

Stanford City Council  
Regular Meeting  
Thursday, March 2, 2017  
6:30 p.m. Stanford L&N Depot

Council member Ronnie Deatherage opened the meeting with prayer. Mayor Eddie Carter led the Pledge of Allegiance.

**Roll Call:**

Council members present; Ronnie Deatherage, Peggy Hester, John Sallee, Scottie Ernst. Council members absent; Sara Givens, Dr. Naren James.

Others present;

City Attorney Chris Reed

Fire Chief Scott Maples

Police Chief Zach Middleton

Abigail Whitehouse

Jim Jarrett

**Approval of minutes:**

February 2, 2017 regular meeting;

Mayor Carter asked if there were questions

- 1.) Council member Ronnie Deatherage asked about Jeff Cain appointment to Planning and Zoning. Council member Deatherage asked since he was already serving from 2015-2019 will this appointment supersede for him to serve until 2020. Council member Deatherage asked why we appointed him again. Mayor Carter responded he wasn't sworn in and voted on. Council member Deatherage stated we did not vote on Joe Gilliland or Judy Hester. Council member Deatherage read from the Planning and Zoning meeting minutes April 28, 2016 stating terms; Jeff Cain 2015-2019, Joe Gilliland 2016-2020, Tami McDaniel 2016-2020, Ward Hart 2015-2019, Judy Hester 2016-2020. Council member Deatherage said all terms are the same except for Ward. He asked if terms should be staggered. Council member Deatherage said we were on the council in 2016 and he did not recall voting on them. Council member Ernst also said he did not recall voting on them. Council member Deatherage said we have talked about getting new people and never had the chance to do that. Mayor Carter informed council the board was formed thirty years ago and he thinks terms should be staggered but not sure how it was formed. Council member Deatherage asked how we can get into compliance. Mayor Carter responded we need to meet with chairperson. Council member Hester said she thought Ward would be at the meetings. She added if he was here we could discuss this and move forward in a way that is conducive with the ordinances. Council member Deatherage asked that Planning and Zoning should be first on the agenda.
- 2.) Council member Hester proceeded to give update on city facebook page. Mayor Carter suggested the minutes be gone over first. This can be talked about when we get into old/new minutes.
- 3.) Council member Deatherage asked Fire Chief Maples if we were borrowing money for the new fire truck. Fire Chief responded we initially borrow the money it is then paid back by Fire Commission in a little over two years.

Council member Ernst asked if we will take out a loan for the truck. Fire Chief Maples responded this is the 3<sup>rd</sup> time we have done this. Mayor Carter informed council we initially borrow the money and it is then paid back from Fire Commission over a two year period. Council member Deatherage asked if we get sealed bids or do we solicit loan from banks. Fire Chief Maples responded we solicit the loan from different banks.

4.) Council member Deatherage said the lights on Westwood look really good.

5.) Council member Deatherage stated he received his council packet at 9 p.m. last night. Mayor Carter explained the packets were ready by Tuesday afternoon; however the Police were busy and couldn't deliver them.

6.) Council member Deatherage asked if the police car had been checked on. Police Chief Zach Middleton responded we cannot lease with a grant. Mayor Carter informed council this will be talked about later.

7.) Council member Deatherage said he would like at some time to meet with Planning and Zoning. Mayor Carter responded he will have Ward come to next meeting.

Mayor Carter asked if there were no corrections or deletions they minutes be approved.

Council member Ernst made motion to accept as presented. Council member Sallee 2<sup>nd</sup> the motion, all voted aye in favor, motion carried.

#### **Feb 14, 2017 Special meeting**

Minutes amended to show Council member Deatherage said he and a representative from ATMOS will go and ask people if they want gas.

Mayor Carter asked the minutes be approved if there were no other corrections or deletions.

Council member Hester made motion to accept as amended. Council member Sallee 2<sup>nd</sup> the motion, all voted aye in favor, non-opposed, motion carried.

