

Meeting Agenda

Regular City Commissioner Meeting, Crab Orchard City Hall

April 4, 2019

6:30 pm

- Invocation
- Pledge of Allegiance
- Roll Call
 - Mayor Billy R. Shelton
 - Commissioner Kenneth Manuel
 - Commissioner Keith Saylor
 - Commissioner Mike Eldridge
 - Commissioner Bill Dyehouse
- Minutes Approved from last meeting
Review minutes from last meeting, if no corrections needed
Motion to accept minutes as stand.
- Financial Reports
- Commissioner Reports

Old Business

New Business

- Motion on 2nd reading on City/County Haz-Mat Ordinance #112 changes (see highlighted areas)
- Ordinance #19-04-04, Motion to increase trash rate from \$11.95 to \$12.55 due to the increase in bids.
- Alley between Garden Lane and Stanford St, can it be closed to public use. (See attached petition)
- City Wide Yard Sale, set for May 2,3 and 4th
- Spring Clean Up, set for May 6 and 7th.

Open Discussion

Adjourn meeting

April 4 2019

Regular City Commissioner Meeting Minutes, Crab Orchard City Hall
April 4, 2019

The meeting was called to order at 6:30 by Mayor Pro-Tem Bill Dyehouse, Mayor Pro-Tem Dyehouse led the invocation and led everyone in reciting the Pledge of Allegiance to the US Flag.

Role call was performed by City Clerk; all were present for meeting except Mayor Billy R. Shelton was absent, Mayor Pro-Tem established there was a quorum.

Last month's meetings minutes were reviewed and no changes needed to be made, Commissioner Keith Saylor made the motion to accept last month's minutes as stand, 2nd by Commissioner Kenneth Manuel, all in favor, motion carried.

Financial report was given by City Clerk (see attached), no changes need to be made, and Commissioner Keith Saylor, made the motion to accept as stand, 2nd by Commissioner Kenneth Manuel, all in favor, motion carried.

Commissioner Reports

Emergency Service Commissioner Kenneth Manuel reported Police Chiefs, Jimmy Gipson's report (see attached). Issues 7 warning tickets, 4 complaints, 2 investigations, 3 arrests made, 3 traffic citations, 1 domestic call, 7 traffic stops.

Water/Wastewater Commissioner Keith Saylor reported did not receive Devon's water report so did not have any water loss information. We have contacted C.I. Thornburg and they are to review the lift station issues and make their recommendation to make repairs. Walt Robbins has been working with Devon pulling pumps from the smaller lift stations to make repairs.

Streets and Road Commissioner Mike Eldridge reported, county is in process of repairing Keith Jacobs drive on walnut. West Maple will need a culvert replaced as the current one is crushed. Installed 2 street signs one on corner of Elm Street and Manor Blvd and the other on Meadowlark.

City Commissioner Bill Dyehouse reported he has received complaints of dogs running loose, he hasn't really seen any but will contact the Dog Warden. Our ordinance states all dogs must be either tied up or fenced it. Also the chickens running loose on Maple Ave have been a nuisance and a letter will be sent to the home owner. There are properties that are in need to be cleaned up. Letters will be sent out to property owners as needed.

New Business:

Commissioner Keith Saylor made the motion to accept the Motion on 2nd reading on City/County Haz-Mat Ordinance #112 changes (see highlighted areas), 2nd by Commissioner Kenneth Manuel all in favor motion carried.

Commissioner Keith Saylor made the motion to accept the first reading on Ordinance #19-04-04, to increase trash rate from \$11.95 to \$12.55, 2nd by Commissioner Mike Eldridge all in favor motion carried.

April 4 2019

Residents on Garden Lane and Stanford Street presented to the Commission a petition to have the alley way that connects these two streets to be closed down for general public use. The Commission decided to table this until we can speak to our attorney on this matter.

City Wide Yard Sale dates have been set for May 2,3, and 4th. No yard sale permits will be needed during this time.

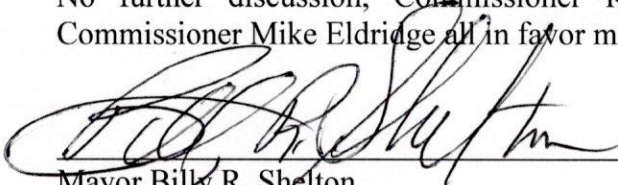
City Wide Spring Clean up will be May 6 and 7th.

