

City of Stanford
Regular Council Meeting

Thursday, February 1, 2018

I. Call to order

Mayor Eddie Carter called to order the regular meeting of the City of Stanford Council at 6:32 pm on February 1, 2018 at the Stanford L & N Depot. Councilmember Ronnie Deatherage led the opening prayer and Mayor Carter led the Pledge of Allegiance. Mayor Carter reminded everyone to keep the Marshall County victims, parents, children and community in their prayers.

II. Roll call

A roll call was conducted, and the following council members were present: Ronnie Deatherage, Scottie Ernst, Sara Givens, Peggy Hester, Naren James and John Sallee.

III. Approval of minutes

- a) Regular Council Meeting – January 4, 2018
Councilmember James made a motion to accept the minutes as presented and Councilmember Hester seconded the motion. With all in favor, the motion carried.

IV. Old Business

- a) **Proposed Tobacco Ban**
Mayor Carter explained that he had gone around town and talked to several businesses and they were almost overwhelmingly for a smoking ban. He also explained that he had informed those people there would be a discussion at tonight's meeting and it has been on the radio and in the paper. Mayor Carter called for citizen comments. Joe Gilliland stated that visitors to town during festivals, such as Cow Bell Days, might not understand. Attorney Reed explained that the proposed ordinance would be 10 feet from the bounds of any public building and that the state ordinance says no smoking on any roadways. Councilmember Ernst asked about the penalty. Attorney Reed stated that it would be a \$100 fine for the business the first time and \$50 for an individual, the second offense for a business is \$2300, then \$250 for each one after that for the first year; for individuals its \$50, then \$100 each time after that. Councilmember James asked about enforcement. Attorney Reed stated that it would be up to the business owner to ask them to stop, but if a Police Officer, Fire personnel, or a Code

Enforcement Officer sees it, they have the power through this ordinance to ask them to stop. He also stated that each business would be responsible for their own signage. Councilmember Ernst stated his concern that smokers will just move to other locations, such as the street between the Buzz Walker Building and Jackie Wray's and throw their cigarette butts on the ground – we might as well make it non-smoking from the Buzz Walker Building to the traffic light at the other end of town. Also, places like the Courthouse Annex and the PVA need to take care of their own enforcement. Diane Miller, Director of the Lincoln County Health Department came forth and stated that it would take a little bit of time for individuals to become acclimated to the new policy – most individuals will abide by the new ordinances. We started out early at the Health Department with an educational campaign to let them know what was going to take place.

Councilmember Deatherage made a motion to have a first reading on the ordinance to ban tobacco in public places in Stanford. Councilmember Sallee seconded the motion. The motion carried with Councilmembers Deatherage, Givens, Hester, James and Salle voting for the motion and Councilmember Ernst voting against the motion.

Mayor Carter informed Council that it could be fine-tuned before the second reading next month after they have time to study the ordinance. At Mayor Carter's request, Attorney Reed read the summary that he had drafted of the ordinance to ban tobacco in public places in Stanford.

b) **Stanford Car Cruise-In**

Mayor Carter thanked Joe Gilliland for organizing three groups to handle the downtown car shows and asked Mr. Gilliland to tell about these groups. Mr. Gilliland said that the groups would be the Lincoln Masonic Lodge #60, the Fraternal Order of Police and the Blue Knights. They will try to have at least 5 people at every event. He understands the proceeds they get will be from the cooking. They are going to try to grow these events – he has talked to some businesses in town and they are going to try to print a t-shirt and sell advertisements, then give the shirts to the cruisers to wear to other events with hopes of drawing more cruisers to Stanford. Mr. Gilliland explained that they would have an investment in the food. They know that it will not be a big money maker for them, but it will help our city and help these organizations get their name out. Mayor Carter asked him about Cow Bell Days and Mr. Gilliland said they would like to be at the Cow Bell Days cruise-in, but there is no problem with allowing the Cattlemen's

Association to be there also. Councilmember Ernst asked if the \$1500 would cover the cost of the deejay and Mayor Carter answered that it would. The cost of the deejay is \$250 each night.