#### **Planning and Zoning :**

Appoint Brenda Bertram to Board of Adjustments.

Mayor Carter asked council for approval of Brenda Bertram to the Board of Adjustments. Mayor said she came highly recommended. Mayor Carter said he talked to Peggy and she has known Brenda for many years and he thinks she is a good person and will do a good job. Mayor Carter said this is why he appointed her.

Council member Ernst asked if there is any conflict with her being on the Board of Adjustments and her husband being on the water commission. Attorney Reed explained if there is a conflict she can step aside during voting.

Council member Ernst said his concern is with the perception of the citizens since they just come into the city a few months ago. Council member Hester responded it is hard to find anyone to serve.

Mayor Carter asked for motion to accept appointment.

Council member Hester moved to accept the appointment, Council member Sallee 2<sup>nd</sup> the motion, all voted aye in favor, non-opposed, motion carried.

Council member Deatherage asked if we put this in the paper asking if anyone is interested in serving. Mayor Carter responded we haven't, but try to get good people. Mayor Carter added it takes a lot of time to go through the application process.

Council member Ernst asked what Brenda's term will be. Mayor Carter responded she will fill out Ted Defossett term. Mayor Carter informed the council he will check to see when Ted's term is up. Council member Hester said she would like Ward to be at next meeting so we can go over dates for Planning and Zoning terms.

**Mayor Carter State of the City Address;**

**Police Department**

Mayor Carter stated his major subject is the drug problem in the community which involves a lot of man hours and stress for the police department. Mayor Carter commended the police department and other first responders for the great job they are doing. Mayor Carter informed the council Police Chief Middleton sent Office John Williams to Illicit Drug Investigation Course training last year. Police Officer Preston Middleton will be going to same training next week. Mayor Carter stated we want to put two officers in narcotic school if not this spring hopefully this will happen this fall. Chief Middleton explained the training gives the officers more information for narcotic case investigation and procedures. Mayor Carter informed council we are in line to get D.A.R.E. program. Council member Hester said the program existed in the schools in 1989 and asked what happened to the program. Police Chief Middleton responded program was phased out but is now making a comeback. Mayor Carter informed council Police Chief Middleton wants to send Police Officer Ray Sayre to D.A.R.E Training. Police Chief Middleton explained Officer Sayre has been with police department for a year and is one of the school resource officers. He is retired from the U.K Police Department. Mayor Carter added he is the ideal candidate to go into the schools and work with students. Mayor Carter explained he is interested in getting into the schools to get to young people before they get into drugs. Council member Hester added it would be great if we the leaders in the community could put pressure on court system that let drug dealers back out. Police Chief Middleton responded there is no easy answer for this. Mayor Carter informed council police department is looking at getting surveillance equipment once D.A.R.E. program is in place in the schools.

**Fire Department**

Mayor Carter informed council the Stanford Water Department plans to spend approximately 4.1 million dollars to build a 12 inch line from the water plant to town and also an 8 inch line from Logan's Avenue to Rowland. Mayor Carter added this is a major project for us. Mayor Carter informed council \$2,000,000 will be grant money and about \$1,300,000 will be at .25 percent interest rate. Mayor Carter informed council there will be four new lines and twenty one streets in town will have new replacement lines. The lines will be connected together to provide better water quality and better water pressure. Mayor Carter informed council to try to keep down dust we hope to have one contractor do several lines at once. Council member Ernst asked if new line will be put on Logan Avenue after all the work was done on the street. Council member Hester asked when project will start. Mayor Carter said it should start by fall. Council member Hester asked how new lines on Powell and Logan will affect Miller Street. Council member Deatherage asked how long this will take. Mayor Carter responded approximately nine months.

Council member Hester asked if Ryan Owens could come to next meeting to answer questions. Mayor Carter informed council once project is done we have a really good chance to go to a 2 ISO rating. Mayor Carter explained if this happens fire department will be one of a few in the nation with a volunteer fire department. Mayor Carter said if ISO rating goes to a 2 this will save everyone a lot on their property insurance.

