

Minutes: City Council Meeting  
August 14, 2017  
7:00 PM

The Elkton City Council met in regular session on Monday, August 14, 2017 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/Streets Superintendent; Derrell Waggoner, Fire Chief; Daniel Smith, Assistant Fire Chief and Todd County EMS Director; Brian Atkinson, Police Chief; and, guests.

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

After reviewing the July 10, 2017 council meeting minutes, Mr. Haley motioned to approve, seconded by Mr. Gibson and carried unanimously.

After reviewing the July 20, 2017 special council meeting minutes, Mr. Haley motioned to approve, seconded by Mr. Powell and carried unanimously.

Mayor Weathers called for review and approval of the bills payable and financial reports. Mr. Case asked for more time to review the addition to the bills payable. After review, Mr. McReynolds motioned to approve the bills payable and financial reports, seconded by Mr. Laster and carried unanimously.

Mayor Weathers reported several council members requested accessibility permit fees be discussed at this meeting. Mr. McReynolds explained there was an incident in Elkton about a month ago where a local man about 100 years old was informed he needed to purchase a zoning permit for a handicap ramp he installed at his home. McReynolds stated we need to amend our ordinance to be more compassionate to those who have a disability and might not be able to afford to purchase a permit. Terry Frogue, Zoning Administrator, stated that permits are required for any addition to a home for various reasons including safety. There was consensus there needs to be a permit, but maybe the fee should be waived. Mr. Haley requested that wheelchair ramps be pulled out of the definition of accessory structures and the permit fee removed. (Jeff Traughber entered the meeting at this time.) Mr. Case motioned to allow public comments on this item, seconded by Mr. McReynolds and carried unanimously. Mayor Weathers called for comments from guests. Anita McClain stated Mr. McReynolds addressed the issue well and reiterated that her comments on social media were not meant to be against Terry Frogue. She thanked everyone who stood up for this issue and getting the amendment to the ordinance accomplished. She just felt that many of the people needing handicap ramps barely have the money to pay for the ramp to be constructed, let alone the \$35.00 permit. Other guests also stated that the fee for the permit needed to be removed and the need for compassion for the disabled. Mr. McReynolds motioned to amend the ordinance to separate wheelchair ramps as a separate item and remove the permit fee. Motion seconded by Mr. Powell and carried unanimously. Mr. Gibson informed everyone the Methodist Church in Elkton will help build handicap ramps for those in need. Mr. Case recommended the ordinance amendment be broadened to include adjustments to property for all accessibility needs. Mayor Weathers thanked everyone for their comments.

Mayor Weathers reported she and Terry Frogue met in Frankfort with the city's engineers from GRW Engineering and Division of Water representatives regarding city lake dam. The city is currently under a Notice of Violation because of the condition of the dam. Mayor Weathers reviewed the options for the dam that were presented to the city by GRW at the last meeting. GRW reiterated in the meeting that the dam was originally built as a water reservoir, not flood control, and that they would breach the dam since it is no

longer serving as a water reservoir. Mayor Weathers and Frogue stated they have consulted with Kentucky League of Cities regarding our liability insurance coverage and that we would be covered if we remove the dam. Mr. Haley questioned why the state is pressing a small city with limited funds to do something now. Mayor Weathers stated the state has been asking the city to do something with the dam for many years and they are not giving us leeway any longer. Frogue also stated that the flood damage to the dam last July is also increasing the need for the city to do something with the dam. Mayor Weathers reminded the council the cost to breach the dam will be about \$400,000. If we proceed with breaching the dam the engineer will begin studying how to proceed and help us in finding grant funds. Case stated it is hard to make a decision without knowing about funding options. Mayor Weathers also stated the Division of Water suggested the city look at purchasing the property under the dam that would reduce the hazard rating. Case asked if the state knows we are pursuing funding if that would satisfy them at this time. Mayor Weathers stated the city needs to inform them of our plan to proceed first and then pursue funding. Mr. Haley motioned to pursue breaching the dam, seconded by Mr. Laster and carried unanimously. Mayor Weathers stated she will verify that if we breach the dam we will not have to purchase the property under the dam.

