

**Meeting Agenda**

Regular City Commissioner Meeting, Crab Orchard City Hall  
Sept 6, 2018  
6:30 pm

- Invocation
- Roll Call
  - Mayor Billy R. Shelton
  - Commissioner Jerry Shelton
  - Commissioner Keith Saylor
  - Commissioner Juanita Pettit
  - Commissioner Chris Sandlin
- Minutes Approved from last meeting  
Review minutes from last meeting, if no corrections needed  
Motion to accept minutes as stand.
- Financial Reports

Commissioner Reports

- City Commissioner- Jerry Shelton
- Water/Waste Water Commissioner- Keith Saylor
- Police Commissioner- Chris Sandlin
- Fire/Road Commissioner- Juanita Pettit

New Business

- 2<sup>nd</sup> reading amendment to Planning and Zoning Ordinance, section 2.65  
fenced, walls and hedges
- 2<sup>nd</sup> reading 2018 Tax Rate for Real Estate and Personal Property
- John Deere Tractor

Open Discussion

Adjourn meeting

Sept 6 2018

Regular City Commissioner Meeting Minutes, Crab Orchard City Hall  
Sept 6, 2018

The meeting was called to order at 6:28 by Mayor Billy R. Shelton, Pastor Dan Gutenson of Watts Chapel Church led the invocation.

Role call was performed by City Clerk; all were present for meeting, except Commissioner Juanita Pettit was absent.

Last month's meetings minutes were reviewed and no changes needed to be made, Commissioner Chris Sandlin, made the motion to accept last month's minutes as stand, 2<sup>nd</sup> by Commissioner Jerry Shelton, all in favor, motion carried.

Financial report was given by City Clerk (see attached), no changes need to be made, and Commissioner Jerry Shelton, made the motion to accept as stand, 2<sup>nd</sup> by Commissioner Chris Sandlin, all in favor, motion carried.

#### Commissioner Reports

City Commissioner Jerry Shelton stated the Ambulance Board meetings are the 3<sup>rd</sup> Monday and he expressed concern that he feels this end of the county is still not being managed as before the merger. Commissioner Jerry Shelton stated that he wished more people from the area would attend the meetings and discuss with the Ambulance Board our concerns.

Water/Wastewater Commissioner, Keith Saylor, reported our water loss is at 23% which is a decrease from previous month and we are expecting it to decline more due to the major water leaks we have repaired. We purchased 4.2 million gallons we sold 2.4 million gallons. We can account for 880,000 gallons which leaves a little over 1 million gallon unaccounted for. We have repaired 4 major leaks this month and this should start to produce a decrease in the water loss.

Emergency Services Commissioner, Chris Sandlin reported Police Chief Jimmy Gipson's monthly activities, (see attached report).

Streets and Roads Commissioner, Juanita Pettit absent no report to give.

Fire Chief, Larry Owsley had nothing to report.

#### New Business:

Commissioner Keith Saylor made the motion to accept the 2<sup>nd</sup> reading amendment to Planning and Zoning Ordinance, section 2.65 fenced, walls and hedges, 2<sup>nd</sup> by Commissioner Jerry Shelton, vote nae, Commissioners Jerry Shelton and Chris Sandlin, vote yae Commissioner Keith Saylor and Mayor Shelton, motion tie, will table and re-visit.

Commissioner Jerry Shelton made the motion to accept the 2<sup>nd</sup> reading 2018 Tax Rate for Real Estate and Personal Property, 2<sup>nd</sup> by Commissioner Keith Saylor vote yea Commissioner Jerry Shelton, Keith Saylor, Chris Sandlin and Mayor Billy Shelton all in favor motion carried.

Sept 6 2018

Commissioner Jerry Shelton stated that Larry Brown had a 2006 John Deere tractor and he has it priced at \$12,500 if the city purchased straight out. We can trade in our old John Deere tractor and pay \$10,000. We desperately need something to mow the sewer plant with and we will need to also try to find a bushhog instead of the finishing mower we have. We will make a list of items we can deem as surplus and start the selling process of those unnecessary items.

