

City of Crittenden  
City Council Meeting  
Crittenden City Meeting  
August 4<sup>th</sup>, 2020  
7 pm

Council for the City of Crittenden met for its regular meeting by zoom with the following present:

Mayor Camilla “Kay” Patton	Councilperson Danny Martin
Councilperson Joe Dusing	Councilperson Todd Roberts
Councilperson Jennifer Thurman-Humphrey	Councilperson Paula Lowery
Councilperson Jim Purcell	City Attorney Alex Edmondson
City Clerk / Treasurer Shawn McHolland	Maintenance Supervisor James Dezarn
Guest: Fred Spanier	Guest: Donna Duley
Guest: Adam Lantman	Guest: Darel Wilson
Guest: Debbie Steinhauser	Guest: Heather Mullins

Mayor Patton called the meeting to order at 7 pm.

Mayor Patton led everyone in the Pledge of Allegiance To The Flag!

Mayor Patton led everyone in a silent Invocation for our city, state, and nation

Mayor Patton welcomed all guest to the meeting

**Mayor Patton introduced the new City Clerk / Treasurer: Shawn McHolland**

Mayor Patton asked for an agenda approval. If additions or deletions are necessary please make them now:

1. Councilperson Dusing:
  - a. Request of the City Clerk / Treasurer:
    - i. Budget vs Performance on a monthly basis – please start reporting actuals vs budget to include the budget changes made by council for FY21
2. Councilperson Purcell:
  - a. City Council to discuss the current situation with the Mayor also holding the ABC coordinator position.
  - b. In the Council’s opinion the Mayor cannot hold both positions. When the Mayor accepted the ABC coordinator position, she forfeited her role as Mayor.
3. Agenda approval received including additions.

Mayor Patton asked for approval of past meeting minutes:

- June 2<sup>nd</sup>, 2020 Meeting Minutes
- July 7<sup>th</sup>, 2020 Meeting Minutes

June 2<sup>nd</sup>, 2020 Meeting Minutes:

1. Councilperson Roberts:
  - a. 208 Property:
    - i. Can the city spruce up the property?
      1. Mayor Patton stated the shutter solution is not working. The change will be stopped.
    - ii. Mayor Patton asked, would the council want some landscaping improvement made; example of planting flowers?
      1. Council stated it was too late in the season for flowers.
    - iii. Councilperson Martin stated the grass mowing along the area needs improvement. Mayor Patton will talk with the group.
    - iv. Metal pins / metal fence posts – talk to Scotty Simpson about the stakes? Need Jim Simpson approval.
      1. Additions from 9/1/2020 Council Meeting:
        - a. Martin stated the bush hog process will not see the existing stakes. The city needs to add poles over the stakes so the bush hog vendor will not run over them.
        - b. Mayor Patton asked James Dezarn to install the poles / spray paint color so it is obvious to the vendor on each location. This action will be done this month (Sept '20)
        - c. Mayor Patton will contact Jim Simpson for coordination purposes.
    - v. Councilperson Martin asked, does the city have a record drawing of the site? Mayor Patton, yes, the packet received by council in June include the drawing. The city has the drawing and will contact the contractor for bush hogging.
2. Councilperson Humphrey Special Meeting date was set and no further action was required of council.

June 2 <sup>nd</sup> , 2020 Meeting Minutes Approval	
Motion: Councilperson Lowry	Seconded: Councilperson Dusing
Roll Call:	
Councilperson Humphrey – Yes	Councilperson Martin – Yes
Councilperson Roberts – Yes	Councilperson Purcell – Abstain
June 2 <sup>nd</sup> , 2020 Meeting Minutes Was Carried By Council	

July 7<sup>th</sup>, 2020 Meeting Minutes:

1. Councilperson Martin wants to add the request of moving the City Council Meeting to the 2nd Tuesday of each month.
  - a. Council person Martin to work with City Attorney Edmondson.
  - b. 1st reading goal is set for the September 1<sup>st</sup>, 2020 meeting.
  - c.

