

Minutes: City Council Meeting
November 12, 2019
7:00 PM

The Elkton City Council met in regular session on Tuesday, November 12, 2019 at 7:00 PM with Mayor Arthur Green presiding.

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

Others present: Laura Brock, City Clerk/Treasurer; Derrell Waggoner, Fire Chief; Police Chief Robert Toombs; and, Kenneth Gardner.

Mayor Green called the meeting to order at 7:00 pm and led the Pledge of Allegiance. Mr. George Orr gave invocation. Mayor Green thanked all veterans in attendance, including Mr. Frank McReynolds and Derrell Waggoner, for their service.

After reviewing the October 15, 2019 regular council meeting minutes, Laster 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. Brock had nothing to report. Case asked about the new ABC Regulatory License fees collected so far for the year. After discussion, McReynolds motioned to approve the bills payable and financial reports, seconded by Case, and carried unanimously.

Mayor Green called for public comments.

- Kenneth Gardner stated he was representing his neighborhood near the property on North Main Street now conducting a hemp operation. The smell is very strong, day and night, and he stated the children and recovering addicts in the area do not need to smell this odor all the time. He reported there has already been one break in on this property and he fears it will create a growing theft problem. Chief Toombs confirmed there was a theft reported at the building. McReynolds asked about the zoning issue and passed out an email from Clerk Brock listing the approved agricultural uses in each zone in the city. The Mayor confirmed that this property is zoned B-1 Central Business and it seems there are no agricultural uses approved in the B-1 zone. Mayor Green stated this item will be discussed at the Planning Commission meeting Thursday night. Mr. Gardner left the meeting.

Mayor Green reported the following bid openings:

- Asphalt Surfacing Project bids received on October 29, 2019: Road Builders, \$120,900.00; Scotty's Contracting and Stone, \$134,500.00. Mayor Green reported this project is for the discretionary road funding recently awarded to the city and no agreement has been received from the state yet. Therefore, there is no recommendation to award the bid at this time. No action was taken.
- Sewer Jetter System bids received on November 7, 2019: Spartan Tool LLC – Item 1: \$45,315.00; Add Item 2: \$1,256.25; Add Item 3, \$4,115.00; and Add Item 4: \$1,078.50. Jack Doheny Co. – Item 1: \$54,882.00; Add Item 2: \$2,741.00; Add Item 3, \$5,702.00; and Add Item 4: \$1,671.00. Mayor Green recommended awarding the purchase to the low bidder from Spartan Tool for Items 1, 2, and 4 for a total of \$47,649.75 to purchase the equipment and additional items. Orr motioned to approve the recommended purchase, seconded by Laster and carried unanimous. Clerk Brock also reported the budget calls for this item to be purchased with about one-third of the cost paid down this year and the balance remaining financed over the next two budget years. Spartan Tool has a finance option, but Elkton Bank and Trust offered a better deal at 4.5% interest. After discussion, Powell motioned to authorize the Mayor to enter into a loan agreement with Elkton Bank and Trust at 4.5% interest, seconded by McReynolds, and carried unanimously.
- Wastewater System Rehabilitation – Phase 1 bids received on October 22, 2019: Insituform Technologies, LLC, \$1,596,929.00; Bobby Luttrell and Sons, LLC, \$1,496,988.00; Moore

Construction Co, \$1,871,759.00; Granite Inliner, LLC, \$1,657,557.50; Robinson Pipe Cleaning Co, \$1,368,325.00; Leak Eliminators, LLC, \$1,696,201.50. Mayor Green stated that after recommendation from GRW Engineering his recommendation is to tentatively award the contract to low bidder Robinson Pipe Cleaning pending final approval by KIA at the state level. Laster motioned to approve the Mayor's recommendation, second by Orr, and carried unanimously.

Resolution 2019-11, "A RESOLUTION APPROVING AND AUTHORIZING AN ASSISTANCE AGREEMENT BETWEEN THE CITY OF ELKTON, KENTUCKY AND THE KENTUCKY INFRASTRUCTURE AUTHORITY TO PROVIDE UP TO \$170,000 OF LOAN FUNDS FOR PROJECT NUMBER F19-035" was presented. Orr motioned to adopt Resolution 2019-11, seconded by Powell, and carried unanimously.

Municipal Order 2019-06, "MUNICIPAL ORDER APPOINTING MEGAN WILLENBORG AS CITATION OFFICER" was presented. Case motioned to adopt Municipal Order 2019-06, seconded by Laster, and carried unanimously.

Ordinance 2019-16, "AN ORDINANCE AMENDING SECTION 32.21 OF THE CITY OF ELKTON, KENTUCKY CODE OF ORDINANCES" sponsored by council member Powell was presented. Case motioned to read the Summary Ordinance in lieu of the full ordinance, seconded by Powell, and carried unanimously. Clerk Brock read first reading of Summary Ordinance 2019-16. This ordinance would change the regular meeting date for the city council to the second Thursday of each month. Mayor Green stated a recommendation will also be made to the Planning Commission to move their regular meeting to the first Thursday of the month.

