

Minutes: City Council Special Meeting
February 25, 2020
5:30 PM

The Elkton City Council met in special session on Tuesday, February 25, 2020 at 5:30 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: Jeff Traughber, legal counsel; Laura Brock, City Clerk/Treasurer; and, Phares and Melanie Martin.

Mayor Green called the meeting to order at 5:30 pm.

AGENDA

1. Phares Martin, Silver Creek Construction, Request for De-annexation

Mayor Green welcomed everyone to the special meeting and called on Mr. Phares Martin to explain his request that was presented at the last meeting and presented tonight with legal counsel present. Mr. Martin re-stated that he annexed into the city in order to get city water and now he is a county water customer and he does not receive city sewer or garbage service. Also, he wants to add onto his business at Silver Creek Construction and does not want to have to present a development plan. Attorney Jeff Traughber explained this was discussed several years ago after a similar request was made to the city. Since the property is uninhabited, the city would need to pass an ordinance to de-annex the property from the city limits on first reading, then it would need to be turned over to the Todd County Fiscal Court, who has 30 days to approve or deny the request. If approved by the county, the city would then present the ordinance for second reading. The decision is solely up to the council and there is no legal basis to follow. Traughber warned it is a "slippery slope" if the city allows a property to de-annex then it sets a precedence for others to follow. The similar request from several years ago was denied by the council. Mr. Martin re-iterated he own 7.5 acres total and is surrounded by county property. Mayor Green stated it is a bad precedent to de-annex unless there are major circumstances and that the city is better off to look at the planning and zoning issue causing Mr. Martin to request de-annexation. It was the consensus of the council to look at the planning and zoning issues. After discussion, the Mayor stated a motion would need to be made by the council to proceed. There was no motion.

Mayor Green stated in the absence of a motion, there were no further items on the agenda and called for a motion to adjourn. Case motioned to adjourn, seconded by Orr, and carried unanimously. Meeting adjourned at 5:44 pm.

Arthur Green, Mayor

Laura M. Brock, City Clerk/Treasurer