

Stanford City Council
Regular Meeting
Thursday, May 2nd, 2019
6:30pm, Historic Stanford L&N Depot

I. Call to Order

Mayor Scottie Ernst called to order the Regular Meeting of the Stanford City Council at 6:30pm, Thursday, May 2nd, 2019 at the Historic Stanford L&N Depot. All recited the pledge to the U.S. Flag, after which the opening prayer was led by Councilwoman Peggy Hester.

II. Roll Call

A roll call was conducted with the following members present: Ella Mae Curlis, Ronnie Deatherage, Sara Givens, Peggy Hester, Naren James, and Dalton Miller. A quorum was declared by the Mayor.

Also present were: John Hackley, City Attorney; Nancy Leedy, AMNews/U; Jeff Knouse, Code Enforcement; Zach Middleton, Police Chief; Housing Authority Representatives Jerry Wilkinson and Kristi Petrey, and Housing Authority Director Tim Kitts.

III. Approval of Minutes

-04/04/2019, Regular Council Meeting. Motion was made by Councilwoman Givens (2nd by Councilman James) to accept the minutes as written. All in favor, motion carried.

-04/11/2019, Special Council Meeting. Motion was made by Councilwoman Curlis (2nd by Councilman Miller) to accept the minutes as written. All in favor, motion carried.

IV. Citizen's Comments

Ms. Regina Ann Graves Williams, eldest daughter of Emma K. Stewart, addressed the council concerning her mother's property at 132 Hustonville Street. Ms. Williams asked why she, or a member of her family, was not contacted prior to demolition being started on the property. She asked why her mother's property was chosen. The request of the family is as follows: that they are told why the steps that were taken were chosen, to clean the property and the contents that are strewn throughout the house, and to wrap and cover the cabin until a decision can be made by the family as to what can be done. They then wish to discuss an equitable solution that can be reached between the family and the City. Ms. Williams would also like her contact information put on record with the City. Her address is 2133 Great Shoals Circle, Lawrenceville, GA 30045. Her cell number is (973)980-1749 and her home number is (678)377-7899.

Sheila Logan Benjamin stated that she is speaking on behalf of her brother James Logan who resides in Aurora, Colorado. She stated that he was notified by letter about his property. She is questioning how the porch of the house was knocked over, and feels that the house was made to be declared unfit under House Bill 422 so that it could be torn down.

Councilwoman Hester stated that several of the people who were addressing the council tonight had traveled a long way and she felt that they deserved a response tonight. City Attorney, John Hackley, responded that most of the crowd present was in attendance at the meeting at Boneyville Baptist on April 22, 2019, which was his first chance to meet with Ms. Brown. On April 29, 2019, he had the opportunity to meet with a representative of Ms. Brown, Attorney Reginald Thomas. Mr. Thomas stated that he represented Ms. Brown. After speaking with David Gambrel, Mr. Hackley was made aware that there were several heirs to the property, but on the property card, Ms. Brown's name appeared alone. Mr. Gambrel relayed that he thought Ms. Brown owns 1/6 to 1/8th of the property. (It was confirmed by Ms. Williams that it is a 1/8th share) In the course of the conversation with Mr. Thomas, it was questioned as to whether an estate was filed in Lincoln County or in the State of Georgia where Ms Stewart was residing at the time of her passing. It was established that no such estate exists. Mr. Thomas only represents a family member with 1/8th of the interest in Ms. Stewart's estate. Until a representative of the estate or an affidavit of ascent is filed, there is no established representative of the family for the City to work with. Mr. Thomas also stated in that meeting that there could be litigation forthcoming. At this point in time, our position is that there is a threat of pending litigation and that cannot be litigated in a City Council meeting. Mr. Hackley also shared that someone in the community has volunteered to dismantle, number, store, and preserve the logs in their current condition without cost to the family or the City.

Ms. Williams was advised by City Attorney, John Hackley, to enact and mail letters to all the heirs of Ms. Stewart by KRS395.016(3) and establish the Estate, then Mr. Thomas can be hired to represent the estate, and a representative of the family can be established.

Councilwoman Hester questioned if, in light of the legal technicalities concerning the property, this could have been a reason to not proceed with HB422 against that property. City Attorney, John Hackley, responded that no, with regard to the enforcement action taken that resulted in the demolition of the house, there are two types of enforcement actions that the officer can take:

Simple nuisance issues such as tall grass: the owner is notified, fails to mow the property, and the city has to mow. At that point a lien can be filed against the property for the cost of mowing.

But, if the officer makes an observation that he feels poses an immediate threat, he can act without notification.

Ms. Williams questioned what constituted her mother's property as being an immediate danger. Mr. Hackley stated that the home was open to the elements. She stated that there was a hole in the roof, but felt the rest of the house was intact.

Ms. Phyllis Walker addressed the council and shared that she feels that Stanford has so much more potential than to be focused on these properties.