Open Discussion

Police Chief Jimmy Gipson stated the nuisance ordinance needs to be reviewed at one of our work sessions.

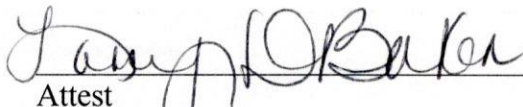
Don Brown approached the Commission to review running the sewer lines to his property as he may have a business that would like to open in that corner if the sewer would be accessible. Commissioners started they would research and get with engineers to see the cost.

No further discussion, Commissioner Kenneth Manuel made the motion to adjourn, 2nd by Commissioner Mike Eldridge all in favor motion carried, meeting adjourned at 7:08 pm.



Mayor Billy R. Shelton

Date



Attest
City Clerk, Nancy Baker

Date

City of Crab Orchard
Ordinance #19-04-04
Water/Wastewater/Refuse Rate Ordinance

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

WHEREAS, it is necessary for the City of Crab Orchard, Kentucky to increase water and sewer rates due to the rise in raw water cost, the new water lines, raw sewage treatment cost, and operating and maintenance costs: the City of Crab Orchard, Kentucky does hereby amend the rates presently being charged.

SECTION 1: The City of Crab Orchard does hereby adopt the following schedule of rates to be charged for water, to with:

WATER RESIDENTIAL AND COMMERCIAL RATES

First 2,000 gallons for customers Located in City limits	17.33 (flat rate)
First 2,000 gallons for customers Located outside City limits	22.28 (flat rate)
Inside City limits	
Next 3,000 gallons	6.58 per 1,000 gal.
Next 5,000 gallons	7.60 per 1,000 gal.
Next 15,000 gallons	7.07 per 1,000 gal.
Next 25,000 gallons	6.81 per 1,000 gal.
Next 50,000 gallons	6.02 per 1,000 gal.
Outside City Limits	
Next 3,000 gallons	7.22 per 1,000 gal.
Next 5,000 gallons	8.18 per 1,000 gal.
Next 15,000 gallons	7.55 per 1,000 gal.
Next 25,000 gallons	7.23 per 1,000 gal.
Next 50,000 gallons	6.32 per 1,000 gal.

SECTION 2: The City of Crab Orchard does hereby adopt the Kentucky River Fee at a rate of \$0.27 per thousand gallons of water used.

SECTION 3: The City of Crab Orchard does hereby adopt the following schedule of rates to be charged for wastewater, to with:

WASTEWATER RESIDENTIAL AND COMMERCIAL RATES

First 1,000 gallons for customers	18.00 (flat rate)
Every thousand gallons thereafter	6.00 per thousand gallons

SECTION 4: The City of Crab Orchard does hereby adopt the following schedule of rates to be charged for refuse service, to with:

Residential 2 totes	\$12.55 per month
Residential 3 totes	\$15.05 per month
Residential 4 totes	\$17.55 per month
Business 2 totes	\$12.55 per month
Business 3 totes	\$15.05 per month
Business 4 totes	\$ 17.55 per month
Business 5 totes	\$ 20.00 per month
Business 6 totes	\$22.50 per month

SECTION 5: This Ordinance shall become effective on the 4th day of April, 2019 after its 2nd passage and upon Publication.

Mayor

City Clerk, Attest

First Reading:
Second Reading:
Published:

