

Minutes: City Council Meeting
April 8, 2019
7:00 PM

The Elkton City Council met in regular session on Monday, April 8, 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; Jason Clardy, Police Captain; Derrell Waggoner, Fire Chief; Daniel Smith, Assistant Fire Chief; and various guests.

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

After reviewing the March 11, 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, McReynolds motioned to approve the bills payable and financial reports, seconded by Powell, and carried unanimously.

Mayor Green called for public comments. Ms. Betty Sydnor reported she was present to discuss the large pile of limbs that is now located near her mother's property on Elk Street and that she is worried the property owner plans to burn the large pile. She stated her mother has cancer and is on oxygen and there are other elderly and children living in the area that burning of this pile would negatively affect. McReynolds reported he spoke to the property owner, who does plan to burn the pile. Assistant Fire Chief Daniel Smith stated the only state law effecting burning of the tree limbs is the time the pile can be burned, although from a safety perspective burning the pile is not a good idea. Ms. Angela Grinter entered the meeting and reported she also has two children at home with respiratory illnesses and is worried about the large pile being burned. McReynolds passed around pictures of the large pile and asked the Mayor if there was anything he could do or if he would speak to the owner. Mayor Green stated he also had a complaint about the pile and there are no ordinances or laws preventing the burn that he is aware of. After discussion, Mayor Green will research more on the issue and speak with the property owner to encourage him not to burn the pile.

Clerk Brock read second 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 TEN (10) YEARS IN CONSIDERATION FOR WHICH, THE SUCCESSFUL FRANCHISEE SHALL PAY TO THE CITY AN ANNUAL SUM EQUAL TO 2% OF GROSS REVENUES; AND FURTHER ESTABLISHING A BID PROCEDURE FOR THE AWARD OF SAID FRANCHISE TO THE SUCCESSFUL BIDDER." McReynolds motioned to adopt after second reading, seconded by Orr, and carried unanimously by show of hands.

Clerk Brock read second reading of Ordinance 2019-02, "AN ORDINANCE ENACTING AND ADOPTING THE THIRTY-FIRST SUPPLEMENT TO THE CODE OF ORDINANCES OF THE CITY OF ELKTON, KENTUCKY." Powell motioned to adopt after second reading, seconded by Laster and carried unanimously by show of hands.

Clerk Brock read second reading of Ordinance 2019-03, "AN ORDINANCE AMENDING SECTION 97.21(A) OF THE CODE OF ORDINANCES OF THE CITY OF ELKTON ADJUSTING THE MONTHLY SERVICE FEE ESTABLISHED FOR RESIDENTIAL COLLECTION AND

DISPOSAL OF SOLID WASTE MATERIALS.” Orr motioned to adopt after second reading, seconded by Gibson and carried unanimously by show of hands. Brock confirmed the price increase will go into effect on utility bills due after July 1st.

Clerk Brock reported Attorney Jeff Traughber prepared a Summary of Ordinance 2019-04. Powell motioned to read the Summary of Ordinance 2019-04 in lieu of the entire ordinance, seconded by Laster, and carried unanimously. Clerk Brock read first reading of Summary of Ordinance 2019-04, “AN ORDINANCE CONCERNING THE INSTALLATION AND MAINTENANCE OF RESIDENTIAL DRIVEWAY ENTRANCE PIPES WITHIN THE CITY LIMITS OF ELKTON, KENTUCKY.”

Clerk Brock reported Attorney Jeff Traughber prepared a Summary of Ordinance 2019-05. Laster motioned to read the Summary of Ordinance 2019-05 in lieu of the entire ordinance, seconded by Orr, and carried unanimously. Clerk Brock read first reading of Summary of Ordinance 2019-05, “AN ORDINANCE CONCERNING THE INSTALLATION AND REGULATION OF STREETLIGHTS WITHIN THE CITY LIMITS OF ELKTON, KENTUCKY.”

