

Stanford City Council  
Regular Meeting  
Thursday, May 4, 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.

Before roll call Mayor Carter advised the council approval of donation of \$500 to Cowbell Days was not included in the minutes. Mayor Carter also addressed statement made by Council member Deatherage in the minutes regarding Planning and Zoning appointments. Mayor Carter said Council member Deatherage statement was we never made appointments. Mayor Carter asked the minutes be amended to reflect Jim Jarrett and Jeff Cain were appointed by the council. Council member Deatherage responded he was talking about appointments made before these two. Mayor Carter responded this needs to be clarified to say we appointed these two and also Planning and Zoning appointed Joe Gilliland which they had right to.

Mayor Carter called for roll call.

**Roll Call:**

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

Mayor Carter declared a quorum.

Others present;

City Attorney Chris Reed

Police Chief Zach Middleton

Fire Chief Scott Maples

Craig Butler, CPA for the city

Ward Hart, Planning and Zoning

Jon Hester

Rosemary Hazlett

Larry Nunemaker

Tim Estes

Abigail Whitehouse

**Approval of minutes:**

April 6, 2017 regular meeting;

Two amendments to the minutes were made.

1.) Minutes amended to say Mayor Carter asked council if they would like to donate \$500 to Cow Bell Days. Council member Hester made motion to donate \$500 to Cowbell Days, Council member Deatherage 2<sup>nd</sup> the motion. All voted aye in favor.

2.) Minutes amended to say Jim Jarrett and Jeff Cain were appointed by council to Planning and Zoning and Joe Gilliland was appointed by Planning and Zoning.

Council member Hester made motion to accept minutes of last meeting as amended, Council member Sallee 2<sup>nd</sup> the motion. All voted aye in favor.

### **Planning and Zoning :**

Ward Hart gave update;

Ward informed council owners of property at 627 Danville Avenue have asked zone be changed from R1 to B2. The owners want to tear down house and put in storage units. Ward informed council there are more properties in that area zoned B2 than R1. Ward said Planning and Zoning recommends lot at 627 Danville Avenue be changed for R1 to B2. Ward informed council an ordinance is needed to make change for two lots.

Council member Deatherage made motion to accept recommendation for zone change, Council member Ernst 2<sup>nd</sup> the motion. All voted aye in favor

Ward informed council at regular zoning meeting Doug Gooch came to meeting to let them know 6 ½ acres, which includes Matthey property is being designated as green space for a park and nothing can be built on it. Council member Ernst asked when this took place and what if there are people who do not want this. Council member Ernst asked why we weren't notified. Ward responded there will be no changes. They came before Planning and Zoning to combine lots.

Council member Hester asked questions about property at 505 Lancaster Street. Council member Hester asked since Pet Grooming Business is moving there how the block is zoned. Mayor Carter responded block is zoned residential B-2. Council member Hester asked will there be any complications with this. Ward responded he is going by the book. Council member Hester said she doesn't know if there will be a kennel which will offer overnight boarding. Council member Hester asked now that 505 Lancaster Street is now both business and residence will that increase property taxes. Ward responded PVA would know.

### **New Business:**

1.) Craig Butler, CPA reviewed current city audit

Craig opened discussion by stating records have been in great shape last several years. Craig commended City Clerk, staff and Water Department staff for good job for auditor.

Craig asked council if there were any concerns. There being no questions he proceeded to explain grafts.

Graft #1

Revenues over last ten years has slowly picked up. Even with borrowing in 2016 for fire truck and EMS building purchase revenues are up. Craig explained this graft is a little skewed due to borrowing for fire truck and purchasing EMS property.

Graft #2

Mr. Butler informed council this graft compares revenues vs. expenditures for the past ten years.

From 2007 to 2012 more was spent than was taken in. Starting in 2013 and up to 2016 a little more was taken in than spent.

Graft #3

Mr. Butler explained this graft shows improvement for the city for the last four to five years.

Fiscal year ending June 30, 2012 was the lowest point of cash investments in the bank since the 1990s when he started doing the audits.

Starting with fiscal year ending June 30, 2013 cash investments have increased each year. Fiscal year ending June 30, 2016 there was \$239,007 in the bank compared to end of 2012 with \$50,000 in the bank. Craig commented this is a big improvement.

#### Graft #4

Mr. Butler explained graft shows where the money was spent over the last ten years for general government, police, fire, street, sanitation, debt service and capital outlay, with police being largest expenditure. For fiscal year 2016 Capital outlay was high due to purchase of a fire truck and EMS building and land.

