

Meeting Agenda

Regular City Commissioner Meeting, Crab Orchard City Hall

June 6, 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(s)
Review minutes from last meeting, if no corrections needed
Motion to accept minutes as stand.

- Financial Reports
- Commissioner Reports

Old Business

New Business

- 2nd reading on 2019-2020 Budget Ordinance 19-05-01
- Johnny Wilcop with Wilcop Cable
- 1st reading on ordinance 19-05-16 establish and collect occupational payroll fee.
- Sidewalk repair on Main Street in front of old bank

Open Discussion

Adjourn meeting

June 6 2019

Regular City Commissioner Meeting Minutes, Crab Orchard City Hall
June 6, 2019

The meeting was called to order at 6:35 by Mayor Billy R. Shelton; Mayor Shelton 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, Mayor Shelton established there was a quorum.

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

Johnny Wilcop from Wilcop Cable presented before the board a resolution to transfer his cable franchise to Access Cable out of Somerset, Ky. Roy and Jeremy Baker were representative of Access, Inc and presented the resolution for the city to adopt. Commissioner Bill Dyehouse made the motion to adopt resolution #19-06-06 transfer cable to Access, Inc, 2nd by Commissioner Keith Saylor all in favor motion carried.

Commissioner Reports

Emergency Service Commissioner Kenneth Manuel reported Police Chiefs, Jimmy Gipson's report (see attached). 5 complaints, 2 investigations, 1 arrest made, 2 traffic citations, 5 traffic stops, 2 domestic and 2 case reports.

Water/Wastewater Commissioner Keith Saylor reported the water loss is 9%, he also reported Water Superintendent's Devon Shelton's monthly water report (see attached).

Streets and Road Commissioner Mike Eldridge reported, the alley way between Garden Lane and Stanford St. Kevin Hopkins presented quote for \$2500.00 to repair sidewalk in front of old bank building. Park benches needs to be replaced, they are old and needs replaced. Resident on Lancaster St has reported his neighbor has started to build a garage and has cause water to back up on his property. Commissioner Eldridge stated he and the Mayor will go and look at the issue.

City Commissioner Bill Dyehouse reported have not heard anything back from Don Brown property owner that would like to have a sewer line run to his property on Hwy 150. The lawn mower needs to either be repaired or replaced; Tractor Supply is around \$5000.00, Pats Garden Center \$5400.00 to \$3700.00. We will get quotes. Received a complaint regarding the abandoned house on Walnut Street the Betty Denney house.

Commissioner Bill Dyehouse made the motion to accept the 2nd reading on 2019-2020 Budget Ordinance 19-05-01, 2nd by Commissioner Keith Saylor all in favor motion carried.

June 6 2019

Commissioner Kenneth Manuel made the motion to accept 1st reading on 19-05-16 establish and collect occupational payroll fee, 2nd by Commissioner Mike Eldridge all in favor motion carried.

Open Discussion

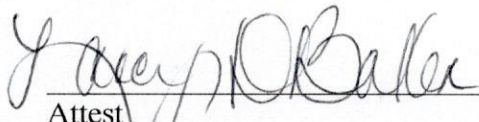
Trim trees along the sidewalks
Ambulance Board meeting

No further discussion, Commissioner Keith Saylor made the motion to adjourn, 2nd by Commissioner Kenneth Manuel all in favor motion carried, meeting adjourned at 8:15 pm.