City of Crab Orchard Account Balances

	A	B	C
1	Account	Balance Total	Description
2	Audit Account	128.46	Savings for Audit
3	City of Crab Orchard Payroll	3,124.11	Payroll
4	General Fund Cash:C.O. Fire Equipment	7,240.86	FD Equipment checking
5	General Fund Cash:Town of Crab Orchard	89,553.58	City Checking
6	Grant Fund Cash:FEMA GRANT	144.33	Fire Dept Grant
7	Grant Fund Cash:KIA RD Water Wastewater Grant	138.63	Water/Sewer Grant
8	Police Department	4,334.87	Police Dept
9	Road Fund Cash:C.O. Road Department Revenue	8,835.54	Revenue Checking
10	Road Fund Cash:Road O&M	6,197.76	O&M checking
11	Sewer Fund Cash:Sewer Bond & Interest Sink	30,676.84	Sink fund
12	Sewer Fund Cash:Sewer O&M	12,709.54	O&M Checking
13	Sewer Fund Cash:Sewer Revenue	50,483.20	Revenue Checking
14	Sewer Fund Cash:Sewer System Depreciation Fund	22,835.70	Depreciation/Restricted
15	Water Fund Cash:City of Crab Orchard Savings	24,720.23	Water Dept Savings
16	Water Fund Cash:Water Customer Deposits	73,109.68	Customer Deposit/Restricted
17	Water Fund Cash:Water Revenue	102,132.80	Revenue Checking
18	Water Fund Cash:WaterWorks Bond & Interest	17,003.97	Sink Fund
19	Water Fund Cash:Waterworks O&M	11,774.11	O&M Checking
20	Water Fund Cash:WaterWorks Reserve Fund	34,451.33	Reserve/Restricted
21			
22	TOTAL	499,595.54	

March 4th 10 am-1 pm

Served papers

March 7th 2 pm-10 pm

Paperwork on trash in the city.

City Commissioner Meeting.

March 8th 2 pm-11pm

Domestic at GreenBrair Street.

Called to the Danville Hosp. for an assault investigation (poison) that happen in the city on the above domestic.

March 11th 7^{am} – 3pm

Went to the 911 center for a meeting and to pick up papers.

School traffic (complaint of vehicles stopping on Lancaster Street letting kids out.

Assist on House Fire on Walnut Street

March 14th 10am-3pm

No major active

Traffic stop Elm Street for speeding.

March 16th 11am-3pm

Traffic stop Main Street ATV having a driver under 16YOA.

Motorcycle traveling at a high rate of speed on Cherry Street.

March 21st 9am-2pm

Meeting with Corner office at the Health Department over investigation into children deaths.

March 22nd 3pm- 11pm

Complaint 637 ½ a one Jaden Shelton coming into her house and taken money from her and jumping on her.

March 22nd continue

Traffic stop Stanford Street suspicious person.

Called out to assist the county on a pursue Pine-Grove road the subject got out of the car and ran into some woods.

BOLO :Report of theft of logs on 39 North

March 25th . 8am-3pm

Traffic stop Lancaster Street for speeding in school zone.

Harassment Complaint Stanford Street.

Traffic Stop Main Street for speeding.

March 28th 11:30-7:30 pm 8hrs

1014 McKnight Funeral home

Fight over a car that happen on Elm Street and eco to the carwash on Main Street.

Traffic stop Stanford Street Kids not in seat belts.

Traffic stop Lancaster Street for speeding

Traffic stop Main Street for speeding

One arrest made at the Dollar Store Parking Lot for Drugs and a warrant subject was passed out in his vehicle.

March 29th 5pm-11pm

Complaint of reckless driving coming down Main Street .

March 30th 2pm-12midnight

Assist county on a burglary call.

Assist county in the city with a man hunt for a w/m that had federal warrants on him.

CITY/ COUNTY HAZARDOUS MATERIALS ORDINANCE #112
FOR LINCOLN COUNTY, KENTUCKY
CITY OF STANFORD, KENTUCKY
CITY OF CRAB ORCHARD, KENTUCKY
CITY OF HUSTONVILLE, KENTUCKY

A JOINT ORDINANCE RELATING TO STORAGE, HANDLING, USING, CONVEYANCE AND/OR TRANSPORTATION OF HAZARDOUS SUBSTANCES AND RESPONSE TO HAZARDOUS SUBSTANCE(S) INCIDENTS

BE IT ORDAINED by the City of Stanford; City of Crab Orchard; City of Hustonville and the Lincoln County Fiscal Court, Lincoln County, Kentucky as follows:

