



Tuesday October 4, 2022
Regular City Council Meeting Minutes
Oak Grove Council Chambers

The Oak Grove City Council met in Regular Session on October 4, 2022, at 6:00 p.m. The meeting was held in the Oak Grove Council Chambers located at 8505 Pembroke Oak Grove Road Oak Grove, Kentucky. Present for the meeting were: Mayor Theresa Jarvis, Council Member Janet Edwards, Council Member Isaiah Spencer, Council Member Jean Leavell, Council Member Jackie Oliver, and Council Member Edward Cook. Council Member Tim Johnson was absent. Also present for the meeting was City Attorney Mark Gilbert, Police Chief Dennis Cunningham, Fire Chief Bill Johnson, Finance Director Bobbie Crawford, Public Works Director Martin Nuss, and City Clerk Lorelynn Fisher. There were approximately 17 individuals present for the meeting.

Mayor Theresa Jarvis called the meeting to order at 6:00pm.

OPENING CEREMONIES

Pastor Dan Herbster led those present in the Invocation and Pledge of Allegiance

ROLL CALL OF ATTENDANCE

Council Member Janet Edwards, Council Member Isaiah Spencer, Council Member Jean Leavell, Council Member Jackie Oliver, and Council Member Edward Cook were in attendance. Council Member Tim Johnson was absent. A quorum of the city council was present.

REVIEW OF MINUTES

Mayor Jarvis asked City Council to make a motion to approve the minutes from the special council meeting on September 27, 2022-Public Hearing Tax Levy. Council Member Jackie Oliver made a motion to approve the minutes. Council Member Isaiah Spencer seconded the motion. There was no discussion. A voice vote was taken with all in favor; the motion carried.

APPROVAL OF MEETING AGENDA

Council Member Jean Leavell made a motion to approve the meeting agenda at this time. Council Member Janet Edwards seconded the motion. There was no discussion. A voice vote was taken with all in favor; the motion carried.

CONSENT CALENDAR

N/A

REPORTS OF OFFICERS AND COMMITTEES

Audit Committee- Audit recommendations: The committee consists of Chairmen Janet Edwards, Council Member Jackie Oliver, and Council Member Jean Leavell. The committee has had two meetings to date. The first meeting consisted of the various types of audits and what the scope of the audit would be. It

was also discussed if a forensic audit was needed and potential auditors to conduct the audit. The committee believes there is no reason for a forensic audit largely due to the cost of one which can be around \$50,000.00-\$275,000.00. The committee believes an assurance audit would be the most appropriate. With an assurance audit, one can specify specific things they would like the auditors to look at. With the city, it would be matters such as the separation of the general and water funds, overpayment to Outlaw and HWEA, and the controls of operations. 3 potential firms they would like to contact are Knight Wagner PLLC, Strothman and Co, and Watson CPA PLLC. A letter was sent to the city's current auditors to notify them of the situation. The current auditors did respond by saying they would cooperate with whomever council decides. It was also stated that the last time council looked into this, no company would conduct the audit. A targeted audit for over taxation of Social Security and Medicare and HWEA overpayment was conducted by the Kentucky Auditors of Public Accounts back in 2021 in which if they deemed something is incorrect, they would send a letter notifying the city. No letter has been sent to the city to date. It was asked to contact the Kentucky Auditors of Public Accounts to see if they have any information. Council Member Jackie Oliver made a motion to hold this in abeyance until notification from the KPA. Council Member Edward Cook seconded the motion. A voice vote was taken with all in favor; the motion carried.

UNFINISHED BUSINESS

Ordinance No. 2022-XX Compensation of BZA Board Members 2nd reading: Council Member Janet Edwards asked City Attorney to read the ordinance. Council Member Janet Edwards made a motion to accept this ordinance. Council Member Isaiah Spencer seconded the motion. There was no discussion. Roll call vote was as follows: Council Member Jean Leavell-yes; Council Member Isaiah Spencer-yes; Council Member Janet Edwards-yes; Council Member Jackie Oliver-yes; Council Member Edward Cook-yes. Council Member Tim Johnson was absent. The motion carried.

Ordinance No. 2022-XX Amending Ordinance No. 2020-13 Sexually Oriented Business 2nd reading: Council Member Janet Edwards asked City Attorney to read the ordinance. Council Member Janet Edwards made a motion to accept the ordinance. Council Member Jackie Oliver seconded the motion. There was no discussion. Roll call vote was as follows: Council Member Edward Cook-yes; Council Member Janet Edwards-yes; Council Member Jackie Oliver-yes; Council Member Isaiah Spencer-yes; Council Member Jean Leavell-yes. Council Member Tim Johnson was absent. The motion carried.

Ordinance No. 2022-XX Tax Levy 2nd reading: Council Member Janet Edwards asked City Attorney to read the ordinance. Council Member Janet Edwards made a motion to accept the ordinance. Council Member Jean Leavell seconded the motion. Discussion was held. Roll call vote was as follows: Council Member Jackie Oliver-no; Council Member Isaiah Spencer-yes; Council Member Jean Leavell-yes; Council Member Janet Edwards-yes; Council Member Edward Cook-no. Council Member Tim Johnson was absent. The motion carried.

