

City Commission meeting - February 22, 1999 - 7:00 p.m. - City Hall

The meeting was called to order at 7:00 p.m. with all commissioners in attendance along with numerous interested citizens and State Representative Roger Thomas and Magistrate Tommy Hunt.

AGENDA

1. Minutes of the previous meeting

Mayor McCay called for additions or corrections to these minutes. Comm. Howard said he would like his response in section three to be changed from Lacy to Howard. The clerk agreed to do so. With no further discussion to be heard Comm. Hardy presented a motion the minutes be accepted as written after the change, seconded by Comm. Martin. roll call and vote -Cooke yes, Martin yes, McCay yes, Hardy yes, Howard yes.

2. Treasurer's report

The commission reviewed the report and with no additions or corrections, Comm. Martin presented a motion the report be accepted as printed, seconded by Comm. Cooke. roll call and vote - Cooke yes, Martin yes, McCay yes, Hardy yes, Howard yes.

3. Discussion-placement of mailboxes within the city

Mayor McCay said the clerk had found an existing Resolution from 1963 which stated that there couldn't be mailboxes within the city limits. He added that a resolution is only an opinion and not a law as an ordinance would be. Mayor McCay called for comments and/or discussion from the commission. Comm. Cooke said the sidewalk contractor said he would place the boxes along Main St. where the commission wanted them to go at no cost to the city. Mayor McCay said before the discussion continued there should be some action from the commission regarding the rescinding of the existing resolution. Comm. Hardy presented a motion Resolution #63-1 enacted 7/18, 1963 be rescinded, seconded by Comm. Howard. Then Mayor McCay called for suggestions or comments from the commission as to the placement of these boxes. Comm. Martin said in her opinion they should all be on one side of the street. She cited Fourth St. as an example. She said two cars could not pass on this street because of the mailboxes. Steve Watt said one reason for this being a problem; there were no sidewalks so people just put them where they wanted to. He suggested the commission notify these citizens to set their mailboxes back further. Comm. Hardy said he would like to see uniformity in the placement, and he wanted to do what was best for the majority. Mayor McCay said this was a real problem as the city had numerous elderly people who can't get to the post office or perhaps to the other side of the street, should the commission decide this was what should be done. Comm. Howard said when he lived on Lawson St. there was a community mailbox and now he has one in Jackson Manor. He said all of the residents in the designated area of these boxes had to go to them to pick up their mail. Maybe this could be considered. Mayor McCay said he and the clerk had met with the Postmaster and he said this could be a possibility, but they were a minimum of \$1000 each and that would be a cost of around \$10,000 to the city. He felt this is an expense the city can't afford, as well as again some of the elderly couldn't get to these boxes. Jimmy Cline said we could check with the postmaster regarding the regulations for placement. He felt there were some written laws governing this. He added, when he moved on Rice Court in 1982 the Postmaster told him where to put his mailbox, and this was five years after he moved to the city. Up to that time he had to go to the post office. Comm. Cooke commented that whatever the commission decides to do will cause problems for some. Mayor McCay wondered if the commission felt a Resolution stating where future mailboxes should be placed would help. He said he would again talk with the Postmaster about this situation and it would be addressed at the March meeting.

5. Kentucky Department of Transportation MA Agreement

Mayor McCay explained to those in attendance, each year the above named Ky. Dept. asks the city if they would like for the Department to retain the city MA funds until such time as the city needs it to pay bills for street repair etc. It, he explained, has always been the consensus of the price commissions that since the city earns interest annually from these funds that they request a monthly check from the state. Comm. Cooke presented a motion the

city continue to receive a monthly MA check, seconded by Comm. Martin. roll call and vote - Cooke yes, Martin yes, McCay yes, Hardy yes, Howard yes.