Mayor Billy R. Shelton

7/11/19
Date



Attest
City Clerk, Nancy Baker

7/11/19
Date

City of Crab Orchard Account Balances

Account	Balance Total	Description
Audit Account	\$128.59	Savings for Audit
City of Crab Orchard Payroll	\$11,447.78	Payroll
General Fund Cash:C.O. Fire Equipment	\$7,194.55	FD Equipment checking
General Fund Cash:Town of Crab Orchard	\$110,589.96	City Checking
Grant Fund Cash:FEMA GRANT	\$144.47	Fire Dept Grant
Grant Fund Cash:KIA RD Water Wastewater Gran	\$138.77	Water/Sewer Grant
Police Department	\$6,541.31	Police Dept
Road Fund Cash:C.O. Road Department Revenue	\$8,844.55	Revenue Checking
Road Fund Cash:Road O&M	\$6,186.09	O&M checking
Sewer Fund Cash:Sewer Bond & Interest Sink	\$35,510.64	Sink fund
Sewer Fund Cash:Sewer O&M	\$22,478.65	O&M Checking
Sewer Fund Cash:Sewer Revenue	\$46,022.18	Revenue Checking
Sewer Fund Cash:Sewer System Depreciation Fur	\$23,359.25	Depreciation/Restricted
Water Fund Cash:City of Crab Orchard Savings	\$24,735.46	Water Dept Savings
Water Fund Cash:Water Customer Deposits	\$73,461.01	Customer Deposit/Restricted
Water Fund Cash:Water Revenue	\$113,201.20	Revenue Checking
Water Fund Cash:WaterWorks Bond & Interest	\$9,262.40	Sink Fund
Water Fund Cash:Waterworks O&M	\$34,219.40	O&M Checking
Water Fund Cash:WaterWorks Reserve Fund	\$34,736.59	Reserve/Restricted
TOTAL SUM	\$568,202.85	

Crab Orchard Police Department

Monthly report

May 2019

Chief Jimmy Gipson

Warning tickets

Complaints: 5

Investigations: 2

Arrest made: 1 Misdemeanor: Felony: 1 Drugs related:

Alcohol related:

DUI:

Traffic Citations: 2

Domestics: 2

Case reports: 2 Open: 1 Closed: 1

Traffic stops: 5 hours work for the Month 118.5 hrs

Dates worked:

May 2nd

12:n-9:pm 9:hrs.

Trespassing complaint Past-Time (Tyler Cox).

City meeting

May 4th

2:pm-11:pm 9hrs.

Reckless driving Report of a man riding an ATV on Elm Street.

Complaint of nails in a driveway on Elm Street.

May 4th continued

Theft Complaint of yard ornaments taking from yard on Main Street.

May 6th 8:am-5:pm 9hrs

Law Enforcement meeting.

Traffic stop Main Street (speeding and no OL.)

Complaint of reckless driving Main Street.

May 9th 8:am-4:pm 8hrs

Arrest made on Orchard Drive (warrant).

Complaint of child endangerment (Lancaster Street)

Warrant attempt Spurlin Road.

Severed papers on Jerry Shelton JR over dogs.

Got dog bit at the above address had to go to the Hospital

Traffic stop Lancaster and Stanford Street (drug investigation stop).

May 10th 8:am-2:pm 6hrs.

Window open on an abandon House Walnut Street had report that someone had been going into the house.

Warrant attempt on Manor Blvd.

May 11th 6:pm-1:am 7hrs.

Warrant attempt on Spurlin Road.

Drug investigation complaint at the apartments on Lancaster Street.

May 13th 1:30pm-9: pm 7.5 hrs.

Report of someone shooting a BB into the door at Newtons Bargain Shop.

Assist on alarm going off on HWY 39 south w/SO.

Assist EMS Stanford Street.

May 13th continued.

Assist EMS on Walnut Street.

Traffic stop D-M Stanford Street for speeding.

May 19th 3: pm-9: pm 6hrs

No major activity.

May 20th 8:30am-4:30pm 8hrs

Check on a Female pass-out in the breezeway at the Apartments Lancaster Street.

Warrant attempt Lancaster Apartments.

Assist County on investigation of logs stolen from a farm on 39 north.

May 21st 9:30am-5:30pm 8hrs

Assist County with a Man Hunt on 39 North. Two men ran from Police after theft.

May 23rd 12n-8: pm 8hrs.

Disturbance at the school parking lot.

May 24th 4: pm-2: am 10hrs

Traffic stop Lancaster Street driving the wrong way.

Complaint on a debit card stolen and used at Radi Mart.

Disturbance on Cherry Street over a truck.

Report of a man on the play ground at the school possible dead with a needle in his arm (unfounded).

May 26th 4: pm-12:m 8hrs.

Assist EMS at the Church of GOD a woman fell though the ceiling.

May 29th 9:30am-4:30pm 7hrs

1014 escort from the Baptist Church to HWY 150.

May 30th 10: am 6: pm 8hrs

Trespassing complaint at the Dollar Store

Traffic stop Main Street speeding.

Traffic stop Lancaster Street speeding.

Traffic stop Lancaster Street speeding.

Traffic stop Elm Street speeding.

Crab Orchard Water & Wastewater Dept.

Report for Monthly Meeting

June 6 2019

Leaks and Repairs

Install new meter tap for the new house built on West Maple. Set a new $\frac{3}{4}$ in meter and setter on 2 inch main running along the edge of the road.