Section 1. Definitions: The following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- A. "Emergency response personnel" shall mean any public employee, including but not limited to, any firefighter or emergency response personnel who responds to any condition caused in whole or part by a hazard that jeopardizes or could jeopardize public health or safety of the environment. Emergency Response personnel may assume the role of "Incident Commander."
- B. "Fire Chief" shall mean the Fire Chief of the City of Stanford; City of Crab Orchard; City of Hustonville or the County of Lincoln or one of the Lincoln County Fire Protection Districts or the next in command.
- C. "Handler" shall mean any person who transports or stores a hazardous substance(s).
- D. "Hazardous Substance(s)" as used in this ordinance shall be defined as in KRS 224.01-400 as amended.
- E. "Hazardous Waste" as used in this ordinance shall be defined as in KRS 224.01-010 and supporting regulations as amended.
- F. "MSDS" shall mean a Material Safety Data Sheet prepared pursuant to state law or pursuant to regulations of the Occupational Safety and Health Administration of the United States Department of Labor. (if applicable)
- G. "Person" shall mean any individual, trust, limited liability company, firm, company, society, corporation, joint stock company, partnership, consortium, association, cooperation, joint venture, city, county, special district, state or any department or agency or political subdivision thereof, United States Government, or other commercial or legal entity.
- H. "Preplanning" shall mean a joint assessment by persons storing or handling hazardous substance(s) and the Fire Chief and/or the Hazardous Materials Coordinator and/or Emergency Management Director of the risks associated with the hazardous substance(s) and may include inspections, joint training and practice.
- I. "Release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, scarping, leaching, dumping, or disposing into the environment of a hazardous substance(s) in quantities which meet or exceed the reportable quantity amounts established by state or federal regulations.

- J. "Threatened Release" shall mean a condition creating a substantial probability of a release when the probability and potential extend of a release make it reasonably necessary to take immediate action to prevent, reduce or mitigate damages to persons, property, or the environment.
- K. "User" shall mean any person who uses a hazardous substance(s).
- L. "Disaster and Emergency Services (DES) Director' and/or "Emergency Manager" and/or "Emergency Management Director" shall be that official appointed by the Mayor and County Judge / Executive pursuant to KRS 39.415.
- M. "Owner or Operator" shall mean any person having ownership, control or executive authority of a facility, vehicle or property where a hazardous substance(s) is stored, handled or used.
- N. "Hazardous Materials Coordinator" shall mean the person designated by Lincoln County Emergency Management and appointed by the Lincoln County Fiscal Court pursuant to the Lincoln County Emergency Operations Plan.

Section 2. Fire Chief's Responsibility. The Fire Chief shall be responsible for administering and enforcing the provisions of this ordinance and shall be responsible for the City's or County's compliance with all applicable state and federal laws and regulations. The Fire Chief shall further give full access to, and availability of, information submitted under this ordinance to emergency response personnel and other appropriate governmental entities on a twenty-four hour basis. At no time will the Fire Chief relinquish command and control of the Fire Department during an emergency response.

Section 3. DES Director / Emergency Manager Responsibility. The DES Director is authorized and directed to coordinate and cooperate with the Fire Chief and Hazardous Materials Coordinator on all hazardous material responses and follow-up. He shall also direct and coordinate with the LOCAL HAZARDOUS MATERIALS RESPONSE AND DECONTAMINATION UNIT as necessary. He shall authorize the response of other jurisdictions as needed to resolve any incident.

Section 4. Hazardous Materials Coordinator. The Hazardous Materials Coordinator is authorized and directed to cooperate with the Fire Chief and DES Director / Emergency Manager on all Hazardous Materials responses and follow-up. He shall provide costs of response and follow-up pertaining to agencies, manpower, supplies, apparatus and equipment to the DES Director / Emergency Manager for cost recovery from the owner/handler of the released agent. He shall authorize the response of other agencies and/or jurisdictions as needed to resolve any incident.

Section 5. Preplanning Required. Any handler or user of hazardous substances who stores or handles hazardous materials for any length of time shall immediately notify the Fire Chief, through the use of MSDS or other documentation, that a hazardous substance(s) is being stored. When the storage of such substance(s) is planned to or does exceed thirty days, the responsible person storing, handling, or using that substance(s) shall notify the Fire Chief and shall engage in preplanning with the Fire Chief. This section does not apply to storage of hazardous substances at fixed facilities for less than thirty days provided those facilities comply with the other provisions of this Ordinance. The thirty day time period set out in this section continues to run as long as there is a hazardous substance(s) at the facility and does not require any particular substance(s) to be handed or stored for over thirty days.