Mayor Carter informed council work is being done behind the scenes to get a water plant in Cedar Creek Lake. If this happens there will be enough water for 100 years. Council member Deatherage asked will this be primary or secondary water supply. Mayor Carter responded secondary.

Mayor Carter said he will have Ryan Owens come to next meeting.

### **Street Department**

Mayor Carter informed council street equipment was hardly used this winter. The trucks are in good working condition however we may need to look at updating equipment when we get into the budget.

### **Sidewalk Grant**

Mayor Carter spoke about \$680,000 sidewalk grant the county is working on getting. Sidewalks will start on Foster Lane come down Herndon Avenue up Lancaster Street left on 27 to the intersection. Mayor Carter informed council this may happen this fall. Mayor Carter explained in the process they are the plan is to take care of the problem at Herndon Ave and Lancaster Street.

Council member Deatherage said he talked to someone at the state highway department. Council member Deatherage said he was told they want to go 50 feet up Herndon Avenue and grade out to Lancaster Street to put in drainage.

Council member Hester asked where the \$680,000 grant came from. Mayor Carter responded he is pretty sure this is an 80/20% federal grant through the state. Mayor Carter asked for council support for the sidewalk grant.

Council member Hester asked how the decision was made about how the money was spent and where the sidewalks would be laid. Mayor Carter responded this was county decision.

Council member Ernst said he understood this will be done in phases with this being the first phase.

Mayor Carter added the next phase will be walkway over the intersection to Veterans Park.

Mayor Carter explained at one time there was grant money for most anything. We are lucky to get this.

### **Logan's Fort**

Mayor Carter began by saying Friends of the Fort is a great asset to the fort. They want to have a car show, Descendants Day this fall, and a dinner cooking and serving pioneer food. Their plan is to have 30 to 40 people and charge a fee for the food experience. Mayor Carter went on to say they may try to have the Trial of Daniel Boone next year. They want to utilize the park to have events that bring people to town.

Council member Deatherage asked if the walking trail will be fixed by then. Mayor Carter responded the land from Danville Avenue to the fort is private property. We have a lease on that for five years. Council member Deatherage asked if the lease allows us to use it. Mayor Carter responded yes we have to keep it mowed. Mayor Carter informed the council Judge Adams is applying for a Rails to Trails grant to make the trail a walking/bicycle trail.

Mayor Carter said he feels moving forward the more events we have at the fort the more people will be willing to give to help finish the fort.

## **Jobs**

Mayor Carter announced jobs that have been created in the last two years.

- 1.) We have thirty jobs in town that were created by an insurance company
- 2.) Seventy five jobs created by the greenhouse
- 3.) Possibly another seventy five jobs will be created by other greenhouse being located in town
- 4.) Call Center is at capacity. Not sure but possibly over one hundred employees.
- 5.) Two small business maybe coming to town in next two months

Mayor Carter informed council Brake Parts building shown last week to a good prospect.

Council member Deatherage asked about Huddle House restaurant. Fire Chief Maples responded Huddle House is waiting for builder to start.

## **Roads- Long Range Plans:**

Mayor Carter announced the four lane highway from Camp Dick School in Garrard County to Eubank is in the planning stage. Mayor Carter said he thinks with President Trump proposal for spending a trillion dollars for bridges, road, etc. this will be a great time to get the four lane highway.

## **Health Insurance:**

Mayor Carter said the one thing he is most proud of is the bidding out of employee health insurance and getting great policies for our employees. We have plans with low deductibles which save employees money.

Mayor Carter closed by saying a couple of years ago when we started this journey we did not have a Police Chief, City Clerk or City Attorney. We had police officer involved in a tragic accident where a pedestrian was killed. We had a major snow and ice storm. The roof on the Fire/Police Department building fell in. Mayor Carter said he wanted to commend the council and employees for coming together as a team to accomplish a lot in the last two years. Mayor Carter said he appreciated everyone and has never been around a finer group of employees.