Install new air release valves on 6 inch force main running to Sewer Plant. The manholes were dug out and replaced with new 36 inch diameter boxes. 2 inch taps were made for each air release valve.

Installed new water meter on Maple, West Maple and Meadowlark.

C.I.Thornburg did work on pumps at main lift station. Work still ongoing.

Tried to blow out force main sewer line with pressure hose from fire truck.

Installed a bypass pump at main lift station. The pump was ordered from Blue Tank and Pump Rental. Service techs installed 3 4 inch elbows 2 4 inch couplers and 60 feet of 6 inch pipe.

Removed suction hose from bypass pump. Suction end became heavily clogged with rags and debris from sewer line.

Flushing

Sewer Plant

Stanford St.

Junkyard

Routine Work

Daily and Weekly Samples

Check master meter

Read Meters

MOR

DMR

Shutoffs

Meter Rereads

Reconnects

Clean up at Sewer Plant

Received supplies from Consolidated Pipe

Met with Steve Capps from Rural water about sewer issues

Met with Crystal Davis from Division of Water about sewer issues

Met with Matt Glass from Rural water about leak detecting and loans from Rural Development for future water and sewer projects

Report overflows

Manhole inspections

Look for air release valve on George Crawford

Leak detecting with Matt Glass from Rural Water

Schedule some sewer camera work, valve exercising and hydro excavation with Tim Blanton from Rural Water

Schedule Steve Beachy bring gravel

Went to Rural Water Operator Expo

Mow Sewer Plant

Clean Up lift stations

Fix tractor and bush hog

Fix pump on lawn mower

Mow water tower

Replace broken meter lids

Fix hole in road to Sewer Plant

Met with commissioner, mayor, Rick and Nancy about violations

Reports for monthly meeting

WATER LOSS REPORT
WATER AND SEWER DEPARTMENT

Month: April Year: 2019

Water Purchased: 2,991,000 Gallons

Water Sold:

Residential: 2,619,680 Gallons

Salesman: 19,320 Gallons

Total Sold: 2,639,000 Gallons

Difference Between What Was Purchased And Sold:

Purchased: 2,991,000 Gallons

Sold: 2,639,000 Gallons

Total: 352,000 Gallons

Total: 12 %

Gallons Accounted For:

Breaks: _____ Gallons

Flushing: 75,000 Gallons

*Stanford St
junkyard sewer plant*

Tank Overflow: _____ Gallons

Other: 5,000 Gallons

Total: 80,000 Gallons

Total Accounted For: 2,719,000 Gallons

Total Unaccounted for: 272,000 Gallons

Monthly Water Loss: 9 % Total Loss

Budget Ordinance #19-05-01

WHEREAS, THE GOVERNING BODY OF THE CITY OF CRAB ORCHARD HAS DETERMINED THE 2019-2020 YEAR BUDGET OF THE CITY OF CRAB ORCHARD TO READ AS FOLLOWS:

REVENUES	GOVERNMENTAL FUND TYPE
City	\$233,294.00
Fire	\$21,060.00
Road	\$47,100.00
Water	\$253,475.00
Sewer	\$120,325.00
Police	\$28,325.00
Total Revenues	\$703,579.00
EXPENDITURES	
City	\$231,243.00
Fire	\$17,300.00
Road	\$38,600.00
Water	\$237,775.00
Sewer	\$111,285.00
Police	\$30,575.00
Total Expenditures	\$666,778.00
EXCESS OF REVENUES OVER/(UNDER) EXPENDITURES	\$36,801.00

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF CRAB ORCHARD.

Adopted this 2nd day of May, 2019

Mayor:

Attest: City Clerk,

First Reading: May 2, 2019

Second Reading: June 6, 2019

Published: June 13, 2019

25118's

RESOLUTION NO. 19-0006

RESOLUTION OF THE CRAB ORCHARD, KY CITY COUNCIL APPROVING THE
TRANSFER OF THE CABLE FRANCHISE

WHEREAS, Wilcop Cable TV ("Franchisee") owns, operates and maintains a cable television system (the "System") in Crab Orchard, KY ("Franchise Authority") pursuant to a franchise agreement (the "Franchise") between Franchisee and the Franchise Authority and the Franchisee is the duly authorized holder of the Franchise granted by the Franchise Authority; and

WHEREAS, Access Cable Television, Inc., a Kentucky corporation, ("Buyer"), has entered into an Asset Purchase Agreement with Franchisee (the "Agreement"), pursuant to which the System and the Franchise will be transferred (the "Transfer") to Buyer upon the closing of the transactions contemplated under the Agreement (the "Closing Date"); and

WHEREAS, Franchisee and Buyer have requested that the Franchise Authority consent to the Transfer in accordance with the requirements of the Franchise to the extent that such consent is required; and

WHEREAS, the Franchise Authority has examined the qualifications of Buyer and finds it to be a suitable transferee.

