

July 14, 2009

The City of Cynthiana Board of Commissioners met in a regular session on July 14, 2009 at 5:30 P.M. Present were Mayor Keith, Attorney Lair, Commissioner Grayson, Mattmiller, Moore and New.

Mayor Keith called the meeting to order.

MEETING CALLED TO ORDER

The first item on the agenda was Charles Wohlwinder concerning the ordinance for golf carts.

DISCUSSION ON ORDINANCE FOR GOLF CARTS

Commissioner Moore advised that she had met with Chief Johnson. They had fine tuned the draft ordinance and forwarded to Attorney Lair. However, there are some questions concerning Pike Street since it is a state maintained highway. A state ordinance prohibits the use of golf carts on State highways. Since Highland Avenue and Elmarsh Avenue exits onto E. Pike Street, there is a question if the State will allow the golf carts to use E. Pike Street as a crossing. The City of Cynthiana will need to clarify these questions with the State DOT.

Mayor Keith advised he hoped to have a first reading at the next scheduled meeting in July 2009.

Mayor Keith recognized Bryan Kirby of CEDA/WJL, Inc. and Tom Taylor, property owner in the Westside Redevelopment area. Mr. Taylor came before the Board to state his position regarding the buyout of his commercial property located 203 West Mill Street. Mr. Taylor presented each Board member with a copy of his statement. A copy is hereto attached and made a part hereof.

WESTSIDE RE-DEVELOPMENT PROJECT – PHASE II – COMPLAINT FROM TOM AND DEBBIE TAYLOR

An appraisal was done according to the grant specifications, and Mr. Taylor's property was valued at \$83,000.00. However, Mr. Taylor was not satisfied with this appraisal and hired an independent appraiser. His assessment was \$90,000.00. The City of Cynthiana and CEDA accepted this figure for a buyout. Mr. Taylor contends that the \$90,000.00 offer for 203 West Mill Street will not be near enough to purchase another property that will generate income of \$850.00 per month. Mr. Taylor stated that his building is by far the best building on the block, but has been targeted for demolition even though there is another commercial building that belongs to Dr. Nichols that has not been targeted for demolition. Mr. Taylor feels that CEDA misled him concerning moving expenses and relocation funds and prevented him from getting a remodeling permit for the downstairs.

Mr. Kirby countered that his job as an agent of the City is to offer technical assistance. The project must comply with the Uniform Relocation Act and during Public Hearings for these projects broad generalities are used. However, relocation funds can be used for owner/occupant dwellings and/or tenant/occupant dwellings. Non-profits are not applicable. Rental property is not considered a business. Mr. Taylor's antique car is considered a hobby since no tax returns have been filed; it is not considered a business. The tenant on the second floor is eligible for relocation funds. This block of rehabilitations to be residential – no commercial buildings. The Dept. for Local Government asked that the Nichols building be excluded from the project.

Commissioner Mattmiller questioned if there was any room for flexibility. Mr. Kirby explained that he did not think so, however, the Board could request a ruling from the Department for Local Government. The process

will require that a letter be drafted to the DLG with all the specifics of the problem. Commissioner New questioned how long this process would take. Mr. Kirby felt that it would not take more than a month. Commissioner Grayson stated the only problem he had was the failure to be able to secure a permit for the construction of an apartment on the lower floor. Mr. Kirby responded that even if a permit had been issued, this property would be in the floodplain. Mr. Kirby explained that a specific format is used for appraisals and a projection of income over a 10 year period.

Mayor Keith and the Board concurred that the process to seek a ruling from the Department of Local Government should be commenced. Mr. Kirby advised that he would handle and asked for an e-mail address for the Taylor's attorney. The Taylor's complied.

RULING SOUGHT
FROM DLG

The next item of business on the agenda, was the approval of the minutes of June 23, 2009.

MINUTES OF
6/23/2009 APPROVED

Commissioner Moore made a motion to accept the minutes of June 23, 2009 as printed. Commissioner New seconded. In favor: Commissioner Moore: yes; Commissioner New: yes; Commissioner Grayson: yes; Commissioner Mattmiller: Abstained, due to absence. Mayor Keith: yes; Opposed: none. Motion carried.

Mayor Keith recognized Attorney John Lair.

LEGALS

Attorney Lair read Resolution 2009-#25 authorizing pay request #10 in the amount of \$3,764.00 for the Westside Redevelopment Project – Phase II.

Commissioner Grayson made a motion to accept Resolution 2009-#25. Commissioner Moore seconded. In favor: Commissioner Grayson: yes; Commissioner Moore: yes; Commissioner Mattmiller: yes; Commissioner New: yes; Mayor Keith: yes; Opposed: none. Motion carried.