NEW BUSINESS

CDS Approval of Development for Derby Downs: The city has not received a letter from CDS stating they have reviewed this process twice to date. Therefore, this item will be brought back to council at the next council meeting. This is a multifamily development that is wanting to develop on the farmland across from Tandy Lane.

Pennyrile Electric-Requesting Easement: Pennyrile Electric is needing an easement from the City of Oak Grove to remove and trim trees for the road and utility relocation of HWY 911. Council Member Janet Edwards made a motion to accept the request. Council Member Jackie Oliver seconded the motion. There was no discussion. A voice vote was taken with all in favor; the motion carried.

Ordinance No. 2021-03 Adopting the 2015 Edition of the International Property Maintenance Code: Council Member Janet Edwards asked for this item to be placed on the agenda because a business

owner asked her to. Council Member Janet Edwards made a motion to allow Joseph Belew to speak regarding this topic. Council Member Jackie Oliver seconded the motion. There was no discussion. A voice vote was taken with all in favor; the motion carried. Mr. Belew stated he found many flaws in this ordinance and does not agree with the enforcement. Mr. Belew asked for this ordinance to be sent to Committee of the Whole. Council Member Janet Edwards made a motion to send this ordinance to Committee of the Whole. Council Member Jackie Oliver seconded the motion. A meeting date of October 11, 2022, at 6:00pm. A voice vote was taken with all in favor; the motion carried.

Ordinance No. 2021-13 Code and Nuisance Board: Council Member Janet Edwards asked for this item to be placed on the agenda because a business owner asked her to. Council Member Janet Edwards made a motion to allow Joseph Belew to speak regarding this topic. Council Member Jean Leavell seconded the motion. There was no discussion. A voice vote was taken with all in favor; the motion carried. Mr. Belew asked for this to be put on the Committee of the Whole agenda. Council Member Janet Edwards made a motion to send this ordinance to Committee of the Whole on October 11, 2022, at 6:00pm. Council Member Jackie Oliver seconded the motion. There was no discussion. A voice vote was taken with all in favor; the motion carried.

Draft Repealing Ordinance 2022-08 Compensation Plan and Reenactment of Ordinance 2020-10 Compensation with changes: Council Member Janet Edwards asked City Attorney to read ordinance 2022-XX An Ordinance by the City of Oak Grove Amending Ordinance 2022-XX Establishing a Classification and Compensation Plan for City Employees. City Attorney Mark Gilbert stated it is amending Ordinance 2022-08. Council Member Janet Edwards made a motion to accept. Council Member Jackie Oliver seconded the motion. There was no discussion at the time. Roll call vote was as follows: Council Member Janet Edwards-no; Council Member Jean Leavell-yes; Council Member Isaiah Spencer-no; Council Member Jackie Oliver-yes; Council Member Edward Cook-yes. Council Member Tim Johnson was absent. The motion carried. Council Member Jean Leavell then asked City Attorney if the five percent cola was included to which the City Attorney responded that the five percent cola was not included. He stated this ordinance just brings back the old classification and compensation table. If council wants the five percent cola included, they will need to increase the ranges by five percent or include language in the ordinance that allows an automatic cola. Mr. Gilbert will receive language recommended by the Kentucky League of Cities regarding the cola. The Community Center Director position was brought up for discussion. The position would go back to the original pay grade from two years ago and council exempted the position from overtime for the last two years. It was discussed if that would put the city in a position. The City Attorney stated that the position received a raise and that typically, a person does not speak to a lawyer when they receive a raise. Typically, a person speaks to a lawyer when they lose something they received. Discussion was held regarding the Federal Law and position exemptions. Council Member Janet Edwards stated the position needs to be nonexempt or receive a higher salary. The step program was brought up into the discussion. It was stated the Police Department was moved to the step program a year ago. It was then questioned if this ordinance gets passed if it would alleviate the step program for all departments including the Police Department. The City Attorney was asked to look into this matter. It was clarified that the City Clerk is going to look up the recommendation from the outside company on what classification the Community Center Director position falls under. The City Attorney and the Finance Director will look at the numbers and see what this ordinance would do to the Police Department pay. Finance Director Bobbie Crawford stated the step plan for the Police Department was implemented under the 2020 compensation plan. It was stated in council that a step plan should be implemented for all departments. More discussion was held.

LEGISLATIVE BODY MEMBER COMMENTS

Water Bills: Council Member Jackie Oliver stated there is still issues with high water bills. She stated Ordinance 2022-04 has fees that are attached to late payments that are high. Council Member Janet

Edwards made a motion to send Ordinance 2022-04 to the Committee of the Whole. Council Member Edward Cook seconded the motion. There was no discussion. A voice vote was taken with all in favor; the motion carried.