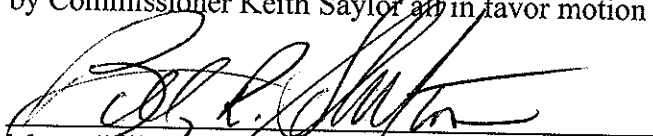
Commissioner Keith Saylor made the motion to purchase the John Deere tractor and trade in our old one in the amount of \$10,000, 2<sup>nd</sup> by Commissioner Jerry Shelton all in favor motion carried. Monies for purchase will come from the city account and discussion of splitting the cost will be done at a later date.

Open Discussion:


Several citizen expressed concerns in regards to the wet/dry vote. They stated they felt the city had misled them and gave false information to the paper while going on record the city would receive revenue from alcohol sales, when it indeed cannot at this time.

Bill Dyehouse presented a document that the information was drafted from Chris John, KLC attorney (see attached) stating that Crab Orchard will not be able to impose a regulatory fee due to the cities classification at time the statue was changed. City Attorney, John Hackley stated this was an honest mistake made by the city and at the request of the concern citizens a retraction will be made in the paper.

After a hostile debate among those present, Commissioner Jerry Shelton made the motion to adjourn, 2<sup>nd</sup> by Commissioner Keith Saylor all in favor motion carried meeting adjourned at 7:24 pm.

  
\_\_\_\_\_  
Mayor Billy R. Shelton

10/4/18  
Date

  
\_\_\_\_\_  
Attest  
City Clerk, Nancy Baker

10/4/18  
Date

## City of Crab Orchard Account Balances

|    | A                                              | B                 | C                           |
|----|------------------------------------------------|-------------------|-----------------------------|
| 1  | Account                                        | Balance Total     | Description                 |
| 2  | Audit Account                                  | 127.91            | Savings for Audit           |
| 3  | City of Crab Orchard Payroll                   | 11,504.12         | Payroll                     |
| 4  | General Fund Cash:C.O. Fire Equipment          | 7,402.75          | FD Equipment checking       |
| 5  | General Fund Cash:Town of Crab Orchard         | 99,851.64         | City Checking               |
| 6  | Grant Fund Cash:FEMA GRANT                     | 143.84            | Fire Dept Grant             |
| 7  | Grant Fund Cash:KIA RD Water Wastewater Grant  | 138.15            | Water/Sewer Grant           |
| 8  | Police Department                              | 3,387.20          | Police Dept                 |
| 9  | Road Fund Cash:C.O. Road Department Revenue    | 8,804.30          | Revenue Checking            |
| 10 | Road Fund Cash:Road O&M                        | 8,836.81          | O&M checking                |
| 11 | Sewer Fund Cash:Sewer Bond & Interest Sink     | 40,903.39         | Sink fund                   |
| 12 | Sewer Fund Cash:Sewer O&M                      | 20,800.86         | O&M Checking                |
| 13 | Sewer Fund Cash:Sewer Revenue                  | 41,011.78         | Revenue Checking            |
| 14 | Sewer Fund Cash:Sewer System Depreciation Fund | 21,008.07         | Depreciation/Restricted     |
| 15 | Water Fund Cash:City of Crab Orchard Savings   | 24,693.72         | Water Dept Savings          |
| 16 | Water Fund Cash:Water Customer Deposits        | 72,178.20         | Customer Deposit/Restricted |
| 17 | Water Fund Cash:Water Revenue                  | 77,421.60         | Revenue Checking            |
| 18 | Water Fund Cash:WaterWorks Bond & Interest     | 17,729.00         | Sink Fund                   |
| 19 | Water Fund Cash:Waterworks O&M                 | 31,430.65         | O&M Checking                |
| 20 | Water Fund Cash:WaterWorks Reserve Fund        | 33,456.07         | Reserve/Restricted          |
| 21 |                                                |                   |                             |
| 22 |                                                |                   |                             |
| 23 | <b>TOTAL</b>                                   | <b>520,830.06</b> |                             |