Mr. Butler advised council for the size of the city and expenses in a year it would be wise to try to improve the amount of money in reserve in the bank. Craig also advised council with expenditures last year just under \$ 2.5 million dollars he believes a healthy minimum reserve would be between 20 to 40 percent would be a idea range.

Craig asked council if they had questions.

Council member Deatherage asked Mr. Butler is he had any suggestions we need to work on when budget is developed. Craig advised council to look at revenue and expenditures and base budget on what can truly be expected based on current rates. Craig advised council payroll and payroll rates will be the biggest part of budget for expenses and remainder will be based on what is needed in the budget. Mayor Carter informed council we are waiting for information on liability insurance.

Craig offered to provide additional data not on the audit if council needs it to help with budget.

Council member Hester asked Craig is he would come to next months' meeting. Craig responded if he would if needed.

Mayor Carter informed council he will have Bob Casher with Bluegrass Area Development who is very knowledgeable about budgets to attend meeting to answer questions.

#### **2.) 1<sup>st</sup> reading of ordinance to update fire code for State of Kentucky**

Fire Chief Maples informed the council that based on city ordinance fire codes have not been updated since 1979. Fire Chief Maples explained the ordinance help city to enforce codes.

Council member Deatherage made a motion for 1<sup>st</sup> reading of ordinance to update fire code for State of Kentucky, Council member Sallee 2<sup>nd</sup> the motion.

City Attorney Reed read the ordinance

#### **3.) Appoint Dr. William Stafford to replace Dr. Naren James to the Lincoln County Ambulance Board.**

Mayor Carter informed council Dr. James resigned from board due to health problems. Mayor Carter informed based on recommendation he is nominating Dr. Stafford to replace Dr. James on the board for term ending 2018.

Council member Hester added he is president of the local Rotary Club and his family is very civic minded.

Council member Hester said she believes he will be a really good asset on the board.

Mayor Carter asked for motion to approve.

Council member Givens made motion to approve, Council member Sallee 2<sup>nd</sup> the motion. All voted aye if favor.

#### **Old Business:**

Before discussion Council member Givens addressed article in paper about her properties at 234 Martin Luther King Street and 115 Martin Luther King Street.

Council member Givens said this is her 2<sup>nd</sup> term on the council and she has never asked for favoritism from the Mayor or anyone. She said she has listened at other council meetings about dilapidated properties and did not say anything because she knew her properties were in the same shape. Council member Givens said she did not like the idea that since she is on the council she should be shown favoritism. Council member Givens address letter she received from Larry Nunemaker in 2014 regarding one her properties which has been cleaned up which Larry Nunemaker said had been taken care of. Council member Givens said vandalism caused a lot of the problems on her properties. She said the police was called but no one has been arrested. Council member Givens said she is not asking for special privileges because she is a woman on the council. Council member Givens said she knew the law applies to her as well as everyone else. She again stated she did not want special favors because she is on the council. Council member Givens said she had not received letter from Mr. Knouse, but she had talked to him and has tried to find someone to help her. Council member Givens explained she had to buy a lawn mower to cut the grass because nobody in Stanford will help her. Council member Givens said Scott explained to her it is the responsibility of the homeowner, which she agrees with. She asked that she not be used for code enforcement because she is on the city council. Council member Givens said she has tried her best to keep her property cleaned up and only one person in this room has ever volunteered to help her. Council member Givens stated it cost money to do things to clean up properties. She asked not to be degraded because she is on the council.

Council member Givens said she felt the article in the paper, which she took as an insult, was directed at her and Eddie. Council member Givens said the Cherry property had never been in the paper. Abigail Whitehouse responded it has been in the newspaper.

Council member Givens said she didn't get credit for house on Maxwell she keeps up. Council member Givens added my options are to tear it down or sale it.

Council member Givens said a lot of work was put into the article. Abigail asked Sara to understand people hold officials to a higher standard. Abigail went on to say council is asking citizens to address problems in a timely manner, people look to council to set example.

Council member Givens emphasized Eddie had never shown favoritism toward her.

Mayor Carter thanked Sara for her comments.

### **1.) Discussion of HB422 and set penalties**

Council member Hester stated we do not need to move forward setting penalties until Code Enforcement Officer is sworn in. Mayor Carter responded officer will be sworn in but first we need to talk about HB422.