State Senator and Attorney Reginald Thomas confirmed that what the City Attorney has stated is correct. He did meet with the City Attorney and Mayor and expressed his concerns. There has to be an estate established. Once that is done, then something can be decided about what the family wants to do about the property.

City Attorney, John Hackley, stated that he felt that since there was a majority representative of the family present at the council meeting, the request to have the cabin covered and wrapped can be facilitated. Attorney Thomas, said that he feels it would be wise and prudent to have the cabin covered so that no further damage could occur. The Mayor stated that someone has volunteered to cover the cabin and he would contact them.

Larry Nunemaker addressed the council and stated that he feels the family has not received the answers they have asked for regarding what to do, and how it is to be done. Mr. Hackley restated that the next step is in the hands of the family to form an estate.

Leigh Middleton addressed the council by stating that she does not feel Code Enforcement is targeting any particular neighborhood. It is simply the nature of the age of the different older communities in our City. There are some areas that are in more disrepair than others.

V. Council Comments

Councilman James asked about the council's requirements for requesting other boards minutes. He asked to advocate for the council members to be able to have access to any board minutes on request. Under current direction from the KLC, an individual request falls under the open records request guidelines. Having a majority of the council members request records escalates the request above those guidelines.

Councilman Deatherage expressed his desire to have a copy of the minutes from all boards included in the council's monthly packets. Specifically mentioned were the ARB, Planning and Zoning and Code of Adjustments minutes. Councilman Miller

asked that this request include all boards under the umbrella of the City of Stanford, therefore no individual board is singled out. Mayor Ernst explained that requesting the monthly minutes be included in the packets is a different type of request than asking for a year's worth of copies to be produced. The City Clerk, Jone Allen, shared with the council that the office will do everything they can to fulfill any such request, but asked that the council please bear in mind that some requests will take longer to fulfill than others, depending on the volume of records requested and the time of year or week that the request is made. John Hackley was asked to check in to what the requirements for an individual council member's requests are.

Councilwoman Hester asked if the Mayor could share information on the new assistant clerk that has been hired for City Hall. Mayor Ernst shared that her name is Cassandre Rosenbum, she is working three days a week, part-time. Part-time employees receive no benefits. Councilman Deatherage asked if she was related to anyone in the city. The answer is no. All background checks and paperwork for her employment have been completed and she has been cleared through Zach Middleton, Chief of Police.

Councilman Deatherage asked that we continue to recognize achievements of community members.

Councilman Deatherage asked how we bid out demolition on houses. Bids are solicited where applicable from several different vendors.

Councilman Deatherage asked how the contract with Republic was decided, and inquired as to whether we received bids from other companies. Last year the contract was up for renewal with Republic and no additional bids from other companies were solicited. At the next renewal, it was requested that we look at other companies as well, specifically Rumpke.

Mayor Ernst shared that TWC/Charter/Spectrum has called and is pursuing renewal of their contract with the City. We are currently in negotiations with their office.

VI. Present Department Reports

Reports from Police, Fire, Water, Code Enforcement, and the General Ledger were included in the council packets for review as well as copies of the Architectural Review Board, Planning and Zoning and Code Enforcement Board minutes.

VII. Presentation by Tim Kitts, Stanford Housing Authority

Tim Kitts, Danville Housing Authority, addressed the council, and those present, by first attempting to clear up any misunderstanding about what a PILOT (Payment In Lieu of Taxes) payment is. He stated that there has been a lot of confusion since the council's vote in February to waive the PILOT payment and its continued comparison

to property taxes. A PILOT payment is made to local government to compensate for some, or all of the property tax revenue lost due to a government properties tax exempt status, and with that PILOT's may be negotiated in certain circumstances.

City Attorney John Hackley shared that the Mayor and City Attorney met with Mr. Kitts in March to discuss the legality of the council vote, since it was determined the initial agreement was actually a contract between the Housing Authority and the City of Stanford. A 1964 PILOT agreement was found which makes the Mayor the contracting authority for the City and the vote taken in February not legal. Mr. Hackley stated that he and Mayor Ernst left that meeting with the understanding that Mr. Kitt's thought that HUD may reimburse the three years of PILOT payments that are due. Mr. Kitt's shared that, since that time, he has found out that this is not the case.

Mr. Kitt's shared the progress that has been made at the Housing Authority and has come to ask that the City reconsider the agreement that was discussed in February. Commissioner Jerry Wilkinson shared that they are committed to raising the standard of living for the residents of the housing authority and would appreciate anything we as a city could do to help facilitate that. After some discussion about the terms of the agreement, the Mayor agreed to honor the original February agreement to waive two years of the PILOT tax.

VIII. Open and Read USDA Bond Bid Letter

Water Department Director, Ryan Owens, asked that the Bond Bid Letter received from Mark Givens of the USDA be read. Jone Allen, City Clerk, read the bid letter which outlined the 2% per annum bond bid.