## **New Business:**

Water Department Resolution

Attorney Reed explained previous resolution was updated to include City of Stanford, Mayor of Stanford and successors in title.

Attorney Reed read the resolution.

Mayor Carter asked for motion to accept as presented. Council member Ernst made motion to accept resolution as read by Attorney Reed. Council member Deatherage 2<sup>nd</sup> the motion, all voted aye in favor. Motion carried.

## **Council member business:**

None

## **Old Business:**

### **1.) Grant for another Durango for the police department**

Mayor Carter asked council for authority to apply for a grant for another Dodge Durango for the police department. Mayor Carter informed the council city should have the \$14,000 needed for cities part of the grant. Mayor informed council he checked on leasing another one. The lease plan payments are \$600 per month for 5 years. Lighting and stripping not included. Council member Deatherage asked if we could do lease program. Police Chief Middleton responded grant will only cover purchase.

Council member Ernst asked if we are borrowing money from bank. Mayor Carter responded no we should have money in next budget to pay for one vehicle.

Council member Hester moved to apply for grant to buy Durango. Council member Deatherage 2<sup>nd</sup> the motion, all voted aye in favor, motion carried.

## **2.) Sidewalk ordinance for Whitley Avenue**

Mayor Carter asked City Attorney Reed to address what can and can't be done about sidewalks on Whitley Avenue.

Attorney Reed advised the council according to City of Stanford sidewalk ordinance repairs to sidewalk is the responsibility of the property owner. Attorney Reed advised council according to statute if there is a issue with safe passage on a sidewalk this is a nuisance violation.

Mayor Carter added ordinance is in place they (the property owner) are responsible. There is also a separate ordinance for owner responsibility for snow and ice removal.

Council member Hester asked questions about sidewalks

1.) She asked about ordinance that states sidewalks shall be on both sides of the street in all areas of the city according to specifications found in subdivision regulation. Council member Hester said this does not address streets that have been there over a hundred years.

2.) Council member Hester asked what can be done in a case where street was built before there were regulations.

3.) Council member Hester asked if there are no requirements for sidewalks to be on streets older than the ordinance.

4.) Council member Hester asked are we required to put in sidewalks. Mayor Carter responded no, but if we put in sidewalk it becomes property owner responsibility to keep up. Attorney Reed advised council houses built before the ordinance would be grandfathered in.

Council member Ernst asked can we as a body change the ordinance to make it the responsibility of the property owner to take care of grass on sidewalk. Attorney Reed responded the statute can be changed to specifically target grass but an ordinance is already in place to address this.

Council member Hester added with most properties on Powell Street, Whitley Avenue and Logan's Avenue now rentals we will have to go through the landlords. City Attorney Reed advised council if the owner of rental property doesn't go by the ordinance the city can revoke the business license.

Mayor Carter responded next week letters will be sent to property owners in violation of the ordinance.

Council member Ernst asked if the nuisance applies if grass on sidewalks is two or three inches tall.

Mayor responded yes.

Council member Deatherage asked if what we are currently doing is the best we can do or should we use HB 422. Council member Deatherage said he has hard justifying paying for a condemned property and paying an attorney. He gave instance where city is paying at least \$20,000 because property is not taken care of. Council member Deatherage asked why we aren't fining \$500 per day until problem is fixed. Attorney Reed responded the council voted not to do that.

Police Chief Middleton advised council the fee is set at up to \$500 a day for violation but amount of the fine is left up to the court. Police Chief Middleton informed council fine cannot be collected until after it has been to court.

City Attorney Reed explained it may end up costing city \$5,000 to get a \$100 judgment.

Council member Hester asked if there were grants we can apply for. She said there are people in wheel chairs that have to use the street because there are not sidewalks. There should be some way to get sidewalks. Mayor Carter responded he will call Bluegrass ADD and see if there is anything available. Council member Ernst asked if we can look at cost to put in sidewalk from Shea Villa to Minute Mart. Mayor Carter responded this is something we can look at this when we get into budget.