Attorney Reed read and explained HB422 and penalties. Attorney Reed stated the bill passed in late summer of 2016 and went into effect Jan. 1, 2017. We waited to see how other cities enacted this so we don't have to come back and fix it later. Attorney Reed informed council the city partnered with the City of Dayton to make a plan and address issue we would have. Attorney Reed explained plan includes code enforcement, code enforcement officer, board and nuisances we may have.

Attorney Reed explained the model creates a standard enforcement board with staggered terms of one, two and three years. The Mayor will recommend people for the board and council approves appointments. Attorney Reed stated Jeff Knouse will be appointed as code enforcement officer to investigate properties, he will not be a peace officer. Attorney Reed advised council Jeff cannot make arrest. He can investigate properties and write tickets and for illegal parking.

Attorney Reed explained business license update. Attorney Reed stated it will be a misdemeanor for those who do not purchase a license to operate in the city. Jeff can issue a citation for non compliance. A fine can be issued, license revoked and business shut down until it is in compliance. The minimum fine is \$250 and at the most \$500. Attorney Reed reminded council property taxes are included in HB422. Attorney Reed advised council the board will have discretion with those in need who can't help themselves.

Attorney Reed advised council the ordinance does not apply to victims of domestic violence in any capacity. We do not want to punish someone who is a victim of domestic violence.

Attorney Reed explained Jeff will have discretion to work with people who are in violation when issuing a citation.

Council member Hester said this needs to be approached in a kind and civil way. Council member Hester added we should give them a warning and offer assistance to those in need of help. She added there are groups who help.

Mayor Carter informed council he is in the process forming a committee to volunteer to help the elderly who can't help themselves. Mayor Carter said we have an obligation to help these people. Council member Deatherage asked if inmates can help.

Council member Givens asked about the Lincoln County Changers. Mayor Carter responded these are volunteers who help people. Council member Deatherage informed council this is a group of churches that help people. Tim Estes advised council they only work on habituated properties where people live. They do not work on abandoned or dilapidated properties.

Attorney Reed advised council a data base with lien holder information will need to be setup. There being no further discussion Council member Deatherage made motion for 1<sup>st</sup> reading of HB422 by Attorney Reed, Council member Hester 2<sup>nd</sup> the motion. All voted aye in favor.

Attorney Reed read the ordinance summary.

## **2.) 1st reading of ordinance amending penalties for business license**

Council member Deatherage made motion for 1<sup>st</sup> reading of ordinance amending penalties for business license, Council member Hester 2<sup>nd</sup> the motion. All voted aye in favor.

Attorney Reed read the ordinance

Council member Deatherage asked if business license were due May 15. City Clerk responded currently the system we use to collect business license is January 1. City Clerk advised council due date is something that will need to be addressed.

Council member Deatherage said he would like all license due at the same time and prorate payments if needed. Council member Ernst said he thought they were due either the first of the year or April 15<sup>th</sup>.

Council member Ernst question due date being May 1<sup>st</sup> for those with due date on Jan. 1<sup>st</sup>. Council member Ernst said they will have four months to pay for a license. Council member Deatherage added if business is opened Jan 1<sup>st</sup> license will be prorated with approximately \$4 per month being the prorated amount which is basically \$48.00 per year. Mayor Carter responded he thinks it would be better to pay for license by the year. City Clerk advised council system we are using may make it difficult to track those that aren't paying. Mayor Carter suggested due date by January 1<sup>st</sup>.

Council member Ernst asked what if they open June 1<sup>st</sup>. Council member Deatherage asked if we will prorate the amount. Attorney Reed responded they will be exempt until beginning of next year.

Mayor Carter asked if penalty for non-payment by January 1<sup>st</sup> be decided at next reading.

Council member Ernst asked what recourse can we use to get people to buy a license. Mayor Carter responded \$250 fine will get their attention.

City Clerk will contact Data Design about changing due date.

### **3.) 1<sup>st</sup> reading of ordinance establishing Code Enforcement Officer**

Council member Hester made motion for 1<sup>st</sup> reading of ordinance establishing Code Enforcement Officer, Council member Givens 2<sup>nd</sup> the motion.

Attorney Reed read the ordinance.

Council member Hester said she understood until officer is sworn in we do not need to be doing anything toward code enforcement. Attorney Reed advised council we are in a holding pattern until 2<sup>nd</sup> reading of the ordinance. Mayor Carter said he will try to schedule 2<sup>nd</sup> reading next week and then have published in the paper. Mayor Carter informed council after this he will hold another meeting to approve three members to the board. Mayor Carter added he will appoint Jeff Knouse as code enforcement officer.