Dr. James made a motion to approve \$1500 for the 6 cruise-ins from May through October, the 3rd Friday night of the month with the Blue Knights, the Fraternal Order of Police and the Masonic Lodge #60 organizing the events. The motion was seconded by Councilmember Hester and with all in favor, the motion carried.

c) **Gatewood Cherry Property**

Mayor Carter explained that we still don't have title to the land – we are waiting on final orders from Judge Burdette. Habitat for Humanity was looking at the property for a rehab, but has decided against that. Mayor Carter said that he would like to move forward once we get the title to declare the property as surplus and bid it out for purchase with the stipulation that it must be taken down and the lot cleaned up or brought up to code. The City would have the right to refuse any and all bids. Councilmember Hester mentioned that there should be a time limit, perhaps 60 days to tear it down and clean up the lot or 1 year to restore it and bring it up to code. Councilmember Deatherage mentioned that there should be a minimum bid, maybe \$10,000.

Dr. James made a motion to declare the Cherry property surplus once the legal issues are settled and put it out for sealed bids with a minimum bid of \$10,000 and the stipulation that the purchaser has 60 days to tear it down and clean the lot up or 1 year to restore it and bring it up to code. Councilmember Givens seconded the motion and with all in favor, the motion carried.

d) **Stanford Sewer Use Ord. 610.15, Article V, Sec. B, Paragraph 11**

Attorney Reed gave second reading of the above referenced ordinance amending pollutant discharge limitations to reflect new federal safety standards. Councilmember James made a motion to accept the second reading of this ordinance and Councilmember Hester seconded the motion. A roll call vote was taken and with all in favor, the motion carried.

e) **Discussion of Annexation on US 27 S just past Lincoln Co. Ready Mix**

Mayor Carter asked Council if they would like to move forward with this. Attorney Reed said two separate surveys, one for the property and one for the roadways would have to be done and filed with the State.

Councilmember James asked if we have looked at the cost benefits of this. Attorney Reed's answer was, not yet. Some discussion ensued about contacting Bluegrass ADD to see if they would do a cost benefit analysis. Chief Maples gave some preliminary numbers that he came up with, \$2600 fire tax, \$19,000 in revenue from payroll tax with no street lights, no sidewalks, no investment as far as infrastructure and no road upkeep since they are all state roads. Dr. James asked if Chief Maples could come up with some numbers on paper by the next meeting for the Council to look at. Citizen, Dennis Counts, asked about fire hydrants and what benefits annexation offered. Some benefits mentioned were a lower ISO rating- thus lower insurance premiums, trash pickup, possibly lower water rates and less travel time for Police & Fire. Mayor Carter suggested the matter be tabled until next month to allow time to prepare a report.

f) **Ambulance Board Appointment**

Mayor Carter informed the Council that Ted Defosset has resigned from the Ambulance Board. Mayor Carter asked for a recommendation from Chief Maples and he recommended Patrick Denham, a volunteer fireman and paramedic. Councilmember James asked if he has any conflicts of interest – does he serve on any other boards or hold any sworn positions. Chief Maples said he does not.

Councilmember Ernst made a motion to accept the recommendation of Patrick Denham to replace Ted Defosset on the Ambulance Board.

Councilmember James seconded the motion and with all in favor, the motion carried.

V. New Business

a) **Request to Make Indigenous Peoples Day Permanent**

Mayor Carter explained that he had received a call from Angela Arnett Garner requesting to be put on the docket to make Indigenous Peoples Day permanent. He reminded Council that last year, we were the first in Kentucky to have a proclamation to celebrate Indigenous Peoples Day on the same day as Columbus Day. We had a lot of positive publicity and a great program at the Court House. Mayor Carter asked Ms. Garner if she was willing to oversee the program and lead a group to have it every year and she stated that she is. Ms. Garner came forth to state that she has a long record of service to this community. The reason for beginning this process so early in the year is so she can plan and coordinate the event and possibly get celebrities to come in. She explained that she is offering the chance to sign the first permanent proclamation or a proclamation that would call for

a yearly observance. Mayor Carter asked if anyone else would like to speak. Charles Fagan, retired teacher, complimented the Council for passing the proclamation and stated that it was an excellent program last year. Annie Gover also spoke in favor of the proclamation.

Councilmember James made a motion to make the proclamation to celebrate Indigenous Peoples Day on Columbus Day permanent on a yearly basis. Councilmember Ernst seconded the motion. The motion carried with Councilmembers Deatherage, Ernst, Givens, Hester, and James voting for the motion and Councilmember Sallee voting against the motion.

Mayor Carter read the Proclamation to Establish Indigenous People Day on a yearly basis.

b) **Donation of Computer, Monitor, & Keyboard to Women's Shelter**

Mayor Carter explained that the City has an older computer that they do not need and the women's homeless shelter in Crab Orchard needs one. He would like to declare it surplus and donate it to the shelter.

