehouse	X	-271.38	-10,826.62
Check	09/13/2021	Debit	Staples	X	-79.47	-10,906.09
Check	09/13/2021	Debit	1&1 Internet	X	-20.17	-10,926.26
Check	09/15/2021	Debit	Kentucky Utilities	X	-118.65	-11,044.91
Check	09/20/2021	7083	City of Marion	X	-6,075.82	-17,120.73
Check	09/20/2021	7084	City of Marion	X	-454.13	-17,574.86
Check	09/20/2021	7085	Petter Business Sup...	X	-400.00	-17,974.86
Check	09/21/2021	7087	YTG Insurance	X	-924.80	-18,899.66
Check	09/27/2021	Debit	Google Ad Words	X	-311.51	-19,211.17
Check	09/27/2021	Debit	Sureway	X	-103.75	-19,314.92
Total Checks and Payments					-19,314.92	-19,314.92
Total Cleared Transactions					-19,314.92	-19,314.92
Cleared Balance					-19,314.92	55,263.99
Uncleared Transactions						
Checks and Payments - 2 items						
General Journal	07/01/2010	AJE 1			-99.17	-99.17
Check	09/20/2021	7086	Bluegrass Mowing		-1,780.00	-1,879.17
Total Checks and Payments					-1,879.17	-1,879.17
Deposits and Credits - 1 item						
Check	12/07/2020	7069				0.00
Total Deposits and Credits					0.00	0.00
Total Uncleared Transactions					-1,879.17	-1,879.17
Register Balance as of 09/30/2021					-21,194.09	53,384.82
Ending Balance					-21,194.09	53,384.82