Mayor Green presented the council a list of all properties the city has code enforcement liens totaling \$5,000.00 or more. Mayor also presented a letter from Angela and Edward Belew regarding code enforcement liens on 110 N Main Street requesting leniency on liens totaling more than \$5,000.00. The Belew's have made several improvements to the building, but Mayor Green stated several more items need to be addressed. They also claim to have tried contacting code enforcement officer several times to discuss the building. Mayor Green asked the council if they want to authorize him to negotiate with all of the property owners on the list or just Mr. Belew. Many council members indicated that since the Belew's contacted the city and have made improvements, then negotiations should be considered. Laster motioned to authorize the Mayor to negotiate code enforcement fines with Mr. Belew, seconded by Orr, and carried unanimously.

Clerk Brock updated the council on current ABC License applications. Since last reported, she has received one application from Elkton Beverage Company for a quota retail package store and a license has been issued to Dollar General for a malt beverage package license. Regarding the regulatory license fee, Case stated based on the fees collected to date, the city is on track to have about \$617,000 in gross alcohol sales this fiscal year.

Clerk Brock stated the city's cable franchise agreement is scheduled to expire next year and will need to be renewed. Brock presented a proposal from Linda Ain, Attorney, who specializes in franchise agreements to provide legal advice and assistance with regard to the franchise issue at a cost of \$350 per hour. After discussion, Orr motioned to approve the proposal from Linda Ain, seconded by Laster, and carried unanimously.

Clerk Brock passed out a list of items from the police department they would like declared surplus property because they are no longer needed or no longer working. Chief Toombs stated he would also like to declare the three remaining Ford Crown Victoria's surplus. And, Mayor Green stated the sewer department wants to add the old sewer jetter equipment to surplus. After discussion, Orr motioned to approve all items listed and discussed as surplus, seconded by Powell and carried unanimously. Mayor Green stated some items have no value and may be junked, but other items will be auctioned or sold.

Mayor Green stated the city found out recently there is a double header basketball game at the high school the same night as the Christmas parade scheduled for December 14th. Therefore, the decision was made to

move the parade from 6 pm to 2 pm on the same day. Any council member that is going to participate in the parade should contact Charlotte Myers.

DEPARTMENT REPORTS

Fire Chief Waggoner requested the city's old air filling system at the fire department also be declared surplus. It was agreed by consensus to surplus the item. Waggoner also reported he is having problems with the company that usually tests the pumps on the trucks and he may need to find a different company.

Police Chief Toombs reported 355 calls for service last month of which three were alcohol related. John Webb has been hired as a certified police officer. Toombs has also applied for a grant to purchase new body armor vests for the department. The department office has also been newly painted and reorganized.

Mayor Green reported the police department budgeted for the purchase of a new vehicle this year. However, the cost of a new car and equipment is estimated at \$40,000 to \$45,000 and we only have \$36,000 in the budget. There are used cars available in Missouri and on Govdeals.com there are four 2016 Dodge Chargers with low miles. Chief Toombs would like to try and purchase two Chargers for the budgeted amount for the new car. After discussion, Orr motioned to authorize the purchase of two used cars for the budgeted \$36,000, seconded by Powell, and carried unanimously.

MAYOR'S REPORT

Leaf pickup is going well. Due to the recent wind storm damage, the city has been doing limb pickup as well. Within a week after the storm, nearly 70 loads of limbs were picked up.

Also due to the recent storm there was damage reported in the city-county park. One dugout blew over and part of a ball field fence was damaged. It has been reported to the insurance company and estimates are being gathered for repairs.

The Industrial Foundation has requested their budgeted contribution of \$25,000. Mayor Green stated he recommends giving the donation as budgeted this year, but he will not be recommending the same amount for next year. The Foundation has begun receiving TVA in-lieu of taxes funding to be used for industrial development. After discussion, Orr motioned to approve the \$25,000 contribution to the Industrial Foundation, seconded by Powell, and carried unanimously.

Mayor Green reported the Alder property on North Main Street has been sold.

Mayor Green asked the council if they have considered selling the garage building the city owns on South Perry Street. There has been some interest in building new homes in the area. The property is zoned multi-family residential R-2. After some discussion, Laster motioned to go into closed session under KRS 61.810(1)(b) for deliberations on the future acquisition or sale of real property, seconded by Orr, and carried unanimously. Everyone left the meeting except mayor, council members, and clerk.

Orr motioned to go out of closed session, seconded by Laster, and carried unanimously. Doors were opened to the public.

As a result of the closed session, Laster motioned to sell the city's property on South Perry Street with the conditions that the garage be removed within six months and construction of new housing on the property to begin within eighteen months, seconded by Case, and carried unanimously.

Mayor Green invited everyone to attend a pizza luncheon at City Hall for all city employees at 11:30 am with pizza provided by the mayor.

Laster motioned to adjourn, seconded by Orr, and carried unanimously. Meeting adjourned at 8:52 pm.

Arthur Green, Mayor

Laura M. Brock, City Clerk/Treasurer