July 7 <sup>th</sup> , 2020 Meeting Minutes Approval	
Motion: Councilperson Martin	Seconded: Councilperson Lowery
Roll Call:	
Councilperson Humphrey – Yes	Councilperson Dusing – Yes
Councilperson Roberts – Yes	Councilperson Purcell – Yes
July 7 <sup>th</sup> , 2020 Meeting Minutes Was Carried By Council	

Mayor Patton asked for approval of past Treasurer’s report:

- June 2<sup>nd</sup>, 2020 Treasurer’s Report
- July 7<sup>th</sup>, 2020 Treasurer’s Report

June 2<sup>nd</sup>, 2020 Treasurer’s Report:

1. Mayor Patton:
  - a. Police & Fire Department & EMS: Final Payment – per Fire Chief Burton.
  - b. McHolland will look into the final payment and process if not paid.
2. Councilperson Martin stated the City should have paid former Councilperson Stumbo the full amount for June.
  - a. Direction of City Council – pay former Councilperson Stumbo full compensation.
  - b. McHolland to take the action item.
3. Councilperson Humphrey stated the City Attorney Edmondson was compensated over the budget allotted. The amount in question was \$460.
  - a. Was the added monies from the previous budget?
  - b. Patton and McHolland research the request.
4. Councilperson Martin stated the cost of the USPS mailbox station for the Harvestors Community the budget.
  - a. Mayor Patton stated public monies were used for public properties. The USPS mailbox station was within our easement of the property. It is the cities responsibility to fix public properties that were damaging federally issued mail.
5. Duke Energy bill: a bill / email was sent to the City of Crittenden.
  - a. Mayor Patton will provide the email to Council.

June 2 <sup>nd</sup> , 2020 Treasurer’s Report Approval	
Motion: Councilperson Lowery	Seconded: No Second Was Received
Roll Call:	

Councilperson Humphrey – No response	Councilperson Dusing – No response
Councilperson Roberts – No response	Councilperson Purcell – No response
Councilperson Martin – No response	
June 2 <sup>nd</sup> , 2020 Treasurer’s Report Was Rejected By Council	

July 7<sup>th</sup>, 2020 Treasurer’s Report:

July 7 <sup>th</sup> , 2020 Treasurer’s Report Approval	
Motion: Councilperson Lowery	Seconded: No Second Was Received
Roll Call:	
Councilperson Humphrey – No response	Councilperson Dusing – No response
Councilperson Roberts – No response	Councilperson Purcell – No response
Councilperson Martin – No response	
July 7 <sup>th</sup> , 2020 Treasurer’s Report Was Rejected By Council	

Order of new business:

1. Scope of work for the city from Calibre Engineer (Art Harden):
  - a. Questions and answers from Maintenance Supervisor.
    - i. Curbing for various locations in the city
      1. Working on the scope of work.
    - ii. Harlan street to be repaired
      1. Working on the scope of work.
    - iii. Recycle Center Project
      1. Posted in the Grant County News for bids.
    - iv. Storm Drains
      1. Working on the scope of work.
  - b. Councilperson Martin request locations and pictures for each project.
2. Hard copies of the City Council packet were requested by the following councilpersons:
  - a. Martin
  - b. Lowery
3. Law Enforcement Report:
  - a. Law Enforcement was not represented during the meeting – no report given.
4. Fire Department Report:
  - a. Monthly call blotter report was delayed – just received today.
    - i. Printer issues – will be sent out by noon tomorrow.
  - b. One positive test – Covid-19 within the fire department. The team is following all guidelines to ensure safety and availability to serve the public.
  - c. Busy as usual, but no personal meetings.

- d. Heather Mullins thanked the chief and staff.
- 5. Greenview committee report:
  - a. Councilperson Roberts:
    - i. Last meeting:
      - 1. Pricing received for digital signs / speed limit signs. High costs / fragile materials.
      - 2. New resident packet will be created including city info / fire dept / police dept and rules of the subdivision.
      - 3. New stop signs / children at play / bigger speed limit signs.
      - 4. Thursday / drive through
      - 5. Brand new highly reflected stop signs was proposed.
      - 6. Owen electric for street lighting.
        - a. Who had the action item?
          - i. Councilperson Dusing stated, no one was assigned.
          - ii. Mayor Patton was working on it.
    - ii. Budget money increase may be needed:
      - 1. Councilperson Humphrey stated, stick to the current budget.
      - 2. Mayor Patton stated, if improvements need to be made to assist the community then we should review the costs and weigh the advantages. We are able to increase the budget if needed.
    - iii. Councilperson Dusing: Can we ask for state assistance / grant?
      - 1. Councilperson Roberts will investigate
    - iv. Clerk / Treasurer McHolland suggested speed humps as seen in cities like Union.
      - 1. Councilperson Dusing stated, the residents did not want speed bumps or humps.
  - b. Councilpersons Dusing, Lowery and Humphrey agreed, as long as Councilperson Roberts meets budget then he can proceed.
  - c. Councilperson Purcell suggested talking with the Highway & Transportation Department to ensure we are meeting all road regulations.
    - i. Example: vision distances & angles must be monitored.
    - ii. Councilperson Roberts will reach out to the department.
- 6. Recommendation to Council: To propose an alcohol tax to help with law enforcement funds.
  - a. The city only receives a license fee for the alcohol.
  - b. Mayor Patton stated, the tax can go up to 5% per sale.
  - c. Council is concerned about taxing the business additional monies with the current economy. Councilperson Dusing does agree that we should look into the matter for future needed funds.
- 7. Recommendation to Council: For resurfacing to Oakwood drive due to project destruction.