### **3.) HB 422**

Council member Ernst commented Fire Chief Maples has done a lot to build reputation and trust. Council member Ernst said he doesn't want that jeopardized by doing nuisances. Council member Ernst said he thinks city should look into HB 422. Mayor Carter responded he understood we would have to pay an attorney and five members. Mayor Carter questioned if there will be enough money to go around.

Council member Hester reminded council she gave everyone a copy of HB 422. She asked council to read it. Council member Hester explained we do not have to have a board and the bill spells out how it is setup and what needs to be involved.

Mayor Carter informed the council Jeff Knouse is doing outstanding job and he may be the person we want to do the job. This can be looked at when we get into the budget.

Council member Hester commented Fire Chief and Police Chief should be separate positions and not involved in nuisances.

Fire Chief Maples informed the council he and Mayor discussed lost revenue in the city. Fire Chief Maples informed the council there are a lot codes and ordinances on the book that include fees that should be charged but aren't being collected. Fire Chief Maples said he thinks these uncollected fees would possibly pay 2/3<sup>rd</sup> of the salary for code enforcement officer. Fire Chief Maples suggested there should be one person delegated to do the job.

Mayor Carter asked Fire Chief Maples if there is a school someone could go to about code enforcement. Fire Chief Maples responded the League offers these.

Council member Hester added the League will send someone to help setup HB 422. Council member Hester said we need to at least listen to see how it could work. Mayor Carter responded this is something we will look at when we get closer to our budget and maybe look at getting someone full time.

Council member Ernst said he would like to watch the film to have knowledge and understanding about HB 422 so we can make a decision whether we want this or not before we get into budget. Mayor Carter asked Attorney Reed if he would watch film and review HB 422 before next meeting. After some discussion Mayor Carter said he will schedule special meeting to watch film.

### **4.) City facebook page**

Council member Hester informed council she was told the page cannot be banner page. Council member Hester informed council alert added to page, there had been only one bad comment which was deleted. Council member Hester asked for council okay to have comments deleted.

Attorney Reed advised page should be setup to provide information only. Council member Hester asked if the public can not post comments isn't this defeating the purpose of city face book page. Mayor Carter added face book gives the public another source for information.

Council member Hester asked if each council member wanted to be added as administrators on the face book page. After some discussion Council member Deatherage suggested leaving it as is for now.

**5.) Other old business:**

- 1.) Council member Deatherage reminded Mayor Carter about basketball court on Moon and Helm Street.
- 2.) Council member Deatherage said it had been reported to him there are bags of trash behind City Hall. Mayor Carter responded these are bags of leaves we are getting ready to spread on that area.
- 3.) Council member Deatherage said light post on 2nd Street is leaning. Mayor Carter responded he will have someone look at it.
- 4.) Council member Ernst asked if inmates are still helping Aaron. Mayor Carter responded not at this time but will be shortly. Council member Deatherage added we can get more inmates if we hire someone else. Mayor Carter responded he may look at hiring someone part time.

**Citizen Comments:**

Jim Jarrett, member of Planning and Zoning address the council.

Mr. Jarrett asked where city was with the Cherry Property. Attorney Reed responded trial has been continued until July 28<sup>th</sup> due to a 3<sup>rd</sup> party who tried to intimidate a witness.

Council member Ernst asked Mr. Jarrett how many Planning and Zoning meeting he has attended. Mr. Jarrett responded he attended the last meeting. The first two meetings he was unable to attend due to restrictions placed on him after surgery on both knees.

Council member Deatherage asked Mr. Jarrett what took place at the last Planning and Zoning meeting. Mr. Jarrett responded there was no new or old business.

