

Minutes: City Council Meeting
August 13, 2018
7:00 PM

The Elkton City Council met in regular session on Monday, August 13, 2018 at 7:00 PM with Mayor Jackie Boyd Weathers presiding.

City Council members present: Michael Case; Doug Gibson; David Haley; Danny Laster; Frank McReynolds; and, David Powell.

Others present: Jeffrey Traughber, City Attorney; Laura Brock, City Clerk/Treasurer; Terry Frogue, Utility/Street Superintendent; Brian Atkinson, Police Chief; Jason Clardy, Police Captain, and family; Derrell Waggoner, Fire Chief; Daniel Smith, Assistant Fire Chief; Justin Moberly, Citation Officer/Zoning Administrator; and, Paisley Case.

Mayor Weathers called the meeting to order at 7:00 pm and led the Pledge of Allegiance. Haley gave invocation.

After reviewing the July 9, 2018 council meeting minutes, Haley motioned to approve, seconded by Gibson and carried unanimously.

After reviewing the August 6, 2018 special council meeting minutes, Gibson motioned to approve, seconded by Powell and carried unanimously.

Mayor Weathers called for approval of the bills payable and financial reports. After review, Powell motioned to approve the bills payable and financial reports, seconded by McReynolds and carried unanimously.

Mayor Weathers welcomed our guests and recognized Police Captain Jason Clardy and presented him with a certificate of appreciation recognizing him for his recent promotion to Police Captain. She stated Captain Clardy is a great father, citizen, and officer and thanked him for his service. There were no other public comments.

Case stated City Attorney Jeff Traughber might be running late to the meeting due to other obligations and items on the agenda may need to be postponed until his arrival.

Clerk Brock stated Mr. Traughber prepared a Summary of Ordinance 2018-11. Haley motioned to read the Summary Ordinance in lieu of the full ordinance, seconded by Case, and carried unanimously. Clerk Brock read second reading of Summary Ordinance 2018-11, "AN ORDINANCE TO REZONE PROPERTIES LOCATED AT 203 W MAIN ST, 108 S WEATHERS LN, AND 300 W WASHINGTON ST." Gibson motioned to adopt after second reading, seconded by Laster, and carried unanimously by show of hands.

Clerk Brock stated Mr. Traughber prepared a Summary of Ordinance 2018-12. Haley motioned to read the Summary Ordinance in lieu of the full ordinance, seconded by Gibson, and carried unanimously. Clerk Brock read second reading of Summary Ordinance 2018-12, "AN ORDINANCE AMENDING THE TEXT OF CHAPTER 151 (ZONING) OF THE CITY OF ELKTON CODE OF ORDINANCES." Gibson motioned to adopt after second reading, seconded by Powell, and carried unanimously by show of hands.

Clerk Brock stated Mr. Traughber prepared a Summary of Ordinance 2018-13. Case motioned to read the Summary Ordinance in lieu of the full ordinance, seconded by Haley, and carried unanimously. Clerk Brock read second reading of Summary Ordinance 2018-13, "AN ORDINANCE ANNEXING TO THE CITY OF ELKTON, KENTUCKY A 0.971 ACRE TRACT LYING ADJACENT TO AND CONTIGUOUS TO THE PRESENT CITY BOUNDARIES ON WEST JEFFERSON DAVIS HIGHWAY." Haley motioned to adopt after second reading, seconded by Gibson, and carried unanimously by show of hands.

Clerk Brock stated Mr. Traughber prepared a Summary of Ordinance 2018-14. Laster motioned to read the Summary Ordinance in lieu of the full ordinance, seconded by Powell, and carried unanimously. Clerk Brock read second reading of Summary Ordinance 2018-14, "AN ORDINANCE ANNEXING TO THE CITY OF ELKTON, KENTUCKY A 1.0 ACRE TRACT LYING ADJACENT TO AND CONTIGUOUS TO THE PRESENT CITY BOUNDARIES ON BECKAM ROAD." Haley motioned to adopt after second reading, seconded by McReynolds, and carried unanimously by show of hands.