- a. Councilperson Dusing: questioning the “possible” damage from new project. Go back to the engineering company and see if they had this covered.
- 8. Recommendation to Council: For new ordinance regarding firework complaints.
  - a. Time frame of complaints started much earlier than July 4<sup>th</sup> and much later than the July 4<sup>th</sup> holiday.
    - i. Councilperson Martin: what is the county ordinance? If we have a county ordinance then we should proceed with that ordinance.
      - 1. They will come out after 10:30 pm, but not if it takes place several days prior or after July 4<sup>th</sup>.
    - ii. Lowry: Police department told her we need to make a more strict law / ordinance.
    - iii. Mayor Patton stated we need an amendment to ensure a strict time period is clear. Plus, we need to included a final time period at night.
- 9. Recommendation to Council: Regarding budget amendments to a Code Enforcement Officer.
  - a. Multiple complaints from city residents due to non-compliance of property. Since the funding for code enforcement was taken out of budget.
    - i. How should the city respond? Code Enforcement was removed.
    - ii. Councilperson Roberts stated he mentioned it 6 months.
  - b. Councilpersons Roberts and Lowery will get involved.
  - c. Council cannot be the Executive Branch per City Attorney Edmondson.
    - i. The Mayor is part of the Executive Branch
    - ii. The City Council needs to write an ordinance change.
  - d. The code enforcement officer is needed per Mayor Patton.
  - e. The city has never written one citation per Mayor Patton.
  - f. Councilperson Martin mentioned looking at the old ordinance and use that language.
  - g. Mayor Patton asked City Council to have a caucus meeting and give the city the power to clean things up.
  - h. Councilperson Lowry stated the Harvesters Community are dropping quickly.
    - i. City Attorney Edmondson stated, once the ball starts rolling, the avalanche will begin.
  - i. Councilperson Roberts suggest at meeting date & of time: August 19<sup>th</sup> at 7pm
    - i. Councilperson Lowry agreed to attend.
    - ii. Councilperson Humphrey will help, but not sure if she can join the meeting.
    - iii. Councilperson Purcell agreed to assist the group.
- 10. Budget vs. Performance on a monthly basis.
  - a. Shawn McHolland understands the request and will work on the reporting structure offline with Coucil persons Dusing and Humphrey.

- b. Reporting will begin at the next City Council Meeting – 9/1/2020.
11. Mayor / ABC Administrator dual role concern:
- a. Councilperson Purcell:
    - i. Mayor Patton gave up her position as Mayor when she accepted the role of ABC Coordinator.
      - 1. Council runs the city and the Mayor administers the city.
    - ii. In 2016, a previous City Council passed the ordinance for an ABC coordinator.
    - iii. Kentucky League of Cities could not add the ABC salary to the Mayor salary as of May 5<sup>th</sup>, 2019.
    - iv. New budget added monies for ABC administrator.
    - v. Councilperson Humphrey stated the Council rejected the monies for ABC administrator.
    - vi. Councilperson Lowery stated the City Council of Crittenden approved the Treasurer's Report that included the monies paid to the ABC Administrator.
    - vii. ABC license fees generate about \$3500 per year.
      - 1. On July 2<sup>nd</sup>, 2019: a check was written to Mayor Patton for \$3,000 – gross pay.
    - viii. Councilperson Purcell:
      - 1. 5.14.07 / KRS 522.050 Abuse of public trust
        - a. Council has 3 Options:
          - i. Option # 1: do nothing
          - ii. Option # 2: move forward with criminal charges
          - iii. Option # 3: AG office: Letter to be written to ouster – remove the Mayor from her position
      - 2. City Attorney Edmondson: City Council voted the Mayor as the ABC coordinator.
        - a. Mayor is an office.
        - b. ABC coordinator is a job.
      - 3. Mayor Patton asked Councilperson Purcell, when Councilperson Humphrey was sworn in as a CASA worker, does this mean that Councilperson Humphrey forfeited her role as a Councilperson?
      - 4. City Attorney Edmondson to Councilperson Purcell: Does KRS 415.050 Duties of the Attorney General, give the AG the role to pick the attorney to look over the issue and provide feedback to the AG?
      - 5. City Attorney Edmondson: No need for criminal action against the Mayor.
      - 6. City Attorney Edmondson: Procedure to follow:

- a. Attorney General is to respond back, but it may take a couple months.
- 7. Councilperson Humphrey:
  - a. Who does City Attorney Edmonson work for?
  - b. City Attorney Edmondson: the city attorney’s overall duty is to the city and daily role is reporting to the Mayor.