Mr. Jarrett informed the council he still has problem with lawn mower shop being located two doors down from him. Mr. Jarrett said he appealed Board of Adjustments decision to give a conditional use permit on the 6<sup>th</sup> of October and was told by Ward he would call him. Mr. Jarrett said he attended meeting at end of October and was told they had not had time to look at it. Mr. Jarrett informed council they were suppose to do something at the November meeting and at the meeting last Thursday they refused to discuss this.

Mayor Carter asked City Attorney Reed if he needed to meet with Mr. Jarrett to go over this. City Attorney Reed responded there is nothing we can do about Planning and Zoning or Board of Adjustments at this time.

Mr. Jarrett said there needs to be more oversight of Planning and Zoning. Mr. Jarrett explained as of now they don't enforce rules unless someone complains. Mr. Jarrett went on to say if they have a decision not agreed with the only course is to hire attorney and go through circuit court. Mr. Jarrett said this isn't the way this should be done since state laws state what you can and can't do.

Mr. Jarrett addressed council regarding two things that are important to him;

1. Go by Kentucky State law.
- 2.) The law applies the same to everyone.

Council member Deatherage asked who oversees Planning and Zoning. Mayor Carter responded we are not over them. Council member Deatherage said he has a hard time with us setting ordinances and then they change or decide not to follow them. Council member Deatherage asked why we make ordinances if someone can go and get a variance.

Council member Ernst asked how we can keep ordinances from being enforced on one and not others. Fire Chief Maples responded a good code enforcement officer will help with ordinance enforcement. City Attorney Reed explained procedure to change an ordinance. A hearing is held, do first reading, pass a vote, wait 14 days, post in newspaper, than another opportunity for people to come and comment. After this a 2<sup>nd</sup> reading is done. Attorney Reed explained if we had to do this procedure for every business, sign and variance it would be 100% impossible. Attorney Reed explained the reason the council drafts "vanilla rule" is to address as many issues as possible with the understanding that changes can be made. Attorney Reed went on to say the law is not absolute and is designed to meet needs of the people. Laws can't be made to affect every single situation in every single instance.

Mr. Jarrett informed council both Planning and Zoning and Board of Adjustments are governed by state law and they should follow state law. Mayor Carter asked Mr. Jarrett if he thought Board of Adjustments did not legally let lawn mower locate there. Mr. Jarrett responded yes that is what he is saying. Mayor Carter responded they have legal right to do this. Mr. Jarrett responded this is R1 no business, if someone is in violation of state law they aren't guaranteed the right to have hearing before Board of Adjustments. Mayor Carter asked Jim if he would meet with him and Chris and go over this. Mr. Jarrett responded he is asking that Planning and Zoning enforce zoning ordinances Board of Adjustments should not be involved in zoning questions.

Council member Ernst said he thought Mr. Jarrett was trying to communicate but Planning and Zoning will not give him an answer.

Council member Hester added it is emphatic we put members on the boards who know the laws and ordinances.

Mayor Carter responded according to what he and Chris were told by the League of Cities they have the right to give a variance to the lawn mower shop.

Mr. Jarrett addressed council about houses in town that need to be torn down. Mr. Jarrett said one of the houses is located behind City Hall. Attorney Reed advised Mr. Jarrett the City can't touch the property behind City Hall because that is FEMA property.

Council member Hester asked where the amendment was in the minutes for February 14 meeting.

Council member Hester said she needs this so minutes can be put on the website.

Mayor Carter asked if there was no further discussion a motion to go into executive session.

#### **Executive Session**

Discussion of pending litigation

Council member Peggy Hester made motion to go into executive session, Council member John Sallee 2<sup>nd</sup>, all voted aye in favor.

Time: 8:45 p.m.

Motion made by Council member Scottie Ernst to come out of executive session. Council member Peggy Hester 2<sup>nd</sup> motion, all voted aye in favor.

Time: 9:05 p.m.

**Adjournment:**

There being no further discussion Council member Ernst made motion to adjourn. Council member Peggy Hester 2<sup>nd</sup> the motion, all voted aye in favor

Time: 9:06 p.m.

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Mayor

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City Clerk