Fire Chief Maples commented he believed Jeff had backed out as officer due to conflicts. Mayor Carter responded he had not heard about this. Fire Chief Maples asked Mayor Carter to talk to Jeff about this. Mayor Carter said we will come up with someone else.

Council member Deatherage asked if officer will have a car and cell phone. Mayor Carter responded we will get into this later.

#### **Citizen Comments:**

1.) Rosemary Hazlett addressed council about changes proposed for Main Street.

Rosemary said she did not think changes should be made to Main Street due to it being part of the Wilderness Trail. Rosemary said she thinks more people will use outdoor café if it has a roof and heater in the winter. Rosemary said she respects Mr. Correll for what he has done for Stanford but doesn't want the Stanford Historic Street messed up. She asked the council to speak to Mr. Correll about moving outdoor café to back of the building. Rosemary expressed concern about parking spaces. She said personally she would like spaces on that block turned into handicap parking.

Rosemary questioned whether there had been proper notification and who has final say. Mayor Carter responded it was his understanding state has final say since the street is a state road.

Council member Ernst explained this was brought before the council for our support. Council member Hester added we gave our support when it was brought before the council. She added the main pro is that this will take care of drainage problems in that area. Council member Hester explained state will make final decision it will not come before the council. Council member Deatherage said the decision was made by the state we only gave them permission to ask the state.

Rosemary asked how long it will take for the state to make a decision.

2.) Representatives from Stanford Baptist Church came before council requesting dead end street behind the church be closed. The church would like to create a pavilion and playground area which will be opened for public use. Representative said church would like to buy street from owner.

After some discussion as to ownership of the street and procedures Mayor Carter asked this be addressed at next month's meeting.

3.) Jon Hester informed council he trimmed limbs in green space on Logan Ave. They are ready for pickup.

4.) Larry Nunemaker asked why Miller Street is not being included in water line expansion. Mayor Carter responded lines on Miller Street were installed in the 90's and aren't needed. Larry asked where we are with the Gatewood Cherry house. Attorney Reed responded he and Attorney Genco will meet with Judge the fourth Friday of the month to discuss what can be done with the property. Larry said something needs to be done about Cherokee Property. Larry was advised this property is not within the city limits.

5.) Tim Estes asked Mayor Carter what the compensation would be for Code Enforcement Officer. Mayor Carter responded this is being talked about but no decision has been made. Tim asked if compensation may be the reason Jeff has decided not to be Code Enforcement Officer. Council member Deatherage asked what is considered full time. Mayor Carter responded anything over 100 hours per month. Council member Hester asked will he be full time if he works 25 hours per week. Mayor Carter responded no that will be part time. Mayor Carter informed council he has to work over 25 hours per week or 100 hours per month. Mayor Carter informed council he is working on plan to put this into the budget and will be discussed in the budget.

6.) Tim Estes gave update on Cowbell Days

Tim informed council Cowbell Days will be held June 15, 16 and 17. On June 15 starting at Cowbell Dinner will be held. On June 16 car show will start at 5:30 p.m. On June 17 vendors will be open from 9:00 am until 9:00 pm. Music to be provided that night will be moved to parking garage. A stage will be built to be used going forward. There will be a parade with pageant winners announced after the parade. Tim informed council problems with electricity have been taken care of. Tim informed council Cowbell Committee meets Tuesday night in the lobby of St. Asaph Hotel.

Tim discussed nickel tax proposed by the Lincoln County Board of Education. Tim encouraged everyone to attend one of the meetings being held to discuss the tax. Council member Ernst asked if the nickel tax will be every year. Tim responded the tax will be for the length of the bond. Tim explained based on bonding capacity we have now can't do anything with school facilities. Tim said we are one of few counties around that has not passed the nickel tax. Tim informed those in attendance if tax passes the building of new schools could start this year. Tim said if Lincoln does not pass tax we are giving up over \$10 million dollars from the state. Tim said homestead exemption do not have to pay the tax. Tim was asked if tax can be recalled. Tim responded tax can be recalled without petition.

**Council member business:**

Council member Hester commended Police Chief Middleton for improvement of speed on Miller Street. Police Chief Middleton informed council about Click it or Ticket grant for the city. Officer John Williams attended meeting with other police officers. Chief Middleton said Lincoln County is #3 in the state for people driving without seat belts. Chief Middleton informed council Officer Williams will be in commercial with Kentucky State Police Officers for Click it or Ticket campaign.

