

Minutes: City Council Meeting  
February 11, 2019  
7:00 PM

The Elkton City Council met in regular session on Monday, February 11, 2019 at 7:00 PM with Mayor Arthur Green presiding.

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

Others present: Jeffrey Traughber, Attorney; Laura Brock, City Clerk/Treasurer; Terry Frogue, Utility/Street Superintendent; Brian Atkinson, Police Chief; Jason Clardy, Police Captain; Derrell Waggoner, Fire Chief; Daniel Smith, Assistant Fire Chief; Jen Harris, Public Health Director, Todd County Health Department; Tommy Turner, CPA, Thurman Campbell Group; Doug Meadows; and, Jimmy Shemwell.

Mayor Green called the meeting to order at 7:00 pm and led the Pledge of Allegiance. Mr. Frank McReynolds gave invocation.

After reviewing the January 14, 2019 council meeting minutes, Gibson motioned to approve, seconded by Orr, and carried unanimously.

Mayor Green called for approval of the bills payable and financial reports and any comments from Clerk Brock. After some discussion, Laster motioned to approve the bills payable and financial reports, seconded by Powell, and carried unanimously.

Mayor Green called for public comments and introduced Jen Harris, Todd County Health Department. Mrs. Harris reported she was present to discuss a harm reduction program and passed out information about used needles and an article about a community in Indiana experiencing an HIV outbreak created through intravenous drug users. Harris reported nearby local law enforcement agencies are finding more used needles in public spaces and Todd County has had four opioid drug overdoses in the last several weeks. With an increase in intravenous drug use, more diseases like Hepatitis C and HIV are spread. Harris informed the council about a program through SB192 that was passed by the state legislature a few years ago that allows the exchange of clean syringes to help prevent the spread of disease. In many cases, when someone comes in to exchange needles they are also offered other services like substance abuse treatment, vaccinations, and mental health counseling. Green and Harris reported the Health Board would have to approve such a program and then seek approval of the county and city where the program is established. Harris reported she just wanted to attend the meeting to educate the council on such a program so everyone could be prepared if it is discussed further in the future. Mrs. Harris thanked everyone and left the meeting.

Mr. Tommy Turner presented the FYE June 30, 2018 audited financial statements. Mr. Turner stated the financial statements were given an unmodified opinion, the best possible outcome of an audit. He reported two findings that are stated in the report, but nothing to be concerned about. Turner reviewed a Summary of Financial Information showing a positive change in net position in Governmental Activities and a loss in Businesses Activities. However, Turner explained that new rules relating to noncash items such as retirement expenses often times cause a positive cash flow to look like a loss on the books. Powell motioned to accept the audit, seconded by Gibson, and carried unanimously. Mr. Turner thanked everyone and left the meeting.

Mayor Green reported the city advertised for the sale of a natural gas franchise last year, but received no bids. Therefore, after discussions with Atmos Energy and making some changes to the proposed franchise agreement, the city is ready to advertise again. Green reported two major changes to the proposed agreement, which includes a 3% franchise fee as opposed to the 2% that was proposed last year. Also, the proposed term is now five years instead of two years to prevent the city from having to advertise the sale

every other year. Clerk Brock read first reading of Ordinance 2019-01, "AN ORDINANCE OF THE CITY OF ELKTON, KENTUCKY, PROVIDING FOR THE CREATION AND SALE OF A FRANCHISE FOR THE PRIVILEGE OF CONSTRUCTING, TRANSPORTING, OPERATING, MAINTAINING AND DISTRIBUTING NATURAL GAS ALONG AND UNDER PUBLIC RIGHT OF WAY WITHIN THE CITY OF ELKTON, KENTUCKY, FOR A TERM OF FIVE (5) YEARS IN CONSIDERATION FOR WHICH, THE SUCCESSFUL FRANCHISEE SHALL PAY TO THE CITY AN ANNUAL SUM EQUAL TO 3% OF GROSS REVENUES; AND FURTHER ESTABLISHING A BID PROCEDURE FOR THE AWARD OF SAID FRANCHISE TO THE SUCCESSFUL BIDDER." Orr motioned to accept after first reading, seconded by Case, and carried unanimously by show of hands.