Water Meters: Council Member Jackie Oliver stated that a resident was offered a refund for a meter reading mishap, but the resident's water was shut off anyways. Council Member Jackie Oliver stated she knows the meter was being read improperly and asked what is being done about that. Finance Director stated she went back all the way when the meter was installed and calculated what the resident's water bill every month should have been versus what the resident paid and was charged. She offered the resident the option of a refund or a credit to the account where the resident would not have a water bill for several months. The resident opted for the refund and was explained that once the check was sent out everything zeros out and the resident will then be responsible for a normal size bill. The resident did not pay their next water bill which resulted in the water being shut off. Council Member Jackie Oliver stated she was troubled why this matter lasted so long and believes there is either an issue with the meters, transponders, or the laptop. Finance Director Bobbie Crawford stated that the city received upgraded series of meters (higher quality) back in December and a handful of accounts were not carefully examined from prior individuals to make sure the resolution reading matched up the with new style of meter. A protocol to prevent this mishap from potentially happening again has been put in place.

Part Time Firefighters: Council Member Edward Cook asked the Fire Chief Bill Johnson the status of the process. Fire Chief Bill Johnson stated he gave council documents that included the job descriptions for firefighters and the FLSA paperwork and where volunteers fall under that. Mr. Johnson stated that his understanding for FLSA is that a volunteer cannot be paid an hourly rate to perform the same duties as an employee. The City Attorney agreed. Currently, there is no position for a firefighter in the compensation plan. There is a position for a Fire Chief. Mr. Johnson stated that another hurdle to overcome is the outfitting of personnel. More discussion was held. Council Member Edward Cook mentioned sending this item to the Committee of the Whole. Council Member Janet Edwards made a motion to send this to the Committee of Whole on October 11, 2022, at 6:00pm. Council Member Edward Cook seconded the motion. There was no discussion. A voice vote was taken with all in favor; the motion carried.

Water Loss Infrastructure Improvements: Council Member Edward Cook asked Public Works Director Martin Nuss the status. Mr. Nuss stated the city is waiting on the money for the government. Mayor Jarvis stated her, and Mr. Nuss went to Christian County Fiscal Court and received a million dollar grant from the county for infrastructure repairs. Mr. Nuss stated that this money is separate from the other round of money. The city is still waiting on the first round of money which will help with commercial meter replacements. Second round of money which is not expected until next year will go towards leak detection and water line extensions.

Hugh Hunter Construction Bid: Council Member Edward Cook asked Public Works Director Martin Nuss the status of Hugh Hunter. Mr. Nuss stated that the engineering is not complete. There is a layout for the road. Work still needs to be done for pricing on project and there is a potential grant that is opening up which will allow the city to apply for the design phase to design the rest of Hugh Hunter. The next process will be the construction phrase that the city could potentially apply for in the future.

Municipal Order 2020-01: Council Member Janet Edwards asked for this item to be placed on the agenda. She stated the agenda was modified to fall compliant with the municipal order which is why the open forum was listed at the end. There are also several other things that have not been being followed per the order. Council Member Janet Edwards stated that she would like to change the Parliamentarian from the City Attorney to the City Clerk and provide additional training as needed. The format of the agenda was reviewed with the request to keep the consent calendar and reports of committees and officers on the agenda. Open Forum was discussed, and it was believed that it should not be listed at the

end of the meeting. Some municipalities limit the topics to only what's on the agenda. Council Member Janet Edwards stated that these meetings are council's not the mayor's and she would like to see more topics addressed to council as opposed to mayor. There are additional changes that need to be done. Council Member Isaiah Spencer made a motion to send this order to the Committee of the Whole. Council Member Edward Cook seconded the motion. There was no discussion. A voice vote was taken with all in favor; the motion carried.

OPEN FORUM

Lloyd Walters was going to speak before council regarding the property taxes but declined since the ordinance was passed.

Christine Elledge spoke before council to inform everyone that Saturday is the Christian County Animal Shelter's Food Drive which will take place at the Tractor Supply in Hopkinsville from 10:00am-2:00pm. She stated that the city does not support the shelter very well and would like to see input from Oak Grove Saturday or she would be happy to take donations. The shelter is critically low on puppy food and could use both dog chow and cat chow. Ms. Elledge also addressed council with an issue regarding the executive branch and the open records request. She stated that she is denied pending legislation and would like the city to be more transparent like other government/state agencies.

Joseph Belew spoke before council regarding the assignment of numbers to proposed ordinances as stated by Council Member Jean Leavell in a previous meeting. Mr. Belew also stated that he does not believe that Lorelynn should be the Parliamentarian as it is a conflict of her job as she wouldn't be able to say things she should be able to say as Parliamentarian. Mr. Belew stated that Lorelynn is a nice person and doesn't believe she should be put in that position. Lastly, Mr. Belew asked council to create an ordinance for the Committee of the Whole meetings.

ANNOUNCEMENT

N/A

ADJOURNMENT

Council Member Jackie Oliver made a motion to adjourn the meeting. Council Member Edward Cook seconded the motion. There was no discussion. A voice vote was taken with all in favor; the motion carried. Meeting was adjourned at approximately 7:45pm.

APPROVED:

_____/s/_____
Theresa Jarvis, Mayor
City of Oak Grove

DATE

ATTEST:

_____/s/_____
Lorelynn Fisher, City Clerk
City of Oak Grove

DATE

****Minutes were approved at the October 18, 2022, Regular Council Meeting. Original signed document is available at City Hall****