6. Old Business

a. City weeds and grass ordinance

The Mayor explained that the Clerk and He had met with the city attorney regarding this ordinance after he receives the input suggestions from the commission. Comm. Martin said she wanted the mowing charges that were originally suggested and to be sure to address the agriculture portion of the ordinance. Comm. Cooke said since this is a small rural town the agriculture phase of the ordinance should definitely be addressed. Comm. Hardy said he wanted the ordinance to be in plain language so anyone could understand it and there wouldn't be any discrepancies. Comm. Howard wondered if materials such as lumber stacked for a lengthy time would be addressed. He also wondered where general clutter would fall. The Mayor said he had gone around the city and there were several old buildings that are falling down and are eyesores. In his opinion, Section 4 of the rough draft the clerk had written referred to this and perhaps she could insert general clutter here also. She agreed to do so and forward the draft to the attorney for consideration and legalization prior to the March meeting

b. City leash law

The Mayor explained at the time he had met with the city attorney this was also addressed. The clerk pointed out in the original contract with American Legal Publishing a contract which gives them the authority to do a general provision on any ordinance submitted to them. This was the case with the Ordinance #94-1 840.2 the city had passed in 1994 regarding the keeping of livestock within the city limits. Although the city had definitely included that domestic animals be excluded from this ordinance, when American Legal Publishing added the general provision for this original the city by Ordinance #95-1 450.1 (copy attached), the city had accepted the revision, and/or general provisions the company had submitted for 1994. The attorney had written to the company for a ruling as to why they included the leash law for domestic animals when the original ordinance excluded them. He also has ask them for a review of all general provisions to see if this had occurred on other occasions. In the attorney's opinion whether the city has a leash law is arguable on either side. The commission now awaits the legal ruling from the attorney and the company. The Mayor did commend several citizens who, since the leash law discussion, have been more careful with the containment of their animals.

c. computer bids

The Mayor ask the commission their feelings regarding the purchase of the computer. Comm. Cooke said he felt since the clerk would be using it was up to her whether the city purchased one or not. The clerk said she didn't especially want to tackle it but if it was the wish of the commission she would do it at her pace. Comm. Hardy said he felt the city should have one. Comm. Howard felt the prices were too high, but if they included the training maybe not. The Mayor said BRADD had agreed to furnish the training along with purchase and set up of the equipment. He added that BRADD would purchase the equipment as well as set it up. The clerk said she would need a desk prior to getting the computer. The Mayor said BRADD recommended Gateway highly. Connie said they would let you trade up for future equipment at a reasonable cost. The Gateway bid included 17" color monitor, tape backup and power pack, as well as office Microsoft software. Gerald Brown ask if those in attendance could hear the cost of the bids. Mayor McCay said they were as follows: Gateway, \$2523, Dell \$2716, SAG Electronics \$2589, Millennia \$2559. Comm. Howard then presented a motion the city purchase the Gateway computer at \$2523, seconded by Comm. Hardy. roll call and vote - Cooke yes, Martin yes, McCay yes, Hardy yes, Howard yes.

7. Department reports

Streets: Comm. Cooke said he had had no complaints regarding the streets. He said the sidewalk construction was going real well. Mayor McCay then thanked Representative Thomas for his endeavors in getting the grant for the sidewalks. Representative Thomas said the city had done a commendable job in selecting which streets were to be replaced as well as being able to help monetarily.

Police: Comm. Martin read the monthly report. (attached). She then addressed the commission regarding a grant availability she had received from Congressman Ron Lewis for bullet proof vests for our policemen. She had checked with Sheriff Gaines and he was of the opinion the vest would be in the area of \$500 each. She ask the policemen what they thought. Chief Sneed said he thought they were much more comfortable now than they used to be. The Mayor wondered if the city was liable if the officer should unfortunately be shot and not be wearing them. The clerk said she would check with the insurance company, Comm. Howard wondered if the vest were adjustable. Comm. Martin said no they were made for the individual. She will research further and report her findings. She said the policemen had been doing extra patrol at the Lawson and Witherspoon crossing and they felt motorists were slowing down considerably as well as stopping at the intersection. Comm. Howard said the stop sign at the intersection was much smaller than the one at Lawson and Main. He wondered if a larger sign would help.