Mayor Green reported it is constitutionally required that the city have a franchise agreement with all utility companies operating in the city. And, there is currently no franchise agreement with Pennyrite Rural Electric. We are reviewing sample agreements from other cities and may discuss a potential electric franchise agreement at a future meeting. Case indicated he would like to know the potential revenues from each franchise agreement. Brock stated that the current natural gas franchise at the current 1% rate brings in about \$7,000 in revenue annually.

Mayor Green reported a proposal from Waste Management to renew the residential garbage pickup service for one year at a cost of \$9.17 per cart, which is an increase over the current rate of \$9.02 per cart. If the proposal is not accepted, the city will need to bid out the services. There was also some discussion about needing an ordinance to update the new per cart price if the proposal is accepted. Also by ordinance the city charges an additional \$.60 per cart to cover the cost of the spring cleanup. After reviewing the fees collected in the past, Green may present a proposal to also start having a fall cleanup. After discussion, Powell motioned to accept the proposal from Waste Management and ordered an ordinance be prepared for the next meeting. Motion seconded by Laster and carried unanimously.

Mayor Green reported Martin Industries has signed a lease for \$833.00 a month for up to a year for the low ceiling portion of the Die Casting building. There is also a group from Clarksville looking to lease part of the high ceiling portion of the building. A company that gave the city a quote to repair the roof of the building will be coming back to update the quote this week.

Green reported that Police Officer Keilo Jefferson was involved in a recent vehicle accident and while he sustained some scratches and bumps, he is well and returned to work as scheduled. Brock reported the police vehicle will be totaled and she just found out from the insurance adjuster today that we can negotiate the replacement of the police car. Green also reported the city found that records authorizing the take home of city vehicles had not been updated in several years and as of today those authorizations have been completed.

Mr. Green reminded the council that Jeffrey Traughber resigned as City Attorney last month, however he has presented a proposal from Dillingham and Traughber to provide legal services to the city. The proposal includes the same \$100.00 per hour rate that he has been charging and also includes a non-legal staff rate of \$25.00 per hour. After discussion, Gibson motioned to approval the legal services agreement contract with Dillingham and Traughber, seconded by Case, and carried unanimously.

Clerk Brock updated the council on the Park Improvements Project and informed them she is working with the electrical engineer to bid out replacement of light poles and fixtures on one ball field with an option to replace additional individual poles if funding permits. She hopes to present bids to the council at the next meeting. Green also reported that once the weather dries up the city employees will continue working on burying utility lines.

Mayor Green requested permission to install "Do Not Enter" signs on the alleys near the Square to not allow vehicles to enter onto the Square from the alleys. After discussion, Orr motioned to approve the request, seconded by Laster, and carried unanimously. This would be in lieu of installing stop signs at the alley intersections of the Square. Chief Atkinson suggested putting something in the newspaper to inform

the public of this change.

Mayor Green reminded the council bids were reported at the last meeting for the Sidewalk Replacement Project with low bid being \$22,000.05. After review of the bids, Green recommended rejecting all bids. Gibson motioned to reject all bids, seconded by Powell, and carried unanimously.

Also, last month bids were reported for the Lift Station Generator Pad Addition with low bid of \$21,200.00. Green reported the city has a proposal from a local contractor to install block and concrete at a cost of \$6,000.00 with the city doing the rock work to fill in the old tank and installing a railing ourselves. Frogue stated the total cost to do the work ourselves with concrete work done by the local contractor would be about half the cost of the lowest bid. After discussion, Orr motioned to reject all the bids, seconded by Powell, and carried unanimously.

Green reported bids were received on February 7, 2019 for the Pumping Station Generator Project which includes the purchase and installation of a new generator at the main sewer lift station: Knight Electric, \$51,191.00; Camp Electric, \$38,581.00; and, Pogue Electric, \$47,234.00. Mayor Green recommended the acceptance of the bid from Camp Electric and reported the total project budget is about \$55,000.00. If the city does the concrete work with the local contractor we should have enough money in the budget to complete the project. After discussion, McReynolds motioned to approve the bid from Camp Electric and seconded by Laster. Case mentioned that we have had issues with Camp Electric in the past completing projects in a timely manner. Green stated he was aware of past issues and will monitor the project. Brock stated the bid specifications require completion of the project within 120 days. Motion carried unanimously.