RESOLUTION 2009-
#25 APPROVED

Attorney Lair read Ordinance #1460 amending the zoning map for 323 South Church Street from an I-1 (light industry District) to B-3 (Highway Commercial). This property is currently owned by DW, Inc. and is the former Cynthiana Tire building.

ORDINANCE #1460 –
(1st Reading) – ZONE
CHANGE ON 323
SOUTH CHURCH ST.

Commissioner New made a motion to accept the 1st reading of Ordinance #1460. Commissioner Mattmiller seconded. In favor: Commissioner New: yes; Commissioner Mattmiller: yes; Commissioner Grayson: yes; Commissioner New: yes; Mayor Keith: yes; Opposed: none. Motion carried.

The next item on the legal agenda was the bid opening for the demolition phase of the Westside Redevelopment Project – Phase II. Attorney Lair advised five bids had been received:

BID OPENING ON
DEMOLITION IN
WESTSIDE RE-
DEVELOPMENT
PROJECT – PHASE II

- | | |
|------------------------------|-------------|
| 1. Greg Wright Trucking | \$33,800.00 |
| 2. Superior Demolition, Inc. | \$33,700.00 |
| 3. Harrison Machine Shop | \$56,192.00 |
| 4. McCauley Excavating | \$51,000.00 |
| 5. Herrington Investments | \$29,800.00 |

Commissioner Moore made a motion to defer action on these bids in order to make sure all bid requirements have been met. Commissioner New seconded. In favor: Commissioner Moore: yes; Commissioner New: yes;

ACTION DEFERRED

Commissioner Grayson: yes; Commissioner Mattmiller: yes; Mayor Keith: yes; Opposed: none. Motion carried.

A copy of the bids will be forwarded to CEDA/WJL, Inc. for review.

Mr. Kirby reported on the status of the Westside Redevelopment Project. He advised that an agreement has been signed on all properties with the exception of the Arnold property and the Taylor property. There will be five closings this week. Four of the houses have been tested for asbestos. Relocation is underway and one relocation is completed.

STATUS REPORT ON WESTSIDE REDEVELOPMENT PROJECT – PHASE II

Mayor Keith recognized Billy Fowler, Chairman of the Harrison County Historical Society, and Peggy Guier, Staff Attorney for the Kentucky Heritage Council.

HOUSE @ FLAT RUN VETERANS PARK DISCUSSED

Mr. Fowler and Ms. Guier advised that they had been to the Fiscal Court meeting to discuss transferring the house located at Flat Run Veterans Park formerly known as the Handy House. Since this property is jointly owned by City/County, they are also requesting the City of Cynthiana be a part of this transaction. Mr. Fowler advised that the Fiscal Court agreed to enter into negotiations with all parties regarding the transfer and rehabilitation of the house.

Ms. Guier reported that she was present to advise three different options that could be considered during the negotiations. She provided samples for the entities to review:

- 1. Preservation and Conservation Easement
- 2. Rehabilitation Agreement
- 3. Deed Covenant

Mrs. Guier reported that money is scarce, however, she did cite some fund sources that could be contacted:

- 1. Save America’s Treasures
- 2. Transportation Cabinet
- 3. Land & Water Conservation (Battleground areas)
- 4. Farm and Ranch Grants
- 5. Farm and Agriculture Grant/Civil War Trust Fund

Commissioner Mattmiller expressed his opinion that if the City of Cynthiana was willing to transfer the house on this jointly owned property, he would like to see it move forward with confidence and a positive attitude.

Attorney Lair questioned exactly what the joint entities were considering deeding to the Historical Society. Mr. Fowler responded the house was the only building. Mayor Keith questioned if the Historical Society was a Non-Profit. Mr. Fowler acknowledged that it was a non-profit.

Commissioner Mattmiller made a motion to authorize the City of Cynthiana to negotiate with all parties affiliated with Flat Run Veteran’s Park House regarding the transfer of property interest and rehabilitation of house subject to Board of Commissioner’s approval. Commissioner Moore seconded. In favor: Commissioner Mattmiller: yes; Commissioner Moore: yes; Commissioner Grayson: abstained; Commissioner New: yes; Mayor Keith: yes; Opposed: none. Motion carried.

MOTION AUTHORIZING CITY OF CYNTHIANA TO NEGOTIATE WITH PARTIES AFFILIATED W/HOUSE AT FLAT RUN CREEK

Mayor Keith acknowledged Commissioner of Public Safety Amanda Moore. Commissioner Moore advised she needed an executive session to discuss

SAFETY REPORT

potential litigation. Mayor Keith suggested the executive session be held at the end of the business session.