AN ORDINANCE FOR PROVIDING FOR AND REGUALTION OF FENCES FOR THE CITY OF CRAB ORCHARD, KENTUCKY

WHEREAS, the City Council has concerns as to the safety of certain types of fences and wishes to develop regulations for such by amending the Zoning Ordinance; and

WHEREAS, it is in the best interest of the City that the health, safety and general welfare of the City be promoted by planning the orderly growth of the City; and

WHEREAS, the City Council of the City of Crab Orchard, Kentucky finds it to be in the best interest of the public safety, health and general welfare to regulate property uses within the City; therefore,

BE IT ORDAINED BY THE CITY ODF CRAB ORCHARD OF THE COUNTY OF LINCOLN, KENTUCKY:

Section 1: This ordinance is hereby referenced as the "CITY OF CRAB ORCHARD FENCE REGUALTIONS".

Section 2: Permits and Conditional Uses

2.1 Application Requirements for a Permit: The applicant shall complete an application for the fence. Including but not limited to the following:

- a. Name, Address, telephone number of the home owner
- b. Location of home, legal description (property lines)
- d. Plans of the building, parking, driveways, fence layout.

2.2 Issuance of the Permit: In consideration of the application, the City or designated official shall review and issue the Permit when all requirements of the planning and zoning ordinance as amending have been meet.

2.3 Denial of Application: Any person whose application for a permit has been denied may appeal the decision to the Board of Adjustment as permitted in the Planning and Zoning Ordinance.

Section 3: Fences, Walls, and Hedges

Zoning Ordinance Section 2.65: Fences, Walls, and Hedges (Amended as follows):

- 1) Notwithstanding other provisions of ~~this~~ the Zoning Ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over two and one-half (2 1/2) feet in height.
- 2) Fencing material will be limited to those materials that are safe for use in a residential area (Commercial and Industrial Zones are except from these requirements). Prohibited fence material include but are not limited to Barb Wire, Razor Wire, Chicken Wire, Welded Wire, ). Prohibited hedge material thorny bushes/plants used as a linier boundary. Prohibited wall material any building material used to build a wall in such a way as to cause personal injury to anyone attempting to enter the front yard of any residential property.
- 3) Fences, Walls, and Hedges on property lines on all front, back and side yards shall be set back from the property line by a distance of three (3) feet unless the adjoining property owner is in agreement with placement of the Fences, Walls, and Hedges. Fences, Walls, and Hedges on street right of way lines shall be set back three (3) feet in all cases.

Section 4: Penalty: Any Person violating this Ordinance shall upon conviction be guilty of a misdemeanor and shall be fined not less than \$1.00 nor more than \$500.00 for each day that such violation continues.

Section 5: Severability: If any section or part of any section or paragraph of this Ordinance is declared invalid or unconstitutional for any reason, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections or part of the section or paragraph of this Ordinance.

Section 6: Effective Date: This Ordinance shall be effective immediately upon passage, and publishing.

First Reading - \_\_\_\_\_, 2018

Second Reading - \_\_\_\_\_, 2018

Published \_\_\_\_\_

ORDINANCE #18-08-02 SETTING 2018 CITY OF CRAB ORCHARD  
TAX RATES ON REAL AND PERSONAL PROPERTY

WHEREAS, the City of Crab Orchard must set tax rate prior to September 8<sup>th</sup> 2018 for the 2018 tax year.

WHEREAS, the City of Crab Orchard must ensure that is it able to meet the rising cost associated with the operation of the city.

WHEREAS, KRS 83A.060 states the procedure for the amendment and/or enactment of ordinances:

BE IT ORDAINED BY THE CITY OF CRAB ORCHARD MAYOR AND COMMISSIONERS AS FOLLOWS:

Section 1

The real property tax rate for the 2018 tax year shall be set at a rate of .129 (12.9 cents) per \$100.00 (one hundred dollars) of the assessed value of said real property with an anticipated revenue of \$24,380.00.

Section 2

The personal property tax rate for the 2018 tax year shall be set at the compensating rate of .122 (12.2 cents) per \$100.00 (one hundred dollars) of the assessed value of said real property with an anticipated revenue of \$1134.00.

