

Minutes: City Council Meeting  
November 18, 2013  
7:00 PM

The Elkton City Council met in regular session on Monday, November 18, 2013 with Mayor Nancy T. Camp presiding.

City Council members present: Eugene Jefferson; Jimmy Scott; Doug Gibson; Danny Laster; David Haley; and, David Powell.

Others present: City Clerk/Treasurer Laura Brock; Police Chief Jerry Pepper; Utility/Street Superintendent Terry Frogue; City Attorney Jeff Traughber; Police Officer BJ Grayson; Ryan Craig, *Todd County Standard*; and, other guests.

Mayor Camp called the meeting to order at 7:00 PM and led the pledge of allegiance. Mr. Jimmy Scott gave invocation. Mayor Camp welcomed all the guests.

After reviewing the October 14, 2013 council meeting minutes, Mr. Jefferson motioned to approve, seconded by Mr. Haley and carried unanimously.

After reviewing the October 30, 2013 special council meeting minutes, Mr. Scott motioned to approve, seconded by Mr. Powell and carried unanimously.

Mayor Camp called for approval of the bills payable and financial reports. Mr. Powell motioned to approve, seconded by Mr. Laster and carried unanimously.

Mayor Camp called for public comments or presentations.

Mayor Camp stated a group of people requested discussion of the proposed southwest connector route. Mr. Jimmy Groves spoke and stated he felt the route would take away from the businesses downtown and felt the money could be spent on other projects in Todd County. Diane Miller Gardner stated the current proposed route would split up their family farm and she and her sister Linda Miller Cramer, who also spoke, do not want to see that happen. The Hall family was also in attendance and stated the proposed route would split up their 4<sup>th</sup> generation family farm as well and they don't want that. The question was asked how the route would benefit the city. Mayor Camp stated the idea came from Pennyriple Area Development District in order to solve traffic congestion problems on South Main Street and West Main Street. Attorney Jason Petrie stated he read the article about the project on the city's website and in the paper and he felt like it would actually divert traffic back into town. City Attorney Jeff Traughber also stated that one other purpose of the project was to alleviate heavy truck traffic around the Square and to help existing industry. Also having this route would make the city more attractive to new industries. Mr. Scott stated this idea came about through meetings with PADD to develop the transportation element of the city's comprehensive plan. Mr. Haley stated we need to come up with a plan for the city to grow but we need to realize we are asking certain people to sacrifice and would like for the council to revote on the project. Mayor and council members stated they appreciated all the comments from the citizens and it was the consensus to take their concerns and reconsider the project at a future meeting. Those in attendance to discuss this project thanked everyone and left the meeting.

Ryan Craig with the Todd County Standard stated that he contacted the Kentucky Press Association for legal advice regarding the city holding this meeting as a regular meeting even though it is not the regular meeting date. The city's ordinance states that if the regular meeting falls on a legal holiday that the meeting will be held as a regular meeting on the following Monday. This month's meeting fell on Veteran's Day and therefore it is being held as a regular meeting today. Mr. Craig stated we did not

declare our meeting schedule and feels like this meeting is a special meeting and just asked the council to take that into consideration if they take action on items not on the agenda. Mr. Traughber stated he and Clerk Brock consulted with the Kentucky League of Cities and have Attorney General Opinions that supports the city's position that the meeting is a regular meeting because it is established by ordinance.

Glenn and Kathy Wilson, Moe Lane residents, were in attendance to discuss the letter they received inquiring about their interest in annexing into the city. Jesse Tomlinson, a Johnson Lane resident, also was in attendance regarding the letter he received as well. They brought up several items including fire service protection. Glenn stated they knew their childcare business on Moe Lane would benefit from having a fire hydrant within 1000'. Mr. Frogue stated the city could place the hydrants where needed. Also, city police protection, street lighting, and the city widening and paving the street would help. As far as sewer service, Mr. Frogue stated the estimated cost to run sewer to the area was about \$1.5 to \$2 million, so it would probably be several years before it is available. Clerk Brock verified that customers would not have to pay the sewer charge until sewer is available to them. Mr. Traughber and the Mayor confirmed that there is no set timeline for annexation and that the city is just trying to gauge interest at this point and answer any questions the citizens may have. Mayor Camp stated she would let the residents know if the topic was going to be discussed at a future meeting. The Wilson's and Mr. Tomlinson thanked the council and left the meeting.

Donald Settle reported the fence repairs at the Elkton Die Casting property are almost complete. The safe could not be opened, so there will have to be a hole made in the block wall to get in the safe and open the door from the inside. The sliding metal doors need a little more work, but will be completed soon. Garth and Will Camp have continued work on installing the electrical service and are waiting on a meter to be set by Pennyrite Electric. Mr. Settle reported they missed the deadline to apply for the TVA incentive for new light fixtures, but there may be another round of funding available later. Mike Boley and Glen Higdon have also volunteered some time on the project. He reported he will be starting on some business incubator ideas soon. Mayor Camp thanked him for his efforts and he left the meeting.