Councilmember James made a motion to declare the computer, monitor and keyboard surplus property or scrap property and donate it to the women's homeless shelter in Crab Orchard. Councilmember Givens seconded the motion and with all in favor, the motion carried.

VI. Councilmember Business

a) **Snow Plow**

Councilmember Deatherage brought up the poor condition of the snow plow truck that Aaron Miracle was driving. Mayor Carter explained that Mr. Miracle would be driving the newly obtained truck and snow plow. Some discussion ensued about the street plowing priorities.

VII. Citizen Comments

a) **Code Enforcement Training**

James Jarrett brought up that the League of Cities is having a class in Somerset on February 8th that would be beneficial for the Code Enforcement Board and the Code Enforcement Officer. Mayor Carter agreed that they should go and instructed Mr. Knouse to come into the office the next day so they could get the registration taken care of.

Mr. Jarret also said the Code Enforcement Board is losing their credibility because they are not tearing down the buildings like they are supposed to.

Mayor Carter explained that they had \$10,000 set aside for that purpose, but had to use it on the Cherry property. He also explained that the City is in a tight budget situation due to the increase in hazardous duty retirement for next year. Attorney Reed said that we must go through a lengthy process that includes a title search and notification to all the lienholders – some properties have multiple liens. Councilmember James stated that he understands the complexity of the issue, but we should go ahead and be working through the process to show that something is being done.

b) **Rental Property Notices**

Councilmember Hester said that she has gotten several calls from citizens who received letters that they owned rental property when it is actually not rental property. She asked Mr. Knouse where he is getting the information about the rental property. Mr. Knouse stated that he is using taxmaster.net – when the property address is listed with an owner at another address, it tells him that is possibly rental property. To be fair with everybody, he sends a letter out because there is a different address. Once a citizen receives the letter and it is not rental property, all they need to do is call and he will take them off the list. If it is rental property, they need to obtain a business license. Several councilmembers suggested that a line with the phone number should be added to the letter telling citizens that they should call if the property is not a rental.

c) **Needed Maintenance Near Flag Pole**

Joe Gilliland stated that neither of the in-ground lights that are supposed to illuminate the flag at the park are operational and the nearby tree needs to be trimmed. Mayor Carter asked Mr. Gilliland to take care of both those items and submit the bill to him.

d) **Dennis Counts Received Letter from Code Enforcement**

Mr. Dennis Counts complained that he received a letter from Code Enforcement about rental property which requested his social security number. Due to several other complaints, Mr. Knouse stated that he has since taken the social security number off the form. Mr. Counts also complained that the letter only allowed him 8 days to pay, if he had owed, because he is on a fixed income. Mr. Counts presented a letter from his daughter stating that she lives in the home in question, she pays the mortgage and the home is not a rental. He also presented letters from his insurance company and his bank both stating that the house is not a rental. Since Mr. Knouse was present and has been notified, Mr. Counts will be

taken off the list. Mr. Counts requested a letter of apology signed by Mr. Knouse and Mayor Carter.

e) **Teens Against Tobacco Use**

Diane Miller, Lincoln County Health Department Director, asked council to access the KET archives for the Teens Against Tobacco Use segment. Some students at Lincoln County High School were highlighted when they went to every elementary school in the county to inform kids about the dangers of tobacco use. She also gave information on the upcoming smoking cessation class to be held at the Health Department. There is no charge for the class or the patches.

VIII. Executive Session

Mayor Carter called for a motion to go into executive session to discuss pending litigation.

Councilmember Ernst made a motion to go into executive session to discuss pending litigation concerning the 911 issue. Councilmember James seconded the motion and with all in favor, the motion carried. The time was 9:00 pm.

Councilmember James made a motion to come out of executive session. Councilmember Sallee seconded the motion and with all in favor, the motion carried. The time was 9:36 pm.

IX. 911 Issue

Councilmember Hester made a motion to authorize Jonathan Baker and the Stanford Water Commission to file a law suit against Lincoln Fiscal Court regarding the validity of the 911 ordinance. Councilmember James seconded the motion and with all in favor, the motion carried.

X. Adjournment

Councilmember James made a motion to adjourn and Councilmember Givens seconded the motion. With all in favor, the meeting was adjourned at 9:38 pm.



Minutes submitted by: Peggy Denham

Eddie Carter, Mayor