Public Safety & Welfare: Comm. Hardy said he was still feeling out what was required of him. He ask the clerk to see if there was a job description for him. She agreed to do so. The Mayor ask his what he had found out regarding Y2K. Comm. Hardy said he had researched somewhat and anything such as a fax or phone that had a small chip would be affected.

Cemetery: Comm. Howard said he had worked at the cemetery the prior Sat. and removed the limb that Buddy Marr had reported as well as one other. He pruned some of the trees. He said in the future the city would need a chain saw, in his opinion, as he wouldn't be comfortable borrowing one to work on city property. He said there were numerous headstones that needed straightening also. Mayor McCay said he had talked with the Mayor of Park City and they had workers under Operation Greenthumb. Possibly a worker under this program could be of help at the cemetery as well as other areas of the city. He will check into it. He also said CSX Railroad had sent a crew to Park City to clean up around the railroad. Perhaps we could get that same cooperation in the city.

The Mayor ask the commission to attend a Transportation Dept. meeting March 4, at 7:00 in Bowling Green. Representative Thomas and Magistrate Hunt said they would attend and felt it be to the commission as well as the city's advantage if they could attend. The Mayor then said Governor Patton wants the city to do a Proclamation, International Year of Older Persons. They would like a person 100 or over to be proclaimed. Roger Thomas said Atlas Pearson who lives in the area but not in the city was 101. Comm. Martin said she thought May Smith was the city's oldest citizen at 96. The Mayor will research this and issue a proclamation. All of the commission was in agreement.

8. Other

A discussion regarding the placement of a building on the property line at Jeff Blaine's house began. Mr. Blaine said his neighbor complained to the city about the building being too close to the property line. The clerk had sent Officer Graves to the residence to check this out. Mr. Blaine said all he was doing was adding to a structure that was in existence. He then called the clerk to see if he needed a building permit. The clerk ask if he was sure he was only altering an existing structure and Mr. Blaine said yes. Then Mrs. Vincent called and informed the clerk there had never been a structure of any sort there just a dog pen. Mr. Blaine went to see the Mayor and Mayor McCay pointed out that the structure was not in compliance with the city zoning ordinance section. He referred to the section of non-conforming structures and gave Mr. Blaine a copy of same, which stipulates that a structure must set at least 10' from the property line, or if you alter more that 55% of an existing structure without a permit you are not in compliance. Mr. Blaine said there was a structure there previously. Mrs. Vincent said all that ever been there was a dog pen never a structure of any kind. She said when they moved into their home in 8/95 all that existed in this area were four posts. No roof or anything else. Now Mr. Blaine has erected some sort of structure consisting of particle board for sides and a tin roof. Mr. Blaine said he intended to put siding to match his house on it, but was waiting to see the results of the commission decision. Mrs. Vincent said all she wanted was for Mr. Blaine to be made to comply with the city building regulations and a zoning ordinance. The Mayor said since this subject was not an agenda item no decision could be reached. He ask the commission to view the area in question and a decision would be reached at the March meeting. They agreed to do so. Mayor McCay ask the commission how they felt about this problem. Comm. Hardy said he hoped both parties would take the time to really think it out and hopefully they can work it out. Comm. Martin said she felt it should be in compliance with the planning & Zoning regulations. Comm. Cooke had no comment. The Mayor strongly suggested to Mr. Blaine not to continue any work on the structure until a decision had been made.

Jimmy Cline then ask to be placed on the March agenda to address upgrading Lawson Street to handle heavy equipment. The clerk agreed to place him on the agenda.

With no further business to be presented, Comm. Cooke presented a motion to adjourn.

APPROVED: _____
Walter McCay, Mayor

ATTEST: _____
Dorothy J. Neal, City Clerk