Mayor Green reported the city is researching filing mass foreclosure action on delinquent property taxes and code enforcement liens. Traugher explained he has been through this process with the city of Guthrie and it has been effective at transferring dilapidated structures or abandoned properties to new ownership and all delinquencies were paid for. This process is effective because the cost of foreclosure is shared amongst several properties. Guthrie filed foreclosure on 10 properties, three were redeemed, and seven were recently sold at foreclosure. Mayor Green, Clerk Brock, and Traugher met recently to review a list of potential properties for foreclosure and will hopefully present a proposal to the council in the near future.

## DEPARTMENT REPORTS

Police Chief Atkinson reported the department has one vehicle severely damaged from the accident reported earlier as well as one with a windshield wiper motor out. The department is patrolling more on Pond River Road and other areas in the city where they have received complaints of speeding.

Fire Chief Waggoner reported Daniel Smith is still working on grants for new air packs for the fire department. Engine #10 needs a new alternator.

Utility/Street Superintendent Frogue reported the wastewater treatment plant is currently taking in about 1.2 million gallons of water per day due to inflow during the continuous rains. On an average day the plant takes in about 200,000 gallons. GRW Engineers have installed flow meters on the sewer lines to monitor inflow around town. Green reported the engineer reports about the sewer rehabilitation project are about 80% complete and already show many repairs that need to be made.

## MAYOR'S REPORT

Mayor Green passed out information about how to contact our representatives in the General Assembly.

Green will be in Frankfort later this week for Kentucky League of Cities (KLC) and Pennyrile Area Development District meetings.

Green discussed items of concern KLC is advocating for cities to the legislature including changing road money distribution calculations to get more funding for cities, retirement reform legislation to alleviate

increasing city retirement expense, and changes to the restaurant tax rules that would allow cities to keep more of the tax revenue rather than sending it all to a tourism board.

Last week Mayor Green hosted all five former Mayors of Elkton at a brunch in the Welcome Center (Former Mayors included Evelyn Boone, Bryan Blount, John Walton, Nancy Camp, and Jackie Boyd Weathers.) Pictures were taken and will be hung in the conference room soon. He reported the cost of the meal and the city of Elkton logo umbrellas given to each Mayor were done at his own expense. He also passed out umbrellas to the council members and will be giving them to city employees.

#### CITY COUNCIL CONCERNS

McReynolds reported rave reviews about Mayor Green's newsletter that went out with utility bills last month. He reported several compliments and questions from citizens and thanked the Mayor for this idea.

Case called for comments from public safety employees about the needle exchange program Mrs. Harris discussed earlier. Chief Atkinson and Captain Clardy expressed concerns about population increases due to offering the program in Elkton. Clardy reported the department does not encounter very many intravenous drug users in the city.

Case also reported a request from Jailer Jeff Penick, who attended the last fiscal court meeting to request use of the vacant lot beside the city-county park to grow a garden using inmate labor. Case asked if there were any concerns from the city council about the proposal, with none reported.

Case also reported the clock tower on the Historic Courthouse Welcome Center is starting to look bad and may need pressure washed and/or painted this spring.

Gibson thanked the Mayor for leasing the Die Casting building and bringing revenue to the city. He also thanked Clerk Brock for her work and receiving a good audit report.

Laster confirmed with Clerk Brock the city is no longer providing WiFi internet on the Square. He also reported the water loss percentage was up this month. Frogue stated this month's water loss is higher due to the city flushing all the water lines in the city in late December.

Powell asked the fire department if they are still pursuing grant funds to build onto the fire hall. Waggoner confirmed they are still working on CDBG citizen surveys to see if the city qualifies for funding.

Mayor Green presented information on upcoming training sessions available to the public. These items will be posted at City Hall.

Gibson motioned to adjourn, seconded by Laster, and carried unanimously. Meeting adjourned at 8:44 pm.

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Arthur Green, Mayor

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Laura M. Brock, City Clerk/Treasurer