Terry Frogue, Utility/Street Superintendent, reminded the council they approved a hydraulic study of the city to see if we need two water tanks. One tank on Morningside Drive is in need of painting, which would cost about \$110,000 and continued maintenance expense. In the past, the extra water storage was recommended, however the rules regarding holding water have changed over the years and now it is suggested water not sit in a tank for as long a period of time. The study performed by McGhee Engineering found that if the Morningside tank is removed, the city would suffer lower pressure at the nursing home. However, the city could install a meter station near the nursing home and connect to Logan-Todd Regional Water Commission's main line. McGhee is still completing cost estimates for all our options to consider. The cost to install the new meter connecting to the line would be about \$75,000. We could leave the water tank up for a few more years with minor maintenance repairs. Or, we could install the meter and remove the tank and at a cost of about \$250,000. The study is also looking into the cost to install a new water line from the new meter station to the Dunheath area, which is the highest point in town, which means lower water pressure. Mayor Weathers reported the city has just been notified that we are invited to apply for Kentucky Infrastructure Authority (KIA) funds in the amount of \$1,270,000 for the purpose of a new water tank and water line replacement. This project might be able to be amended for the new meter station. After discussion, Mr. Haley motioned to install the new meter connection and disconnect the water tank with minimal maintenance pending approval of KIA funds. Motion seconded by Gibson. Frogue reiterated that we are still working with Logan-Todd to approve the new connection. Mr. Case questioned spending \$75,000 on a new meter or spending \$100,000 to repair the tank. Mayor Weathers stated that accepting the KIA funding and submitting an application is due by September 18<sup>th</sup>. The city will work with McGhee Engineering and PADD to update the project application to meet the KIA guidelines. Voting in favor of the motion were Haley, Laster, Powell, Gibson and McReynolds. Case abstained. Motion carried.

Mayor Weathers also informed the council the city received another invitation to apply for Kentucky Infrastructure Authority (KIA) funds in the amount of \$500,000 for sewer collection system rehabilitation. Frogue reminded everyone the city is under an order to begin removing sewer overflows, but we first have to study and repair infiltration issues before the overflows can be removed. On a normal day the sewer plant takes in 125,000 gallons per day, while during a rain event it may take in 1.4 million gallons due to infiltration of broken sewer lines, etc. These funds can be used to begin studying the sewer system through smoke testing, mapping and finding the areas that can be repaired easier and reduce infiltration more. Frogue stated this funding will not address all the issues with the sewer system, but it will be a start. The city has the smoke testing equipment and needs about three solid weeks of uninterrupted work time to complete testing of the city. Mr. Haley motioned to pursue the \$500,000 funding for sewer projects, seconded by McReynolds and carried unanimously.

Mayor Weathers reported a request from a group to use Public Square on September 15<sup>th</sup> for POW/MIA Day. The Square will not be closed, but they have requested blocking off the parking spaces around the old courthouse near the Veteran's Memorial. Mr. Laster motioned to approve, seconded by Haley and carried

unanimously.

Clerk Brock presented the property tax rate calculations for 2017. Clerk Brock reported real property assessed values increased from \$60,380,409 last year to \$61,336,264 in 2017. The compensating rate for 2017 is \$.247 per \$100 assessment for real property and \$.1584 per \$100 assessment for personal property. This rate would generate approximately \$175,536 in revenue, about \$1,338 more than last year. The 4% rate, which generates approximately 4% more revenue over the previous year and requires two public notices and a public hearing, is \$.256 per \$100 assessment for real property and \$.1642 per \$100 assessment for personal property. The 4% rate would generate approximately \$181,936, about \$7,738 more revenue than last year. Last year's real property tax rate was \$.249 per \$100 assessment and \$.201 per \$100 assessment for personal property. If we maintain last year's real property tax rate, the city would still see an increase in revenue of about \$2,762. After discussion, Mr. Powell motioned to adopt the same real property tax rate as last year, seconded by Mr. Laster and carried unanimously. Bock stated since the same rate is last year is higher than the compensating rate, the city will have to publish two notices and hold a public hearing before the rate can be adopted.

Mayor Weathers reported her term as the city's representative on the Logan-Todd Regional Water Commission has expired. Mr. Laster motioned to appoint Mayor Weathers to another four year term, seconded by Mr. Powell and carried unanimously.