NOW THEREFORE, BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS FOLLOWS:

SECTION 1. The Franchise Authority hereby consents to the Transfer, to the extent required by the terms of the Franchise and applicable law.

SECTION 2. The Franchise Authority confirms that (a) the Franchise is validly existing and is currently in full force and effect and the Franchisee is the duly authorized holder of the Franchise; (b) the Franchise represents the entire understanding of the parties and the Franchisee has no obligations to the Franchise Authority other than those specifically stated in the Franchise; and (c) the Franchisee is materially in compliance with the provisions of the Franchise and applicable law and there exists no fact or circumstance known to the Franchise Authority which constitutes or which, with the passage of time or the giving of notice or both, would constitute a material default or breach under the Franchise or applicable law or would allow the Franchise Authority to cancel or terminate the Franchisee's rights thereunder.

SECTION 3. The Franchise Authority hereby consents to and approves the assignment, mortgage, pledge or other encumbrance, if any, of the Franchise, System or assets relating thereto, or of the interests in the permitted holder thereof, as collateral for a loan.

SECTION 4. This Resolution shall be deemed effective for purpose of the Transfer immediately prior to the Closing Date.

SECTION 5. This Resolution shall have the force of a continuing agreement with the Franchisee and Buyer, and the Franchise Authority shall not amend or otherwise alter this Resolution without the consent of Franchisee and Buyer.

PASSED, ADOPTED AND APPROVED this 6 day of June, 2019.


CRAB ORCHARD, KY CITY COUNCIL

By: 

Name: Bill R. Shelton

Title: Mayor

ATTEST:


Clerk

ORDINANCE NO. 19-05-16
CITY OF CRAB ORCHARD, KENTUCKY

OCCUPATIONAL LICENSE FEE UPON WAGES

AN ORDINANCE RELATING TO IMPOSITION AND ADMINISTRATION OF AN OCCUPATIONAL LICENSE REQUIREMENT THROUGH THE PAYMENT OF A PAYROLL FEE BY EMPLOYEES EARNING WAGES.

WHEREAS, the City of Crab Orchard desires to comply with the requirements of KRS 67.750 to 67.790;

AND WHEREAS, the City of Crab Orchard recognizes that businesses and owners of business real estate pay ad valorem and other taxes upon business stock-in-trade and realty, and hence, excludes business entities from paying further monies, hereunder,

BE IT ORDAINED by the City Council of the City of Crab Orchard as follows:

Ordinance No. 19-05-16 is hereby enacted and shall read in full as follows:

I. DEFINITIONS

1. "Compensation" means wages, salaries, commissions, or other form of remuneration paid or payable by an employer for services performed by an employee, which are required to be reported for federal income tax purposes and adjusted as follows:

- (a) Include any amounts contributed by an employee to any retirement, profit sharing, or deferred compensation plan, which are deferred for federal income tax purposes under a salary reduction agreement or similar arrangement, including but not limited to salary reduction arrangements under Section 401(a), 401(k), 402(e), 403(b), 408, 414(h), or 458 of the Internal Revenue code; and
- (b) Include any amounts contributed by an employee to any welfare benefit, fringe benefit, or other benefit plan made by salary reduction or other payment method which permits employees to elect to reduce federal taxable compensation under the Internal Revenue Code, including but not limited to Sections 125 and 132 of the Internal Revenue Code.

2. "Employee" means any person who renders services to another person, business entity, governmental entity or agency, for compensation, including an officer of a corporation and any officer, employee, or elected official of the United States, a state, or any political subdivision of a state, or any agency or instrumentality of any one (1) or more of the above. A person classified as an independent contractor under the Internal Revenue Code shall not be considered an employee.

3. "Employer" means any person or entity for which an individual or individuals perform or performed any service, of whatsoever nature, as the employee or employees of such person or entity.

4. "Taxable year" means the calendar year upon the basis of which gross receipts or total annual income is computed.