Chief Middleton gave an update on May 15<sup>th</sup> ceremony for National Law Enforcement Day.

Council member Ernst asked Mayor Carter to look at updating flags at the parking garage.

Council member Deatherage asked who lowers flags when needed. Police Chief Middleton responded this ultimately falls with the city.

Council member Deatherage asked questions;

1.) When was training for Ethics Committee? Mayor Carter responded training had not been done.

Council member Deatherage reminded Mayor Carter training was suppose to take place 1<sup>st</sup> of the year.

2.) When is training date for P&Z for council members with Chris Johnson from Kentucky League of Cities? Mayor Carter responded we will try to get that in.

3.) Council member Deatherage asked why nothing is being accomplished on Fridays. Mayor Carter asked what Council member Deatherage wanted to accomplish. Council member Deatherage responded stuff had been asked for on Fridays and was told to call back on Monday. Mayor Carter asked what he had wanted. Mayor Carter explained Jill takes property taxes, does business license and rents out the Depot. Mayor Carter explained Dana works four days a week and sometimes come in on Friday and works two to four hours needed. Mayor Carter asked Council member Deatherage is he could call Monday thru Thursday if it is urgent.

4.) Council member Deatherage asked if road fund can be used for anything besides roads. Mayor Carter responded it is his understanding only roads. Council member Deatherage asked if money could be used for salaries. Mayor Carter responded no. Council member Deatherage asked if receipts for road aid money spent last couple of years can be provided. Mayor Carter responded yes and he added we did three streets last year. Council member Ernst asked for clarification for the road aid fund. City Clerk Taylor said this can be found in financial report under asset funds. City Clerk informed council as of March 1, 2017 there was \$63,333.01 in the fund. Council member Ernst asked with money in road fund could some streets be blacktopped this spring. Mayor Carter responded we are bidding the streets with the county to get better price on blacktop. Mayor Carter added this will be done once bids come in.

5.) Council member Deatherage asked when cabins at Logan's Fort will get started. Mayor Carter responded we are waiting for signed contract from low bid. Mayor Carter informed council we are waiting for bank to send us information of line of credit they need to have. Council member Deatherage asked if we will go with another bid if they don't fulfill their obligation. Mayor Carter responded we only had one bid. Council member Hester asked if money Jess has financed is still there. Mayor Carter responded yes. Attorney Reed informed council the contract with Jess has been extended. Mayor Carter explained we cannot move forward until they have done what they are obligated to do.

6.) Council member Deatherage asked how records are stored and how long do we store records. Mayor Carter responded someone from the state came in and went through our records and signed off giving us the right to destroy them. Mayor Carter informed council some of the records have been destroyed. We are waiting until we get caught up then will destroy 100+ boxes. Council member Hester asked how far back records go. City Clerk responded early 1960s. Council member Deatherage asked if a request for records is received how far back can this go. City Clerk Taylor responded except for certain records all other records have to be provided. Council member Hester asked how records are destroyed. Mayor Carter responded we can burn them or have a company come in and shred. Mayor Carter said this will cost a lot of money. Mayor Carter informed council he plans on burning them and having the fire chief to sign off on. Mayor Carter said we may get this done next week.

7.) Council member Deatherage asked can council members be emailed before the agenda is set to ask if there is anything we want on the agenda. Mayor Carter responded he can be called. Mayor Carter said we need to start communicating more. Mayor Carter asked Council member Deatherage to either e-mail, text or call him if needed. Mayor Carter asked council to come to him if they hear a rumor on the street. Council member Deatherage responded I am only asking questions.

8.) Council member Deatherage asked about lunch times at city hall. Mayor Carter responded lunch breaks are 30 minutes. Mayor Carter responded a sign is put up when Dana goes to lunch.



9.) Council member Ernst asked about sidewalk on Miller Street. Mayor Carter responded he has a contractor to look at this. Mayor Carter informed council has bid on this and hopes to put it into the budget.

Attorney Reed advised council to think about compensating rate for property taxes. Mayor Carter responded this will be addressed at June meeting.

**Adjournment:**

There being no further discussion Council member Givens made motion to adjourn, Council member Sallee 2<sup>nd</sup>. All voted aye in favor.

Time: 9:35 p.m.

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Mayor

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City Clerk