- (b) In the event of a hazardous substance(s) release or threatened release involving a fixed facility, the operator, owner and all other persons of the facility responsible for the presence of hazardous substances shall be responsible for all direct costs including, but not limited to, personnel costs of the City/Cities and County Fire Departments and other dispatched emergency agencies and personnel in responding to the release or threatened release, including replacement of supplies and equipment contaminated as a result of the incident, the cost of proper disposal of contaminated materials, the cost of clean-up, evacuation, administrative and other expenses including legal expenses, incurred in recovering these costs. The City/Cities and County Attorney are hereby authorized and directed to initiate such proceedings, in the name of the City of Stanford; the City of Crab Orchard; the City of Hustonville and the Lincoln County Fiscal Court in any court having jurisdiction over such matters as are necessary to recover costs of the City/Cities or County.
- (c) Any hazardous substance(s) or material release shall be considered a public health hazard and for those responses made by the Stanford; Crab Orchard; Hustonville or Lincoln County Fire Departments and other emergency response agencies and personnel involving a fixed facility within the City/Cities or County, the City/Cities or Lincoln County shall have a lien against the property for the recoverable costs as stated hereinabove. The affidavit of the Fire Chief shall constitute prima facial evidence of the amount of the lien and the regularity of the proceedings and shall be recorded in the Office of the County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest thereafter until paid. The lien created shall take precedence over all other subsequent liens, except state, county, school board and city taxes, and may be enforced by judicial proceeding. The owner of a property upon which a lien has been attached shall be personally liable for the amount of the lien, including all interest, civil penalties, and other charges and the City/Cities or County shall have the same remedies as provided for the recovery of a debt owned.

Section 8. Enforcement / Penalties.

- (a) The Fire Chief in cooperation with the DES Director / Emergency Manager, will have primary responsibilities for enforcement of the provisions of this Ordinance.
- (b) Upon notification or discovery of any violation of the provisions of this Ordinance, the Fire Chief or his next in command shall investigate the site, and if a violation is found, issue a notice of violation to the person responsible for the facility. This notice shall provide for immediate abatement if a release or threatened release is occurring. This notice shall also provide abatement periods of other violations.
- (c) Any person who fails to notify the Fire Chief of a release or threatened release may be fined not more than five thousand dollars (\$5,000). Each day's continuance of any such failure or violations shall be considered a separate offense.
- (d) Any person who fails to comply with any other provisions of this Ordinance may be fined not more than five hundred dollars (\$500). Each day's continuance of any such failure or violation shall be considered a separate offense.

Section 9. Severability of Ordinance. The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared null and void or unconstitutional by a valid judgment or decree of a court or competent jurisdiction, such declaration shall not effect the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance nor any other ordinance or section thereof adopted and codified by the respective legislative bodies.

Section 6. Handler or User Responsibility. The owner or operator of any facility at which a hazardous substance(s) is handled or used shall notify the Fire Chief, through the use of a MSDS or other documentation, of the substances being stored at the site of the owner or operator by providing the Fire Chief with a complete inventory and location of such hazardous substances. Such owner or operator shall also implement emergency response plans and procedures for the mitigation of a release or threatened release to minimize any potential harm or damage to persons, property or the environment as may be necessary for a particular incident and implement evacuation plans and procedures, including the immediate notice to the Fire Department and to persons with the immediate site and adjacent properties. Such owners or operators shall also provided training for all employees as required by State and Federal OSHA standards and regulations. Such Owners or operators shall also allow periodic inspections by the Fire Chief of the storage site.

Section 7. Response. The City and/or County Fire Departments are authorized to respond to and abate the effects of any release or threatened release of hazardous substances into the environment, pursuant to the existing preplanning agreement, when requested to do so by the handler or user or when, in the judgment of the Incident Commander, there exists an imminent hazard to human health or the environment. The Fire Chief, or other person in charge of the incident scene, shall authorize the response of the LOCAL HAZARDOUS MATERIALS RESPONSE AND DECONTAMINATION UNIT for any event which may exceed their ability to abate, mitigate, or dispose of. This may be done at his discretion by contacting the DES Director / Emergency Manager and/or the 911 dispatch center. If the event exceeds the capabilities for the LOCAL HAZARDOUS MATERIALS RESPONSE AND DECONTAMINATION UNIT, then response teams from other jurisdictions may be summoned and utilized at the direction of the LOCAL HAZARDOUS MATERIALS RESPONSE AND DECONTAMINATION UNIT commander or Hazardous Materials Coordinator or DES Director / Emergency Manager.

