**Special Called Meeting**

**Benton City Council**

**August 23, 2018**

A special called meeting of the Benton City Council was called to order on Thursday, August 23, 2018 at 2:00 P.M. by Mayor Rita Dotson. The meeting opened with Pledge of Allegiance and opening prayer by Chris Smithmier.

Council Members Present: Chris Smithmier, Sherra Riley, Rita Murray, Butch Holland, Justin Lamb and Charles Edmonds.

Other Staff Present:

Brooke Walls, Admin. Asst. Harry Green, Fire Chief

Zach Brien, City Attorney Jeromy Hicks, Police Chief

Lois Cunningham, Planning & Zoning Scott DeShields, Patrolman

Harold Helton, WWTP

Fall clean-up dates were set for September 10 – 14, 2018.

The regular scheduled meeting for September 17, 2018 will have to be rescheduled due to several being out for the Kentucky League of Cities Conference. Special called meetings were scheduled for both September 10 and September 24. September 10 will replace the regular meeting and be held at 5:00 P.M.

Wedge Drive in Fairway Subdivision has bad spots in the concrete that need repair. Mike Oliver, Maintenance Department Supervisor, says that he feels the City can cut out the worst area and add new concrete for approximately $6,000.

City Attorney Brien explained the zoning change request for 705/707 Olive Street owned by Doug and Rita Dotson. These are lots behind Champion Auto Mart and would like to make this one entire lot and have them zoned from R-3 to C-2. The Planning & Zoning Commission voted to recommend for approval to City Council. A motion was made by Holland, seconded by Smithmier to approve the zoning change request. All agreed. Motion carried.

City Attorney Brien explained the zoning change request for a 4 acre parcel of land on the corner of Main Street and Slaughter Road with a map #38-00-00-104.00D01. JS Enterprises (Jeff Smith) owns this property that is currently zoned as R-2 and would like to request a zone change to C-2 because of potential retail business interest. This property borders C-2 property currently owned by Carl Greenfield. The Planning & Zoning Commission voted to recommend for approval to City Council. A motion was made by Riley, seconded by Murray to approve the zoning change request. All agreed. Motion carried.

Mayor Dotson introduced Jeff Wiseman and Mr. & Mrs. Crouch who live at the end of Merrywood Drive. They were present regarding a grinder pump/lift station that Jeff Wiseman and Monty Newcomb installed on that property in the early 1990s when they purchased three lots. This pump is at the back of their lot. They spoke with Coy Creason who was the Mayor at the time about getting sewer onto their newly purchased lots. It was suggested then for them to put in a pump station between the two houses that would pump out and gravity feed to the City’s sewer main since they are in a low lying area. He said that Mayor Creason told them if they put the lift station in that the City would take it over in three-five years. They kept it up as agreed. When the time limit ran out, Mayor Creason had already passed away. Wiseman stated that some of the Council at that time knew, Michele Edwards was aware and Mike Ives knew of the situation. He said the City repaired minor issues a few times and even pulled the pump out when it went bad while Mike Ives was the Maintenance Department Supervisor. While Mayor Spears was in office, he did not allow the City to do any work to lift stations that were on personal property. Wiseman and Newcomb fixed the issue themselves after that. That repair lasted 15+ years. Newcomb’s has since sold their house to the Crouch’s. Wiseman argued that the City has taken care of lift stations on personal property before. He mentioned Walnut Street and Lynn Nelson Road. He states that the City did take this in or that Mike Ives wouldn’t have gone out and repaired it in the past. They want to know why the City will not take this station over. Mayor asked if it was a grinder pump or a lift station. Wiseman said that it is a grinder pump. Mayor Dotson informed him that the stations that he mentioned were actual lift stations that took care of several households. Harold Helton said there are 7-8 of these around town that he knows of. He commented that if these stations were up to City standards, the City would normally take over after a period of time. He explained how the City standards differ from a homeowner. Their grinder pump is not up to City standard. Mayor Dotson informed everyone that the minutes have been searched, files have been search and several older employees have been questioned. Nothing was found in the minutes or files regarding this situation. It is believed that if something was agreed upon that it was a verbal agreement between Mayor Creason and Jeff Wiseman. Wiseman claims that the City paid that electric bill for 5 years and stopped when Mayor Spears was in office. He also says that Mike Ives’ gave them specs to go by when it was installed and they followed those specs. Rita Murray asked what the churches that are behind him do. Helton says they both have their own stations that they maintain. Helton mentioned that if it was brought up to City’s standard by the property owner then he doesn’t see why the City wouldn’t take it over. City Attorney Brien says precedent needs to be kept in mind in this situation. Wiseman wants to know what the difference is between his property and another subdivision that has a station that the City maintains. Mayor Dotson and Harold Helton both explained that other stations service several households. The City is not capable of taking on all of these personal lift stations and grinder pumps because they are not up to City standards and the City does not have the financial means to purchase spare pumps and parts for each of these. Mayor Dotson explained that what she has been told and has to go by since there is no written documentation found in files or in minutes is that other homeowners were allowed to hook on as long as they put a pump in and maintained it themselves. City Attorney Brien asked where the three year time period came from because he seems that is foreign to him. Mayor Dotson said that from her digging is that it seems there was going to be a subdivision developed behind them in the 3 – 5 years after their pump was installed. If that was developed, Mayor Creason was going to have them hooked to that subdivision. That was the story Mayor Dotson was told but that subdivision was never developed. Mayor Dotson mentioned that she would have our City Engineer to study and see the feasibility of them connecting to the City sewer. She will try and have it looked at before the September 10 Council meeting.