II. PAYROLL FEE

1. PAYROLL FEE REQUIRED

The payroll fee shall be measured by one percent (1%) of all wages and compensation paid or payable in the City for work done or services performed or rendered in the city by an employee.

2. EMPLOYER TO WITHHOLD

Every employer making payments of compensation to an employee shall deduct and withhold upon payment of the compensation the payroll fee required by this ordinance. Amounts withheld shall be paid to the City in accordance with subsection (3), below. If an employee's employer does not withhold the payroll fee required pursuant to this ordinance, the employee shall pay the payroll fee over to the City in accordance with subsection (3), below.

3. RETURNS REQUIRED

Every employer required to deduct and withhold payroll fees pursuant to this ordinance shall ordinance shall submit a payroll fee return on a quarterly basis.

4. LIABILITY OF EMPLOYER FOR FAILURE TO WITHHOLD OR PAY PAYROLL FEE.

- A. Every employer who fails to withhold or pay to the city any sums of payroll fee required by this ordinance to be withheld and paid shall be personally and individually liable to the City for any sum withheld or required to be withheld.
- B. The City shall have a lien upon all property of any employer who fails to withhold or pay over to the City sums required by this ordinance. If the employer withholds but fails to pay the City sums required to be withheld by this ordinance, the lien shall commence as of the date the amounts withheld were required to be paid to the City. If the employer fails to withhold, the lien shall commence at the time the liability of the employer is assessed by the City.

5. REPORTING REQUIREMENTS

- A. Every employer required to deduct and withhold payroll fees pursuant to this ordinance shall annually, on or before February 28 of each year, submit a detailed employee listing indicating the amount of compensation paid to each employee.
- B. Every employer shall furnish each employee a statement on or before January 31st of each year showing the amount of payroll fees deducted by the employer from the employee's compensation and paid to the City for the preceding calendar year.

III. INFORMATION TO REMAIN CONFIDENTIAL

No present or former employee of the City shall intentionally and without authorization inspect or divulge any information acquired by said employee of the affairs of any person, or information regarding the tax schedules, returns, or reports required to be filed with the City, or any information produced by a hearing or investigation, insofar as the information may have to do with the affairs of the person's business. This prohibition does not extend to information required in prosecutions for making false reports or returns for taxation, or any other infraction of the tax laws, or any way made a matter of public record, nor does it preclude furnishing any taxpayer or the taxpayer's properly authorized agent with information respecting the taxpayer's own return. Further, this prohibition does not preclude any employee of the City from testifying in any Court, or from introducing as evidence returns or reports filed with the City, in an action for violation of a city law or in any action challenging a city law.

IV. PENALTIES

1. Every employer who fails to file a payroll fee return or pay the payroll fee on or before the quarterly due dates shall be subject to a penalty in an amount equal to five percent (5%) of the payroll fee due for each delinquent quarterly period. The total penalty levied by this subsection shall not be less than twenty-five dollars (\$25.00). If an employer does not withhold payroll fees required by this ordinance, and the employee is therefore responsible for payment, the employee shall be subject to the penalty described, herein.
2. In addition to the penalties described in this section, an amount equal to twelve percent (12%) per annum simple interest shall accrue on any delinquent payroll fee. A fraction of a month is counted as an entire month.
3. The City shall be entitled to recover all costs and reasonable attorney's fees incurred by the City in enforcing any provision of this ordinance.
4. Any person who violates the provisions of section III of this ordinance by intentionally inspecting confidential taxpayer information without authorization shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not longer than six (6) months, or both. If such violator is a city employee, such employment shall be immediately terminated.
5. Any person who violates the provisions of section III of this ordinance, shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not longer than one (1) year, or both. If such violator is a City employee, said employment shall be immediately terminated.

V. USE OF PAYROLL FEE

All money derived from the payroll fee, herein, shall be paid to the City and placed to the credit of the city's general revenue fund.

VII. SEVERABILITY

Each section and each provision of each section of this ordinance are severable, and if any provision, section, paragraph, sentence, or part thereof, or the application thereof to any person is held by a Court of law to be unconstitutional, or invalid for any reason, such holding shall not affect or impair the remainder of this ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof separately and independently of the rest.

VIII. EFFECTIVE DATE

Date of First Reading: 06/06/19

Date of Second Reading: _____

MAYOR, CITY OF CRAB ORCHARD

ATTEST:

CITY CLERK