Motion To Seek Ouster & Civil / Criminal Charges Against Mayor Patton	
Motion: Councilperson Dusing	Seconded: Councilperson Humphrey
Roll Call:	
Councilperson Lowery – No	Councilperson Martin – Yes
Councilperson Roberts – Yes	Councilperson Purcell – Yes
Motion Carried By City Council	
City Council Next Steps:	
<ul style="list-style-type: none"> <li>• Councilperson Martin was assigned to lead the process</li> <li>• Councilperson Martin will deliver the appropriate paperwork to the city office.</li> <li>• Councilperson Purcell will contact the Sherriff and inform Councilperson Martin of the next steps and let them go forward.</li> <li>• City Attorney Edmonson: Recommend all actions today will be void if no issues and if no law is broken. All steps will be void.</li> </ul>	

Order of old business: Oakwood Project

1. Mayor Patton:
  - a. Opened the discussion of the Oakwood Project
2. Councilperson Martin:
  - a. Were any formal bids received? Do we have a bidders list?
  - b. Mayor Patton stated, The City of Crittenden received 1 bid for this project
3. Mayor Patton: Do we have a motion to vote on the bid acceptance?
  - a. Councilperson Martin:
    - i. Asked about the original deadline date: June 26<sup>th</sup>
      1. Addition to meeting notes (Martin): The June 26<sup>th</sup> date was changed to the 29<sup>th</sup> without public notice.
    - ii. 3 Addendums were presented by the engineering firm.
  - b. Mayor Patton stated an extension was given.
4. Oakwood residents:
  - b. Described the existing condition of the area, the damage is getting worse. This project needs to happen as soon as possible. This needs to be done before the Winter season.
  - c. Changes at Oakwood – 3 new houses have been built / elevation changes are causing additional problems.



- d. Heather Mullins agrees that this project needs to be done asap.
- 6. Mayor Patton asked for a Motion to vote
  - a. Councilperson Martin:
    - Huge concern about the bid process with the addendums and final bid process.
  - b. Mayor Patton: Councilperson Martin, are you receiving personal complaints from bidders?
  - c. Councilperson Martin: I have no personal interest in this process. No friend that is bidding this project.
    - Past council member made knee jerk reactions, we as council do not need to make a knee jerk reaction.
  - d. Councilperson Purcell: 23.041 - paragraph I – grounds for rejection include.
    - 7 to 21 days for timing.

Take a vote per Mayor Patton:

Motion To Reject Bids – Concern For Notification / Bid Timing	
Motion: Councilperson Purcell	Seconded: Councilperson Humphrey
Councilperson Lowery – No	Councilperson Dusing – Yes
Councilperson Roberts – Yes	Councilperson Martin – Yes
Motion Carried By Council	
City Council Next Steps:	
<ul style="list-style-type: none"> <li>• KRS 45A390: Written notice to the bidder to reject the bid. City Attorney Edmondson was requested to “ghost” write the letter.</li> </ul>	
<ul style="list-style-type: none"> <li>• Councilperson Humphrey suggested to add liquidated damages to the bid to ensure the project is complete on time.</li> </ul>	
<ul style="list-style-type: none"> <li>• Conduct a Pre-Bid Meeting: August 17<sup>th</sup>, 2020 at 7pm. Special Meeting to be sent out.</li> </ul>	
<ul style="list-style-type: none"> <li>• Sealed bids to be delivered to the city office by August 31<sup>st</sup>, 2020.</li> </ul>	
<ul style="list-style-type: none"> <li>• Sealed bids will be opened at the next City Council meeting on September 1<sup>st</sup>, 2020</li> </ul>	

Motion by Councilperson Lowery, seconded by Councilperson Martin to adjourn.

Next regular meeting will be held on September 1st, 2020.

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Camilla “Kay” Patton  
Mayor

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Shawn McHolland  
City Clerk / Treasurer