Mayor Dotson mentioned that Marshall County Art Center’s roof has several of the hangers that keep ice from falling off are missing. George Milam is concerned that ice will fall off and hurt someone. The building is the City’s to maintain with minor repairs. It is approximately $1743.50 for parts which will not be the plastic pieces as currently in place. It would be new parts that are held by brackets. Labor from Rainbow Gutters is $1,000.00. Murray made a motion to repair the roof, seconded by Edmonds. All agreed. Motion carried.

Mayor Dotson gave an update on the Symsonia Highway water line replacement. Mayor Dotson and City Clerk Bethany Cooper recently had a phone conversation with a company that helps with finding grant funding. Mayor Dotson is going to contact these organizations to see the possibility of receiving grant funding for this project.

City Attorney Brien gave an update on the Open Records law changes. He distributed a packet of updated documents to elected officials. One packet is their duties under the law and the other was for managing government records. They detail the practices and procedures. The open records and open meetings law allows access to the public to review records. One change is that now public agencies can conduct meetings via video conference and it will comply with quorum. The only extra responsibility is to make that known to the public beforehand. The next change pertains to procurement process. Records have to be disclosed after project is awarded. Another change is that communications (cell phones, email) are considered public record even if they are private cell phones and email accounts. If there are specific discussions of public meetings that are otherwise disclosable, then the texts and emails have to be turned over if requested.

Chief Hicks presented the police report for July. There were 16 cases, 16 collisions, 24 citation violations and 491 calls to service. He also introduced the new patrolman, Scott DeShields, which replaced Stephen Robinson. Hicks requested permission to purchase a new vehicle. He said that the motor is blown on Curtner’s car. A motion was made by Lamb, seconded by Murray to approve purchasing a new cruiser up to $35,000 on state contract with ABC funds. Hicks thinks the approximate price is $33,000. All agreed. Motion carried.

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

A motion was made by Holland, seconded by Lamb to approve the regular minutes of July 16, 2018; special called minutes of July 24, 2018 and special called minutes of August 9, 2018. All agreed. Motion carried.

In Mayor/Council items:

Smithmier asked what can be done about the vacant buildings in town. He specifically mentioned Tommy Dunn’s house on Poplar Street behind the Methodist Church and City Hall. Mayor Dotson said letters have been sent to him in the past. He will be contacted again to take care of the safety issues with this property.

Ann Riley mentioned the Farm to Fork event on September 8 and that City of Benton purchased a table last year. Mayor Dotson said the City will purchase another table for $250.00.

Trent Weaver, patrolman that replaced Nick Spears, showed up. Chief Hicks introduced him and Scott DeShields before meeting was dismissed.

There being no further discussion, meeting adjourned at 3:50 P.M.

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Rita Dotson, Mayor

ATTEST:

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Bethany Cooper, City Clerk/Treasurer