

**Regular Month Meeting  
Benton City Council  
April 16, 2018**

The regular monthly meeting of the Benton City Council was called to order on Monday, April 16, 2018 at 5:00 P.M. by Mayor Rita Dotson with the Pledge of Allegiance and opening prayer by Chris Smithmier.

Council Members Present:

Chris Smithmier

Charles Edmonds

Justin Lamb

Rita Murray

Butch Holland

Absent was Sherra Riley.

Other Staff Present:

Zach Brien, City Atty

Bethany Cooper, City Clerk/Treas

Jeromy Hicks, Police Chief

Bruce and Sandy David were present to bring awareness to an incident that happened to them a few weeks ago. A Paducah Sun courier who was dropping off their newspaper, broke into their house. Fortunately, the David's have a security system and was able to catch the person on their camera and he was arrested. The David's contacted Paducah Sun and were told that they contract this service out and wouldn't take responsibility for his actions. They do not do background checks either. The David's wanted to share to make awareness and see if there is anything the City can do to help future incidents like this from happening. City Attorney Brien stated that employers have very little say towards independent contractors or they could be categorized as an employee instead. Unfortunately the City cannot enforce background checks to be made but Brien recommends we encourage our businesses to do background checks. They can be done for free and are quick to complete. Jim Dema was present and asked if the City can require independent contractors in this type of work to purchase a business license. This will be researched into more.

Jessica Scillian with Benton Gas, David, Cathy and Chandler Maddox were present to discuss the Maddox's incident a few weeks ago with a carbon monoxide leak in their home that could have been deadly. Cathy Maddox has teamed with Benton Gas System to help get awareness of carbon monoxide out to everyone. Benton Gas is using this topic as their awareness campaign for the year. They have also involved students from SMMS to design graphics for a campaign flyer. Once complete, these will be put as an insert in with Benton Gas bills. Benton Gas, with the help of Cathy Maddox, has also received a grant through Wal-Mart to help purchase carbon monoxide detectors to help disburse to those that can't afford to purchase one.

A resident from West 8<sup>th</sup> Street was present to discuss dog issues in his neighborhood. He claims he frequently has to clean their mess from his yard, they get in the trash and some are pinned up all day long and not taken care of. Mayor Dotson asked him to please let the City know if he knows the dog owners so it can be addressed. Chief Hicks mentioned that animal control will not come pick animals up unless they are being aggressive.

Chris Freeland was present to announce that he is running for District 6 State Representative.

Linda Edwards was also present to announce she is running for District 6 State Representative. She also announced items that she will work towards: strengthening middle class, affordable healthcare, appropriate allocation of pension funds and safe schools.

Drew Williams was also present but had introduced himself at a previous meeting. He too is running for District 6 State Representative.

Elena Blevins, representing Benton Partnership, was present to present their budget to the Council. They would like to ask the Council to consider budgeting \$3,000 to Benton Partnership for 2018-2019 to help with Farm to Fork, Benton Cruise-Ins and Dickens Christmas.

Ann Riley was present to discuss an opportunity presented to Benton Partnership. Benton Partnership utilizes Main Street Center for some of their events. Byford and Diane Temple have offered to lease the building to Benton Partnership for 12 months at \$1,000 per month. Benton Partnership will

be responsible for utilities also. The Temples have offered to continue paying taxes, insurance and do the clean-up after events. Benton Partnership will be responsible for small repairs but the Temples have agreed to handle large repairs. There will also be an option to purchase the building at the end of the lease with a portion of the lease payments to go towards purchase price. Riley stated that Benton Partnership can't afford the monthly payment plus utilities at this time, but they have had a benefactor offer to cover the monthly payment of what they cannot afford. Benton Partnership will be able to rent this building out for a revenue stream. City Attorney Brien mentioned that Benton Partnership may need rental insurance. The City will contact their insurance company to find out. Diane Temple was present and mentioned that the building had recently been renovated with new paint, floors and ceiling.

City Attorney Brien read the first reading of an ordinance amending Ordinance 10-09-02 to increase the minimum code enforcement fine from \$50.00 to \$100.00 per day per citation for uncontested violations.

City Attorney Brien read the first reading of an ordinance amending the ABC ordinance to change the age of employees from 20 to 18 per KRS change that was adopted through Kentucky General Assembly.