IX. Adopt the Sale Order Accepting the USDA Bid on the Bond

Motion was made by Councilman James (2nd by Councilwoman Curlis) to adopt the Sale Order accepting the USDA bid on the Bond. Council moved to waive the reading and all voted in favor adopting the Sale Order.

X. 2nd Reading of the City/County Hazardous Materials Ordinance #112

Motion was made by Councilman Deatherage (2nd by Councilman Miller) to accept the second reading of the City/County Hazardous Materials Ordinance #112. Council voted to waive the reading and all voted in favor to accept the 2nd reading and adopt Ordinance #112.

XI. 2nd Reading of the Ordinance Setting the Speed Limit on Cannonade and Old Fort Road

After some discussion concerning the feasibility of a 15 MPH speed limit in the area, motion was made by Councilwoman Hester to accept the 2nd reading of the

Ordinance Setting the Speed Limit on Cannonade and Old Fort Road. The motion died for lack of a second.

XII. 2nd Reading of the Ordinance Amending the Ordinance Creating New Provisions to the City of Stanford, Kentucky Code of Ordinances and Authorizing the Use of Golf Carts on Certain Designated City Streets

Motion by Councilman Deatherage (2nd by Councilman Miller) to accept the 2nd Reading of the Ordinance Amending the Ordinance Creating New Provisions to the City of Stanford, Kentucky Code of Ordinances and Authorizing the Use of Golf Carts on Certain Designated City Streets. Council moved to waive the reading of the Ordinance. All voted in favor of accepting the motion, motion carried.

Open and Award Sealed Bids (2 Street Department Trucks)

Mayor Ernst opened the sealed bid received for the 1998 Mazda pickup truck. The result was a bid from John A. Smith of \$516.00. Motion was made by Councilman Miller (2nd by Councilman Deatherage) to award the bid to John A. Smith. All in favor, motion carried. No bid was received for the ton truck.

XIII. 1st Reading of Ordinance Amending the Code of Ethics by Addition in Relation to Absenteeism

City Attorney, John Hackley read the Ordinance to the council. After some discussion as to the stipulations on attendance, the requirement of a unanimous vote for removal and the admission of remote access attendance to meetings, motion was made by Councilwoman Hester (2nd by Councilman Deatherage) to table the 1st reading of this ordinance until City Attorney, John Hackley, can further research the requirements.

XIV. Resolution to Accept Municipal Road Aid Cooperative Agreement

Mayor Ernst shared information with the council concerning the emergency road aid fund that is available for use to the City. The City has been contributing 3% of their cooperative agreement funds to this account. Our current balance is \$27,000. This money can be used for emergency projects, and is shared in a pool with other co-op members.

Motion was made by Councilman Deatherage (2nd by Councilwoman Curlis) to accept the 2019-2020 Municipal Road Aid Cooperative Agreement. Council moved to waive the reading of the Resolution. A roll call vote was taken with all voting in favor of accepting the motion, motion carried.

XV. Resolution Declaring Willis Overland Garage Surplus

Motion was made by Councilwoman Curlis (2nd by Councilwoman Hester) to adopt the Resolution declaring Willis Overland Garage as surplus property. Council moved

to waive the reading of the Resolution and all voted in favor of accepting the motion, motion carried.

XVI. Mayor's Information to the Council

Mayor Ernst shared with the council that Kirk Correll has resigned as the Planning and Zoning Board Attorney.

Mayor Ernst asked that the council move to approve the appointment of Ted Defosset to the Ethics Board. Motion was made by Councilman James (2nd by Councilwoman Hester) to accept this appointment. All in favor, motion carried.

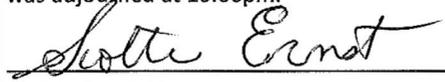
Mayor Ernst shared that Craig Butler will be attending the June council meeting to answer any questions concerning the Fiscal Year 2018 Audit that was included in the Council's May packet.

A budget workshop meeting was set for 6:00pm, May 23rd, 2019.

Mayor Ernst asked the council's desire in publishing the delinquent tax roll. After some discussion, motion was made by Councilwoman Hester (2nd by Councilwoman Givens) to amend the previous motion to publish "only" the 2018 delinquent tax roll. A roll call vote was taken with Councilman Deatherage, Councilwoman Hester and Givens voting yes; Councilwoman Curlis and Councilman James and Miller voting no. Mayor Ernst broke the tie vote with a vote of yes. Motion carried.

XVII. Adjourn

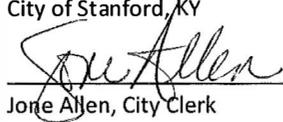
With no other business, motion was made by Councilwoman Hester (2nd by Councilman Deatherage) to adjourn. With all in favor, motion carried. The meeting was adjourned at 10:00pm.



Scottie Ernst, Mayor
City of Stanford, KY

JUNE 7, 2019

Date:



Jone Allen, City Clerk