Mayor Green reported the council received with their agenda a Findings of Facts and Recommendation from the Elkton Planning Commission to approve a request to rezone property located on Commerce Street at the intersection of B White Road from B-3 Highway Commercial District to R-3 Multi-Family Residential District. McReynolds asked if the council had ever denied a recommendation from the Planning Commission and Clerk Brock stated she was not aware of any denials. Mr. Dilly Turner asked Clerk Brock to state the number of names on the petition opposed to the rezoning, which she verified all the council members received a copy of the petition with 22 signatures. Mayor stated all the council got copies of the documents presented at the public hearings. Mayor reported the process that has to be followed by state law to rezone a property and that the council must now approve or deny the recommendation from the Planning Commission after they have held the public hearing. Several residents of B White Road were present and expressed they are not opposed to new housing or growth but do not approve the rezoning near their homes. After discussion, Case moved to adopt a non-binding resolution stating that the city will not approve a development plan for apartment buildings in the area in question that does not physically separate Commerce Street from B White Road and includes a privacy tree barrier. Motion seconded by Laster. Attorney Jeff Traughber stated the council should understand that closing any portion of a city street has a legal process to be followed. Voting in favor of the motion were Case, Laster, Powell, Orr and Gibson. No one voted opposed and McReynolds abstained. Motion carried. Case then moved to accept the recommendation of the Planning Commission to rezone the property in question from B-3 to R-3 and seconded by Laster. Voting in favor of the motion were Case, Gibson and Laster. Voting opposed were McReynolds, Orr, and Powell. Mayor Green stated he would vote in favor of the motion to break the tie. Attorney Traughber reported state law requires that a majority of the council must vote to oppose the recommendation in order to override the recommendation, therefor the recommendation is approved.

Clerk Brock stated Attorney Traughber has prepared a Summary of Ordinance 2019-06 to rezone property located on Commerce Street. Case motioned to read the Summary in lieu of the full ordinance, seconded by Laster, and carried unanimously. Clerk Brock read first reading of Summary of Ordinance 2019-06, “AN ORDINANCE TO REZONE PROPERTIES LOCATED ON COMMERCE STREET NEAR THE INTERSECTION OF B WHITE ROAD.”

Mayor Green reported the June 10, 2019 city council meeting conflicts with the Annual PADD dinner meeting and requested the council cancel that council meeting and schedule a special meeting for June 17th. Orr motioned to approve the request, seconded by Powell, and carried unanimously. Mayor Green stated the June 10th PADD dinner is their 50th Anniversary Celebration and asked the council members to put it on their calendar to attend.

Mayor Green requested a special city council meeting be held on Thursday, April 18th at 6:00 pm. The primary purpose is to review bids for the lighting project in the park, but other agenda items will be added as needed. Gibson motioned to approve, seconded by Orr, and carried unanimously.

Mayor Green requested a special city council meeting to be held on Monday, April 29, 2019 at 5:00 pm with the only item on the agenda being a work session for the upcoming budget preparation. Orr motioned to approve the request, seconded by Gibson, and carried unanimously.

DEPARTMENT REPORTS

Fire Chief Waggoner reported a request from a citizen for a street light at the intersection of Highway 68 and Highway 181. Smith stated the Transportation Cabinet will be doing a major renovation at this intersection in the future. Mayor Green will look into the request.

Police Captain Clardy reported spring firearms training for the department will be held May 20th at 7:30 pm if anyone wants to attend. The new cruiser has been purchased and working great. Two radar units will be purchased for the department through the county drug fund.

Froge reported Pipe Eyes is back in town to complete videoing some of the sewer lines for the Planning Project. The contractor has begun work on the flood damage project in Elk Fork Creek and on Elk Fork Road near the bridge. The concrete pad for the generator project is about 70% complete. And, the department is putting up new street signs and stop signs in some of the alleys around the Square.

CITY COUNCIL CONCERNS

Laster reported a citizen has complained about stray dogs running loose on Streets Avenue. Captain Clardy will get with John Service Animal Control on this issue. Also, there are ruts in the road at the intersection of Highway 68 and Elk Fork Road that need repaired. Froge stated the council should consider repaving this area because cold patch has been used many times in this area and is not holding due to the large trucks applying their brakes and tearing it up in this area.

Gibson reported tiles near the Mormon Church entrance are clogged up and need to be cleaned out.

Case motioned that the city make its annual contribution to the City-County Park for the amount budgeted of \$17,000. Motion seconded by Powell and carried unanimously.

McReynolds asked if the council would consider in next year's budget another contribution to the Aging Council. Mayor Green stated these items will be addressed at the special budget work session meeting.

McReynolds asked Clerk Brock if she knew how many manufacturing jobs were in Elkton. She stated she hated to make a guess but would find out and report at the next meeting.

MAYOR'S REPORT

Mayor Green reported the assistant clerk in the utility department has accepted another position. The city advertised for the open position and will be reviewing applications soon.

Mayor Green reported hiring Paulo Salazar in one of the temporary full-time utility worker positions and he is currently reviewing other applications to fill the other position.

Pennyrile Rural Electric has selected the Elkton-Todd County Park for a beautification project and will mostly include painting.

Mayor reported several promotions and job fairs in the area with more information posted at City Hall.

Laster motioned to adjourn, seconded by Orr, and carried unanimously. Meeting adjourned at 8:19 pm.

Arthur Green, Mayor

Laura M. Brock, City Clerk/Treasurer