City Attorney Brien read the second reading of an ordinance amending the zoning ordinance to allow for owners of properties that have been granted a Conditional Use Permit under the Mixed Use Overlay District Regulations of the Zoning Ordinance to continue to use the property or allow the property to be used under said permit in the event the tenant and/or occupant changes, provided that the identity of all tenant(s) and occupant(s) are submitted to the Administrative Official within fourteen days of a change of occupant, the character of the property or structures on the property have not changed, and the property has not been unoccupied for ninety days or more. A motion was made by Lamb, seconded by Edmonds to approve. All agreed. Motion carried.

City Attorney Brien read the second reading of an ordinance to allow for professional, commercial activity that is reasonably related to the industrial use of the property in both heavy industrial and light industrial districts, with board of adjustment approval. A motion was made by Murray, seconded by Edmonds to approve. All agreed. Motion carried.

City Attorney Brien explained a zoning recommendation change from Planning and Zoning Board for 815 Birch Street. The new property owner requests the property be re-zoned back to R-3 from C-2. Since this property is no longer used as a doctor's office, the Planning and Zoning Board recommend to the City Council a change back to R-3 to allow the property be used for residential living. A motion was made by Hudson, seconded by Smithmier to approve. All agreed. Motion carried.

City Attorney Brien explain a zoning recommendation change from Planning and Zoning Board for Mayfield Highway. The Planning and Zoning Board recommend to the City Council to deny the request for a zoning change on Mayfield Highway for the property owned by Darrel Vaughn that borders Wood Trace Subdivision. This request failed to meet all three of the requirements of a zone change. A motion was made by Edmonds, seconded by Murray to approve. All agreed. Motion carried.

Mayor Dotson explained that the Water and Sewer Department is in need of a yard repair machine on tracks to assist in fixing yards after water and sewer repairs or installations. City Clerk/Treasurer Bethany Cooper explained that the machine would mostly be used for water and sewer department and that \$4,500 would be taken from the Water Equipment and Repair account. However, the remainder \$3,500 to purchase the machine and trailer will come from the General Fund. A recommended budget amendment was suggested to move \$3,500 from KML/KLC Expense account to Street Department Equipment and Supplies account for this purchase. A motion was made by Edmonds, seconded by Lamb to approve. All agreed. Motion carried.

Police Chief Hicks presented the police report for March. There were 22 cases, 17 collisions, 38 citations and 887 calls to service. He also informed the Council that there was a vehicle pursuit early this morning that ended with one of the City police cars being damaged. The insurance adjuster will be to look at it on Tuesday.

A motion was made by Edmonds, seconded by Murray to approve payroll and invoices. All agreed. Motion carried.

A motion was made by Holland, seconded by Lamb to approve the regular minutes of March 19, 2018 and the budget workshop minutes of April 13, 2018. All agreed. Motion carried.

The following City Attorney items were mentioned:

- Brien is looking into legal options for charging to replace the Symsonia Highway water line.
- Brien updated the status of a tax foreclosure from 2013 and 2015 and says it looks favorable.

The following Mayor items were discussed:

- Benton Water & Sewer has had to repair approximately 34 water line breaks in the West Marshall area since 2015. We are currently looking into funding options with the help of Mark Davis at P.A.D.D. Although this is a need, the water plant needs upgrades and the clearwell and water tanks need to have overdue maintenance on them also. These could be critical and will have to take priority.
- Pool house is on schedule and projected to open by end of May.
- Tater Day financial update on the revenues versus expenses. Mayor Dotson mentioned to the Council to be thinking about changing the ordinance to not charge local charities and churches to set up booths. Rita Murray would like to get vendors back around the court square again.
- Recognized Bethany Cooper, City Clerk/Treasurer as receiving her Kentucky Master Municipal Clerk certification through Kentucky Municipal Clerks Association.
- Recognized Lois Cunningham for achieving Advanced Leader Bronze and Advanced Communicator Silver through the Toastmaster Club she attends.

The following Council items were mentioned:

- Rita Murray would like the City to come up with a welcome packet for new residents in Benton. Bethany Cooper mentioned that she is working on an information packet for Benton Water & Sewer and will start on one for City of Benton services.

Bethany Cooper mentioned that Benton Electric System plans to start charging a 2% credit card fee in May. She asked the Council to keep that in mind as we feel more customers will start coming to City Hall or Benton Gas System to pay with credit card so they won't have to pay that fee. Holland said he will try and find out more information at the next Benton Electric System Board meeting.

There being no further business to come before the Council, meeting adjourned at 6:45 P.M.

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Rita Dotson, Mayor

ATTEST:

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Bethany Cooper, City Clerk/Treas.