Section 8. Cost Recovery. The DES Director / Emergency Manager may also issue invoices to recover costs of response, recovery and abatement from those handlers and users who are liable for the substance release or threatened release. Any person causing an unauthorized release of any hazardous substance(s) or hazardous waste(s) shall be responsible for its clean-up and all expenditures pursuant thereto. Any person causing an unauthorized release of any hazardous substance(s) or hazardous waste which results in the City or County expending public funds for the response to the release, its abatement, or the cleanup or removal of such hazardous substance(s) or hazardous waste shall be liable to the City or County for all recoverable costs as outlined below.

- (a) In the event of a hazardous substance(s) release or threatened release involving materials in transit, the shipper (carrier), the owner of the substances, and all other persons whose activities caused or contributed to a release or threatened release, jointly and severally, shall be responsible for all direct costs including, but not limited to, personnel costs of the City of Stanford; City of Crab Orchard; City of Hustonville and Lincoln County Fire Departments and other dispatched emergency agencies and personnel responding to the release or threatened release, replacement costs of suppliers and equipment contaminated as a result of the incident, the cost of proper disposal of contaminated materials, the cost of cleanup, evacuation, and administrative and other expenses, including legal expenses, incurred in recovering these costs. The City and/or Cities and County Attorney are hereby authorized and directed to initiate such proceedings, in the name of the City of Stanford; City of Crab Orchard; City of Hustonville and the Lincoln County Fiscal Court in any court having jurisdiction over such matters as are necessary to recover costs of the City/Cities or County.

This Ordinance is amended and adopted pursuant to KRS 83A.060 in that it was introduced before the Lincoln County Fiscal Court at a regularly scheduled meeting on _____, 2019, and given final reading on _____, 2019, and said ordinance shall be in full force and effect upon signature, recording, and publication in full pursuant to KRS Chapter 424.

Jim W. Adams; Judge Executive, Stanford, Lincoln Co., Ky. 40484

ATTEST: _____ County Clerk

Reviewed by County Attorney _____, 2019

This Ordinance is amended and adopted pursuant to KRS 83A.060 in that it was introduced before the Stanford City Council at a regularly scheduled meeting on _____, 2019, and given final reading on the _____, 2019, and said ordinance shall be in full force and effect upon signature, recording, and publication in full pursuant to KRS Chapter 424.

Mayor, City of Stanford, Ky. 40484

ATTEST: _____ City Clerk

Reviewed by City Attorney _____, 2019.

This Ordinance is amended and adopted pursuant to KRS 83A.060 in that it was introduced before the Crab Orchard City Commission at a regularly scheduled meeting on _____, 2019 and given final reading on _____, 2019, and said ordinance shall be in full force and effect upon signature, recording, and publication in full pursuant to KRS Chapter 424.

Mayor, City of Crab Orchard, Ky. 40419

ATTEST: _____ City Clerk

Reviewed by City Attorney _____, 2019.

This Ordinance is amended and adopted pursuant to KRS 83A.060 in that it was introduced before the Hustonville City Commission at a regularly scheduled meeting on _____, 2019, and given final reading on _____, 2019, and said ordinance shall be in full force and effect upon signature, recording, and publication in full pursuant to KRS Chapter 424.

Mayor, City of Hustonville, Ky. 40437

ATTEST: _____ City Clerk

Reviewed by City Attorney _____, 2019

We the resident of Garden Lane, Crab Orchard, Kentucky and adjoining residents are petitioning the town of Crab Orchard, Kentucky for the closure of the alley between Garden Lane and Stanford Street. This alley is a nuisance to the homes located on both sides of the alley. The street is too narrow for vehicles to drive and vehicles that attempt to come drive in and out are often in the yards of residents. The garage on one the properties has been hit on numerous occasions due to the minimal space on the alley.

The alley serves no purpose for emergency medical response nor the primary residents. The closure would not affect anyone negatively. Please see below the signatures of the residents petitioning for this closure.

Sincerely,

Residents of Garden Lane and Stanford Street

Jammy & Martha Day

of 314 Stanford St. Crab Orchard

Allen Newcomb

of 1219 GARDEN LN

Mary Blaine

of 1207 GARDEN LN

Paul

of 1223 Garden Lane Crab Orchard

of 312 Stanford St. Crab Orchard Ky 40419

of _____