Mayor Keith acknowledged Commissioner of Public Finance and Property Mark Mattmiller.

PUBLIC FINANCE & PROPERTY REPORT

Commissioner Mattmiller made a motion to pay the following bills:

BILLS

General Fund	\$166,746.78
Water and Sewer Fund	\$ 74,592.31
Cash-in-Bank General Fund	\$ 75,703.06
Cash-in-Bank Water & Sewer Fund	\$109,203.84
Municipal Aid Road Fund	\$100,450.69

Commissioner Moore seconded. In favor: Commissioner Mattmiller: yes; Commissioner Moore: yes; Commissioner Grayson: yes; Commissioner New: yes; Mayor Keith: yes; Opposed: none. Motion carried.

Commissioner Mattmiller reported that he was receiving positive feedback about Code Enforcement. The City will soon be painting the crosswalks in town.

CODE ENFORCEMENT REPORT

Commissioner Mattmiller noted that the City has contracted with Jessie Switzer Ammerman to install flowers in the downtown area.

CONTRACT W/ JESSIE S. AMMERMAN FOR FLOWERS

Commissioner Mattmiller advised that there has been some vandalism at the house at the Flat Run Veteran’s Park on Oddville. He would like to see the Police Department patrol that area more often.

MORE PATROL AT FLAT RUN VETERAN’S PARK

Commissioner Mattmiller noted that Gary Royalty, Public Works Director, has brought to his attention that larger and more steel plates are needed in order to start the service line installation on South Main Street. The State DOT will not allow traffic to be diverted, so in order to install new service lines, steel plates will have to be put in place until work is completed. This expense was not budgeted. The City crew has been borrowing steel plates, however, the owners are now using the plates. Plates have been located at a local business at a cost of \$5200.00 for 12 plates. Three of these twelve plates are extra large.

REQUEST FOR STEEL PLATES

Commissioner Mattmiller made a motion to authorize Gary Royalty to purchase steel plates at a cost of \$5200.00. Commissioner New seconded. In favor: Commissioner Mattmiller: yes; Commissioner New: yes; Commissioner Grayson: yes; Commissioner Moore: yes; Mayor Keith: yes; Opposed: none. Motion carried.

MOTION TO AUTHORIZE PURCHASE OF STEEL PLATES FOR PUBLIC WORKS USE

Mayor Keith acknowledged Commissioner of Public Utilities Billy Grayson.

PUBLIC UTILITIES REPORT

Commissioner Grayson reported the Consumer Confidence Report for 2008 is available if you would like to review. He also advised that the City is pumping the water from the Main Licking at this time. The WWTP is working in order to reduce the phosphorus count.

Mayor Keith acknowledged Commissioner of Public Works James R. New.

PUBLIC WORKS REPORT

Commissioner New reported that Cynthiana was host to a Little League Tournament that was a great success for our community. Mayor Keith reported that he had attended some of the games, and that people were

complimentary of our facilities.

Commissioner Moore made a motion to move to executive session in order to discuss potential litigation. Commissioner Mattmiller seconded. In favor: Commissioner Moore: yes; Commissioner Mattmiller: yes; Commissioner Grayson: yes; Commissioner New: yes; Mayor Keith: yes; Opposed: none. Motion carried. (7:04 P.M.)

EXECUTIVE SESSION-
POTENTIAL
LITIGATION

Commissioner Moore made a motion to return to regular session. Commissioner Grayson seconded. In favor: Commissioner Moore: yes; Commissioner Grayson: yes; Commissioner Mattmiller: yes; Commissioner New: yes; Mayor Keith: yes; Opposed: none. Motion carried. (7:43 P.M.)

RETURN TO REGULAR
SESSION

Mayor Keith reported that potential litigation was discussed, but no action will be taken at this time.

NO ACTION TAKEN

Mayor Keith read a card of thanks from the Eric Scott Griffith family to the Fire Department for responding to a situation in a very timely manner.

CARD OF THANKS TO
FIRE DEPT.

Commissioner Grayson noted that new service lines will be installed on Reynolds Avenue/Pine Street in the near future.

NEW LINES ON
PINE/REYNOLDS

There being no further business to discuss, Commissioner Grayson made a motion to adjourn. Commissioner New seconded. In favor: Commissioner Grayson: yes; Commissioner New: yes; Commissioner Mattmiller: yes; Commissioner Moore: yes; Mayor Keith: yes. Opposed: none. Meeting adjourned at 7:44 P.M.

ADJOURNMENT

Charleen McIlvain, City Clerk

John M. Keith, Jr., Mayor