Resolution 2013-7, "A RESOLUTION OF THE CITY OF ELKTON, KENTUCKY URGING THE KENTUCKY GENERAL ASSEMBLY TO PASS LEGISLATION DURING THE 2014 REGULAR SESSION WHICH REDIRECTS A PORTION OF THE IN-LIEU-OF TAX PAYMENTS THE TENNESSEE VALLEY AUTHORITY (TVA) PAYS TO THE STATE BACK TO THE TVA COUNTIES FOR ECONOMIC DEVELOPMENT AND JOB CREATION PURPOSES" was presented to the council. Mr. Powell motioned to adopt Resolution 2013-7, seconded by Mr. Haley and carried unanimously.

Mr. Haley reported a group has suggested the Elkton Christmas Parade route be changed to start at the old Ardco property since there are two basketball games at the high school the same night of the parade on December 6<sup>th</sup>. The property owner will need to be contacted to see if they approve. He also suggested the parade be changed to a Saturday instead of Friday night next year. Clerk Brock explained the city has hosted Christmas in Elkton with Santa on the first Friday of December for about 10 years now and when the parade was added we did not want to change the day. Changing it to Saturday will be considered for the future. After discussion, Mr. Haley motioned to move the parade starting point to the old Ardco property if the property owner approved. Seconded by Mr. Powell and carried unanimously.

Mayor Camp reported that repairs have been made to the house the city owns on Jefferson Street. The council had approved making the repairs and then deciding if we want to rent the house or sell it. After discussion, Mr. Haley motioned to sell the property after getting the home appraised and presenting the values to the council at the next meeting. Motion seconded by Mr. Laster and carried unanimously. (It was the consensus just to ask local relators what they think the property could sell for instead of paying for appraisal.)

## COUNCIL REPORTS

Mr. Jefferson stated Chief Pepper is in training this week. Officer BJ Grayson was in attendance but had nothing to report.

Mr. Powell reported the fire department had 6 fire runs since the last meeting.

Mr. Laster reported the water loss last month was 12.5%. There was a slow meter at Royal Arms Apartment that has been replaced. Terry Frogue reported Mitch Frazier has been hired by the department. He previously worked for the Todd County Water District so already has utility work experience. The preconstruction meeting for the Water Line Extension and Goeble Avenue Replacement project will be held on Friday.

Mr. Frogue reported the Groves building the city owns on S. Perry Street has been painted. New doors will be installed soon.

Mr. Haley reported the park board will be taking bids to lease the concession stand next year. The bids will require concessions to be open during all games and events at the park, but they can also open other times as well. Mr. Haley also requested the city accept the park drive as a city street. This will allow Municipal Road Aid Funds to be spent on constructing and maintaining the street. Clerk Brock stated paving the street was discussed during budget discussion and the county indicated they could not use county funds unless it was a city street. Mr. Haley motioned to adopt the park street as a city street. After discussion, Mr. Haley withdrew the motion. Haley and park board member Perry Stokes will talk with Judge Greenfield to see how the county can help.

## MAYOR'S REPORT

Mayor Camp reported that Junior Higgins on Standard Drive has a code enforcement lien on his property that is a little over \$5,000. Mr. Higgins went before the Code Enforcement Board and asked them to reduce the lien, however Jason Petrie, attorney for the Board, stated that once the final order has been issued and the time limit for appeals has expired there is nothing the board can do. Therefore, enforcing the fine and/or lien is in the hands of the city council. Mr. Higgins has significantly cleaned up the property. Clerk Brock explained the fine was for \$200 per day because it was at least the fourth offense for the same violation and it accumulates up to the maximum of \$5,000. Haley stated that the fines are too high and maybe need to be restructured. He also asked if the fines could go before the city council for approval. Mr. Traugher did not think that would be legal for the city council to do. Mr. Powell stated he has been on the council 11 years and Mr. Higgins has been a problem ever since. Mr. Frogue stated he has been working with Higgins to clean up his property for 12 years and many times he has just ignored the fines. The Code Enforcement process gives the owners time to clean up and even defend themselves to the board before any fines are issued. Mr. Petrie stated that during his years of work with the board if the owner requests a hearing the board almost always grants them more time and many times probates the fines. There was considerable discussion about reviewing the code enforcement fines and possibly having Mr. Petrie give a training session on how the process works. After discussion, Mr. Powell motioned to reduce the fine to \$250 with the remaining balance of the fine probated for 2 years as long as there are no other violations found by the Code Enforcement Board. Motion seconded by Mr. Scott. Clerk Brock stated the Mr. Higgins has already paid about \$200 on the fine. Voting in favor of the motion were Scott and Gibson. Opposed were Powell, Laster, Haley and Jefferson. Motion failed. Mr. Powell motioned to reduce the fine to \$450 with the remaining balance of the fine probated for 2 years as long as there are no other violations found by the Code Enforcement Board. Motion seconded by Mr. Laster and carried unanimously. Mr. Petrie also suggested that if the fines were restructured to allow the Code Enforcement Board to review all fines instead of making the board issue the maximum fine if no hearing or any response is received from the property owner.

There was no further discussion, therefore Mr. Laster motioned to adjourn and seconded by Mr. Powell. Motion carried unanimously and meeting adjourned at approximately 8:50 PM.

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Nancy T. Camp, Mayor

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Laura M. Brock, City Clerk/Treasurer