Section 3

That there will be a 2% discount for all taxes paid before November 1<sup>st</sup> 2018 and a penalty for all taxes paid after December 31<sup>st</sup> 2018.

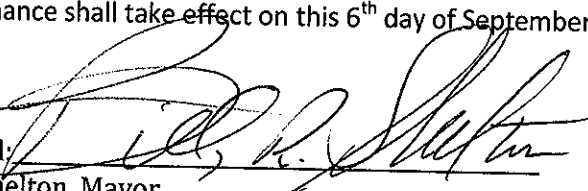
Section 4


That the tax rate from the preceding year for real property was set at .127 (12.7 cents) per \$100.00 (one hundred dollars) with an anticipated revenues of \$23,656.00.

Section 5

That the tax rate from the preceding year for personal property was set at .109 (10.9cents) per \$100.00 (one hundred dollars) with an anticipated revenues of \$1135.00

This ordinance shall take effect on this 6<sup>th</sup> day of September, 2018.

Approved:   
Billy R. Shelton, Mayor

Attested:   
Nancy Baker, City Clerk

First Reading: 08/02/2018  
Second Reading: 09/06/2018  
Published: 09/13/2018

**Crab Orchard Police Department**

**Monthly report august 2018**

**Chief Jimmy Gipson**

**Warning tickets**

**Complaints 7**

**Investigations 4**

**Arrest made : Misdemeanor 1    Felony 3    Drugs 1**

**Alcohol**

**DUI**

**Accidents**

**Citations 6**

**Domestics 1**

**Case reports 3**

**Traffic stops 6**

**August 2<sup>nd</sup>**

**City meeting .**

**August 6<sup>th</sup>**

**Investigation into the theft of head stone and foot markers from the Crab Orchard Baptist Church.**

**Theft report made on the above case. (arrest made)**

**7<sup>th</sup>**

**Traffic stop Elm Street check for warrants .**

**Traffic stop 150/39 (speeding).**



**August 10<sup>th</sup>**

**Served police orders to the pool-hall ,D-M market and B-H Market to remove all gambling devices and machines by the 24<sup>th</sup> of August.**

**Received information on drugs being sold at the pool-hall.**

**13<sup>th</sup>-17<sup>th</sup> 5days of training (Mandatory school)Somerset KY.**

**23<sup>rd</sup>**

**Drug raid on 39 south with the sheriff department that start inside the city. One arrest was made for possession of drugs and convicted felon with a firearm. More charges forthcoming.**

**Investigation into a theft report of personal property taken on Elm Street (report made).**

**Report of a girl walking down Elm street/643 in the middle of the road acting crazy.**

**24<sup>th</sup>**

**Clean office .**

**Traffic stop 150 (no tags visible ).**

- **Meeting with the County Attorney over the gambling machines .**

**Note: to date all Machines have been moved from all above establishments.**

**Recovered stolen property from August 23<sup>rd</sup> and returned to owner arrest pending.**

**25<sup>th</sup>**

**Funeral escort and traffic control.**

**Criminal Mischief to property on Sycamore Street damage noted.**

**Rolling domestic 150 .**

**Report of a 4 YOA girl walking on Elm Street.**

**Traffic stop on Orchard Drive (2-citations giving for traffic violations).**

**30<sup>th</sup>**

**Assist SO with a search for a subject that had warrants on him.**

**Complaint over rental property .**

**Meet with SO for a monthly meeting .**

**August 31<sup>st</sup>**

**Report of a burglary in progress 1620 Sycamore Street.**

**Theft report made on 131 Lancaster Street Also in the same time frame across the street from 131 theft of lights out of the yard**

**Traffic stop on Main Street : one felony arrest made.**

# Crab Orchard Water & Sewer Dept.

## Report for Monthly Meeting

9/6/18

### Leaks and Repairs

Service line leak 314 Stanford St.  $\frac{3}{4}$  inch line broke apart at old repair under the edge of the highway. Replaced with new pipe, valve, tee and couplers

Water main leak on Hwy. 643 6 inch tapping sleeve bolts rusted into. Replaced with new pipe, 6 inch tee, 6 inch gate valve and 6 in couplers

Water main leak at 655 S. Elm St.  $\frac{3}{4}$  inch corp stop came loose from 3 inch line and  $\frac{3}{4}$  inch service to meter had 2 pinholes under the street. Replaced with new 3 inch tapping saddle, corp stop, pipe and installed a 3 inch gate valve and 3 inch elbow to flush line

Service line leak at 1420 Manor Blvd.  $\frac{3}{4}$  inch line broke apart at old repair under the street. Replaced with new pipe and sleeve under the street.