Froge reported the city received bids for the B White Road sewer extension project on August 9, 2018 at 2 pm, with the following bids received: Abbico Contracting LLC, \$36,636.00; and, Daryl Miller Contracting, \$42,814.00. Froge reported McGhee Engineering is familiar with the low bidder's work and recommended the city accept the low bid. After discussion, Haley motioned to approve the bid from Abbico Contracting in the amount of \$36,636.00, seconded by Gibson, and carried unanimously. Froge reported there are additional options in the bid for the contractor to complete sewer taps. Contractor should be able to start construction in a couple weeks.

Case requested discussion regarding the city's temporary sign ordinance. At a previous council meeting, Mr. Case stated the wording of the city's ordinance was not in compliance with a court ruling which found signs should not be regulated based on the content of the sign. Traughber recommended simply amending our ordinance to establish a 30/60/90 day time period allowed for all temporary signs. Mayor suggested allowing 14 days to remove signs after the 90 day period and include language so that the city can remove the sign once the 14 days has expired. After discussion, Case motioned to propose an amendment to the temporary sign ordinance allowing them to be up for 90 days with removal after 14 days by the city, seconded by McReynolds, and carried unanimously. Traughber will draft language for the ordinance amendment. Brock will then present this to the Planning Commission for a public hearing.

Haley requested discussion about speed bumps on city streets. Froge reported he got estimates to install speed bumps at a cost of \$135 for each 6 foot section. Two would be needed for each street. Also, street signs going both directions would need to be installed to warn drivers about the bumps. He also reported Kentucky League of Cities was consulted and stated that the Kentucky Attorney General has found that all permitted traffic devices are listed in the MUTCD (Manual on Uniform Traffic Control Devices) and that speed bumps are not listed as an allowed device. Since they are not listed, KLC recommends not using the device. Traughber advised he could not find a specific example of actual liability on a city for using speed bumps. Discussion continued on the locations the bumps could be installed and it was decided to start with Morningside Drive after consulting with the property owners. Brock will send the owners and residents a letter and report on the results.

Case presented Ordinance 2018-1917, "AN ORDINANCE CHANGING THE NAME OF N WEATHERS LANE TO MR. GUY MALLORY LANE." Case explained Mr. Guy Mallory, Elkton resident, whom recently passed away, and was retired military, donated land to the community for the Senior Citizens Center and Todd County Public Library, and retired from the US Postal Service, and therefore the ordinance proposed changing the name of the alley beside the current US Post Office from N Weathers Lane to Mr. Guy Mallory Lane. The name change would not involve changing any current legal addresses. Clerk Brock read first reading of Ordinance 2018-1917, Case motioned to approve, seconded by Haley, and carried unanimously by show of hands.

Traughber reported prior to the May primary, he researched the compatibility of his office as City Attorney and if he was elected County Attorney. Since he won the primary election in May with no opposition in the general election, he reported the offices are incompatible and he will need to resign as city attorney at the end of the year. However, if the city council chooses, he would like to continue representing the city with a different title. He stated no action needs to be taken immediately, but he wanted to give the Mayor and council enough time to consider options.

Mayor Weathers reported Shelbie Knuckles' term on the Recreation Commission is expiring in August and

recommended her reappointment to another four year term. Laster motioned to approve the recommendation, seconded by Powell and carried unanimously.

Haley proposed an amendment to the zoning ordinance to reduce the setback requirement for signs from 25 feet to 10 feet. He presented draft language for the ordinance and stated the ordinance already allows the zoning administrator to deny a request for a sign if it hinders vision, therefore if 10 feet is too close and causes visibility issues, it can be adjusted by the Zoning Administrator. Haley motioned to recommend this amendment to the zoning ordinance to be presented to the Planning Commission for a public hearing, seconded by Gibson, and carried unanimously.

Frogué reported Camp Electric continues to work on the electric in the Elkton Die Casting building. Some of the screens for the ceiling lights had to be cut to size and caused a delay. Mayor Weathers reported the state conducted a lead paint survey of the building and found 11 areas with lead paint that should be removed if any renovations or construction is completed. Brock is working on estimated cost to remove the paint. Mayor Weathers suggested the city look at using the old Die Casting building for police and fire department. According to Amy Frogué, PADD, a CDBG grant can be applied for using the building as a fire department, but a citizen survey determining eligibility must be completed first. Daniel Smith stated the consensus of the fire department was to move forward with the survey. The grant can only be used for fire department, and not a police department.