Assistant Fire Chief Daniel Smith reported the city received an invitation to accept a FEMA Assistance to Firefighters grant totaling \$301,200 for the purchase of a new fire truck. The city would be required to provide 5% of the funding, or \$14,342.00 with federal funds providing the remaining 95%, or \$286,858.00. Mr. Powell motioned to accept the FEMA funding, seconded by Mr. Laster and carried unanimously. After further discussion, Case motioned to authorize advertising for bids for the purchase of the new fire truck, seconded by Haley and carried unanimously. Bids will be reviewed at the October meeting.

City Attorney Jeff Traughber reported the Planning Commission held a public hearing on July 25, 2017 for several properties on East Main Street that applied for rezoning from Conservation District to R-2 Medium Density Residential. The Planning Commission has presented its Findings of Fact and Recommendation to the city council. However, Mr. Traughber stated there will be another public hearing on September 7, 2017 for another property that has applied to be rezoned and the other properties on East Main Street that the council recommended for rezoning. Therefore, Mr. Traughber requested the city council not take action on this recommendation until the recommendation is made to the council from the other public hearing to be held. All agreed to table any action on this recommendation. Mr. Haley stated he would like the city to address the entire Conservation District in the future.

Mayor Weathers called for any public comments.

- Todd Mansfield thanked the city council for allowing the middle school students to use the Die Casting property for soccer practice. The program has over 40 girls and boys participating. Mr. Mansfield requested the city consider making this property into a soccer complex with two fields in the future. Currently, youth soccer is being held in the park on the baseball fields, which causes conflicts in scheduling. The soccer program is a huge success and he offered to help with any grants to build soccer fields in the future.
- Daniel Smith, Todd County Emergency Management Director, reported the final total solar eclipse planning meeting will be held August 15<sup>th</sup> at 6 pm at the County Courthouse.

## COUNCIL REPORTS

Mr. Haley called for a report from Police Chief Atkinson. Chief Atkinson introduced Police Officer Recruit

Keilo Jefferson. Mr. Jefferson has recently been hired and will attend the police academy in two weeks. Chief. Atkinson also distributed the monthly activity report for the department.

Mr. Laster reported many utility issues have already been discussed tonight, but there are more issues that need to be addressed in the future. Mr. Frogue reported work still needs to be completed on the Elk Fork Creek bridge erosion from last July's flood. Also, erosion of the bank near the Elk Fork Road Bridge and guard rail needs to be completed. The Utility/Street Department has hired a new employee that will start August 15, 2017.

Mr. Case reported the Recreation Commission has not met recently due to lack of quorum. He asked if the street lights in the city could be turned off during the upcoming total solar eclipse. Mayor Weathers stated Pennyrite Electric reported each street light is on an individual sensor and will not be turned off. However, the lights on Public Square are controlled by the city and separate sensors and can be turned off.

Mr. Gibson reported work on the Commerce Street entrance will begin as soon as right-of-way issues are addressed with the property owner of the Dollar Store.

Guest Anita McClain asked what the process will be to change the ordinance regarding wheelchair ramps. Clerk Brock stated that since the regulation is in the zoning ordinance, the Planning Commission will first have to hold a public hearing and make a recommendation to the city council. A public hearing will be advertised.

Mr. McReynolds asked Clerk Brock for an update on cleaning out the fence rows in the cemetery. Brock reported the city issued a work order to Ricchuite Enterprises after the last council meeting. Mr. Ricchuite had to get some of his equipment repaired but informed us today that he should be able to clean out the fence row this week. Terry Frogue updated the council on the right-of-way mowing by the city.

Mr. McReynolds also reported that he has received five positive reviews this week regarding the customer service at the front offices in City Hall.

#### MAYOR'S REPORT

Mayor Weathers reported the Bale Trail in Todd County is set to start September 18<sup>th</sup>. This event brings a lot of people to Elkton and Todd County.

The right-of-way issues for the West Main Street Sidewalk Project have finally been resolved and we should be able to move forward with that project soon.

Mayor Weathers reported receiving a notice from Mediacom to renew the franchise agreement with the city. However, the agreement does not expire until 2020, so we have some time. Clerk Brock stated we just need to review the franchise statutes, because there is a designated time frame for renewal.

Plans for Elkton's HarvestFest are underway and anyone can check at the Welcome Center for more information.

Mr. Haley motioned to adjourn, seconded by Mr. Powell and carried unanimously. Meeting adjourned at approximately 8:40 pm.

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Jackie Boyd Weathers, Mayor

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Laura M. Brock, City Clerk/Treasurer