Install new meter, box and lid at 1420 Manor Blvd. Customer had no water after leak was repaired.

Replaced meter at clinic. Installed new box, lid, pipe, 1 in setter and 1 inch meter

Degrease all lift stations

Installed 10 new meters

### Flushing

Sewer Plant

Stanford St.

Junkyard

Bank

Leigh Rd.

643

S. Elm St.

## Routine Work

Work Orders

Read Meters

Samples

Mow Grass

Work on Agreed Order

Clean up at Sewer Plant

Re Reads

Shut Offs

MOR

DMR

Exercise valves

Met with Matt Glass from Rural Water

Order Supplies

Submit TTHM, HAA5 and Lead and Copper results to state

City Wide Clean Up

Patch holes from leaks

**WATER LOSS REPORT**  
**WATER AND SEWER DEPARTMENT**

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Month: July Year: 2018

Water Purchased: 4,291,320 Gallons

Water Sold:

Residential: 2,398,296 Gallons

Salesman: 9,480 Gallons

Total Sold: 2,408,770 Gallons

Difference Between What Was Purchased And Sold:

Purchased: 4,291,320 Gallons

Sold: 2,408,770 Gallons

Total: 1,882,550 Gallons

Total: 44 %

Gallons Accounted For:

Breaks: 625,000 Gallons

*Scott Coleman  
Ricky Conning*

Flushing: 250,000 Gallons

*Sewer Dept Leigh Rd  
Stanford St. Junkyard*

Tank Overflow: \_\_\_\_\_ Gallons

Other: 5,000 Gallons

*Fica Dept*

Total: 880,000 Gallons

Total Accounted For: 3,288,770 Gallons

Total Unaccounted for: 1,002,550 Gallons

Monthly Water Loss: 23 % Total Loss

**Chris Johnson  
Municipal Law Attorney  
Kentucky League of Cities  
859-977-3709**

**Crab Orchard was classified as a Class 6 city in 2014. Although this changed in 2015, it is important because some rules regarding alcohol regulation are based upon this old classification, not the new one called Home Rule.**

|                               |                                       |
|-------------------------------|---------------------------------------|
| <b>Class 6 classification</b> | <b>Population less than 1,000</b>     |
| <b>Crab Orchard</b>           | <b>833 (population estimate 2015)</b> |

**When KY House Bill 331 was passed in 2015 and Crab Orchard was reclassified as Home Rule. In 2016, the Kentucky General Assembly removed the 3,000 population requirement, thus allowing class 6 cities to vote on their wet or dry status. In other words, alcohol sales would be permitted if the people approved it.**

**However House Bill 331 holds the status quo regarding alcohol regulatory fees. (KRS 243.075)**

- **Allowed alcohol regulatory fees to be imposed in cities classified as class 3 or 4 as of August 1, 2014. Previously, only Class 1, 2 or 3 were allowed.**
- **Crab Orchard was classified as a Class 6 city on that date.**
- **Crab Orchard cannot impose any alcohol regulatory fees, aka sin tax.**
- **Crab Orchard WILL NOT receive any money from alcohol sales within the city.**

**Possible revenue for Crab Orchard**

- **Business License fee from possible new business. (Estimated at \$35/year)**

**There is a case in the Kentucky court system to allow Class 6 cities to impose an alcohol regulatory fee.**

- **It is not likely to be heard in the courts anytime soon.**
- **It is being vigorously opposed by the Alcohol Commission/PAC as an unfair tax.**