Mayor Weathers reported discussions between some members of the Recreation Commission about reducing the number of members on the Commission. Judge Mansfield and several other members of the Board agree that lowering the number of voting members will help with establishing the required number to have a quorum at a meeting. Several meetings have been cancelled due to lack of quorum and it is hard to get business completed. It was decided Case would talk to the current members to gauge their interest level in remaining on the board. After discussion, Case motioned to amend the Recreation Commission membership to three city appointees and three county appointees, seconded by Haley, and carried unanimously.

COUNCIL REPORTS

Laster called for a report from Frogué, who reported Utility Tank Maintenance is painting the water tank on Garth Lane as required by their maintenance agreement with the city. Smoke testing of the city sewer lines has begun and the department is finding several small breaks in lines and leakage from manholes that will need to be repaired to prevent water infiltration into the sewer system. Under the KIA planning loan project, camera crews will be coming in the next few weeks to video sewer lines. With all of these projects going on, the department is trying to get caught up on sidewalk repairs. Frogué has contacted several people for potential hire; however they are now working other jobs. Frogué suggested preparing a list of all sidewalks that need repairs and bidding it out. Laster asked about the firemen volunteering to paint fire hydrants. Mayor suggested Raymond Williams crew of inmates may be able to do this in the colder months. It was also suggested this could be a school service project.

Powell called for a report from the fire department. Smith reported as Emergency Management Director, he has been asked to review fire district mapping in the county. He requested the city council authorize Chief Waggoner to work with him and make adjustments to the city's fire district. Waggoner reiterated all fire departments will make adjustments only if it is agreed upon by all involved. Powell motioned to authorize Smith and Waggoner to make adjustments to the city's fire district, seconded by Laster, and carried unanimously.

Smith also reported that no bids were received on the sale of the 1998 tanker truck. After discussion, it was the consensus to rebid the sale of the truck.

Case reported fall baseball and soccer are getting started in the park. Case and Mayor Weathers reported Todd County Fiscal Court has agreed to pay for installation of the fence on the Die Casting property for the

new soccer field area. When deciding about where to install the fence in relation to the switchgrass area, Mayor stated the city could have the switchgrass area tested again to see if there are any changes in the area before a decision is made about the fence and the location of the soccer fields. Initial estimates put the cost at about \$2,000. After discussion, Case motioned to pursue the soil testing further, seconded by Powell, and carried unanimously.

Gibson asked if the light poles on Goebel Avenue could be moved farther away from the street. The poles are very close to the road and this is a very busy street. Pennyrite Rural Electric will need to be consulted to see if they can be moved.

McReynolds reported he is concerned the city council meetings are not getting any media coverage. There is a lot of businesses being conducted that citizens should be aware of, but it is not getting coverage by the media. Traugher suggested some of this may be because the city council meetings after normal working hours, which makes it harder for the meeting to be covered.

MAYOR'S REPORT

Mayor Weathers presented an estimate from Scotty's to widen and pave the Elm Street entrance at the intersection of Garth Lane at a cost of \$2,500. Widening the street will allow the garbage truck to go down it to serve the residents. Gibson motioned to approve the project at a cost of \$2,500, seconded by McReynolds, and carried unanimously.

Mayor reported that out of the 17 counties in the Western Kentucky area, Todd County has the lowest unemployment rate at 4.4%. The state average is 5.0% and the Western Kentucky Average is 5.9%.

Clerk Brock reported she received the 2018 property tax rate calculations from the PADD Office after the agenda was mailed and presented the calculations. After reviewing the rates, Case motioned to keep the real property tax rate the same as last year at \$.249 per \$100 of assessment, seconded by Gibson, and carried unanimously. Brock stated that since this rate is slightly higher than the compensating rate, a notice and public hearing will be held before the next council meeting.

Mr. Haley motioned to adjourn, seconded by Mr. Gibson and carried unanimously. Meeting adjourned at approximately 8:30 pm.

Jackie Boyd Weathers, Mayor

Laura M. Brock, City Clerk/Treasurer